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The Montague Quarter, Worthing

Heritage Impact Assessment - Addition of Windows
For Cayuga Developments



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1.0 Summary of Heritage Impact Assessment

1.1 Introduction

Donald Insall Associates were originally commissioned by Cayuga Developments in April 2023 to assist them in the development of proposals for extending the Montague Quarter in Worthing. Planning permission has now been granted for these extensions (Planning reference: AWD/1624/22). It is now proposed to add new flats and windows at first floor level in the northern part of the Montague Quarter.

This report deals only with the proposed new windows. It should be read in conjunction with the Heritage Impact Assessment by Donald Insall Associates which was submitted with the application for planning permission in 2022, referred to above.

This report incorporates part of the original report which comprised historical research, using both archival and secondary material, and a site inspection. A brief illustrated history of the site and building is set out in Section 2; the site survey findings are in Section 3. The significance of the Montague Quarter and its context is set out in Section 4 and summarised below. The impact of the proposed windows is dealt with in Section 5.

The specific constraints for this site are summarised below.

1.2 The Building, its Legal Status and Policy Context

The Montague Quarter was built in the late 1980's and was officially opened in 1990. It was designed by architect Graham Excell ARIBA. It is not a listed building, but it lies in the north west corner of the South Street Conservation Area, to which it makes a positive overall contribution, with some negative elements.

The building is also within the setting of the Chapel Road Conservation Area, which is to the north of the site. There are listed buildings adjacent, most notably the grade II listed buildings on Liverpool Terrace (see Section 3), which are also within the setting of the site.

The building also includes the 'Desert Quartet' sculptures by Dame Elisabeth Frink which are of considerable significance and are listed grade II*. The listing includes the supporting ground floor loggia and brick wall at first floor level behind them. The statutory list description of the sculptures is included in Appendix 1.

Extracts from the document 'Conservation and Heritage Guide' and guidance on the South Street Conservation Area and Chapel Road Conservation Area provided by the local planning authority, Worthing Borough Council, are included in Appendix 2, along with extracts from the relevant legislation and planning policy documents.

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

The Act is the legislative basis for decision-making on applications that relate to the historic environment. Sections 16, 66 and 72 of the Act impose statutory duties upon local planning authorities which, with regard to listed buildings, require the planning authority to have:

'special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses'

and, in respect of conservation areas, that:

'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'.

1.2.2 The National Planning Policy Framework (December 2024)

The courts have held that following the approach set out in the policies on the historic environment in the National Planning Policy Framework (2024) will effectively result in a decision-maker complying with its statutory duties. The Framework forms a material consideration for the purposes of section 38(6). At the heart of the Framework is '*a presumption in favour of sustainable development*' and there are also specific policies relating to the historic environment.

The Framework requires that proposals for change give 'great weight' to the conservation of heritage assets (paragraph 212), that harm to the significance of heritage assets requires 'clear and convincing justification' (213), and that such harm is outweighed by public benefits. Harm is to be categorised as substantial (214) or less than substantial (215).

The Framework requires local planning authorities to look for positive opportunities for new development within conservation areas and within the setting of heritage assets. Proposals that preserve positive elements or enhance/ better reveal their significance, are required to be treated favourably (219).

1.2.3 Local Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan applicable to the Site comprises the Worthing Local Plan (2023).

The following policies of Worthing's Local Plan are relevant to consider with regards to the proposals impact on heritage. DM23 on taking a Strategic Approach to the Historic Environment states that the council will: conserve and enhance the historic environment and character of Worthing, which includes historic areas, buildings, features, archaeological assets and their settings, important views and relationships between settlements and landscapes/seascapes.

Policy DM24 on the Historic Environment also states, that:

Where development affecting any designated or undesignated heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong sense of place.

With regard to designated heritage assets, where a development:

will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Where proposals may result in harm to a designated asset a Heritage Impact Assessment (HIA) must be submitted describing the significance of any heritage assets affected, including any contribution made by their setting.

Development in Conservation Areas will be required to: be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features.

1.2.4 Conservation and Heritage Guide (2015)

The Council's guide provides comprehensive advice on heritage assets. Extracts are included in Appendix 2. With respect to new development it states:

... it is crucial that all new development should be sympathetic to the special architectural and aesthetic qualities of the area, particularly in terms of scale, design, materials and space between buildings.

New development whether an alteration or new buildings, should be of a high quality which responds to the urban context and settlement pattern. Quality of design and execution are paramount to securing new development which can be valued in the future.

Where sites within a Conservation Area become available, new development should aspire to a quality of design and execution which may be valued in the future and responds to its context. The objective of preserving and enhancing conservation areas may be met by working in both traditional and new ways, which complement the established urban grain and respects prevailing building forms and materials.

1.3 Summary Assessment of Significance

The Montague Quarter is located in the South Street Conservation Area. On the whole, the 1980s development is a well-designed building in a traditional neo-classical style, which responds to its context in the South Street Conservation Area and in the setting of the listed buildings at Liverpool Terrace. While not an outstanding work of architecture, it has many positive attributes in urban design and townscape terms. Taken as a whole, it makes a positive contribution to the character and appearance of the South Street Conservation Area and to the settings of the Chapel Road Conservation Area and the neighbouring listed buildings.

The most important element of the Montague Quarter is the 'Desert Quartet' sculpture by Dame Elisabeth Frink, and its significance is recognised by the fact that it is listed grade II*, along with the loggia and screen wall behind them.

1.4 Summary and Conclusions

Planning permission has been granted for extensions to the Montague Quarter, although these have yet to be constructed. The current section 73 application is for the addition of new flats and windows at first floor level.

The eleven proposed windows are traditional sash windows, in a Georgian style, which match those in the existing building. The proposed windows will be appropriate to the building and will cause no harm to its external appearance. In fact the proposed windows are considered to be beneficial to the building, enlivening areas of blind brickwork.

The proposals will enhance and cause no harm to the character and appearance of the South Street Conservation Area, the settings of the Chapel Road Conservation Area, the Grade II* listed 'Desert Quarter' and the settings of adjacent Grade II listed buildings.

The proposals are of high quality and appropriate to the building. They therefore comply with the design and conservation policies of the Council. They are also in accordance with the requirements of the Planning (Listed Building and Conservation Areas) Act 1990 as the conservation area will be preserved and enhanced. The settings of the adjacent listed buildings will be preserved. As there will be no harm to heritage assets the proposals comply with the advice set out in the NPPF.

2.0 Historical Background of The Montague Quarter

2.1 The Development of The Montague Quarter

The Montague Quarter occupies the western half of the street block which is bounded by Liverpool Road to the north, Alexander Terrace and Liverpool Gardens to the west, Montague Street to the south and South Street to the east. The Odeon was closed on 27th September 1986 for redevelopment but it was listed at the beginning of 1987. After a legal battle it was then delisted, and planning permission was granted later that year 1987. The description of development was:

Outline application for redevelopment of the site with a shopping centre of 2 and 3 storeys containing shops and store with first floor service-deck; four-storey offices; road closures and pedestrianisation; surface car park; bandstand and re-paving part of Montague Street. Land (1.73 hectares), site of Odeon Cinema, 1-6 Highworth and 8 and 10 Liverpool Gardens.

2.2 The 'Desert Quartet'

The 'Desert Quartet' is one of Dame Elisabeth Frink's last public works and can be seen as the pinnacle of her exploration of this theme. [Plate 2.1].

