

LONDON BOROUGH OF CAMDEN  
APPEALS  
by  
THE ST GILES PARTNERSHIP  
against  
REFUSALS OF PLANNING PERMISSION  
LISTED BUILDING CONSENT  
and  
CONSERVATION AREA CONSENT

Inspector: Michael P Parsons DipArch(UCL) RIBA  
Dates of Inquiry: 4-7 & 10-14 June 1991  
File Nos: APP/X5210/E/91/807629  
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11 November 1991

To the Right Honourable Michael Heseltine MP  
Secretary of State for the Environment

Sir

1.1.1 I have the honour to report that on 4-7 and 10-14 June 1991, I held an inquiry into appeals by the St Giles Partnership made under Section 78 of the Town and Country Planning Act 1990 and Section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against the decisions of the London Borough of Camden:

(1) to refuse conservation area consent for the demolition of 16-23 Denmark Place and 56-58 St Giles High Street, and for the partial demolition and refurbishment of 21-25 Denmark Street;

(ii) to refuse listed building consent for the demolition of 16 Denmark Place; and

(iii) to refuse planning permission for a comprehensive development by part redevelopment, part refurbishment, and change of uses, to provide retail and restaurant uses, restricted Class B1 uses, offices, residential accommodation, a museum of contemporary music, together with uses ancillary to these uses and associated parking and servicing;

on land at 126-148 Charing Cross Road, 1-6 and 15-23 Denmark Place, 17-27 Denmark Street and 52-59 St Giles High Street. I inspected the site and its surroundings on 17 June 1991.

1.1.2. During the course of the inquiry the appellants sought to amend the application for planning permission by the deletion of the word "restricted", qualifying "Class B1 uses". This amendment was opposed by the Local Planning Authority and the appellants withdrew their request.

1.1.3. Number 16 Denmark Place was included with No. 20 Denmark Street in a list of buildings of special architectural or historic interest in Grade II on 12 November 1990. The list description of the building is at Document 28, page 10.3.

1.1.4. At the opening of the inquiry part of the appeal site, including 16-23 Denmark Place, 56-58 St Giles High Street and 21-25 Denmark Street, lay within the Bloomsbury Conservation Area. Following a report by the Head of Planning, Transport and Employment Services to Committee on 11 June 1991 (Document 38) the Conservation Area was extended to include the whole of the site.

1.1.5. The reason for refusal of conservation area consent (Ref.9070171) is:

It would be inappropriate to grant consent for demolition in the absence of an approved replacement scheme.



The reason for refusal of listed building consent (Ref.9170013) is:

The demolition of listed buildings is contrary to the policy of protecting and retaining them as expressed in the Written Statement of the London Borough of Camden Local Plan 1987 (the Borough Plan).

The reasons for refusal of planning permission (Ref.9000462/R1) are:

(i) The site lies within the route proposed by LRT and BRB for the Crossrail and Chelsea-Hackney Line Projects and is likely to be required for or in connection with the construction of these projects. The proposals by virtue of their location and design would be likely to prejudice the implementation of the said projects.

(ii) It is considered that the proposed new blocks on Andrew Borde Street, St Giles High Street, Denmark Place and Charing Cross Road are both unacceptable in terms of their detailed design and also excessively high and bulky in relation to their surroundings, and therefore would have a detrimental impact on the area in general and in particular on the Bloomsbury (Denmark Street) Conservation Area and the setting of adjoining listed buildings. As a result, it is considered that the character of this part of the Conservation Area would be damaged.

(iii) The proposed development involves the demolition and alteration of buildings, some of which are listed, which make a positive contribution to the character of this part of the Conservation Area and their replacement by buildings which neither preserve nor enhance that character.

(iv) It is considered that the proposed development would be likely to do irreparable harm to the Denmark Street part of the Conservation Area in that the existing music industry uses which are a fundamental part of that character would be likely to be displaced and not return due to the scale and nature of the changes proposed.

