

Built Heritage Statement

Save the Children Shop, 18 High Street, Lyminster SO21 9AA

On behalf of Save the Children UK

Date: October 2023 | Pegasus Ref: P23-0299





Document Management.

Version	Date	Author	Checked / Approved by:	Reason for revision
1	October 2023	SG/HP	CG	--



Contents.

1. Introduction.....	4
2. Site Description and Planning History.....	6
3. Proposed Development.....	13
4. Methodology.....	14
5. Policy Framework.....	16
6. The Historic Environment.....	17
7. Assessment of Impacts.....	22
8. Conclusions.....	27

Appendices contents.

Appendix 1: Assessment Methodology.....	28
Appendix 2: Legislative Framework.....	35
Appendix 3: National Policy Guidance.....	37
Appendix 4: Relevant Development Plan Policies.....	44
Appendix 5: Full List Entry.....	46

Plates:

Plate 1: Site location plan.....	5
Plate 2: Front room, ground floor; decorative mouldings on beam still present.....	6
Plate 3: Rear room, ground floor.....	7
Plate 4: Central staircase.....	7
Plate 5: Front room, first floor; decorative mouldings on beam still present.....	8
Plate 6: Rear room, first floor; decorative mouldings on beam still present.....	8
Plate 7: Double doorway within rear room.....	9
Plate 8: 1840 Tithe Map of Lymington, site highlighted in red, Listed Building highlighted in blue.....	9
Plate 9: 1897-1898 Ordnance Survey Map.....	10
Plate 10: 1932 Ordnance Survey Map.....	10
Plate 11: 1985 Ordnance Survey Map.....	11
Plate 12: Existing Floor Plans of no. 18 High Street, 1982.....	12
Plate 13: Nos. 16-18 High Street, front elevation.....	18
Plate 14: Nos. 14, 15 and 16 High Street (from left to right), front elevation.....	19
Plate 15: June 2018 Streetview image showing previous shopfront colours (Source: Google).....	23
Plate 16: Proposed painting scheme already implemented.....	24

1. Introduction

1.1. Pegasus Group have been commissioned by Save the Children UK to prepare a Built Heritage Statement to consider the proposed works at 18 High Street, Lymington SO41 9AA, as shown on the Site Location Plan provided at **Error! Reference source not found..**

1.2. The proposals include external alterations to the shopfront, including the installation of a balustrade adjacent to the steps and a new painting scheme, as well as internal alterations including a re-fit of the retail unit, repairs to damaged floor joists and installation of a WC at first floor level.

1.3. The site forms part of the Grade II Listed *16-18, High Street* which lies within the bounds of the Lymington Conservation Area.

1.4. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 194 of the Government's *National Planning Policy Framework* (the *NPPF*) which requires:

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

1.5. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic

environment, following paragraphs 199 to 203 of the *NPPF*, any harm to the historic environment resulting from the proposed development is also described, including impacts on significance through changes to setting.

1.6. As required by paragraph 194 of the *NPPF*, the detail and assessment in this Report is considered to be "*proportionate to the assets' importance*".²

¹ Department for Levelling Up, Housing and Communities (DLUHC), *National Planning Policy Framework (NPPF)* (London, September 2023), para. 194.

² DLUHC, *NPPF*, para. 194.



Plate 1: Site location plan.

2. Site Description and Planning History

Site Description

- 2.1. The site comprises a two-storey terraced building plus basement and roof levels, situated on the southern side of Lymington High Street. The building is occupied by the charity Save the Children UK, who operate the site as a charity shop. The ground floor functions as the principal retail space, with associated facilities, storage and office space at the basement and upper floors.
- 2.2. The building fronts onto the raised pavement of Lymington High Street, adjacent to a narrow 'car-sized' passageway to the west which provides access to Elgars Court and other neighbouring units to the south.
- 2.3. The front elevation features a traditional 19th-century projecting shopfront, with a stepped recess entrance. The shopfront includes four single-paned windows, stallriser, fascia and cornice. At first floor there are two four-paned sash windows, and at the attic level is a dormer with a four-paned sash window. The building as a whole is made up of painted render, red brick and a clay tiled roof.
- 2.4. The interior of the unit has had its modern fabric, including décor, flooring and wall finishes stripped out, leaving the historic core of the building in place.
- 2.5. It is understood that the site has operated as a retail unit under multiple owners for much of the 20th and 21st century. As such the interior has undergone several changes, removing historic finishes and mouldings, apart from along main beams supporting the joists at both ground and first floor levels. The ground floor joists were

replaced at some point, potentially due to beetle infestation, which can now be seen in the first floor joists.

- 2.6. The first floor comprises two rooms to either side of the central staircase with doorways retained to the former position of a WC.

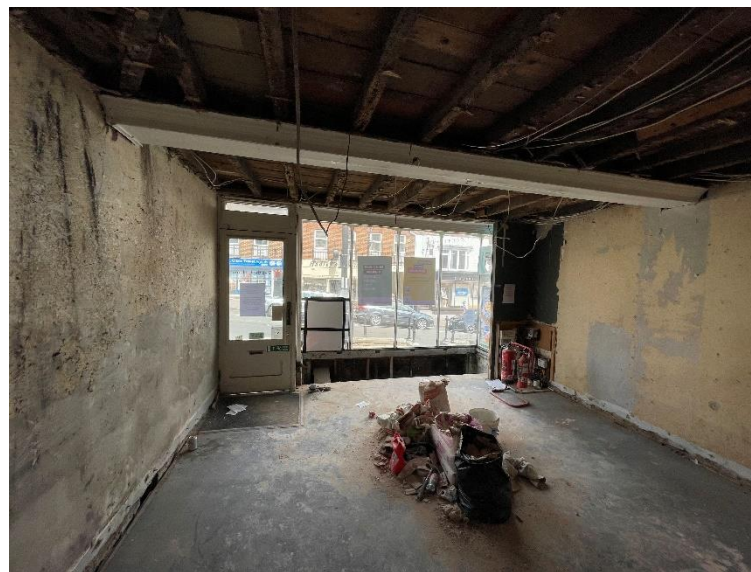


Plate 2: Front room, ground floor; decorative mouldings on beam still present.



Plate 3: Rear room, ground floor.



Plate 4: Central staircase.



Plate 5: Front room, first floor; decorative mouldings on beam still present.



Plate 6: Rear room, first floor; decorative mouldings on beam still present.