According to the Worthing Heritage Alliance's Town Trail 2,

[Frink's] original design for a tableaux of horses, men and a dog, was rejected by councillors, one of whom objected to the anatomical detail of the naked figures. Some have seen in the Desert



2.1

Quartet (or 'Frink Heads' as they are known locally) the artist's considered response to the rejection of her first designs. Nonetheless, the bronze heads are now estimated to be worth several millions of pounds.¹

¹ http://www.worthingheritagealliance.org.uk/WHA_Trail2_TT2.pdf, (accessed July 2022)

Dame Elisabeth Frink herself stated²:

I called the 'Desert Heads' that because I connected them with the feeling that I got in the desert in Tunisia. They portray individuals and also they go together collectively. The way I worked on them was in pairs, moving from one to the other. As I moved to the second pair they became a bit more precise, a bit punchier. For me, the image of the head is a good place to put ideas and sensations. After all, everything goes on in your head. If you think of past civilizations, there are marvellous head sculptures.

Heads have always been very important to me as vehicles for sculpture. A head is infinitely variable. It's complicated, and it's extremely emotional. Everyone's emotions are in their face. It's not surprising that there are sculptures of massive heads going way back, or that lots of other artists beside myself have found the subject fascinating. I am already thinking about the next lot.

An application (01/00750/FULL) to remove the sculptures as refused by Worthing Borough Council in 2001 and an appeal against the refusal was rejected by the Planning Inspectorate in 2002. (See Appendix III). The appeal decision includes the following comments from the Planning inspector:

It is noteworthy that at the time of this appeal decision the 'Desert Quartet' was not listed. However, it was considered to make a positive contribution to

² Lucie-Smith, Edward and Frink, Elisabeth: Frink – A Portrait, Bloomsbury

the character and appearance of the South Street Conservation Area. In 2007 the Desert Quartet was listed at Grade II*. The thirty year rule meant that Historic England would only list a building or structure less than thirty years old if it of such significance that Grade II* is justified.

2.3 Planning History of the Montague Quarter

The Montague Quarter has a long planning history, comprising a large number of applications relating to the use and appearance of the various shop units.

On 6 Oct 2023 planning permission Reference: AWD/1624/22) was granted for:

Full planning permission for a maximum of three additional floors above the Montague Quarter Shopping centre to provide 42 No. residential units.

This was amended by a non-material amendment application (NMA) (Reference: AWD/1718/23). The description was changed to:

Full planning permission for a maximum of three additional floors above the Montague Quarter Shopping Centre to provide self contained residential units on the upper floors

This was in order to allow the number of dwellings to be controlled by a planning condition, but still not exceeding 42 dwellings in total.

2.4 Sources and Bibliography

On-line Planning Archives

Worthing Borough Council: <https://planning.adur-worthing.gov.uk/online-applications/>

Published Sources

Lucie-Smith, E, Elisabeth Frink: Sculpture since 1984 and Drawings, Art Books International, London (1994)
Lucie-Smith, E and Frink, E, Frink – A Portrait, Bloomsbury, London (1994)
Ratuszniak, A, Elisabeth Frink Catalogue Raisonné of Sculpture 1947-93, Lund Humphries (2013)

3.0 Site Survey Descriptions

3.1 The Setting of the Building and the Conservation Area Context

3.1.1 The Setting

The building lies at the north west end of the South Street Conservation Area and is just south of the Chapel Road Conservation Area. **[Plate 3.1]**. The closest listed buildings are at nos. 1-12 Liverpool Terrace to the west and Lloyd's Bank, nos. 41 and 43 South Street to the east, 22 Montague Street to the south. All are listed grade II. **[Plate 3.2]**.

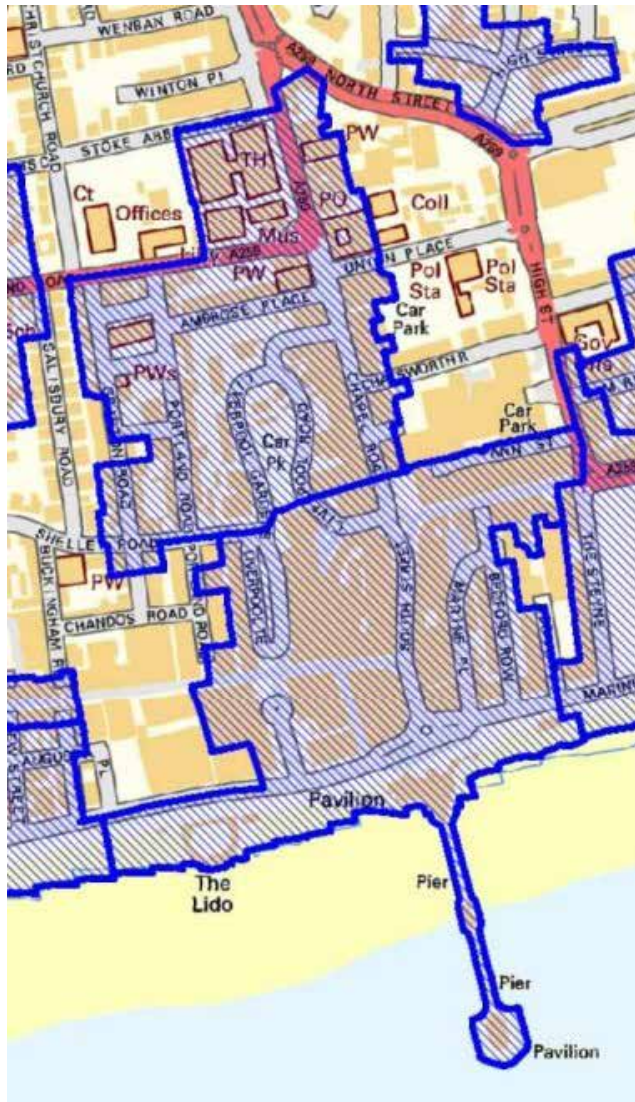
To the south is Montague Street which is a prime shopping street running east to west. The site is visible from the pedestrian space at the junction of Montague Street and Alexander Terrace. The buildings on Montague Street are two and three storeys high. **[Plate 3.3]**.

To the east is South Street which is also a key shopping street, running north to south. The south end of Liverpool Road leads from the junction of South Street and Chapel Street, towards the site, lined with buildings of two and three storeys. Before the development of the Montague Quarter, Liverpool Road ran north and south, but the southern part is now pedestrianised and forms part of the shopping arcade of the Montague Quarter. The east side comprises post-war buildings, two storeys high, with shopfronts within rendered. **[Plate 3.4]**.

Liverpool Road runs northwards from the Montague Quarter and there is a large surface car park, with trees on the perimeter, on the west side. On the east side of the street is a post-war two storey light industrial building and, north of this, a three storey neo-Georgian block dated 1997 and single storey buildings and small carparking areas. **[Plate 3.5]**.

On the west side of Liverpool Gardens are four storey modern buildings, and then to the south, just to the north west of the site, is a nine storey residential tower block at no. 2 Shelley Road, at the junction with Liverpool Road. **[Plate 3.6]**.

Opposite this on the south side of Shelley Road is a three storey brick 19th century building. South of this are the four storey listed buildings at 1-12 Liverpool Terrace. Between the site and the latter terrace is a narrow strip of gardens known as Liverpool Gardens. This has railings on the west side but not on the east side, on Alexander Terrace. **[Plate 3.7]**.



