



Statement of Case

Refusal of Planning and Listed Building Applications for the Replacement of existing stepped access to numbers 10 and 54 Doughty Street with a platform lift to provide wheelchair access

2022/3756/P & 2022/4667/L
2022/3757/P & 2022/4669/L

on behalf of

Doughty Street Chambers

53-54 Doughty Street, London, WC1N 2LS
Offices and Premises 10-11 Doughty Street, London, WC1N 2PL



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Appendix 1 – Pre-App Response



DOCUMENT CONTROL SHEET

REVISION	ISSUE PURPOSE	AUTHOR	CHECKED	DATE
A	Final Submission	KS	OS	06/09/23

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1.0 INTRODUCTION

- 1.1. This Statement of Case has been prepared by Andrew Martin – Planning (AM-P) on behalf of Mr Terrance Munduru of Doughty Street Chambers (the Appellant), in response to Camden Council’s refusal of two separate applications for planning and listed building consent for identical proposals at no’s 10 and 54 Doughty Street.
- 1.2. This Statement of Case is a combined statement and the appeals are referred to as follows:

Appeal 1 – Offices and Premises 10-11 Doughty Street, London
Appeal 2 – 53-54 Doughty Street, London
- 1.3. The developments are described as:

Appeal 1 (LPA refs: 2022/3756/P & 2022/4667/L) – “Replacement of existing stepped access to number 10 Doughty Street with a platform lift to provide wheelchair access”

Appeal 2 (LPA refs: 2022/3757/P & 2022/4669/L) – “Replacement of existing stepped access to number 54 Doughty Street with a platform lift to provide wheelchair access”
- 1.4. The applications were all registered on 28/10/2022 and refused on 07/03/2023.
- 1.5. This appeal statement is divided into a further 5 sections; Section 2 sets out a site description and background to the appeal proposal; Section 3 describes the proposal; Section 4 sets out the planning policy context; Section 5 sets out the planning considerations; whilst Section 6 provides a summary.
- 1.6. This appeal is supported by a Built Heritage Appeal Statement that has been prepared by RPS Heritage and is to be read alongside this Appeal Statement. The report provides an assessment of the significance of the listed buildings and an assessment of impact of the proposed works on the significance of the listed buildings and Conservation Area.



2.0 SITE DESCRIPTION AND BACKGROUND

- 2.1. No's 10-11 and 53-54 Doughty Street are located within the London Borough of Camden. They lie on opposite sides of the road and are both Grade II listed. Doughty Street comprises a mix of four storey terraces with basements and three storey terraces with basements and mansard roofs. All the buildings within the street are Grade II listed, with the exception of Dickens' House Museum at no. 48 which although architecturally almost identical, is listed Grade I for historical reasons. Whilst many buildings still retain their original residential use, many have been converted to offices.
- 2.2. No's 10-11 is believed to have been built in the period 1792 – 1800 and is constructed from London stock brick with timber sash windows and a top floor slate mansard with dormer windows. The front boundary is traditional cast iron railings with urn finials and a gate to form access to the cast iron staircase leading down to the basement and vault area. No's 53-54 is the same but thought to be constructed slightly later in the period 1800 – 1807. The buildings lie within the Bloomsbury Conservation Area.

Background to the Proposals

- 2.3. Doughty Street Chambers was formed in 1990 and has since forged an international reputation for excellence as a set of barristers' chambers. They provide world class legal services in criminal, civil and public law, including all aspects of human rights law and civil liberties.
- 2.4. Doughty Street Chambers operate from both 10-11 and 53-54 Doughty Street. Neither building currently has accessible access into the buildings and this is a requirement for both existing members of staff as well as visitors.
- 2.7. Adaptation Design Ltd were instructed by the Appellant to consider options for improvements to the front access to enable inclusive access. A request for pre-application advice was made in January 2022 and the written response from London Borough of Camden was received on 8th April 2022 under ref: 2022/0224/PRE & 2022/0225/PRE (Appendix 1).
- 2.8. The pre-apps sought advice on the feasibility of installing platform lifts to the main front entrance of no's 10 and 54 to allow ease of wheelchair access. The response confirmed that the Council is supportive of equal access, both in the wider borough and within the historic environment. For listed buildings and other heritage assets, the Council will balance the requirement to provide access with the interests of conservation and preservation.
- 2.9. The response stated that the proposals would cause less than substantial harm to the significance of the listed buildings and would fail to preserve and enhance the character and appearance of the conservation area. The response went on to state that this does not mean that the proposals would be automatically unacceptable (i.e. refused consent), but that the bar for achieving acceptability is set at a very high level under the National Planning Policy Framework.