Plate 7: Double doorway within rear room.

Site Development and Map Regression

- 2.7. No. 17 and 18 High Street originally formed as one whole property, which is understood to have been built alongside no. 16 during the 18th century. The 1840 Tithe Map of Lymington illustrates the wider Listed Building, with nos. 17 and 18 as one individual property and no. 16 forming part of the neighbouring building (nos. 14 and 15) to the east. The apportionment accounts nos. 17 and 18 as 'House & Premises' and no detail was given for no. 16.
- 2.8. The mapping illustrates two possible shopfront projections towards the front of nos. 17 and 18, which suggests part of the building had already started to be divided. The remaining plot included the existing side passage which connected to a rear courtyard, outbuildings, and a larger garden to the south.

- 2.9. No. 16 formed part of the larger building to the east which later became the Stanwell House Hotel. It was during the 19th century, where No. 16 separated from the wider building.



Plate 8: 1840 Tithe Map of Lymington, site highlighted in red, Listed Building highlighted in blue.

- 2.10. By the end of the 19th century, Ordnance Survey mapping illustrates nos. 17 and 18 as two separate properties. From here, the application site experiences very little change to its overall plan form, and further development mainly focuses within the rear courtyard and outbuildings. The rear outbuildings appear to expand during the 19th century and continue in use until the late-20th century when they are demolished to make space for the construction of a new dwelling. This is illustrated in the 1985 Ordnance Survey.

2.11. The neighbouring nos. 16 and 17 High Street both extended into their associated rear outbuildings during the 20th century. Again, following the construction of the rear dwelling, the rear development attached to nos. 16 and 17 had been reduced.

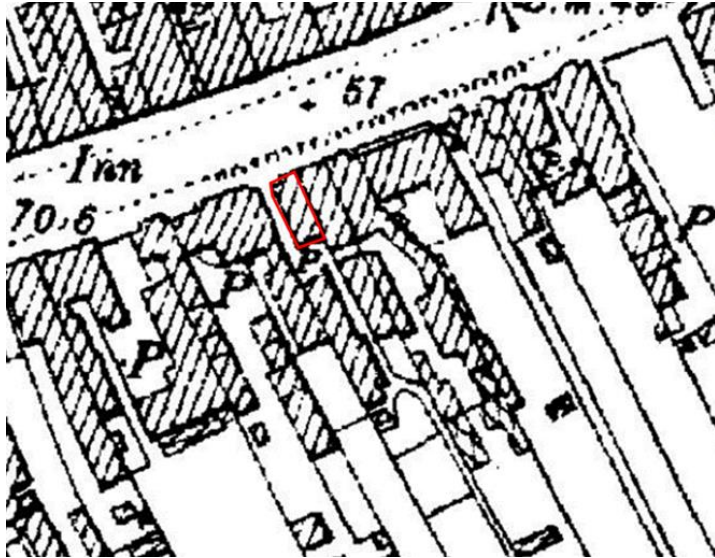


Plate 9: 1897-1898 Ordnance Survey Map.

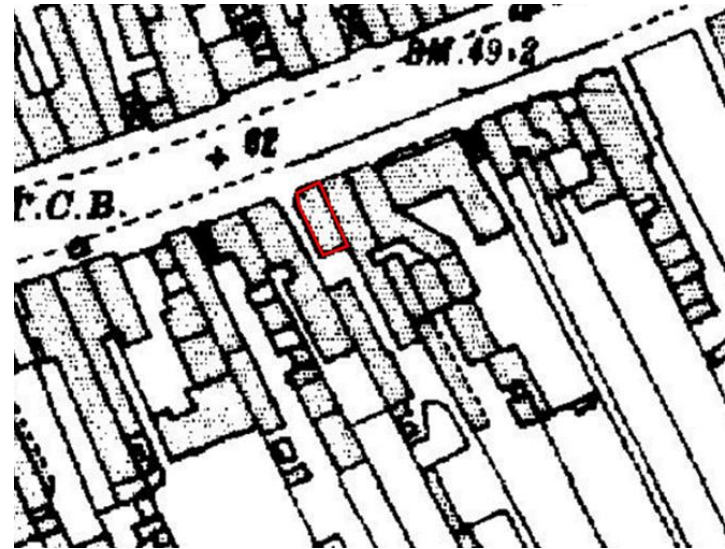


Plate 10: 1932 Ordnance Survey Map.

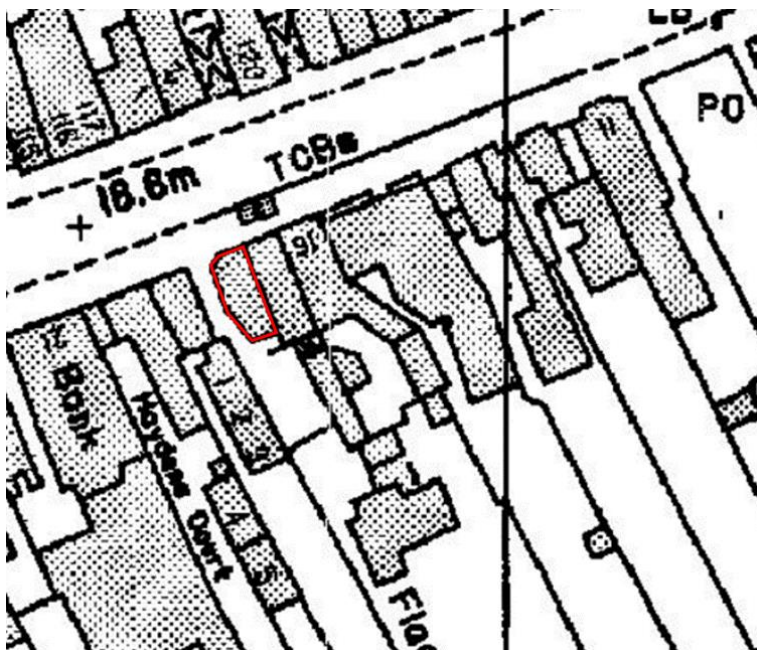


Plate 11: 1985 Ordnance Survey Map.

Planning History

- 2.12. A review of recent planning history records held online by New Forest District Council, has revealed only one previous application for the site. This was for the 'Change of use from retail shop premises to use as a takeaway food shop', which was withdrawn by the applicant on 6th January 1982 (app. ref. 81/NFDC/21050). The 'existing plans' included in the application illustrate the earlier layout of the site, specifically the basement, ground and first-floor level. It should be noted that the first floor plan demonstrates that a WC was present between the two rooms.