(v) The Council is not satisfied that the proposed mix of housing tenure will be achieved in that there is no guarantee that the proposed Housing Association flats will be built which would result in the loss of rented residential accommodation contrary to the policy of providing such accommodation in the Community Area as expressed in the Written Statement of the London Borough of Camden Local Plan 1987 (the Borough Plan).

At the inquiry the Council confirmed that, as stated in their letter to Messrs Montagu Evans dated 24 April 1991 (Document 20, appendix 18), they withdrew their fifth reason for refusal.

1.1.6. This report includes a description of the appeal site and surroundings, a brief planning history, an outline of the statutory framework and planning policy, the gist of the representations made at the inquiry and my conclusions and recommendations. Lists of appearances, documents and plans are attached. Some proofs of evidence which deal with complex technical matters or include lengthy description are attached as documents. To present supporting material logically, plans and photographs submitted bound or as appendices to proofs of evidence are generally listed as documents.



2.1.7. Turning the corner from St Giles High Street into Andrew Borde Street, the north side of the site is fronted by the gable wall of Clifton Mansions and the flank walls of 148 Charing Cross Road, exposed by previous demolition, and a miscellany of advertisement hoardings.

2.1.8. Numbers 138-148 Charing Cross Road are 4-story Victorian commercial buildings of brick and stone with shops on the ground floor street frontage. Upper floors appear to be unoccupied. Number 148 is remarkable by virtue of a massive 2-storey decorated faience arch at first floor level and a high, steep, slated roof.

2.1.9. Tottenham Court Road Underground Station on the Central and Northern Lines is situated immediately to the north of the appeal site. Cambridge Circus is about 200 m to the south (Document 8, views 52-55). To the west, beyond Charing Cross Road, is the leisure and commercial area of Soho, focussed upon Soho Square (Document 8, 59-68). To the south-east is the neighbourhood of Covent Garden.

2.1.10. The Centrepoint office tower, occupying an island site of which Andrew Borde Street is the southern side, with its lower blocks bridging the gyratory system and extending southwards, is the most prominent building in the vicinity of the proposed development (Document 8, views 20, 25, 26, 43, 56 & 57; Photo 1, views 13 & 14).

2.1.11. A less prominent but distinctive local landmark is the Church of St Giles-in-the-Fields (Document 31, Appendix B) which is listed Grade II. The vestry and lych gate to the church are also listed Grade II. St Giles-in-the-Fields stands some 30 m to the south-east of the appeal site on the corner of St Giles High Street and the narrow way of Flitcroft Street (Document 8, views 9-13, 15-18, 20-22 & 24). On the south side of the church there is a somewhat down-at-heel rose garden and a childrens play area contained within the former burial ground. The burial ground includes a number of large mature trees and is separated on its south side by a retaining wall and a temporary car park from New Compton Street. To the south-west of the burial ground, distanced by Stacey Street from the Phoenix Theatre, Phoenix Gardens afford a green space with seating and apparatus for childrens play (Plan K; Photos 2 & 3).

#### PLANNING HISTORY

3.1.1. The appeal site was originally part of a roughly triangular area bounded by Denmark Street, St Giles High Street and Charing Cross Road, which extended at its northern apex to St Giles Circus (Document 20, appendix 12). In 1958 the triangle was truncated to make way for Centrepoint and its associated roundabout. In the absence of an Office Development Permit, proposals in 1965 to redevelop the rest of the land came to nothing. There were no more significant proposals for land within the site until 1989 when London and New York Estates came forward.