10-11 and 53-54 Doughty Street, London



2.10. The response stated that before balancing the public benefits, further demonstration is required to show that it is the only feasible option and that other less harmful options have been exhausted. The applicant was advised to prepare an access strategy and to follow Historic England's Guidance on preparing an access strategy, as well as involve a heritage consultant in the formation of the access strategy.



3.0 THE APPEAL PROPOSALS

- 3.1. The appeal proposals seek the installation of a 'Guldmann Stepless' SLP model D lift.
- 3.2. This takes the form of a simple scissor lift with workings beneath, set underneath the existing step in the arch within a concealed metal frame. The working parts of the lift will therefore be concealed from street view and only visible when looking up from the basement.
- 3.3. The lift surface will be very similar to the existing step, by either reusing the existing tiles where possible and if not, providing like for like replacements.
- 3.4. The lift call button will be discreetly positioned within the cast iron boundary railings which will be retained as existing to each side of the front access path.
- 3.5. No further visual alterations are proposed to the front elevations and the entrances will retain a very similar appearance to the existing.



4.0 PLANNING POLICY CONTEXT

- 4.1. The relevant planning policies and guidance include those in The London Plan 2021, Camden Local Plan 2017, Camden Planning Guidance 'Access for All' 2019 and 'Design' 2021, the Bloomsbury Conservation Area Appraisal and Management Strategy 2011, as well as the NPPF 2023.

NPPF

- 4.2. Paragraph 199 of the Framework states that 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.
- 4.3. Paragraph 201 directs that 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.
- 4.4. Paragraph 202 directs that where a development proposal will lead to less than substantial harm to the significance of the designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Camden Local Plan

- 4.5. Policy D1 'Design' seeks to secure high quality design in all developments, including alterations and extensions to existing buildings. Supporting text states that proposals will be expected to consider the character, setting, context and form and scale of neighbouring buildings, as well as the character and proportions of the existing building, where alterations and extensions are proposed.
- 4.6. Supporting text to Policy D1 recognises the benefit of good access. Paragraph 7.14 states that new buildings and spaces are required to be inclusive and accessible to all.
- 4.7. Paragraph 7.16 states that 'any adaptation of existing buildings must respond to access needs whilst ensuring that alterations are sympathetic to the building's character and appearance.'
- 4.8. Policy D2 'Heritage' states that the Council will preserve and where appropriate, enhance Camden's heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens and locally listed heritage assets.
- 4.9. Supporting paragraph 7.61 relates to access in listed buildings and states that:

"Where listed buildings and their approaches are being altered, disabled access should be considered and incorporated. The Council will balance the requirement for access with the interests of



conservation and preservation to achieve an accessible solution. We will expect design approaches to be fully informed by an audit of conservation constraints and access needs and to have considered all available options. The listed nature of a building does not preclude the development of inclusive design solutions and the Council expects sensitivity and creativity to be employed in achieving solutions that meet the needs of accessibility and conservation."

- 4.10. Policy C6 'Access for All', seeks to promote fair access and remove barriers that prevent everyone from accessing facilities and opportunities. The Council will expect all buildings and places to meet the highest practicable standards of accessible and inclusive design so they can be used safely, easily and with dignity by all. Paragraph 4.99 states that *"the Council will balance the requirement to provide access with the interest of conservation and preservation. We will seek sensitive design solutions to achieve access for all, to and within listed buildings"*.