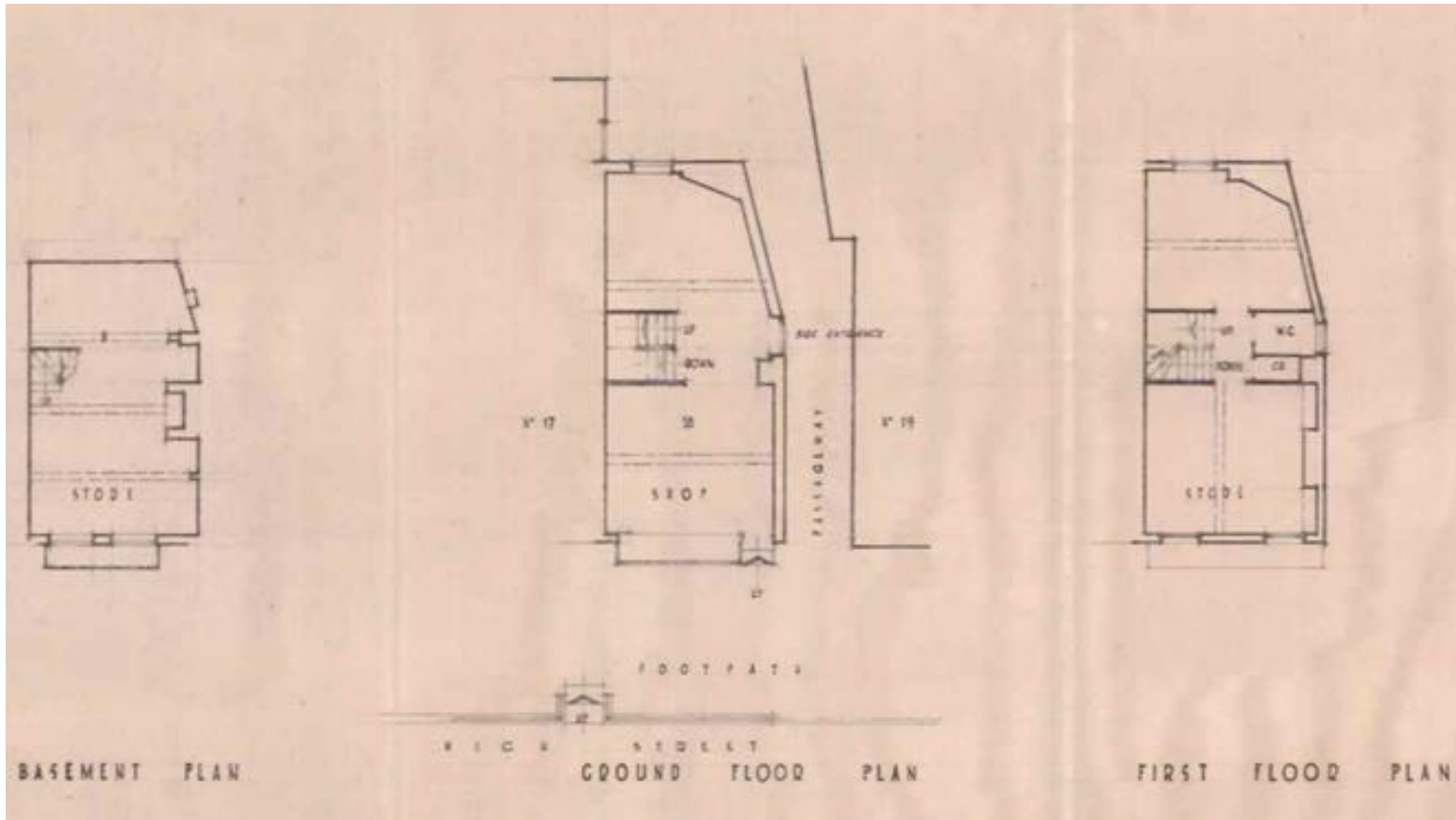


Plate 12: Existing Floor Plans of no. 18 High Street, 1982.

3. Proposed Development

3.1. The application seeks Planning Permission, Listed Building Consent and Advertisement Consent for the following development at the application site:

“Shopfront alterations, installation and display of signage, internal refurbishment works and installation of iron balustrade to entrance steps.”

3.2. The full schedule of works is as follows:

Exterior

- Installation of new shopfront signage, including:
 - Red and black fascia sign;
 - Timber hanging projection sign on metal bracket; and
 - Vinyl print lettering applied to glazing (internally).
- Installation of timber window planting box;
- Installation of wrought iron balustrade;
- Installation of mosaic finish on existing entrance steps; and
- Re-painting of existing shopfront and door.

Interior

Ground Floor

- Fit-out of retail unit, including new wall, floor finishes and fixed shelving;
- Infill of existing openings to staircase;
- Repairs works to ground floor ceiling/first floor joists, as indicated in the Structural Report prepared by Marbas.

First Floor

- Installation of partitions to create new WC and WC lobby; and
- Installation of fixed shelving and countertop with sink.

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

4. Methodology

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

4.2. This assessment considers built heritage.

Sources

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

- The National Heritage List for England for information on designated heritage assets;
- Historic maps available online;
- Aerial photographs available online via Historic England's Aerial Photo Explorer and Britain from Above; and
- Google Earth satellite imagery.

Site Visit

4.4. A site visit was undertaken by a Heritage Consultant from Pegasus Group on 12th July 2023, during which the site and its surrounds were assessed.

Photographs

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

Assessment Methodology

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

- *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-*

Taking in the Historic Environment (hereafter GPA:2);³

- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter GPA:3);⁴
- *Historic England Advice Note 1 (Second Edition) – Conservation Area Appraisal, Designation and Management* (hereafter HEAN:1).⁵
- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter HEAN:12);⁶ and
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*.⁷

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

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

⁵ Historic England, *Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management* (HEAN:1) (2nd edition, Swindon, February 2019).

⁶ Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (HEAN:12) (Swindon, October 2019).

⁷ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

5. Policy Framework

Legislation

- 5.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.⁸
- 5.2. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁹
- 5.3. Full details of the relevant legislation are provided in **Appendix 2**.