3.1 Conservation Areas. South Street (bottom); Chapel Road (top)



3.2 Listed buildings in the immediate area (marked by small triangles). (Historic England)



3.3 View from Montague Street looking northeast



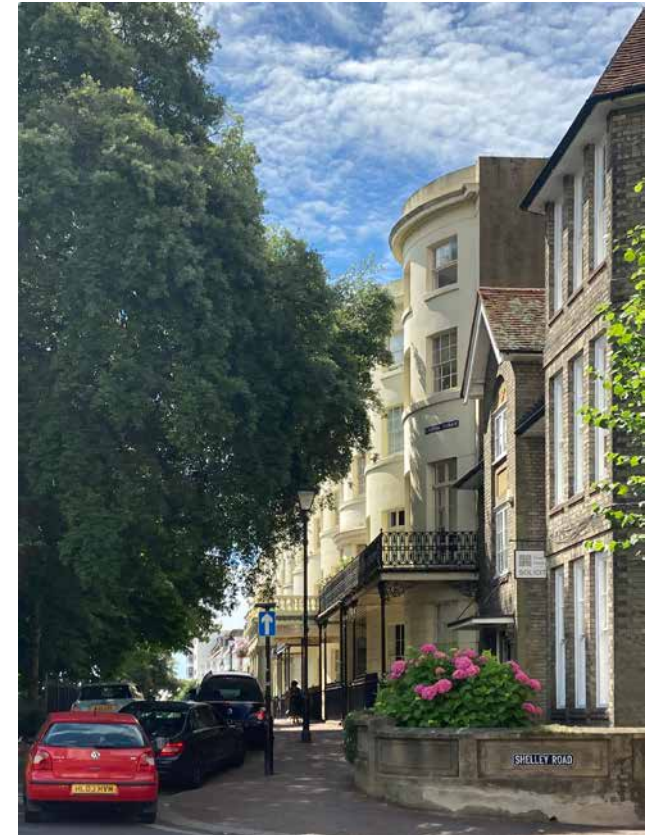
3.5 Liverpool Road looking south towards the Montague Quarter



3.4 View looking west from the junction of South Street and Chapel Road. The Grade II listed Lloyd's Bank is on the left



3.6 The north end of Liverpool Gardens looking south



3.7 The listed 1-12 Liverpool Terrace see from the junction with Shelley Road (right). The Montague Quarter is out of view on the left

3.1.2 The Conservation Area Context – South Street Conservation Area

Worthing Borough Council has produced guides for both the South Street and Chapel Road Conservation Areas which provide a useful summary of their significance and also include proposals for their enhancement. Extracts are included in Appendix 2.

With respect to the South Street Conservation Area the council's guide states:

The Montague Quarter

The construction of the office and retail development at the Montague Quarter in the late 1980s created and enclosed a new angled shopping street in the heart of the town centre. This new street enclosed by a bronze section glazed canopy is the focus of the area and it connects two key town centre spaces; the area around the rotunda to the south and the new bell ended space to the north. This canopy creates important entrance gateway features at both ends of the centre. The west elevation of the centre reflects that of Liverpool Terrace opposite. New shopfronts on the west side of the new street reflect those in the 1930s building on the east side to provide an ordered harmonious street scene. The high quality of the materials and workmanship is notable. The area is subject to a heavy pedestrian flow and retail uses line the street. Street entertainers, an open air cafe, mobile stalls and children's rides add life, interest and colour to the bell ended northern space. Dominated by a

group of mature Sycamores which serves to soften the built environment, this is an attractive and busy covered shopping street.

Architectural and historic townscape elements which should be preserved:

- Ground floor shopfronts which respect common principles, i.e. large glazed panes with fanlight, low stallrisers, plain stucco fascias and pilasters on the east, recessed lobbies, panelled stallrisers, sub-divided areas of glass, and plain fascias and pilasters on the west
- First floor brick work; yellow on the west, red-brown brick on the east.
- The curved colonnade on the east elevation of the Montague Quarter.
- The glazed canopy to the street.
- Surface finish of York stone slabs and red clay paviers.

Enhancement Opportunities:

- The appearance of the external decoration of the Montague Quarter to be maintained in accordance with the published Supplementary Planning Guidance: "Design of Shopfronts and Advertisements in the Montague Quarter".
- Suitable improvement or redevelopment of the east side of the Montague Centre arcade, so as to further enhance this enclosed shopping street and Bank Passage. The Council has resolved to grant planning permission for

such a redevelopment at the north east corner of the Montague Quarter, subject to the completion of a legal agreement.

3.2 The Montague Quarter

The Montague Quarter was built in the late 1980's as a shopping centre, with a residential block on Alexander Terrace which was designed to reflect the listed terrace, Liverpool Terrace, to the west. It was designed by local architect, Graham Excell, to respond to the character of the surrounding area.

The architectural style used is late Georgian/Regency, with rendered facades, classical embellishments and sash windows. The glazed roof to the shopping arcade is Victorian in style. The shops have traditional shopfronts. The height of the development varies but it no more than four storeys high. The following description starts with the southern end of the development and moves clockwise.

At its south west corner the building takes the form of a three storey octagonal tower in a late Georgian/Regency style, with an arcade at ground floor level and traditional sash windows above. To the east of the tower is the entrance to the Montague Quarter shopping arcade, lined with two storey buildings, with its glazed roof at second floor level. The buildings on the east side are two storey 19th century buildings, with rendered facades. The new buildings on the west side are modern, with shopfronts at ground floor and blind brickwork above. **[Plate 3.8].**

North of the tower is the Doric colonnade on Alexander Terrace, with the 'Desert Quartet' at first floor level. Behind the sculptures is a blind brick wall, enlivened with shallow projecting piers and panels. **[Plate 3.9].**

Then there is a rendered terrace of four storey buildings with curved projecting bays in a Georgian style, to echo the listed terrace on the west side of Liverpool Gardens. **[Plate 3.10].**

At the northern end the terrace takes the form of a circular building, adjacent to the ramp, with its arched entrance, to the upper service area and car park. **[Plate 3.11].**

The other side of the entrance takes the form of a brick building, with rusticated render at its base, and a classical entablature supported by Atlas (Telamon) headed piers, with sash windows behind. Above this is a pitched slated roof, with three small dormers. On the corner is a three storey octagonal tower, similar to the one at the south end. **[Plate 3.12].**

The north facade facing on to the surface car park is a two storey block with a pitched roof. The rendered ground floor has a three bay portico, with two doors. The first floor has five traditional sash windows. The east facade on Liverpool Road is in the same style, with a blind rendered ground floor and sash windows above. The middle section has a three bay entablature, with brick pilasters and rendered capitals, fascia and cornice. **[Plates 3.13 and 3.14].**

Finally the east side of the building is two storeys high. The northern section is a five bay building with a colonnade at ground floor level, with recessed shopfronts, and a brick facade with sash windows at first floor level. The central window features a pediment. To the south the shopfronts continue on

the same building line, with a projecting metal and glass canopy above the shopfronts, and then a metal and glass roof above the shopping arcade. **[Plates 3.15 and 3.16].**



3.8 The southern entrance to the Montague Quarter, with the octagonal tower on the left



3.11 The vehicular access to the roof of the Montague Quarter



3.9 The Desert Quartet is north of the south tower



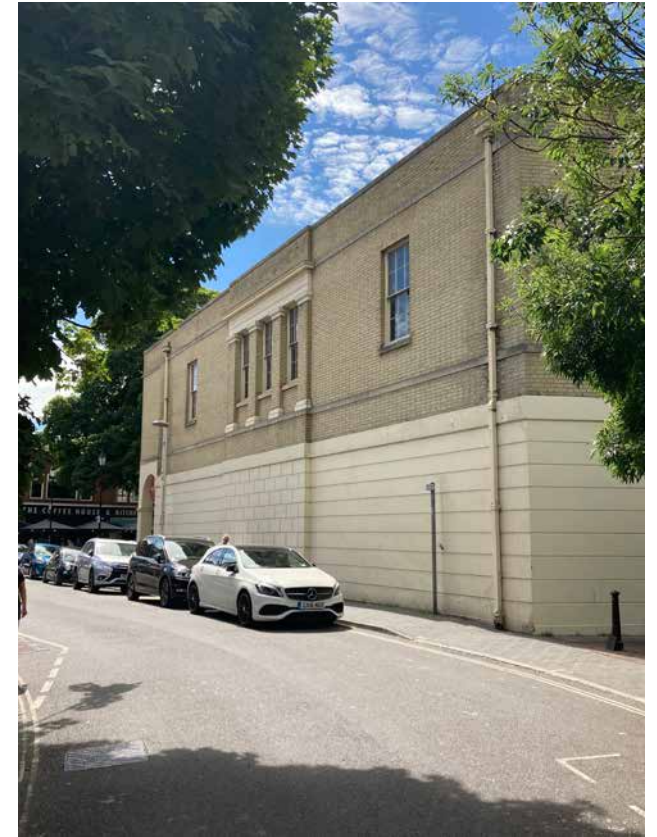
3.10 The terrace at the north end of Alexander Road looking south towards the south tower



3.12 *The north octagonal tower and the entablature with Atlas columns*



3.13 *The north facade*



3.14 *The east facade on Liverpool Road*



3.15 *The north entrance to the Montague Quarter*



3.16 *In the arcade looking north*

3.3 Local Views of the Montague Quarter

There are a number of views of the Montague Quarter from the surrounding area which are identified on the map shown in Plate 3.17 and described below.