Camden Planning Guidance (CPG)

- 4.11. CPG Design states that the Council will only permit development within Conservation Areas that preserves and where possible enhances the character and appearance of the area.
- 4.12. Paragraph 3.32 of the guidance recognises that everyone should have dignified and easy access to and within historic buildings, regardless of their level of mobility and that with sensitive design, listed buildings can often be made more accessible while still preserving and enhancing the character of the building.
- 4.13. Paragraph 6.1 of CPG Access for All states that for listed building and other heritage assets, the Council will balance the requirement to provide access with the interests of conservation and preservation, and that sensitive design solutions to achieve access for all, to and within listed buildings, should be sought where it is practicable to do so.

Bloomsbury Conservation Area Appraisal

- 4.14. This document defines the special interest of the Conservation Area in order to understand and protect its key attributes and to put measures in place to ensure appropriate enhancement.
- 4.15. The document identifies the appeal site as falling within Sub Area 10 – Great James Street/Bedford Row.



5.0 PLANNING CONSIDERATIONS

- 5.1. Planning and listed building decision notices for Appeal 1 and Appeal 2 are all dated 7th March 2023 and set out the same reason for refusal:

“The proposed works, by virtue of the detailed design and loss of historic fabric, combined with the prominent position of the entrance steps, would have a detrimental impact on the character and appearance of the host building which is Grade II listed, and the Bloomsbury Conservation Area, contrary to Policies D1 (Design) and D2 (Heritage) of the Camden Local Plan 2017.”

Impact on the Listed Buildings and Conservation Area

- 5.2. The Built Heritage Appeal Statement prepared by RPS Heritage is to be read alongside this Appeal Statement. The report provides an assessment of the significance of the listed buildings and an assessment of impact of the proposed works on the significance of the listed buildings and Conservation Area.
- 5.3. The report demonstrates that the proposed development accords with relevant legislation, national planning policy and local planning policy and guidance. It concludes that the development is of extremely high quality and has been sensitively designed. The internal layout of the appeal site is already utilised effectively by disabled persons. A ramp, lift, wide doorways and circulation spaces, accessible kitchen and bathroom facilities, a vertical lift and automatic doors, all facilitate existing wheelchair access. The only restrictions on wheelchair access and thus the only required changes relate to the entrances to the appeal sites.
- 5.4. The report concludes that the proposed development would have a negligible impact on the significance, or special architectural and historic interest of the listed buildings and cause no harm to the significance of the Bloomsbury Conservation Area. The public benefits associated with the appeal scheme are considered to outweigh the lowest level of less than substantial harm of the appeal sites. Furthermore the proposed development would sustain the viable use of the buildings as a law firm’s offices, providing a safe, dignified accessible passage through the main entrances.
- 5.5. In addition to the above, there are further considerations in support of the public benefits of the appeal proposals which are explored below:

Alternative Options for Step-Free Access

- 5.6. Supporting text to Local Plan Policy D2 requires that in considering disabled access to listed buildings, all available options should be considered. Adaptation Design Ltd were appointed to consider access options to nos 10 and 54. They are a surveying and architectural consultancy with particular expertise in identifying and designing buildings for individuals with specific accommodation requirements. In particular, they specialise in a full spectrum of adaptation schemes including external and level access



alterations, lifts and ceiling track hoists, level access showers, wheelchair accessible kitchens and door widenings.

- 5.7. Adaptation Design Ltd therefore have experience of various step and platform lifts and in consideration of options, found that very few suit the construction of the front entrances of these properties. Quotes were received from Sesame Lifts and based on cost and their previous experience, they also looked at the Guldmann Stepless model (SLP model D) which is a Danish product and available through a distributor/installer in the UK, Brothers Lifts. This product was chosen as it enables the historic tiled front approach to be removed from the existing steps and short entrance path and reinstated on the surface of the lift.
- 5.8. Existing access to no's 10-11 and 53-54 is via the front of the buildings on Doughty Street at ground floor level. There is no alternative access to the rear of the buildings and therefore the front entrance is the only means of access for all staff, clients and visitors and all the clerking rooms.