National Planning Policy Guidance

- 5.4. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework (NPPF)*, an updated version of which was published in September 2023. The *NPPF* is also supplemented by the national

Planning Policy Guidance (PPG) which comprises a full and consolidated review of planning practice guidance documents to be read alongside the *NPPF* and which contains a section related to the Historic Environment.¹⁰ The PPG also contains the *National Design Guide*.¹¹

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

The Development Plan

- 5.6. Applications for Planning Permission and Listed Building Consent are currently considered against the policy and guidance set out within New Forest District Council's Development Plan, specifically policy set out within *The Local Plan Part 2: Stives and Development Management*. A Lymington and Pennington Neighbourhood Plan is being developed with no draft available for preview yet.
- 5.7. Details of the policy specific relevant to the application proposals are provided within **Appendix 4**.

⁸ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁹ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

¹⁰ Department for Levelling Up, Housing and Communities (DLUHC), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

¹¹ Department for Levelling Up, Housing and Communities (DLUHC), *National Design Guide* (London, January 2021).

6. The Historic Environment

- 6.1. The following Section provides an assessment of elements of the historic environment that have the potential to be impacted upon by the proposed development.
- 6.2. As set out in **Section 1**, the site comprises the Grade II Listed *16–18, High Street*, which lies within the bounds of the Lymington Conservation Area.
- 6.3. With regards to other heritage assets within the surrounds of the site, Step 1 of the methodology recommended by *GPA3* (see methodology), is to identify which heritage assets might be affected by a proposed development.¹²
- 6.4. Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset, or where they interfere with an element of a heritage asset's setting which contributes to its significance, such as interrupting a key relationship or a designed view.
- 6.5. It is however widely accepted (paragraph 207 of the *NPPF*) that not all parts of a heritage asset will necessarily be of equal significance.¹³ In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of the asset.
- 6.6. Significance can be derived from many elements, including the historic fabric of a building or elements of its surrounds.
- 6.7. Consideration, based upon professional judgement and on-site analysis, was therefore made as to whether any of the heritage assets present within the surrounding area may include the site as part of their setting, whether the site contributes to their overall heritage significance, and whether the assets may potentially be affected by the proposed scheme as a result.
- 6.8. It has been observed that the following heritage assets have the potential to be sensitive to the development proposals and thus these have been taken forward for further assessment below:
- 16–18, High Street (NHLE 1217185); and
 - Lymington Conservation Area.
- 6.9. With regard to other heritage assets in the vicinity of the site, assessment has concluded that the site does not form any part of setting that positively contributes to overall heritage significance due the nature of the asset and a lack of visual connections, spatial relationships or historic connections. Accordingly, the proposed development is not anticipated to result in a change that would impact upon the overall heritage significance of

¹² Historic England, *GPA:3*, p. 4.

¹³ DLUHC, *NPPF*, para. 207.

these assets. Other heritage assets have therefore been excluded from further assessment within this Report.

16-18 High Street

- 6.10. Nos. 16-18, High Street was added to the National List at Grade II on 28th October 1974 (NHLE 1217185). The List Entry describes the building as follows:

"1. 5235 HIGH STREET (South Side) ----- Nos 16 to 18 (consec) SZ3295 1/6

II GV

2. Cl8. Stucco with tiled roofs. No 16, 3 storeys, Nos 17 and 18, 2 storeys and 2 attic dormers. 5 windows. No 16 has 4 light canted bay on 1st and 2nd floor with dentil cornice round top. All sashes without glazing bars (vertical glazing bars only to those of No 17) C19 shop fronts, No 16 with twisted pilasters. No 18 with arched lights. with twisted pilasters. No

Nos 11 (building of local interest) to 18 (consec) form a group with the raised pavement and railing in front and with Elgar Court (building of local interest) at the rear of No 18."

- 6.11. A full copy of the List Entry is included at **Appendix 6**.
- 6.12. The Listed Building comprises one three-storey, and two, two-storey terraced properties, which consist of retail units at the ground floor and associated spaces at the upper floors. Additional residential units form within the rear extent of 16 and 17, High Street.



Plate 13: Nos. 16-18 High Street, front elevation.

- 6.13. The buildings are made up of traditional shopfronts, maintaining a glazed and timber materiality; they have white painted stucco and red brick façades with clay tiled roofs. The existing façades have been partly updated since the building was first Listed, although no. 16 has maintained a high level of historic and architectural detail compared to the neighbouring nos. 17 and 18.
- 6.14. As illustrated in **Section 2**, nos. 17 and 18 were formerly one whole property which was later divided sometime during the 19th century when the shopfronts were initially installed. No. 16 had previously formed part of the adjacent nos. 14-15, which were later converted into Stanwell House Hotel. The Hotel features a 19th century façade which covers no. 15, although no. 14 has maintained the earlier façade which is consistent with that of no. 16, High Street.



Plate 14: Nos. 14, 15 and 16 High Street (from left to right), front elevation.

Statement of Significance

- 6.15. The Grade II Listing of the building highlights it is a heritage asset of the less than the highest significance as defined by the *NPPF*.¹⁴ This significance is consolidated by its inclusion within the boundaries of the Lymington Conservation Area.
- 6.16. The heritage significance of 16–18, High Street is principally embodied in its physical fabric which derives historic and architectural interest as a traditional group of Victorian high street properties, which have maintained a relatively traditional appearance in their external form.

- 6.17. The application site (no. 18) forms one of the three properties within the Listed Building. Its façade is one of the simpler of the three, although has maintained many of its traditional and earlier features. Whilst the interior of the building has experienced multiple changes and alterations, much of its core plan and fabric survives, including its timber frame and flooring, fireplaces, stairwells and ceiling cornice.
- 6.18. The Listed Building also derives its significance from the group value which it has with nos. 11–15, High Street, Elgar Court, and the Grade II Listed Raised Pavement with Iron Rail.
- 6.19. The setting of the asset also contributes to the significance of the asset, although the significance derived from the setting is less than that derived from its historic fabric. The principal elements of the physical surrounds and experience of the asset (its "*setting*") which are considered to contribute to its heritage significance comprise:
- The adjacent passageway to the side of the building;
 - The neighbouring built form along the southern side of the High Street, specifically that along the raised pavement;
 - The immediate surround along the High Street; and
 - Elgars Court, including the Grade II Listed courtyard surface of Elgars Court.

¹⁴ DLUHC, *NPPF*, para. 200.