3.3.1 The view from the South - Montague Street and Montague Place (View 1)

At the junction of Montague Street and Montague Place the octagonal tower is prominent, taller than the two storey buildings on the east side of the entrance to the arcade. The green space of Liverpool Gardens

also features highly in the view, and to the left (west) the listed terrace in Liverpool Gardens. As one moves south along Montague Place towards the sea front the octagonal tower disappears from view. The 'Desert Quartet' is also visible, although partly obscured by trees on the east side of Liverpool Gardens. On Montague Street, east and west of the junction with Montague Place, the Montague Quarter is not visible. It is not visible in views of the grade II listed building at 22 Montague Street. [Plate 3.18].

3.18 View of Liverpool Gardens and the Montague Quarter from Montague Street





3.17 Map showing local views of the Montague Quarter

3.3.2 The view from the west – Liverpool Gardens (View 2)

Perhaps the best place to view the 'Desert Quartet' sculptures is Liverpool Gardens, between the Montague Quarter and the listed buildings in Liverpool Terrace. There are some mature trees which intrude on the view, so it is difficult to see all four heads in one view, except from the south end of the gardens. **[Plate 3.19].**

In these views the heads are seen against the blank wall above the colonnade at ground floor level. No buildings are seen above the blank wall; the view is terminated by the sky.



3.19 View of the two heads at the south end of the Desert Quartet, seen from the west, in Liverpool Terrace

3.3.3 The view from the west – Shelley Road (View 3)

These views are dominated by the nine storey tower at no. 2 Shelley Road. The northern octagonal tower of the Montague Quarter is also visible, terminating the view. As one moves eastwards the Atlas supported entablature become visible, and at the junction with Liverpool Terrace and Alexander Terrace, the service entrance to the upper level of the Montague Quarter and the northern end of the four storey residential block on Alexander Terrace become visible. [Plate 3.20].



3.20 View from the west along Shelley Road. No.2 is on the left

3.3.4 The view from the north west – Liverpool Gardens just north of Shelley Road (View 4)

From this point the north end of the Montague Quarter is seen, with the octagonal tower and the pedestrian route running east to west. The north façade has an inactive frontage, although the windows at first floor and the blind portico introduce some modelling and interest. **[Plate 3.21]**.



3.21 The north end of the Montague Quarter

3.3.5 The view from the north – Liverpool Gardens (View 5)

As one moves north along Liverpool Gardens there are four storey modern office blocks on the right (west) and the surface car park and trees on the left. The Montague Quarter is not readily visible in these views, although the roof can be glimpsed. At the north end of the street there are two storey 19th century villas which obscure the view of the Montague Quarter.

[Plate 3.22].



3.22 View from the north looking south along Liverpool Gardens

3.3.6 The view from the north east - Liverpool Road (View 6)

This side of Liverpool Road is fragmentary in terms of its urban structure. There are open spaces at the rear of the buildings on Chapel Road on the left and the car park on the right. As one moves south there is a three storey neo-Georgian building on the left and then the north end of the Montague Quarter becomes visible. The nine storey tower, no. 2 Shelley Road, is visible to the right of the octagonal tower. Trees on the car park obscure the view of the listed buildings at nos. 1-12 Liverpool Terrace. **[Plate 3.23]**. Finally, at the south end of Liverpool Road before it turns eastwards, the east facade of the Montague Quarter has an inactive frontage, with a rusticated ground floor and windows above. The roof is not visible.



3.23 View looking south from Liverpool Road.

3.3.7 The view from the east - South Street / Chapel Road / Warwick Street (View 7)

There is a glimpsed view from the junction of South Street / Chapel Road / Warwick Street looking west long Liverpool Road. From here the Montague Quarter is framed by the three storey buildings on the north and south side of Liverpool Road. It appears in the backdrop of the grade II listed building Lloyd's Bank, nos. 41 and 43 South Street. Lloyd's Bank, nos. 41 and 43 South Street to the east, 22 Montague Street to the south. The large tree at the entrance to the arcade screens the view of the Montague Quarter building beyond. [Plate 3.24].



3.24 View from the east

4.0 Assessment of Significance

4.1 Introduction

The purpose of this section is to provide an assessment of significance of the Montague Quarter and its contribution to the significance (character and appearance) of the South Street Conservation Area so that the proposals for change to the building are fully informed as to its significance and contribution to the conservation area, and so that the effect of the proposals on the conservation area can be evaluated.

This assessment responds to the requirement of the National Planning Policy Framework to 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. The NPPF defines significance as;

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

4.2 Assessment of Significance

4.2.1 The South Street Conservation Area and the Montague Quarter

The character of buildings, streets and spaces in the South Street Conservation Area is varied. However, the Regency buildings are one of the most important elements of the conservation area, both historically and architecturally. They are the earliest forms of development in the area. Liverpool Terrace, including the listed terrace at nos. 1-12, and Liverpool Gardens are of major townscape significance, as stated in the South Street Conservation Area Appraisal.

The Montague Quarter itself is not a listed building and the list description for the 'Desert Quartet' states that it is not of 'special interest'. However, it is generally a good-quality building that was carefully designed to respond to its historic context. For example, the buildings at the north end of Alexander Terrace were designed to reflect the Regency listed buildings at nos. 1-12 Liverpool Terrace. The southern end of the Alexander Terrace frontage was designed specifically to display the 'Desert Quartet', allowing the public to enjoy good views of the sculptures from Liverpool Gardens.

It is considered that, overall, the Montague Quarter makes a positive contribution to both the character and appearance of the South Street Conservation Area and the setting of the 'Desert Quartet' (see below). It also makes a positive contribution to the setting of the Chapel Road Conservation Area by enclosing the southern end of the car park open space.

Its contribution to the character and appearance of the South Street Conservation area lies in its complementary architecture, but it also in its use and strategic position as the main shopping centre and commercial heart of the town, which are uses that define this part of the conservation area.

There are elements of the building that are architecturally weaker than others, and areas that have been altered and which detract or could be improved. This is particularly true of the octagonal towers at the north and south ends of the site where they have awkward, stretched first floor façades and high-level windows, which do not reflect the true classical style and proportions of the rest of the development.

The blank and inactive facades at the north-east end of the site are also disappointing architecturally and add nothing to the vitality of this intensely commercial part of the conservation area. The same applies to the inactive frontage underneath the west loggia, beneath the listed sculptures. In addition, the visible network of railings that feature above and to the sides of the glazed canopy detract from the appearance of this attractive feature, and its contribution to the conservation area.

4.2.2 The 'Desert Quartet' sculpture

The most important element of the Montague Quarter is the 'Desert Quartet' sculpture by Dame Elisabeth Frink, and its significance is recognised by the fact that it is listed grade II*, along with the loggia and screen wall behind them. The screen wall and loggia are a deliberately neutral backdrop, which is a key part

of their neo-classical setting, allowing the sculpture to take centre stage. Above the wall is the sky, which gives a sense of openness to their setting. The inactive frontages underneath the loggia detract from their setting and significance.