Meeting Identified Needs of Employees and Visitors

- 5.9. There is a requirement to provide equal opportunities for wheelchair users and people with mobility issues to enable safe access to the buildings. No's 53-54 Doughty Street functions as the main Barrister's Chambers and conference facilities, whilst no's 10-11 provide additional Barrister's offices including the office of Mark Henderson who is a wheelchair user.
- 5.10. Wheelchair users are currently largely excluded from accessing both appeal sites as they are only accessible via 2 steps. Wheelchair users are therefore dependent upon portable aluminium ramps which are stored in the entrances to the buildings and need to be correctly positioned and removed by other members of staff. Two ramps are required to provide access from street level into the building and these take time to be positioned. Whilst portable ramps have been used for some years they have proved extremely awkward and highly inappropriate as a long-term solution. The incline is much greater than ordinarily permitted for a ramp and very difficult for a manual wheelchair to propel up. Many wheelchair users push up the ramp independently and it is an affront to human dignity for a wheelchair user who does not need to be pushed to have to accept being pushed up to the entrance. Furthermore, the ramp is so steep that there is a risk of toppling backwards which could result in serious injury.
- 5.11. Furthermore, the temporary ramps prohibit disabled people from working independently outside of office hours when assistance is unavailable (a prerequisite for the profession of barrister). It is also uncomfortable and extremely difficult when a wheelchair user is left outside on the public highway, potentially in inclement weather whilst someone is located to position the temporary ramp and it also devalues disabled people's time.
- 5.12. There are additional factors regarding accessibility at each appeal site as set out below:



No. 10 Doughty Street

- 5.13. The door to no.10 has been automated and is intended to function alongside a platform lift. It is of no use from the outside without a lift as the wheelchair user in any event cannot enter without someone laying out the heavy ramps and then assisting the wheelchair user to the threshold. Even if the ramps are left out and the assistant disappears, the automation is of no current use as the ramp is too steep for the wheelchair user to stop on it to initiate the automated door.
- 5.14. Once inside no. 10, there is an automated door for wheelchair access to the large front office which is not only Mark Henderson's office, but could also accommodate another wheelchair user. There is also a kitchen on the ground floor to which workers and visitors have step free access and the door to the disabled WC is also fully automated.
- 5.15. Although there are currently no other wheelchair using members of chambers/staff, all the clerking rooms are in large open plan offices spanning no's 10-11. It would therefore be almost impossible to employ a clerk without access to no. 10 and a member would also experience the same problems in terms of steel ramps to get between offices in no. 10-11 and the client meeting rooms and seminar hall in no. 53-54.
- 5.16. A recent inspection by the Fire Commissioner raised concern regarding difficulties of quick exit from the buildings in the event of a fire and the need to put out 2 separate ramps. This is of particular concern in the event of a wheelchair user being alone in the building.

No. 54 Doughty Street

- 5.17. Suitable wheelchair access is required to no. 54 to enable independent access into the Chamber's main reception area for clients and visitors. There is an additional problem with the temporary ramp as it ends on a bumpy tarmacadam surface over the roots of a tree. This creates a risk of catching the front castors of a wheelchair descending the ramp upon existing the building and throwing the user face forward into the road or tree and is therefore potentially extremely dangerous. Exiting the building backwards is equally precarious and dangerous so it not an option.
- 5.18. A permanent ramp has been installed along the corridor of no. 54 between the 'waiting area' as identified on plan DC 5401/02 and the seminar hall. This provides step free access to enable wheelchair users and those with reduced mobility safe access to the seminar room which is in frequent use. The ramp also grants access to three lower ground floor meeting rooms via a lift. Although small in size, the lift is big enough for standard manual wheelchairs (and probably for compact power chairs) and therefore useable by most wheelchair users. An accessible WC is also available on the ground floor of no. 54. The provision of a platform lift at the entrance of no. 54 will enable inclusive and safe wheelchair access to the entire ground floor of the building and provide wider public benefit as set out below.