Lymington Conservation Area

- 6.20. The Lymington Conservation Area was first designated in 1977, but its boundaries were amended in 1988, 1992 and 1997. The designation area has been most recently assessed as part of the Lymington Conservation Area Appraisal (CAA) adopted by the New Forest District Council in July 2002.
- 6.21. Lymington can be split into various zones which each have their own character, influenced by the historic development of the town and the surrounding landscape. For example, the High Street has deep and narrow plots which provides evidence of the former burgage tenure. The area closest to quay has denser plots by virtue of the topography. The areas emanating from the High Street have more residential character with a variety of building styles, layouts and plot sizes.
- 6.22. Historic uses throughout the town have largely been superseded due to the ceasing of the salt industry; however, the High Street retains a predominance of commercial activity with some buildings, including the application site, retaining their historic uses. The Conservation Area overall, however, is home to a wide mix of uses.
- 6.23. The Conservation Area covers a large area, so there is a variety of building types and styles; however, the burgage plots of the High Street give some consistency to the built form in this location with respect to building widths, position at the back-of-pavement, and to a degree, building height.
- 6.24. High quality, historic detailing seen throughout the Conservation Area mainly has origins in the Georgian

period, and can include high parapets, dentil corning in the brickwork, Georgian doors and fanlights, iron railings and historic shopfronts. Brick is the most prevalent building material, but rendered or painted walls are often found. Slate and tile are the most common roofing materials.

- 6.25. The High Street is the principal thoroughfare in the Conservation Area, with secondary streets, lanes and pedestrian paths running perpendicular to the north and south along historic plot boundaries. Whilst the High Street is wider and creates a sense of openness, the secondary streets are much narrower and enclosed. Remaining publicly-accessible courtyards, such as the Angel Yard, allow for an appreciation of the ancillary spaces accessed by former carriageways.
- 6.26. In regard to focal points and views within the Conservation Area, the CAA states:

***“Although there are many good groupings of buildings, no formal compositions direct attention towards a focal building. As a result, very few buildings stand out in a dominant way. The Parish Church of St. Thomas is an obvious exception. [...] In most other cases, the straight streets of the older town do not have a similar focal point closing out the views.*”**

Although important buildings line the High Street, and the taller, more impressive pieces of architecture are more prominent than the humbler buildings, all the buildings, because of the processional quality to the route, remain in the flanks of views along the street. Looking along the street, it is the continuous variety in style and height on both sides that creates the visual interest.”

6.27. Distant views outside the Conservation Area are limited by virtue of interposing built form and mature trees, but some are possible to the landscape beyond and the distant isle of Weight. However, the most important views outside of the Conservation Area boundary is towards the quay and river, which demonstrates the importance of Lymington as a historic port town.

Statement of significance

6.28. The significance of the Lymington Conservation Area is principally derived from those elements of its intrinsic character and appearance as detailed in the CAA. These comprise aspects of its historic layout and street patterns, historic built form, archaeological remains and important green spaces, all of which contribute to the combined historic, architectural, artistic, and archaeological interest of the designation area. Most of these interests can be better appreciated as part of key views within and towards the designation area.

6.29. While there is currently no statutory protection for the settings of Conservation Areas, it is evident that elements

of the surrounds of the Conservation Area make some contribution to its significance, albeit less than the structures and spaces within its boundaries. Principal elements of the physical surrounds and experience of the asset (its setting) which are considered to contribute to its heritage significance comprise the parts of the wider rural landscape that can be experienced in conjunction with the historic settlement as part of key views out from the designation area, thereby enabling its historic context as a seaside market town to be better appreciated.

The contribution of the site

6.30. The Grade II Listed Building positively contributes to the character and appearance of Lymington High Street as a fine group of Georgian high street properties which have maintained a relatively traditional appearance.

7. Assessment of Impacts

- 7.1. This Section addresses the heritage planning issues that warrant consideration in the determination of the application for Listed Building Consent in line with the proposals set out within **Section 3** of this Report.
- 7.2. As detailed above, the *Planning and Compulsory Purchase Act (2004)* requires that applications for Planning Permission, including those for Listed Building Consent are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The policy guidance set out within the *NPPF* is considered to be a material consideration which attracts significant weight in the decision-making process.
- 7.3. The statutory requirement set out in Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* confirms that special regard should be given to the preservation of the special historic and architectural interest of Listed Buildings and their settings. Section 72(1) of the Act confirms that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the asset, as well as the protection of the character and appearance of a Conservation Area.
- 7.4. In addition, the *NPPF* states that the impact of development proposals should be considered against the particular significance of heritage assets, such as Listed

Buildings and Conservation Areas, and this needs to be the primary consideration when determining the acceptability of the proposals.

- 7.5. It is also important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "*substantial harm*" or "*less than substantial harm*" to the identified designated heritage assets, in the context of paragraphs 201 and 202 of the *NPPF*.¹⁵ With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 203 of the *NPPF*.¹⁶
- 7.6. The *PPG* clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.¹⁷
- 7.7. The guidance set out within the *PPG* also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development, which is to be assessed.¹⁸ In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would:

¹⁵ DLUHC, *NPPF*, paras. 201 and 202.

¹⁶ DLUHC, *NPPF*, para. 203.

¹⁷ DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

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

"...have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."¹⁹

- 7.8. This Section will consider each of the heritage assets detailed above and assess the impact of the proposed development, whether that be harmful or beneficial to the significance identified above.

16-18 High Street

- 7.9. The proposals equate to a substantial investment in 18 High Street which will ensure it remains open and useable as a commercial space for Save the Children.

Exterior

- 7.10. The proposed changes to the exterior are minor and mainly comprise the repainting of the shopfront and door, installation of associated signage, the installation of a window planter and the installation of a balustrade adjacent to the entry steps, which will also be refinished in mosaics.
- 7.11. The proposed paint colours are appropriate for the Listed Building itself, which has comprises a mix of shopfront colours in the past. The lighter colours will help better tie the shopfront in with its Listed counterpart.



Plate 15: June 2018 Streetview image showing previous shopfront colours (Source: Google).

¹⁹ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.



Plate 16: Proposed painting scheme already implemented.

- 7.12. The associated signage, as per previously, will be non-illuminated and painted directly to the fascia and projecting sign.
- 7.13. The proposed balustrade accounts for the change in level between the retail unit and the external ground level. The proposed balustrade is simple in design and composed of wrought iron, which is a material commonly seen throughout the Conservation Area, including along the High Street. The balustrade will provide assistance to those entering and existing the shop, thus facilitating its ongoing retail use.
- 7.14. The mosaic finish to the steps will cover the existing concrete finish and add to the interest and variety of shopfronts along the High Street. Similarly, the window planters will soften the appearance of the shopfront.