5.0 Commentary on the Proposals

5.1 The Proposals

The proposed alterations are shown on the drawings by Accel Consulting Ltd for Cayuga Developments. These works involve the alteration of the existing facades at the northern end of the Montague Quarter. **[Plates 5.1 and 5.2].**

Eleven new window openings will be installed in the northeast, northwest and southwest elevations at first floor level.

There will be four new openings on the northeast elevation, and one on the northwest elevation, adjacent to the existing openings **[Plates 5.3 and 5.4]**. There will be six new openings on the southwest elevation, aligned with the windows on the floors above, and matching the existing windows in the three central bays at first floor level. **[Plate 5.5].**

All the windows will be traditionally designed vertically sliding, multi pane, sash windows, which will match others in the Montague Quarter.



Location Plan
Scale 1:1250@A1



5.1 Block plan (Accel Consulting)

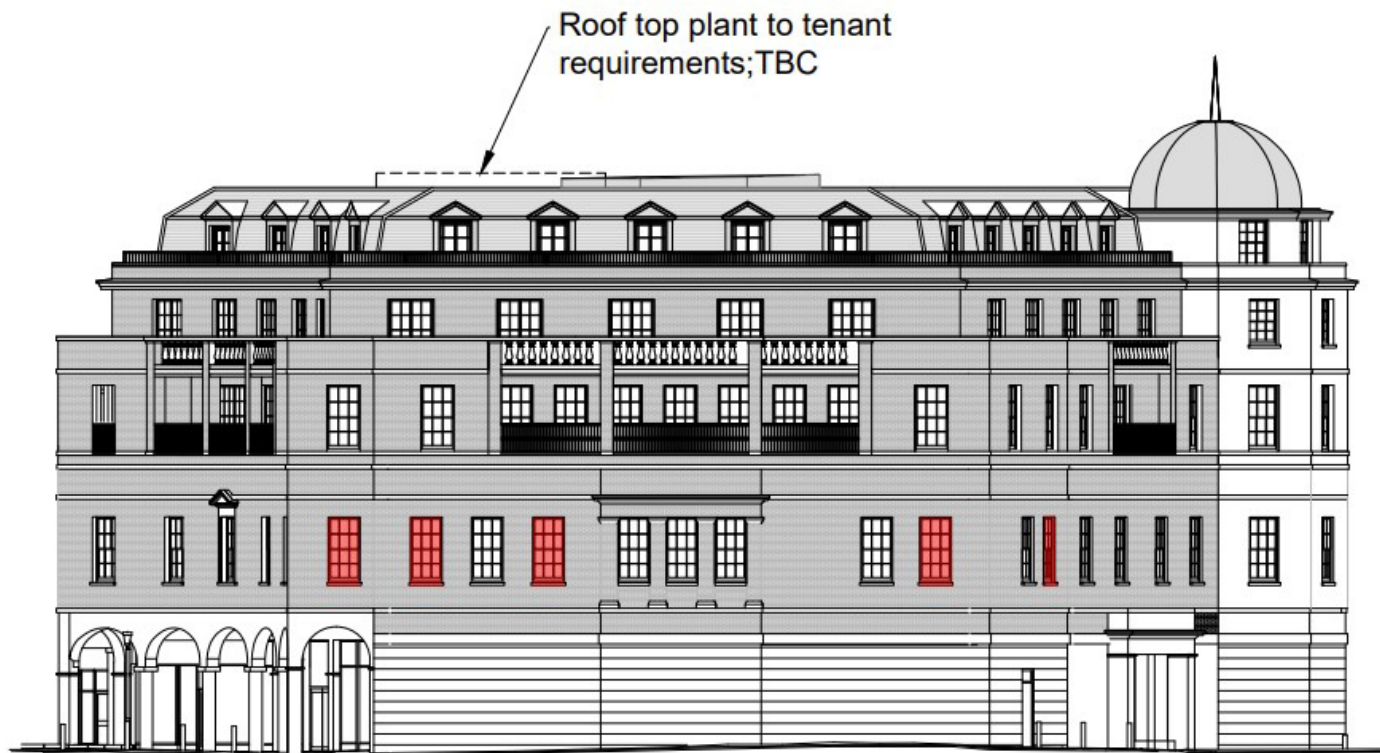


5.2 First floor. Proposed windows shown bubbled. (Accel Consulting)



PROPOSED ELEVATION - EAST

5.3 *Proposed east elevation (Accel Consulting)*



PROPOSED ELEVATION - NORTH EAST

5.4 Proposed northeast elevation (Accel Consulting)



PROPOSED ELEVATION - SOUTH WEST

5.5 *Proposed southwest elevation (Accel Consulting)*

5.2 The Impacts of the Proposals on Heritage Assets

The heritage issues raised by the proposals are:

- The impact on the character and appearance of the South Street Conservation Area and the setting of the Chapel Road Conservation Area.
- The impact on the setting of the Grade II* listed 'Desert Quartet'.
- The impact on the setting of adjacent listed buildings.

5.2.1 The Impact on the South Street and Chapel Road Conservation Areas

The proposals will change the appearance of the existing building and therefore have an impact on its contribution to the character and appearance of the South Street Conservation Area and the setting of the Chapel Road Conservation Area. The change is relatively minor, but the addition of windows will improve the appearance of the building, by reducing the amount of blind brickwork and giving the facades more interest. This will enhance the contribution made by the Montague Quarter to the character and appearance of the conservation area. It will also enhance the setting of the Chapel Road Conservation Area.

5.2.2 The Impact on the Setting of the Desert Quartet Sculptures

The proposed windows are in the northern part of the Montague Quarter and will have no impact on, and cause no harm to, the setting of the listed sculptures, which are at the southern end of the building.

5.2.3 The Impact on the Setting of Adjacent Listed Buildings

The proposed windows have little or no impact on the setting of the listed buildings closest to the site, on the west side of Liverpool Gardens at Nos. 1-12 Liverpool Terrace (Grade II), or the setting of No. 22 Montague Street to the south (Grade II). If there is any impact then this is beneficial to the settings, in the same way it is beneficial to the conservation areas.

5.3 Justification and Conclusion

The proposed windows are necessary to light the proposed flats at first floor level. The new windows have been designed to complement the existing architectural character of the Montague Quarter, and relate to its conservation area context. The new windows are appropriate to the building and will improve its appearance.

The proposed works would enhance the character and appearance of the South Street Conservation Area and the setting of the Chapel Road Conservation Area. There would be no harm to the listed sculptures or their setting, and no harm to the settings of adjacent listed buildings. Therefore, the proposals accord with the requirements of the Planning (Listed Building and Conservation Areas) Act 1990, the NPPF and the local planning policy and guidance with respect to the protection of heritage assets.

In terms of the impacts on heritage assets, there are no reasons not to grant planning permission for the additional windows.

Appendix 1 - Statutory List Descriptions

THAT PART OF THE MONTAGUE SHOPPING CENTRE WHICH IS THE DESERT QUARTET SCULPTURES WITH SUPPORTING LOGGIA, ALEXANDER TERRACE, LIVERPOOL GARDENS

Official list entry
Heritage Category: Listed Building
Grade: II*
List Entry Number: 1391960
Date first listed: 11-May-2007

County: West Sussex
District: Worthing (District Authority)
Parish: Non Civil Parish

National Grid Reference: TQ 14821 02517
753/0/10053
LIVERPOOL GARDENS
11-MAY-07

That part of the Montague Shopping Centre which is the 'Desert Quartet' sculptures with supporting Loggia, Alexander Terrace II*

'Desert Quartet' sculpture, 1989, by Dame Elisabeth Frink and associated contemporary loggia in a classical style by the architect Graham Excell. MATERIALS: Cast bronze sculpture. Stucco loggia.
PLAN: Four monumental cast bronze male heads on square metal pedestals, supported on rectangular three-bay loggia.

