

## ENGLISH HERITAGE

### SOUTH EAST OFFICE

Ms Deniz Beck  
P L C Architects  
Brankesmere House  
Queens Crescent  
SOUTHSEA  
Hampshire  
PO5 3HS

Direct Dial: 01483 252046  
Direct Fax: 01483 252001

12 November 2013

Dear Ms Beck

**Ancient Monuments and Archaeological Areas Act 1979 (as amended); Section 2  
control of works  
Application for Scheduled Monument Consent**

**POINT BATTERY INCLUDING KING EDWARD'S TOWER AND SQUARE TOWER,  
PORTSMOUTH**

**Scheduled Monument No: SM PO 261, HA 1001870**

**Our ref: S00069507**

**Application on behalf of Deniz Beck, PLC Architects, Brankesmere House,  
Queen's Crescent, Southsea, Portsmouth, Hampshire PO5 3HS**

1. I am directed by the Secretary of State for Culture, Media & Sport to advise you of the decision regarding your application for Scheduled Monument Consent dated 13 September 2013 in respect of proposed works at the above scheduled monument concerning the conversion of casemates and interior spaces within Point Battery, to create artists' studios, retail spaces, offices and cafe. . The works were described in the following documentation submitted by you:

1. Completed AM112 application form
2. Covering letter of 13th September, 2013 from PLC Architects
3. The ARTches Project: Heritage and Access Statement PLC Architects, Sept 13th, 2013
4. Drawings 12.1891.100 to 1891.110 detailing, respectively, location plan, existing and proposed layouts, existing and proposed elevations, proposed lighting scheme, architectural details, CGI projects of completed scheme, door/window details, artefacts and proposed cycle stands and seating.

2. In accordance with paragraph 3(2) of Schedule 1 to the 1979 Act, the Secretary of State is obliged to afford you, and any other person to whom it appears to the



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Secretary of State expedient to afford it, an opportunity of appearing before and being heard by a person appointed for that purpose. This opportunity was offered to you by English Heritage and you have declined it.

3. The Secretary of State is also required by the Act to consult with the Historic Buildings and Monuments Commission for England (English Heritage) before deciding whether or not to grant Scheduled Monument Consent. English Heritage considers the effect of the proposed works upon the monument to be works which will result in a limited loss of historic fabric. Appropriate arrangements for essential supervision and recording before and / or during the works are specified in the application.

I can confirm that the Secretary of State is agreeable for the works to proceed providing the conditions set out below are adhered to, and that accordingly Scheduled Monument Consent is hereby granted under section 2 of the 1979 Act for the works described in paragraph 1 above, subject to the following conditions:

#### **General conditions**

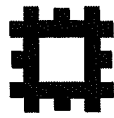
- (i) The works to which this consent relates shall be carried out to the satisfaction of the Secretary of State, who will be advised by English Heritage. At least 4 weeks' notice (or such shorter period as may be mutually agreed) in writing of the commencement of work shall be given to Chris Welch, English Heritage SE Office, Eastgate Court, 195-205 High Street, Guildford GU1 3EH; 01483 252027; [chris.welch@english-heritage.org.uk](mailto:chris.welch@english-heritage.org.uk), in order that an English Heritage representative can inspect and advise on the works and their effect in compliance with this consent.
- (ii) A detailed programme of photographic recording shall be undertaken of relevant sections of the monument before the start of the works and a set of the prints [together with copies on disc if in digital format shall be sent to English Heritage, Eastgate Court, 195-205 High Street, Guildford GU1 3EH within 3 months of the completion of the works (or such other period as may be mutually agreed).
- (iii) The consented works shall be undertaken under the overall archaeological supervision of Chris Welch, English Heritage Inspector of Ancient Monuments, who must be given at least 4 weeks' written notice of the work (or such shorter period as may be mutually agreed) together with a timetable for it and essential documentation such as site plans and specifications.



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#### **Conditions for repair and management [s2(2)(b) works]**

- (iv) Any replacement material shall be of a type, texture and colour which matches the original material.
- (v) Any replacement brick/ stone shall be of a suitable size, and laid in courses to match the original courses and joint widths.
- (vi) All fixings shall be made into the joints and not into the brick/ stone.
- (vii) All pointing and mortar work shall be in a mixture and finish to match the existing in composition, colour, texture and style.
- (viii) Care shall be taken that fittings do not rust so as to stain the brickwork/ masonry.