- 7.15. The proposed changes to the frontage of the building therefore will result in a sensitive refit that is sympathetic to the character of the Listed Building and the wider streetscene in the Conservation Area.
- 7.16. Therefore, no negative impacts are identified to the exterior of the Listed Building through the proposals.

Interior

- 7.17. The submitted Structural Report prepared by Marbas has indicated the first floor joists are in dire need of reinforcement or replacement, due to their deteriorated nature as a result of beetle. The damage was concluded to be historic, so no insect treatment is required, but there has been significant material loss to the joists, compromising their ability to carry full loads. Further details are provided in the report. The report ultimately concludes that joists are either partnered or replaced.
- 7.18. This element of the proposals may result in the loss of historic fabric if joists are to be removed; however, it is clear that this is necessary approach to ensure that the site, most notably, its two upper levels, can continue to be used. The proposed partnering of joists would allow for retention of historic fabric with loss only limited to fixings.
- 7.19. The proposals also include the infilling of two openings from the front and rear rooms to the central staircase. These openings are not original, and are likely to have been undertaken unlawfully previously, so the proposals will reinstate the historic appearance of the spaces.
- 7.20. Other alterations to the interior of the ground floor level mainly comprise the refinishing of floors and walls and

the installation of fixed shelving. The interior does not retain any notable finishes or mouldings, so the refinishing and re-fit of the retail unit will not result in any impacts at this level. The floor plan will continue to be read as historically depicted, i.e. two rooms with a central staircase.

- 7.21. At first floor level, it is proposed to alter the existing layout by incorporating a WC at the top of the landing. This will utilise the existing opening to the rear room and block up the existing opening to the front room, which would likely not have been present. This could be interpreted as a positive impact of the proposals. Additional partitions will be added within the rear room to create a lobby for the WC. These works overall will reinstate a layout akin to earlier layouts without affecting the principal two-room layout.
- 7.22. The existing fireplaces will be retained whilst no works are proposed at basement or second floor levels.
- 7.23. In addition to this, it is proposed to install fixed shelving within the front room to continue its use as storage. Overall, the two spaces will be refinished to continue the level's use as ancillary to the shop below.
- 7.24. Therefore, there are no negative impacts identified to the proposals to the interior, and, in fact, there will be positive impacts from the proposals through the sensitive repair/replacement of the damaged joists and the

blocking up of a modern doorway within the first floor front room.

Lymington Conservation Area

- 7.25. When considering potential impacts on the Conservation Area, it is important to note that the site forms only one small part of the asset.
- 7.26. Paragraph 207 of the *NPPF* states that it is necessary to consider the relevant significance of the element of the Conservation Area which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e., would the application proposals undermine the significance of the Conservation Area as a whole?²⁰
- 7.27. This approach, and its compliance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is supported by Case Law, with a 2020 High Court Judgement confirming that:

"Section 72 requires an overall assessment of the likely impact of a proposed development on the conservation area, and not just that part of it where the development site is located".²¹ (my emphasis)
- 7.28. The proposals to the exterior or minor in nature and mainly comprise the painting, new signage, new balustrade and window planters. The painting scheme is an improvement upon the previous and better ties in the building with its Listed counterpart, No. 16. Furthermore, it

²⁰ DLUHC, *NPPF*, para. 207.

²¹ Spitfire Bespoke Homes Ltd v Secretary of State for Housing Communities And Local Government [2020] EWHC 958 (Admin).

is more appropriate in the wider streetscene and Conservation Area as a whole. This will have a positive impact.

- 7.29. The proposed balustrade will have an appearance like those seen elsewhere in the Conservation Area, but will have a modest, simple design. This will have no impact.
- 7.30. Lastly, the proposed signage is in keeping with the traditional appearance of signage in the Conservation Area; i.e. painted timber and non-illuminated. This element of the proposals will have no impact.
- 7.31. The proposals, therefore, will result in no negative impacts to the Conservation Area, and will in fact, result in a positive impact through the incorporation of a more traditional painting scheme.

Summary

- 7.32. 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. 16-18 High Street or the Lymington Conservation Area. The proposals thus satisfy the statutory requirements set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant local policy.

8. Conclusions

- 8.1. Pegasus Group have been commissioned by Save the Children UK to prepare a Built Heritage Statement to consider the proposed works at 18 High Street, Lymington SO41 9AA.
- 8.2. The site forms part of the Grade II Listed *16-18, High Street* which lies within the bounds of the Lymington Conservation Area.
- 8.3. The proposals include external alterations to the shopfront, including the installation of a balustrade adjacent to the steps and a new painting scheme, as well as internal alterations including a re-fit of the retail unit, repairs to damaged floor joists and installation of a WC at first floor level.
- 8.4. The only aspect of the proposals that is considered to result in a negative impact is the replacement or partnering of floor joists, which has been driven by the need to provide further structural support following previous beetle damage. Other elements of the proposals are considered to result in either no impact or positive impacts through the reinstatement of previous features or the incorporation of more sensitively-designed elements.
- 8.5. 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. 16-18 High Street or the Lymington Conservation Area. The proposals thus satisfy the statutory requirements set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and relevant local policy.

Appendix 1: Assessment Methodology

Assessment of significance

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

“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”²²

Historic England's *GPA:2* gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.²³

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*.²⁴ These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.²⁵

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

- **Archaeological interest:** *As defined in the Glossary to the National Planning Policy Framework, there will*

be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

- **Architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skills, like sculpture.
- **Historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.²⁶

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

²² DLUHC, *NPPF*, pp. 72–73.

²³ Historic England, *GPA:2*.

²⁴ Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values

are identified as being ‘aesthetic’, ‘communal’, ‘historical’ and ‘evidential’, see *idem* pp. 28–32.

²⁵ DLUHC, *NPPF*, p. 72; DLUHC, *PPG, Annex 2*.

²⁶ DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

The most-recently issued Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report.²⁷

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.”²⁸

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.”²⁹

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

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of “*what matters and why*”.³⁰

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

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

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

²⁷ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

²⁸ DLUHC, *NPPF*, p. 73.

²⁹ DLUHC, *NPPF*, p. 72.

³⁰ Historic England, *GPA:3*, pp. 8, 11.

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

Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56)”.

Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a–013–20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”³¹

³¹ Catesby Estates Ltd. v. Steer [2018] EWCA Civ 1697, paras. 25 and 26.

³² DLUHC, *NPPF*, para. 200 and fn. 68.

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*;³²
- **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);³³ and

³³ DLUHC, *NPPF*, para. 200.

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as *“buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”*.³⁴

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

Grading significance

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

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

“...the value of heritage attributes is assessed in relation to statutory designations, international or national, and priorities or recommendations set out in national research agendas, and ascribed values. Professional judgement is then used to determine the importance of the resource. Whilst this method should be used as objectively as possible, qualitative

assessment using professional judgement is inevitably involved.”³⁵

This assessment of significance adopts the following grading system:

- **Highest significance:** Parts or elements of a heritage asset, or its setting, that are of particular interest and are fundamental components of its archaeological, architectural, aesthetic or historic interest, and form a significant part of the reason for designation or its identification as a heritage asset. These are the areas or elements of the asset that are most likely to warrant retention, preservation or restoration.
- **Moderate significance:** Parts or elements of the heritage asset, or its setting, that are of some interest but make only a modest contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that might warrant retention but are capable of greater adaption and alteration due to their lesser relative significance.
- **Low or no significance:** Parts or elements of the heritage asset, or its setting, that make an insignificant, or relatively insignificant contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that can be removed, replaced or altered due to their minimal or lack of

³⁴ DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

³⁵ International Council on Monuments and Sites (ICOMOS), *Guidance on Heritage Impact Assessment for Cultural World Heritage Properties* (Paris, January 2011), paras. 4-10.

significance and are areas and elements that have potential for restoration or enhancement through new work.

Assessment of harm

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

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

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would *"have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced"*,³⁶ 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."³⁷

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

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

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, *"preserving"* means doing *"no harm"*.³⁸

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"*.³⁹ Thus, change is accepted in Historic England's guidance as part of the evolution of

³⁶ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

³⁷ DLUHC, PPG, paragraph O18, reference ID: 18a-O18-20190723.

³⁸ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

³⁹ Historic England, GPA:2, p. 9.

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

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above.

Fundamental to this methodology is a consideration of “*what matters and why*”.⁴⁰ Of particular relevance is the checklist given on page 13 of *GPA:3*.⁴¹

It should be noted that this key document also states:

“Setting is not itself a heritage asset, nor a heritage designation...”⁴²

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

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

“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.⁴³

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor,

would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.⁴⁴

Benefits

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

As detailed further in **Appendix 3**, the *NPPF* (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.⁴⁵

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 to 203.⁴⁶

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

⁴⁰ Historic England, *GPA:3*, p. 8.

⁴¹ Historic England, *GPA:3*, p. 13.

⁴² Historic England, *GPA:3*, p. 4.

⁴³ Historic England, *GPA 3*, p. 8.

⁴⁴ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

⁴⁵ DLUHC, *NPPF*, paras. 201 and 202.

⁴⁶ *Including – Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); DLUHC, *NPPF*, paras. 201 and 203.



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

Examples of heritage benefits may include:

- ***sustaining or enhancing the significance of a heritage asset and the contribution of its setting***
- ***reducing or removing risks to a heritage asset***
- ***securing the optimum viable use of a heritage asset in support of its long term conservation.***⁴⁷

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.

⁴⁷ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

Appendix 2: Legislative Framework

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and Conservation Areas.⁴⁸ It does not provide statutory protection for non-designated or Locally Listed heritage assets.

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

“In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”⁴⁹

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

“In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”⁵⁰

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

⁴⁹ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16(2).

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

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”⁵¹

A judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 202 of the current, revised NPPF, see **Appendix 3**), this is in keeping with the requirements of the 1990 Act.⁵²

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

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

⁵⁰ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

⁵¹ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

⁵² Jones v Mordue [2015] EWCA Civ 1243.



or enhancing the character or appearance of that area.⁵³

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

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservations Area) Act 1990*, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent,

are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁵⁴

⁵³ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).

⁵⁴ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

Appendix 3: National Policy Guidance

The National Planning Policy Framework (September 2023)

National policy and guidance is set out in the Government’s *National Planning Policy Framework (NPPF)* published in September 2023. This replaced and updated the previous *NPPF 2021*. 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.***⁵⁵

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 181) 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.”⁵⁶ (our emphasis)

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

Heritage Assets are defined in the NPPF as:

“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”⁵⁷

⁵⁵ DLUHC, NPPF, para. 11.

⁵⁶ DLUHC, NPPF, para. 11, fn. 7.

⁵⁷ DLUHC, NPPF, p. 68.

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.”⁵⁸

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.”⁵⁹

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.”⁶⁰

Paragraph 197 goes on to state that:

“In determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
- c. the desirability of new development making a positive contribution to local character and distinctiveness.”⁶¹***

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

⁵⁸ DLUHC, NPPF, p. 67.

⁵⁹ DLUHC, NPPF, pp. 72–73.

⁶⁰ DLUHC, NPPF, para. 195.

⁶¹ DLUHC, NPPF, para. 197.

substantial harm, total loss or less than substantial harm to its significance.”⁶²

“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.”⁶³**

Section b) of paragraph 200, which describes assets of the highest significance, also includes footnote 68 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 201 reads as follows:

“Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities

should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a. the nature of the heritage asset prevents all reasonable uses of the site; and**
- b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and**
- c. conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and**
- d. the harm or loss is outweighed by the benefit of bringing the site back into use.”⁶⁴**

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.”⁶⁵

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

⁶² DLUHC, NPPF, para. 199.

⁶³ DLUHC, NPPF, para. 200.

⁶⁴ DLUHC, NPPF, para. 201.

⁶⁵ DLUHC, NPPF, para. 202.

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.”⁶⁶

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

“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, 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.”⁶⁷ (our emphasis)

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

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing

applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”⁶⁸

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

National Planning Practice Guidance

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

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

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

⁶⁶ DLUHC, NPPF, para 206.

⁶⁷ DLUHC, NPPF, para. 207.

⁶⁸ DLUHC, NPPF, para. 203.

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

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

“In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset’s significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which

harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”⁷⁰ (our emphasis)

National Design Guide:

Section C2 relates to valuing heritage, local history and culture and states:

“When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape.”⁷¹

“Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way.”⁷²

It goes on to state that:

“Well-designed places and buildings are influenced positively by:

- ***the history and heritage of the site, its surroundings and the wider area, including cultural influences;***

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

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

⁷¹ DLUHC, NDG, para. 46.