3.1.2. On 20 January 1989 a planning application (No. 8900029) was submitted for the development of the site north of Denmark Place. In April the appellants acquired the block of properties between Denmark Place and Denmark Street (except 28 Denmark Street), and on 2 June 1989 this application was withdrawn. On 20 October 1989 the appellants submitted planning, conservation area and listed building consent applications relating to a scheme for the whole of the appeal site (Nos. 8900526, 8970167 & 8970168). Following consultation, a public exhibition and a presentation to the Royal Fine Arts Commission (RFAC), revisions to the scheme were submitted on 12 June 1990 (Nos. 8900526R1, 8970167R1 & 8970168R1); duplicate applications were



submitted on 25 June (Nos. 9000300, 9070110 & 9070111). Further consultations took place and on 30 August 1990 appeals were lodged against non-determination of the duplicate applications. On 14 September 1990 applications (Nos. 9000462, 9070171 & 9070172) were submitted for a new scheme. Consultations and negotiations took place and another presentation was made to the RFAC. As a result the appellants submitted a revised planning application (No. 9000462R1). An application for listed building consent to demolish 16 Denmark Place (No. 9170013) was submitted on 9 January 1991.

3.1.3. On 21 March 1991 the Planning Transport and Employment (South Area) Sub-Committee of the London Borough of Camden Council determined to refuse applications Nos. 9000462R1, 9070171 and 9170013. On 3 April the St Giles Partnership lodged appeals against these decisions of the Council; these are the appeals which were the subject of the inquiry. The formal decision notices were eventually issued on 16 May (Document 20, appendix 2).

3.1.4. It was also resolved at the Sub-Committee meeting on 21 March to grant listed building consent for refurbishment of and alterations to 20, 26 and 27 Denmark Street and 59 St Giles High Street (Application No. 9070172) and agreed that, had appeals not been lodged against non-determination, Applications 9000300 and 9070110 would have been refused and Application 9070111 would have been approved. Subsequently, in the light of advice from English Heritage (EH), the Council reversed their decision to grant consent for the refurbishment of and alterations to the listed buildings.

#### STATUTORY FRAMEWORK AND PLANNING POLICY

4.1.1. Regional Guidance for the South-East is set out in Planning Policy Guidance 9 (PPG9) dated February 1989. Strategic Guidance for London is contained in Regional Planning Guidance 3 (RPG3) published in September 1989. The Greater London Development Plan (GLDP), adopted in 1976, is the approved Statutory Development Plan for the area together with the London Borough of Camden Local Plan adopted in May 1987. The Borough Plan includes policies concerning Employment (Chapter 3), Transport (Chapter 4), Urban Design (Chapter 5), Shopping (Chapter 6) and Leisure (Chapter 7). Extracts from these chapters of the Borough Plan are included in Document 28, appendix 4. The Borough Plan is supported by a number of non-statutory documents. One of these is the Environmental Code January 1979 (Document 28, appendix 5).

4.1.2. By a Directive dated 5 November 1990 (Document 51, exhibit 03) and issued under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988, the Secretary of State for Transport safeguarded the alignment and lands required for the construction of a new railway from Westbourne Park to Mile End (the Crossrail project). By a similar Directive dated 7 February 1991 (Document 51, exhibit 04) an alignment from Parsons Green to Hollybush Hill Ell was safeguarded for the Chelsea-Hackney Line project. The London Underground Safety Measures Bill, which provides for safety improvement works at 3 stations including Tottenham Court Road, was deposited in Parliament in November 1989.



## THE CASE FOR THE ST GILES PARTNERSHIP

The material points are:

### The Proposed Scheme

5.1.1. A Masterplan has been developed to achieve the following aims and objectives:

- to enhance the Conservation Area and the setting of its Listed Buildings;

- to enhance St Giles Circus - a public space of increasing urban significance;

- to enhance Denmark Place and to reinforce the character of the neighbourhood;

- to provide a mixed use development with office, residential and retail space that will revitalise the site and its surroundings;

- to improve the pedestrian environment and the link to Tottenham Court Road Underground Station;

- to improve traffic conditions and sightlines at both ends of Andrew Borde Street;

- to improve servicing and access to shops.

5.1.2. Careful consideration has been given to the proposals for refurbishment and demolition. The part of the site bounded by Denmark Place, Charing Cross Road, Andrew Borde Street and St Giles High Street has been adversely affected by neighbouring redevelopment. The Council conceded in their report of 21 March 1991 (Document 20, appendix 11) that the proposals "are the first schemes to seriously tackle the problem of bringing into active use this site which has been blighted and dilapidated for decades". In their Pre-Inquiry Statement they said that "no objections are raised to the principle of redevelopment of the north half which is in serious decay". The poor architectural quality and dilapidated state of most of the existing buildings on this part of the site does not warrant their retention; they detract from the appearance of the conservation area and the setting of the nearby listed buildings.