- 5.19. In addition to the need for equal access for staff and clients, the seminar hall is used regularly for seminars and networking events which are attended by other professionals. There is an average of 2 events each month with approximately 40 attendees. The Chambers also have several wheelchair accessible conference rooms in heavy daily use. Since Chambers specialises in areas of law such as community care and Court of Protection, a significant proportion of their clients are disabled and it is particularly undesirable that they should be left in the cold or have to be pushed up a steep incline to get into the very office where they are coming to hear how their rights will be defend.

Requirements of the Bar Standards Board

- 5.20. There is an additional consideration in connection with future staff/member access in terms of Doughty Chambers' status as a AETO (Authorised Education and Training Organisation) for providing pupillage to trainee barristers. The Bar Council's Reasonable Adjustments guidance <https://www.barcouncilethics.co.uk/documents/reasonable-adjustments-guide/> states that:

7.5 Although there is no legal obligation to comply with an anticipatory duty in relation to chambers membership, it is good practice to consider adjustments in advance. This is important in relation to pupillage in particular. It is unlawful to discriminate against disabled pupils in their selection and pupillage. Adjustments that ensure access to premises are likely to benefit service users and therefore are subject to the anticipatory duty. However, some adjustments that might benefit a pupil e.g. sufficient access between non-public parts of chambers may require more time than is available between recruitment and the start of pupillage. It is good practice for chambers to anticipate that they will have pupils with mobility disabilities at some point and to have adjustments made.

- 5.21. It therefore seems highly likely that the Bar Standards Board will be imposing more demanding access rules for AETOs. Chambers' ability to offer training/ pupillage, and through that to replenish its members, is essential to its operation as a barristers' chambers, and is also very much in the public interest.
- 5.22. As matters stand, the fact that all the clerks' rooms, where pupils would interact with clerks, are on the ground floor of no. 10-11, plus only the ground floor of no.10-11 hosts barrister offices (no. 53-54 being only public rooms) means that chambers would find it impossible to give a wheelchair using pupil a fair pupillage yet chambers is required not to discriminate against wheelchair using candidates.



6.0 SUMMARY

- 6.1. This appeal relates to the refusal of planning and listed building consent for the replacement of existing stepped access to numbers 10 and 54 Doughty Street with a platform lift to provide wheelchair access.
- 6.2. The applications were determined under delegated powers and each cited a single reason for refusal relating to the impact on the character and appearance of the host listed building, and the Bloomsbury Conservation Area within which it lies.
- 6.3. The submitted Heritage Appeal Statement concludes that the proposed development would have a negligible impact on the significance or special architectural and historic interest of the listed building and cause no harm to the significance of the Bloomsbury Conservation Area.
- 6.4. The buildings are used by a wide range of visitors not just related to its use as a law firm, but also as a venue for regular seminar and networking events which are hosted in the large seminar room and attended by other professionals. The Chambers also have several wheelchair accessible conference rooms in heavy daily use.
- 6.5. The Council have failed to weigh the public benefits of the scheme against the lowest level of less than substantial harm, as required by the NPPF and furthermore the proposals would sustain the viable use of the buildings as a law firm's office, providing a safe, dignified and accessible passage through the main entrance.
- 6.6. The appeal proposal does not conflict with Local Plan policies D1 and D2 and represents a reasonable and proportionate approach to achieving step-free access to the building for the benefit of its employees and wider members of the public. It is respectfully requested that the appeals are allowed.

Appendix 1





David G Goodheart
Adaptation Design Ltd
4 Carters Row
Hatfield Park
Herts. AL9 5NB

Pre-planning advice. 10 - 11 Doughty Street, 2022/0224/PRE & 53 - 54 Doughty Street, 2022/0225/PRE

Dear Mr. Goodheart,

The following commentary and assessment outlines the proposals relating to the changes proposed (both sites):

Proposal

Doughty Street Chambers seeks advice on the feasibility of installing platform lifts to the main front entrance of both buildings (specifically to Number 10 and Number 54) to allow ease of wheelchair access. Both sets of buildings operate as Barristers' chambers.