DESCRIPTION: 'Desert Quartet' comprises four cast bronze male heads of monumental scale, approximately 1 ½ metres high, each mounted on 2m high square

bronze pedestals. There is a unity of form and design to the group although the treatment of each head and pedestal differs subtly from its neighbour; each head is unique in its features and expression. The heads have a textured surface, illustrative of Frink's method of carving and modelling a plaster former before casting in bronze. The neck or shoulder line of each sculpture projects beyond the pedestal line. Heads are bolted to their pedestals and the pedestals bolted onto the loggia beneath.

The loggia is stuccoed and painted and of three bays divided by rectangular piers with moulded capitals; each bay is in turn tripartite, subdivided by baseless Doric columns. Moulded entablature below the flat roof on which the Desert Quartet is arranged. Banded rustication to rear (east) elevation and flat piers with similar mouldings. Ceiling decorated in recessed panels with moulded details. Yellow brick wall as first floor level behind the Desert Quartet: low string course, flat piers behind each head and slight projecting rectangular brick panels between the piers are arranged in groups of three between the heads.

HISTORY: In the mid-1980s a project to design a new shopping centre for Worthing was initiated but with particular design challenges on the Liverpool Street Gardens façade given the historical sensitivity of this part of the town. The site owner engaged the architect Graham Excell to design a scheme and the possibility of bespoke sculpture for the façade was discussed with Elisabeth Frink in 1985. Her letter to the developer's architect of June 1985 indicates her enthusiasm for the commission: 'I assure you that I find it very exciting and it must be a unique opportunity

to create something seldom attempted, let alone achieved, in Europe for many a decade. It is a project I would enjoy undertaking enormously.' Although her initial design was a combination of human and animal figures, and then four monumental horses, these were abandoned (partly because of Dame Elisabeth's growing frailty) in favour of the anthropomorphic 'Desert Quartet'. The work, and hence its name, was inspired by ancient monuments that the sculptor had visited in the Tunisia desert, and possesses classical monumentality.

The loggia is by Graham Excell who also designed the pedestals which support the heads. The loggia was constructed in 1988-9 and the sculpture installed in 1989. The site owner and architect supervised the installation, specifying the position and subtleties of orientation of the four heads. The associated shopping centre, the Montague Quarter, opened in June 1990 when the sculptures were also formerly unveiled. Elisabeth Frink attended the unveiling and expressed her contentment with the result.

Dame Elisabeth Frink (1930-1993) was an artist of international repute who was both a printmaker and sculptor, although sculpture is perhaps her best known medium. She studied at Guildford School of Art and Chelsea School of Art in the 1940s and 50s before going on to teach at the latter, St Martin's School of Art and the Royal College of Art. She was elected to the Royal Academy in 1977, was made a Dame of the British Empire in 1982 and received numerous awards and honorary doctorates. She held her first solo exhibition in 1955 and gained her first major public commission in 1957, 'Boar' for Harlow New Town. In the same year

she began 'Blind Beggar and Dog' for the Cranbrook Estate housing scheme in Bethnal Green a sculpture, now listed at Grade II*. Frink accepted commissions for a number of public works as she was fascinated by the relationship between art and public spaces. Her work is curated by a number of major collections, including Tate Modern, and has been subject of numerous exhibitions and retrospectives.

Themes which dominated her sculptural work included zoomorphic designs, often dogs, horses or birds, and the male form, either as figures or heads. She explained how 'Heads have always been very important to me as vehicles for sculpture. A head is infinitely variable. It's complicated, and it's extremely emotional. Everyone's emotions are in their face. It's not surprising that there are sculptures of massive heads going way back, or that lots of other artists beside myself have found the subject fascinating.' (Lucie-Smith 1994, p125). The 'Desert Quartet' is one of the artist's last public works and can be seen as the pinnacle of her exploration of this theme.

SOURCES: Harwood, E, 2000, A guide to post-war listed buildings; England. Batsford
Lucie-Smith, E, 1994, Frink, a Portrait. Bloomsbury
Marston, S, 1995, A report on recommendations for listing of post-war public sculpture and murals 1947-1965. English Heritage
Robertson, B et al, 1984, Elisabeth Frink, Catalogue Raisonné. Harpval Press <http://www.beauxartslondon.co.uk/LF-pic-index.html> www.jerwoodsculpture.org/collectionandartists/artists www.sculpture.org.uk/biography/ElisabethFrink

SUMMARY OF IMPORTANCE: The 'Desert Quartet' is a major public artwork by the celebrated sculptor Elisabeth Frink. The sculpture comprises four monumental male heads cast in bronze on square pedestals. The sculpture is located on a classical style loggia by the architect Graham Excell. Both sculpture and loggia were completed in 1989. The 'Desert Quartet' and loggia are bespoke designs for this particularly setting in Worthing and represent Frink's commitment and interest to public artworks and their relationship with their setting. The sculpture represents the culmination of a long exploration of the male head by Frink, a theme which had fascinated her throughout her career and on which subject a number of her works are based. However, the 'Desert Quartet' is unusual in the combination of four heads, with the subtleties of individuality of form and expression which they express. The sculpture is therefore of more than special interest as a highly significant late C20 bespoke public artwork. The supporting loggia is complementary in style, but the high degree of special interest resides in the sculptures. The rest of the shopping centre is not regarded as of special interest.

Legacy

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

Legacy System number: 503260

Legacy System: LBS

Sources

Books and journals

Harwood, E, A Guide to Post War listed Buildings England, (2000)

Lucie-Smith, E, Frink A Portrait, (1994)

Ratuszniak, A, Elisabeth Frink Catalogue Raisonné of Sculpture 1947-93, (2013)

1-12, LIVERPOOL TERRACE

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1250439

Date first listed: 11-Oct-1949

Statutory Address 1:

County: West Sussex

District: Worthing (District Authority)

Parish: Non Civil Parish

National Grid Reference: TQ 14771 02551

Details

LIVERPOOL TERRACE 1. 5406 Nos 1 to 12 (consec)

TQ 1402 NE 3/20 TQ 1402 SE 4/20 11.10.49. II GV

2. 1830-1835. Possibly designed by Amon Henry Wilds of Brighton, but Edward Snewin's "Glimpses of Old Worthing" gives the Architect as Henry Cotton. 4 storeys and basement with area (an extra storey added to Nos 8 and 10), 4 windows each. Stuccoed, the ground floor rusticated. Curved bay of 3 windows each on all floors including the basement. Cornice and parapet. Stringcourse above 1st floor. Iron balconies on 1st floor (replaced at Nos 8, 11 and 12). Instead of an iron balcony No 10 has a narthex or colonnade of 5 large Doric columns over the pavement with a wide stuccoed balcony above having a balustrade supporting urns. Nearly all glazing bars intact.

Rectangular fanlights to doorways and 8 panelled moulded doors. Railings to basement areas and front steps, with finials in form of spears impaling crescents. Nos 1 to 12 (consec) form a group.
Listing NGR: TQ1477102551

Legacy

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

Legacy System number: 432804

Legacy System: LBS

Appendix 2 - Planning Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

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

Sections 16, 66 and 72(l) of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 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.

Similarly, section 66 of the above Act states that:

In considering whether to grant permission 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.

Similarly, section 72(l) of the above Act states that:

[...] with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Local Policy

Worthing Local Plan (2023)

The following policies are relevant to consider with regards to the proposals impact on heritage:

DM23 - STRATEGIC APPROACH TO THE HISTORIC ENVIRONMENT

- a) The Council will conserve and enhance the historic environment and character of Worthing, which includes historic areas, buildings, features, archaeological assets and their settings, important views and relationships between settlements and landscapes/seascapes.
- b) The Council will seek to:
 - i) update Worthing's Conservation and Heritage Guide
 - ii) review Worthing's heritage assets including the lists of Local Interest Buildings;
 - iii) review Worthing's Conservation Areas (updating their Character Appraisals and producing Management Plans) and seek opportunities to enhance their character and appearance in accordance with their Character Appraisals and Management Plans;

- iv) take opportunities to seek improvements to listed buildings and buildings within Conservation Areas when their condition has deteriorated. Where requests are not complied with the Council may use its statutory powers to enforce positive change;
- v) identify and protect important views between settlements, across character areas, and capturing transitions between landscape, townscape and seascape. This will include considering the relationship between 'views' and the 'function' such views serve;
- vi) recognise the role of and encourage the best use of heritage assets in regeneration, design, tourism and education;
- vii) use Article 4 directions where important heritage assets are under threat;
- viii) work with others, including the local community where appropriate, to address how best to conserve any assets listed on Historic England's Heritage at Risk Register, or any other assets at risk of loss, and to understand the significance of the historic environment in Worthing's character and sense of place; and
- ix) have regard to Historic England's range of published information, guidance and advice, and will work with others towards implementing best practice.