⁷² DLUHC, NDG, para. 47.

- *the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;*
- *the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details – see Identity.*

Today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21st century.⁷³

⁷³ DLUHC, NDG, paras. 48–49.

Appendix 4: Relevant Development Plan Policies

Applications for Planning Permission and Listed Building Consent where relevant, within Lymington are currently considered against the policy and guidance set out within New Forest District Council's Development Plan, specifically policy set out within *The Local Plan Part 2: Stives and Development Management*, which was adopted in April 2014.

The Historic Environment is directly referenced to under *Policy DMI: Heritage and Conservation*, which states as follows:

" a.) Development proposals and other initiatives should conserve and seek to enhance the historic environment and heritage assets, with particular regard to local character, setting, management and the historic significance and context of heritage assets.

In particular:

- All heritage assets will be protected in proportion to their significance. The more significant the heritage asset, the greater the presumption in favour of its conservation.***
- Development proposals should conserve or enhance the significance, character and appearance of heritage assets.***
- Any development that may affect archaeological remains should demonstrate the likely impact upon the remains and where appropriate include mitigation measures to reduce that impact. Any information gained as a result of the investigation should be publicly available.***

• Development proposals should respect historic road, street and footpath patterns that contribute to the character and quality of an area.

b.) In assessing the impact of a proposal on any heritage asset, account will be taken of:

- the impact of the proposal on the heritage asset and its significance, with regard to the nature of the significance of the heritage asset and the value that it holds for this and future generations***
- the impact of the proposal on the setting of the heritage asset***
- the impact of the proposal on public access to, and enjoyment and appreciation of, the heritage asset.***

If there would be harm to the heritage asset, account will be taken of:

- how any conflict between climate change objectives and the conservation of the heritage asset is addressed and mitigated***
- whether the public benefits of a proposal outweigh any harm caused to the heritage asset. Exceptions to the principle of safeguarding heritage assets from inappropriate development will only be considered where substantial harm is avoided and where the public benefits of a proposed development can be clearly demonstrated to outweigh the level of harm to the significance of the heritage asset.***



c.) Where appropriate and necessary to secure the long term future of a heritage asset, in particular where it is in a poor condition or at risk, an exception may be made to other local plan policies, providing:

- the nature of the heritage asset means it is not suitable for all reasonable uses of the site which accord with local plan policies*
- the proposal will not materially harm the significance of the heritage asset and its setting, and is sympathetic to its conservation*
- any variance in, or departure from, other policies is minimised to that necessary to secure the heritage asset, and the benefits of securing the long term conservation of the heritage asset outweigh the disbenefits.*

d.) The local planning authority will work with others, and in particular with local communities, to identify, record and give appropriate recognition to heritage assets not subject to a national designation, but which are of local significance."

Appendix 5: Full List Entry

16–18, HIGH STREET

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1217185

Date first listed: 28–Oct–1974

Statutory Address 1: 16–18, HIGH STREET

Location

Statutory Address: 16–18, HIGH STREET

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

District: New Forest (District Authority)

Parish: Lymington and Pennington

National Grid Reference: SZ 32574 95560

Details

**5235 HIGH STREET (South Side) ----- Nos 16 to 18
(consec) SZ3295 1/6**

II GV

2. C18. Stucco with tiled roofs. No 16, 3 storeys, Nos 17 and 18, 2 storeys and 2 attic dormers. 5 windows. No 16 has 4 light canted bay on 1st and 2nd floor with dentil cornice round top. All sashes

without glazing bars (vertical glazing bars only to those of No 17) C19 shop fronts, No 16 with twisted pilasters. No 18 with arched lights. with twisted pilasters. No

Nos 11 (building of local interest) to 18 (consec) form a group with the raised pavement and railing in front and with Elgar Court (building of local interest) at the rear of No 18.

Listing NGR: SZ3254195537

Legacy

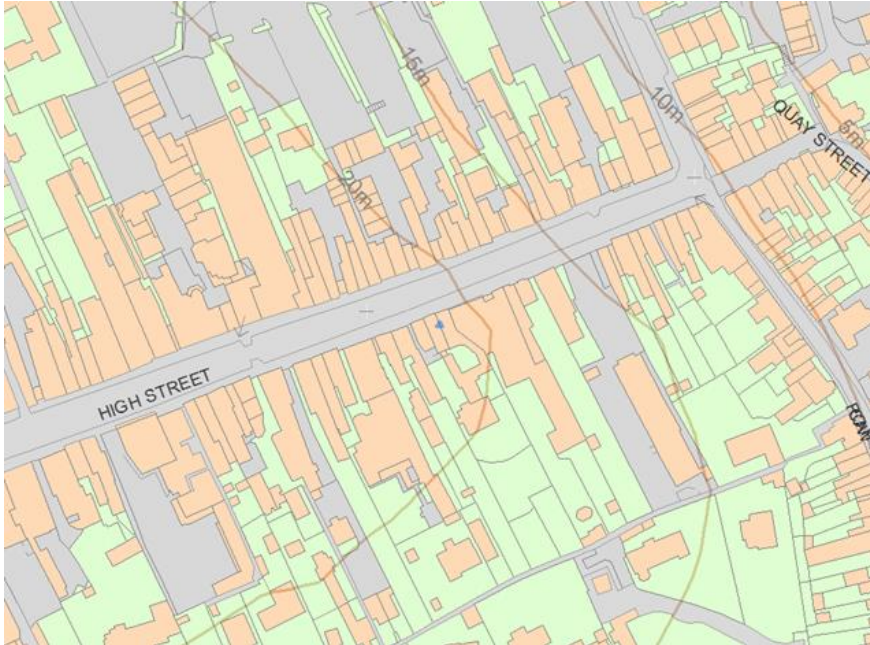
The contents of this record have been generated from a legacy data system.

Legacy System number: 411928

Legacy System: LBS

Legal

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



End of official list entry

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

London

21 Ganton Street, London, W1F 9BN
T 020 3897 1110

London@pegasusgroup.co.uk

Offices throughout the UK and Ireland.

Expertly Done.

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE



All paper sources from sustainably managed forests

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales.

Registered office: 33 Sheep Street, Cirencester, Gloucestershire, GL7 1RQ

We are ISO certified 9001, 14001, 45001



Pegasus_Group



pegasusgroup



Pegasus_Group

PEGASUSGROUP.CO.UK