Site description

Both sites comprise of GII listed buildings within the Bloomsbury Conservation area, to which they make a positive contribution; a contribution which the Council has a statutory obligation to preserve or enhance. As listed buildings their significance includes their architectural design and materials, plan-form, evidential value as an early C19th terraced house and their townscape contribution. The sites also form part of the setting of the neighbouring listed buildings (all of Doughty Street is listed).

Design and Conservation

The lifts will provide access from the pavement into the ground floor entrance hall of the buildings.

All employers, large and small, have a duty to make reasonable adjustments to avoid substantial disadvantage to disabled employees. The duty to make these changes is not speculative, but relates to the actual needs of a specific individual who is disabled. It may, however, be more cost-effective to consider access improvements as part of a programme of planned refurbishment, thereby allowing for disabled people to be employed in the future without the need for further alterations.

The Equality Act does not override other legislation such as listed building or planning legislation, and the need to obtain appropriate approvals still applies in the case of changes made to improve access.

The type of service or activity that takes place within the building will also be a major factor in determining the appropriate level of access and the required degree of alteration. The Equality Act lists the factors that affect whether a potential adjustment is seen as reasonable – the size and financial resources of an organisation are taken into account.

Part M of the Building Regulations becomes relevant because these works will require planning permission. Part M is about access to and use of buildings. It applies to material alterations of and extensions to non-domestic buildings and to material changes to some nondomestic uses. The regulation requires reasonable provision to be made for people to gain access to the building and to use its facilities.

Approved Document M gives guidance on meeting the regulation and sets out minimum standards for access. Following the guidance in Approved Document M can be a helpful way to establish reasonable provision under the Equality Act. Failing to meet the guidance need not automatically imply discrimination, however, as there may be other means of achieving the same end result. This approach is in line with the principles that underpin the protection of listed buildings, in that it can allow access to be provided in ways that avoid removing those features of a building which contribute to its significance, and thus to its listing.

Historic buildings and Approved Document M The need to conserve the special characteristics of historic buildings is recognised in Approved Document M. The guidance states that the aim should be to improve accessibility where practically possible, provided that the work does not prejudice the character of the building or increase the risk of long-term deterioration to the building fabric or fittings.

Under the terms of the Planning (Listed Buildings and Conservation Areas) Act (1990) consent is required for any works of demolition, alteration or extension that will affect the character of a listed building, including any associated structures and fittings within its curtilage. Listed building legislation applies to both internal and external changes, irrespective of whether features are identified separately in the list description.

Design of buildings and their approaches to meet the needs of disabled people: Code of Practice BS 8300 provides guidance on good practice in the design of buildings and their approaches to allow convenient use by disabled people. The extent to which the standards apply to historic buildings will be determined on an individual basis. It should be noted that in certain respects guidance in the British Standard differs from that in Approved Document M.

When seeking listed building consent it is important to provide information about the architectural and historical significance of the building and to assess the likely impact of the access proposals in relation to this. The application must demonstrate why any potentially damaging works are necessary or desirable, thus establishing that a balance is being struck between conservation and access.

Bearing all of the above in mind, and assessing the proposals on the basis of the information submitted at pre-app, the following advice is given:

The Council is supportive of equal access, both in the wider borough and within the historic environment. For listed buildings and other heritage assets, the Council will balance the requirement to provide access with the interests of conservation and preservation. Sensitive design solutions that achieve access for all, to and within listed buildings, should be sought. Local Plan Policy D2 Camden Planning Guidance – Heritage sets out the Council's detailed

approach to development affecting listed buildings and other heritage assets. Provision of equal access arrangements is usually more challenging within the historic environment, and these two sites, being both listed, part of wider listed terraces, and within a conservation area, are of very high heritage significance.

The Camden Local Plan (2017) notes:

7.61 Where listed buildings and their approaches are being altered, disabled access should be considered and incorporated. The Council will balance the requirement for access with the interests of conservation and preservation to achieve an accessible solution. We will expect design approaches to be fully informed by an audit of conservation constraints and access needs and to have considered all available options. The listed nature of a building does not preclude the development of inclusive design solutions and the Council expects sensitivity and creativity to be employed in achieving solutions that meet the needs of accessibility and conservation.