5.1.3. The existing development on either side of Denmark Place is mainly C19 and C20 infill, of no particular architectural interest. Similarly, York and Clifton Mansions are of little architectural merit and their setting has been permanently damaged by the Centrepoint redevelopment. The Council recognised in their Pre-Inquiry Statement that "although it can be argued that (York and Clifton Mansions) positively contribute to the character of the area, their retention and rehabilitation is difficult due to their dilapidation and the need to provide off-street servicing for the office and retail blocks".

5.1.4. The scheme design creates a well-defined edge along Andrew Borde Street, with a new 8-storey office block of a stature that relates to the civic importance of St Giles Circus (Document 4, figs 3 & 5). The building is based upon a longitudinal plan with a vertical circulation element placed on the northernmost part of the site, fronting St Giles Circus on the axis of Tottenham Court Road (Document 4, figs 18 & 25). The scale, proportion and





details of the building respond to the importance of its location, its proximity to Centrepoint and the massing of surrounding development (Document 4, figs 7, 11 & 19).

5.1.5. South of Denmark Place the Charing Cross Road and Denmark Street frontages are maintained with all the existing buildings refurbished to accommodate residential, retail and commercial uses. On St Giles High Street, south of Denmark Place, a 5-storey residential block is proposed adjacent to the refurbished listed building, 59 St Giles High Street. Denmark Place will be widened and will become a shopping arcade. The buildings at the centre of the site, between 15 and 21 Denmark Place, will be demolished to make way for a 4-storey studio/office building, residential and retail accommodation and a music museum (Document 4 figs 20 & 23).

5.1.6. The broadening of Denmark Place, to include an open court at the intersection of the east-west and north-south legs of the way, will contribute to the character of the Conservation Area and the setting of its listed buildings. In their letter of 5 April 1990 (Document 20, appendix 4) the RFAC "congratulates the architect on the design of Denmark Place, which promises to result in a delightful new space for the use of the public". A new subway entrance to the Underground Station will be provided to replace the existing congested arrangement (Plans D5 & D6). The widened pavements on the north and west sides of the site will serve to relieve congestion and will contribute to the quality of the pedestrian environment.

5.1.7. In the Officers' report to Committee of 21 March it was noted that "there are also various design, traffic and listed building improvements guaranteed". The turning radii and visibility at the intersections of Andrew Borde Street with St Giles High Street at its east end and with Charing Cross Road at its west end would be considerably improved. Most of the commercial and retail components of the development, including the retail units along Denmark Place, would be serviced from a single access on St Giles High Street, representing a significant improvement of existing arrangements with minimum disruption to the pedestrian environment.

5.1.8. The design of the new buildings has been refined over a period of time to achieve the stated aims and objectives and to meet the criticisms of the RFAC, English Heritage and the Council. The main office block and its vertical element are designed to reflect the height, scale and massing of the C20 buildings that form the backdrop to St Giles Circus. The side wings relate to the mass and scale of development within the Conservation area (Document 4, figs 7, 9 & 10). In their letter of 5 April the RFAC stated that the "Commission also believes that the idea of making the new building on St Giles Circus a focal point on the Tottenham Court Road axis is a sound one", but noted that it was "not yet convinced that the design is adequate for this purpose". Following alterations that led to the appeal proposals the RFAC wrote on 5 October 1990 (Document 20, appendix 4) "The Commission now finds the vertical feature on St Giles Circus and the scheme as a whole acceptable".