DM24 - THE HISTORIC ENVIRONMENT

- a) Where development affecting any designated or undesignated heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong sense of place.

b) Proposed development should take account of the information and guidance in Worthing's Conservation and Heritage Guide (which will be updated and periodically reviewed).

Designated Heritage Assets

c) Development should not adversely affect heritage assets or its setting (including important views that contribute to its setting). Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, the Council will 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. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Where proposals may result in harm to a designated asset a Heritage Impact Assessment (HIA) must be submitted describing the significance of any heritage assets affected, including any contribution made by their setting.

d) Planning permission and/or Listed Building consent will only be granted provided that the appearance, significance, or historic character of the Listed Building is not adversely affected. The reinstatement or replication of original features such as windows or doors will be supported. Materials used must be consistent with those originally used or typical of the locality. Change of use may be supported where this secures the retention of a building of historic architectural interest where it could otherwise be lost.

e) Development in Conservation Areas will be required to be of a high standard of design and materials so as to respect, preserve and enhance the character and appearance of that area, and preserve important features. Conservation Area Character Appraisals will be used to assess applications within designated Conservation Areas and opportunities will be taken to preserve and enhance these areas, and to implement the recommendations of Conservation Area Management Plans. The importance to the local area of Buildings of Local Interest within Conservation Areas will be a material consideration in assessing an application for their demolition or development. Where, in compelling circumstances, the Council is minded to grant permission for demolition of a building in a Conservation Area, this shall not be granted until detailed plans for redevelopment have been approved.

f) Planning permission to replace shopfronts of inappropriate design or materials, or in poor condition, in Conservation Areas will be granted providing the replacement is of appropriate design and materials, respecting the character of both the building and the Conservation Area. Advertisements in Conservation Areas should respect the character, proportions and design of the building on which it is displayed, and use traditional materials where necessary. Internally illuminated signs will generally not be permitted.

Undesignated Heritage Assets

g) The following locally listed heritage assets will be a material consideration when determining planning applications:

- i) Buildings of Local Interest;
- ii) Environmental Areas of Special Character;
- iii) Parks and Gardens of Local Interest.

They have been identified for their contribution to the character of the area in which they are located as set out in Worthing's Conservation and Heritage Guide. Their importance to the local area and community will be considered, and account will be taken of the desirability to sustain and enhance their significance. Development proposals should respect, support, and where possible, positively contribute to the essential character of these heritage assets. Other buildings and features of design and architectural interest not included above may also be considered undesignated heritage assets and therefore will also be subject to these requirements. Where a development would result in harm to an undesignated asset, a balanced judgement will be made, having regard to the scale of any harm or loss and the significance of the asset. A HIA will be necessary to inform the decision.

h) The Council will preserve archaeological features against damaging or discordant development. Such features should only be removed or altered in compelling circumstances where there is no practical alternative and where provision can be made for recording. Where a site includes, or potentially includes, heritage assets of archaeological interest, an appropriate desk based assessment will be required and a field evaluation where necessary.

Conservation and Heritage Guide (2015)

New Development

Change in Conservation Areas may be accepted, where it is required in order to keep them vital and prosperous. Whilst Conservation Areas are important heritage assets and the Council is committed to a policy framework to ensure preservation or enhancement of them, these areas are living communities. The Council recognises that buildings and the spaces around them are not museum pieces to be preserved at a particular point in time. It is harmful, uncontrolled change that needs to be addressed to ensure that any alterations and new development accords with the special character and appearance of a given area. As such, it is crucial that all new development should be sympathetic to the special architectural and aesthetic qualities of the area, particularly in terms of scale, design, materials and space between buildings.

Loss of buildings that make a positive contribution to the Conservation Area will be resisted. New development whether an alteration or new buildings, should be of a high quality which responds to the urban context and settlement pattern. Quality of design and execution are paramount to securing new development which can be valued in the future.

New Development

The Council will resist the loss of all buildings that make a positive contribution to a Conservation Area. Where sites within a Conservation Area become available, new development should aspire to a quality

of design and execution which may be valued in the future and responds to its context. The objective of preserving and enhancing conservation areas may be met by working in both traditional and new ways, which complement the established urban grain and respects prevailing building forms and materials.

The South Street Conservation Area Appraisal (2001)

The Council's conservation area statement provides the following advice on the area around the site:

Liverpool Terrace, Liverpool Gardens and Montague Place

This urban space, which extends from the north end of Liverpool Gardens south through Montague Place to Marine Parade, is of major townscape significance. The rotunda at the hub of the pedestrian shopping area is a major focus of activity. The large paved area around the rotunda is much used by pedestrians and occasional exhibitions. The seating here encourages people to dwell and relax whilst the flower sellers provide life and colour. The area to the north of the rotunda is comparatively peaceful by reason of the tranquillity of Liverpool Gardens, enclosed by the Regency style terraces on the east and west sides. To the south of the rotunda, the open nature of Montague Place with its shops and open air cafes links Montague Street through to the seafront. Montague Place is used for occasional markets and children's fairs.

Most of Liverpool Terrace and the Regency terraced buildings at the south end of Montague Place are listed. Most of the other buildings defining these spaces have considerable local historic or architectural interest. Two notable exceptions are Beaulieu Court at the seafront end of the west side of Montague Place and the large blank red brick wall which is at the side of Woolworth's on the east side of Montague Place. Surface materials are generally of a high quality and there are a number of key town centre landmarks. For example, opposite Liverpool Terrace, a first floor sculpture terrace on the west side of the Montague Quarter features four bronze heads by Dame Elisabeth Frink. The roads do not carry through traffic but they are heavily parked which is intrusive. In particular, the banjo road penetrating deep into Montague Place from the seafront detracts considerably from what could otherwise be an attractive landscaped open space.

At the rear of Liverpool Terrace runs the historic twitten of Field Row. Outbuildings to Liverpool Terrace contribute to the attractive close intimate character of this twitten as do buildings on the west side of Field Row which run through to have their frontages on Portland Road. These buildings are of considerable local historic and architectural interest.

Architectural historic landscape and townscape elements which should be preserved:

- The front elevations of Liverpool Terrace and the Montague Quarter offices opposite.
- Railings at the front of Liverpool Terrace.
- The sculpture terrace and the Frink heads.

- Montague Place west side which exhibits the following features:
- three to four storey properties;
- narrow plots;
- common building line at the back of the pavement;
- architectural features which impart a vertical emphasis to the elevations e.g. windows;
- Important town centre spaces at Liverpool Gardens, the paving around the rotunda and the wide expanse of Montague Place.
- Small unit paving, especially natural stone and clay brick.
- Pillar boxes at the north end of Liverpool Terrace.
- Trees and planting in Liverpool Gardens.

Enhancement Opportunities:

- Liverpool Gardens: Further improve the quality of soft landscaping.
- Montague Place: Encourage proposals for enhancement in accordance with the Worthing Local Plan Review, to improve the character and appearance of this important public open space.
- Montague Place: Investigate the possibilities of removing car parking and vehicular movement (except servicing) from Montague Place and in its place improve landscaping and the area available for (pedestrian circulation, sitting out, and special events).