The proposed arrangement involves disruption of historic fabric, and a legible change to the external appearance of the properties. The alterations do not better reveal or enhance the architectural and historic significance of the heritage assets and are not consistent with the style, materials, and architectural and historic significance of the properties, or their otherwise positive contribution to the character and appearance of the conservation area.

The proposals would cause less than substantial harm to the significance of the listed buildings and would fail to preserve or enhance the character and appearance of the conservation area.

This does not mean that the proposals would be automatically unacceptable (i.e. refused consent). However, it does mean that the bar for achieving acceptability is set at a very high level under the following guidance:

The NPPF directs that “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.”

The proposed provision of equal access via the front door would likely be a public benefit. 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). While the NPPF does not explicitly identify disabled access to commercial buildings as a public benefit, it does identify “accessible services” as a public benefit, which I broadly take as potentially including parity of physical access.

But before that balancing is undertaken there needs to be more demonstration that it is the only feasible means of providing the use and that other, less harmful, options have been exhausted. A less harmful option would typically be a non-fixed ramp, such as has been used in listed commercial and public buildings throughout London, and reasons why that would not be appropriate in this instance should be identified if a mechanical system is put forward for listed building consent.

Portable ramps that are not fixed in place do not require any consent or permission, providing they do not permanently intrude over the public highway. As with any application for works which are deemed to cause harm to the significance of heritage assets, it is very important to

demonstrate why the proposal is the option which delivers the most benefits with the least harm (with the matter of the least harm being given the greater weight under the NPPF).

In order to assess the options and the degree of public benefit, an access strategy should be commissioned and should identify the following:

- Is it necessary to provide equal access to both sites, or is there one site where equal access, and any associated harm, could be consolidated?
- How does the equal access from the pavement to the building relate to the access within the building? Is there already an acceptable level of equal internal access in both sites or will internal works (ergo further listed building consent) be required? Substantial remodelling of the interiors of these building to provide equal access is highly unlikely to be permitted.
- How does the provision of equal access relate to matters of building control (means of escape in event of a fire etc)?

Historic England's Guidance on preparing an access strategy for historic buildings can be found from page 11 here: <https://historicengland.org.uk/images-books/publications/easy-access-to-historic-buildings/heag010-easy-access-to-historic-buildings/> . It is **strongly** advised that this guidance is followed fully and closely in the preparation of an access strategy for these sites, in the event of these works being submitted for listed building consent. It is likely that a heritage consultant will need to be involved in the formation of the access strategy in order to identify areas of high, moderate and lower significance.

The current proposal provides very little detail on the location of any plant/machinery but, given these are listed buildings, creating an acceptable plant, whether internal or external, is likely to prove very challenging. There may also be issues of noise to consider.

Listed Building Consent application information

Please note that these works will also require planning permission

Should you choose to submit a listed building consent application which addresses the outstanding issues detailed in this report satisfactorily, I would advise you to submit the following for a valid planning application:

- Completed form – Listed Building consent Application
- An ordnance survey based location plan at 1:1250 scale denoting the application site in red
- Floor plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Roof plans at a scale of 1:50 labelled 'existing' and 'proposed'
- Elevation drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Section drawings at a scale of 1:50 labelled 'existing' and 'proposed'
- Design and access statement
- Heritage statement
- Equal Access Statement (external and internal) for both sites
- The appropriate fee
- Please see [supporting information for planning applications](#) for more information.

We are legally required to consult on applications with individuals who may be affected by the proposals. We would put up a notice on or near the site and advertise in a local newspaper. The Council must allow 21 days from the consultation start date for responses to be received. You are advised to contact your neighbours prior to submission, to discuss the proposals.

Non-major applications are typically determined under delegated powers, however, if more than 3 objections from neighbours or an objection from a local amenity group is received the application will be referred to the Members Briefing Panel should it be recommended for approval by officers. For more details click [here](#).

This document represents an initial informal officer view of your proposals based on the information available to us at this stage and would not be binding upon the Council, nor prejudice any future planning application decisions made by the Council.

David McKinstry
Planning Officer (Conservation)
07.04.22