#### **Control of Site Works**

- (ix) All those involved in the implementation of the works granted by this consent must be informed by the owner, occupier and/or developer that the land is designated as a scheduled monument under the Ancient Monuments and Archaeological Areas Act 1979 (as amended); the extent of the scheduled monument as set out in both the scheduled monument description and map; and that the implications of this designation include the requirement to obtain Scheduled Monument Consent for any works to a scheduled monument from the Secretary of State prior to them being undertaken.
- (x) Equipment and machinery shall not be used or operated in the scheduled area in conditions or in a manner likely to result in damage to the monument/ ground disturbance other than that which is expressly authorised in this consent.

#### **Specific Conditions Governing Works Affecting Historic Fabric**

- (xi) The unblocking of gun embrasures shall be subject to the terms and conditions of a method statement to be approved by English Heritage and Portsmouth City Council
- (xii) The treatment of exposed reveals of re-opened gun embrasures, including details of fenestration, shall be subject to the advice and approval of English Heritage and Portsmouth City Council.
- (xiii) The glazing design, details and fixture of frontages to casemate spaces shall



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be appropriate to the historic character of the monument, and shall be subject to the advice and approval of English Heritage and Portsmouth City Council.

- (xiv) Installation of services and internal fittings, including flooring, within internal spaces shall be appropriate to the historic character of the monument, and shall be subject to the advice and approval of English Heritage
- (xv) The removal of cement rendering from interior surfaces of the casemate spaces, and the subsequent treatment of brickwork surfaces, shall be subject to a method statement to be approved by English Heritage and Portsmouth City Council.
- (xvi) All impacts and alterations to historic fabric entailed in re-location of public toilets shall be subject to the advice and approval of English Heritage and Portsmouth City Council.
- (xvii) All impacts and alterations to historic fabric entailed in the conversion of interior spaces to kitchen and cafe facilities shall be subject to the advice and approval of English Heritage and Portsmouth City Council.
- (xviii) All surviving historic fittings within the interior spaces of the monument shall be recorded and inventorised prior to the commencement of works, and shall, wherever possible, be retained *in situ*.
- (xix) Specifications for the conservation, repair and possible adaptation of the concrete searchlight structure shall be subject to the advice and approval of English Heritage and Portsmouth City Council.
- (xx) Design criteria, materials and physical impacts to historic fabric associated with construction of the external terrace on the seaward side of the monument shall be subject to the advice and approval of English Heritage and Portsmouth City Council.
- (xxi) Specifications for the treatment of brickwork and internal surfaces and features within the Flanking Battery shall be subject to the advice and approval of English Heritage and Portsmouth City Council.
- (xxii) Specifications for the provision and fixing of extraction flues and venting from the kitchen and cafe spaces shall be minimally visually intrusive and shall entail minimal impact to historic fabric.
- (xxiii) Specifications and design criteria for the provision of internal fittings and



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services within the Flanking Battery, including treatment of floors and fenestration, shall be appropriate to the historic character of the monument, and shall be subject to the approval of English Heritage and Portsmouth City Council.

(xxiv) A method statement for any necessary repairs to historic fabric associated with this scheme, including re-pointing of external brickwork and masonry, shall be subject to the advice and approval of English Heritage and Portsmouth City Council.

(xxv) A selective programme of pre-construction measured recording of internal spaces shall be undertaken, as required by English Heritage and Portsmouth City Council.

(xxvi) Specifications for external finishes and colour, and for design detail, including signage, shall be appropriate to the historic character of the monument and shall be subject to the advice and approval of English Heritage and Portsmouth City Council.

4. By virtue of section 4 of the 1979 Act, if no works to which this consent relates are executed or started within the period of five years beginning with the date on which this consent was granted (being the date of this letter), this consent shall cease to have effect at the end of that period (unless a shorter time period is set by a specific condition above).

5. This letter does not convey any approval or consent required under any enactment, bye law, order or regulation other than section 2 of the Ancient Monuments and Archaeological Areas Act 1979.

6. Your attention is drawn to the provisions of section 55 of the 1979 Act under which any person who is aggrieved by the decision given in this letter may challenge its validity by an application made to the High Court within six weeks from the date when the decision is given. The grounds upon which an application may be made to the Court are (1) that the decision is not within the powers of the Act (that is, the Secretary of State has exceeded the relevant powers) or (2) that any of the relevant requirements have not been complied with and the applicant's interests have been substantially prejudiced by the failure to comply. The "relevant requirements" are defined in section 55 of the 1979 Act: they are the requirements of that Act and the Tribunals and Inquiries Act 1971 and the requirements of any regulations or rules made under those Acts.



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Yours sincerely

**Dr Richard Massey**

Assistant Inspector of Ancient Monuments

E-mail: [richard.massey@english-heritage.org.uk](mailto:richard.massey@english-heritage.org.uk)

For and on behalf of the Secretary of State for Culture, Media and Sport

cc Kelly Porter - Principal Planning Officer, Portsmouth City Council



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