The Montague Quarter

The construction of the office and retail development at the Montague Quarter in the late 1980s created and enclosed a new angled shopping street in the heart of the town centre. This new street enclosed by a bronze section glazed canopy is the focus of the area and it connects two key town centre spaces; the area around the rotunda to the south and the new bell ended space to the north. This canopy creates important entrance gateway features at both ends of the centre. The west elevation of the centre reflects that of Liverpool Terrace opposite. New shopfronts on the west side of the new street reflect those in the 1930s building on the east side to provide an ordered harmonious street scene. The high quality of the materials and workmanship is notable. The area is subject to a heavy pedestrian flow and retail uses line the street. Street entertainers, an open air cafe, mobile stalls and children's rides add life, interest and colour to the bell ended northern space. Dominated by a group of mature Sycamores which serves to soften the built environment, this is an attractive and busy covered shopping street.

Architectural and historic townscape elements which should be preserved:

- Ground floor shopfronts which respect common principles, i.e. large glazed panes with fanlight, low stallrisers, plain stucco fascias and pilasters on the east, recessed lobbies, panelled stallrisers, sub-divided areas of glass, and plain fascias and pilasters on the west
- First floor brick work; yellow on the west, red-brown brick on the east.

- The curved colonnade on the east elevation of the Montague Quarter.
- The glazed canopy to the street.
- Surface finish of York stone slabs and red clay paviors.

Enhancement Opportunities:

- The appearance of the external decoration of the Montague Quarter to be maintained in accordance with the published Supplementary Planning Guidance: "Design of Shopfronts and Advertisements in the Montague Quarter".
- Suitable improvement or redevelopment of the east side of the Montague Quarter arcade, so as to further enhance this enclosed shopping street and Bank Passage. The Council has resolved to grant planning permission for such a redevelopment at the north east corner of the Montague Quarter, subject to the completion of a legal agreement.

The Chapel Road Conservation Area Appraisal (2001)

Liverpool Gardens and Liverpool Road

The built environment is characterised by two main forms of development; detached Victorian villas and large blocks constructed since 1960 mainly used for offices. Office uses predominate in this location which abuts the northern fringe of the central shopping area. Vehicular presence and activity is a marked feature of the area, partly due to the large surface public car park,

private parking and servicing at the office buildings and at the rear of Chapel Road properties, and the availability of on Street car parking.

In townscape terms, the area features two partly include squares, one based on the Montague Centre car park and the second defined by the villas about the junction between Liverpool Road and Liverpool Gardens. It is an area on the fringes of the town centre which is shabby in places with a number of unattractive service areas. The rear of buildings fronting the west side of Chapel Road present a varied townscape scene, with certain buildings, unsympathetic extensions, servicing and car parking areas accessed from Liverpool Road detracting from the townscape. Sensitive redevelopment fronting Liverpool Road could considerably enhance the character and appearance of this area. At the Montague Centre end,, development should provide a strong sense of enclosure of the Montague Centre car park open space. Mature trees are an important element along Liverpool Gardens and Liverpool Road, will be increasingly so as those in the Montague Centre car park develop. The combination of the attractive detached Victorian villas and of certain recent and potential further new development means that there is significant scope for further environmental enhancement in this area in the future.

Architectural historic and townscape elements which should be preserved:

- Elevations faced in stucco or brick.
- Victorian villas which feature central entrances with columnated porticos, cant bays, timber sliding sash windows, string courses, dentils, quoins, and slate roofs.

- Boundary walls of flint with red brick dressings.
- Trees.

Enhancement Opportunities:

- Implement an office development on the site of 12/14 Liverpool Gardens. (Outline planning consent has already been granted for a 314 storey development which would add to the enclosure/formation of a square in the southern part of this area).
- Maintain in good repair and external appearance the Victorian villas in the area.
- Encourage the removal of unsightly buildings or land uses at the rear of premises fronting Chapel Road.
- Encourage in principle the creation of a cohesive and characteristic built frontage on the east side of Liverpool Road (at the rear of properties which front onto Chapel Road). Alongside the Montague Centre car park, redevelopment should provide a sense of enclosure to the open space with an elegant built frontage. Further north, however, development should reflect the character and style of certain existing attractive outbuildings, for example, Addiscombe Cottage. The new development at the rear of 3S Chapel Road epitomises the style and quality required.

National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (December 2024). This sets out the Government's planning policies for England and how these are expected to

be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

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

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

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

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future*

generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

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

and notes at paragraph 10:

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

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

208. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 210 of the NPPF identifies the following criteria in relation to this:

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

With regard to potential 'harm' to the significance designated heritage asset, in paragraph 212 the framework states the following:

... great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The Framework goes on to state at paragraph 213 that:

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Where a proposed development will lead to 'substantial harm' to or total loss of significance of a designated heritage asset paragraph 214 of the NPPF states that:

...local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
a) the nature of the heritage asset prevents all reasonable uses of the site; and
b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
d) the harm or loss is outweighed by the benefit of bringing the site back into use.

With regard to 'less than substantial harm' to the significance of a designated heritage asset, paragraph 215 of the NPPF states the following;

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.

216. 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.

The Framework requires local planning authorities to 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. Paragraph 219 states that:

... 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.

Concerning conservation areas and world heritage sites it states, in paragraph 220, that:

Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. 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 214 or less than substantial harm under paragraph 215, 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.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was published on 23 July 2019 to support the National Planning Policy Framework (NPPF) and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment.

The relevant guidance is as follows:

Paragraph 2: What is meant by the conservation and enhancement of the historic environment?

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to

require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Heritage assets are either designated heritage assets or non-designated heritage assets.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available (National Planning Policy Framework paragraph 211)

Paragraph 6: What is “significance”?

‘Significance’ in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- **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 skill, 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.

In legislation and designation criteria, the terms ‘special architectural or historic interest’ of a listed building and the ‘national importance’ of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset’s significance.

Paragraph 7: Why is ‘significance’ important in decision-taking?

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.

Paragraph 13: What is the setting of a heritage asset and how should it be taken into account?

The setting of a heritage asset is defined in the Glossary of the National Planning Policy Framework.

All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset’s curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset’s significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

Paragraph 15: What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation.

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may

not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on addressing substantial and less than substantial harm is set out in paragraphs 205-208 of the National Planning Policy Framework.

Paragraph 18: How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 205-208) apply.

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. 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 additions to historic buildings where those additions are inappropriate and harm the buildings' 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, depending on the nature of their impact on the asset and its setting.

The National Planning Policy Framework confirms 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 (and the more important the asset, the greater the weight should be). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 206).

Paragraph 20: What is meant by the term public benefits?

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- 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

Paragraph 39: What are non-designated heritage assets and how important are they?

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

A substantial majority of buildings have little or no heritage significance and thus do not constitute heritage assets. Only a minority have enough heritage significance to merit identification as non-designated heritage assets.

Paragraph 40: How are non-designated heritage assets identified?

There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.

Plan-making bodies should make clear and up to date information on non-designated heritage assets accessible to the public to provide greater clarity and certainty for developers and decision-makers. This includes information on the criteria used to select non-designated heritage assets and information about the location of existing assets.

It is important that all non-designated heritage assets are clearly identified as such. In this context, it can be helpful if local planning authorities keep a local list of non-designated heritage assets, incorporating any such assets which are identified by neighbourhood planning bodies. (Advice on local lists can be found on Historic England's website.) They should also ensure that up to date information about non-designated heritage assets is included in the local historic environment record.

In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications, for example, following archaeological investigations. It is helpful if plans note areas with potential for the discovery of non-designated heritage assets with archaeological interest. The historic environment record will be a useful indicator of archaeological potential in the area.

Other Relevant Policy Documents

Historic England: Historic Environment Good Practice Advice in Planning (December 2017)

Historic England: Conservation Principles and Assessment (2008)

