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JESSOPS HOSPITAL, SHEFFIELD – COURT OF APPEAL RULING

Yesterday in the Court of Appeal, SAVE Britain's Heritage and the Victorian Society established the correct interpretation of the crucial and controversial paragraph 133 of National Planning Policy. However on the facts of this particular case we failed to secure permission for Judicial Review into Sheffield Council's decision to grant permission to Sheffield University to demolish the Grade 2 listed Jessops Hospital, to make way for a new engineering block.

QC Richard Harwood of 39 Essex Street successfully argued the correct interpretation of the controversial paragraph 133 in the NPPF which states: "Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss."

Mr Harwood argued that Sheffield Council failed to consider whether there were substantial public benefits which justified the exceptional course of authorising the demolition of the Listed Building when compared with the benefits of a scheme for a new engineering building which would have retained the Listed Building e.g. its retention or (a less desirable option), façade retention.

He questioned whether the council considered if demolition was necessary in order to achieve public benefit. Did they ask the question – what is the public benefit to be had from the non-demolition options versus the demolition option?

Lord Justice Longmore and Sir David Keene accepted Mr Harwood's interpretation.

However, Sir David Keene did not agree that the council had failed to consider the benefits of the non demolition options.

On this point the Appeal was unsuccessful; at midnight last night, the University's undertaking to desist from demolition of the building, expired. The building will now most likely be demolished, despite the fact that a façade retention scheme would have provided 17,300 square metres of the 19,500 that the university seeks from the new engineering block, and a full retention scheme 14,313 square metres.



Jessop Women's Hospital occupies a prominent site in the Sheffield townscape. It was built under the patronage of Thomas Jessop, one of Sheffield's great industrial fathers, and designed by important regional architect John Dodsley Webster. It consists of two buildings, both by Webster, the latter of which is under threat. Both are in a distinctive Gothic Revival style, and complement each other well. Sheffield University bought the site from the NHS in 2001, demolishing all but the listed buildings by 2007. The Edwardian wing of Jessops Hospital, like the Victorian wing, which has been retained and converted, respects the scale and the grain of the historic city.

There is a huge ground swell of popular feeling in Sheffield that wishes to see the building preserved. Almost five thousand people signed a petition to save the building initiated by the Save Jessops Hospital campaign. Many of the signees have donated towards a fighting fund to cover legal fees incurred by SAVE and the Victorian Society in the course of proceedings. These were capped at £10,000 in the High Court and did not increase in the Court of Appeal.

The university proved to be an aggressive opponent throughout legal proceedings. In the High Court on 27th June the University alone were represented by a total of two QCs and one junior and their contractor Balfour Beatty was represented by another QC; in the Court of Appeal they were represented by one QC and one junior, despite the fact that it was an ex-parte hearing and they would not be called upon to

speak.

SAVE considers it unfortunate that the Court of Appeal agreed that the benefit of the demolition of Jessops had to be considered separately from the overall scheme, and yet the Judge appeared to be unable to do this and was seduced by the university's grand vision.

SAVE President Marcus Binney writes:

“Universities in general are clearly important institutions providing major public benefits. Nonetheless conflicting pressures do arise when universities are operating in city centres, which retain important historic fabric. The question then arises whether historic buildings and streets should be retained and adapted for educational purposes as has happened successfully in Liverpool, or demolished to make way for new university buildings.”

SAVE Director Clem Cecil writes:

“While we lost the case in fact, we won it in principle. The Court of Appeal's ruling has reinforced the need for local planning authorities to consider whether there are substantial public benefits that justify the exceptional course of authorising the demolition of a listed building when compared with the benefits of a scheme which would retain it, and to consider the public benefits of options other than total demolition. The demolition of listed buildings should be exceptional. It is deeply regrettable that the university ignored strong local feeling and has pushed ahead with plans for a new block that will jar with its historic setting.”

Notes for Editors:

The former gothic-revival Jessop Hospital, commissioned by steelmaker Thomas Jessop, was designed by John Dodsley Webster in 1878 and extended in 1902.

Constructed in red brick with stone dressings, the design of the 1902 block sympathetically takes its material and stylistic lead from the earlier Victorian block which has been turned into the University's music department.

The use of stone mullioned windows, a double string course between first and second floors, incised lintels and machicolated eaves, to name but a few, are attractive and common features of both wings. The Edwardian structure is a thoughtfully crafted and handsome building in its own right making a positive contribution to the character of the area. It is prominently located and the design and detailing of the north-west corner facing Broad Lane has, by its buttressed corner-turret, clearly been attentively composed to provide interesting views from a variety of angles.

SAVE Britain's Heritage has been campaigning for historic buildings since its formation in 1975 by a group of architects, journalists and planners. It is a strong, independent voice in conservation, free to respond rapidly to emergencies and to

speak out loud for the historic built environment.

The Victorian Society is the national charity campaigning for the Victorian and Edwardian historic environment. It fights to preserve important Victorian and Edwardian buildings and landscapes so that they can be enjoyed by this and future generations. It provides expert advice to churches and local planning authorities on how Victorian and Edwardian buildings and landscapes can be adapted to the way we live now, while keeping what is special about them. It also advises members of the public about how they can help shape the future of their local Victorian and Edwardian buildings and landscapes. It provides information to owners of Victorian and Edwardian houses about how they can better look after their precious buildings. It helps people understand, appreciate and enjoy the architectural heritage of the Victorian and Edwardian period through its publications and educational programmes.

For more information and images, please contact the SAVE office on office@savebritainsheritage.org or 0207253 3500 or The Victorian Society 020 8994 1019. Alternatively contact coordinator of the Save Jessop Hospital Campaign Nick Roscoe on 07786425559 or via the website www.jessophospital.org.uk

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