5.1.9. The residential building fronting St Giles High Street is designed to act as a visual bridge between the commercial buildings to the north and the domestic character of the buildings to the south (Plans D16, D19 & D22). The new building on the south side of Denmark Place (Plans D12 & D13) establishes a dialogue between the rear of the office building to the north (Plan D15) and the western elevation of the residential building on St Giles High Street (Plan D19), whilst fitting in with the elevations of the listed buildings, 26



& 27 Denmark Street. to the east and 15 Denmark Street and Shaldon Mansions to the west (Plan D16). Denmark Place along the length of this building is covered by a metal and glass canopy.

5.1.10. The listed building at 59 St Giles High Street will be completely refurbished; a new mansard roof will accommodate a studio flat (Plans C16 & D22). English Heritage (EH) in their letter of 23 July 1990 to the Council (Document 31, appendix A) expressed the view that "the retention of the Grade II listed No 59 St Giles High Street is to be welcomed, the addition of a mansard roof being considered acceptable in principle ... and the submission of revised drawings at a larger scale should resolve any outstanding matters".

5.1.11. The north side of Denmark Street, including the listed buildings Nos 20, 26 and 27, will be refurbished to the full depth of the existing buildings; the facades will be restored and appropriate shop fronts will be reinstated. Shaldon Mansions will be refurbished with lock-up shops on the ground floor and 7 floors of residential accommodation over.

#### Civic Design

5.2.1. Exhaustive consultations have taken place between the Appellants and the Council (Document 3). The height and bulk of the new building has been the subject of much debate and consequent revision. In evidence the Council said:

"It was suggested by officers that a reasonable compromise in design terms would be to ensure the height of the office block did not exceed the maximum 'Datum Line' of the Centrepoint residential block to the east, so that it could form a visual transition between the larger scale of modern blocks on the eastern edge of the square and the smaller scale blocks to the west on Charing Cross Road".

This view was accepted in townscape and urban design terms and the scheme revised accordingly. At the inquiry the Council went on to say:

"It was agreed that height and bulk of the office blocks now complied with officers' original design advice".

5.2.2. Nevertheless the Council have maintained their criticism of height and bulk. The office building has been designed as an important piece of civic architecture. Full account has been taken of its relationship to its immediate neighbours in views along St Giles High Street and Charing Cross Road and in distant views along Tottenham Court Road and Oxford Street, where the new building will be seen as a neighbour to the Centrepoint tower. In all these views the bulk and height of the building is appropriate (Document 4, figs 16A/B, 17A/B, 18A/B & 19A/B). Existing views reveal that Centrepoint is the dominant form which interrupts the continuity of the street wall along the east side of Charing Cross Road. The new office building mediates the change of scale between Shaldon Mansions and Centrepoint, establishes visual continuity and increases enclosure along Charing Cross Road, actually reduces the impact of Centrepoint, and in these respects enhances the Conservation Area. The Council's opinion that "5-6 stories would be more appropriate here" is not accepted.

5.2.3. There is no good reason to set the office block at 90 degrees to Charing Cross road. The rhythm of the existing buildings on Charing Cross Road is echoed by the 'book-end' element of the office design (Document 4, figs 16 & 18). The spaces on the Andrew Borde Street frontage, described by



the Council as 'left over'. arise from a deliberate design decision to activate the pedestrian area in front of the new shops. This decision was arrived at following discussion with the Council and the RFAC.

5.2.4. The Council's "reservations in detail on the modernist design of elevations using glass, stone and metal grids" are unjustified. Most of the buildings around St Giles Circus are "modernist", displaying "modern" building techniques and "modern" materials. The implication that a more traditional design would be more appropriate is architecturally unsustainable, bearing in mind the immediate context of the site (Document 4, figs 7, 8, 9, 10 & 11). The roof element, criticised by the Council, defines the new office building and relates to the 'datum' of the Centrepont residential block and to other buildings to the north of the site. It is not accepted that the height of the buildings on the north side of the improved Denmark Place will have an unacceptable impact on the character of the thoroughfare. The wall at the back of the studio block will not be blank; it will be constructed of glass blocks to create a translucent effect when viewed from the back of the Denmark Street buildings.

5.2.5. The Council's criticism of plot ratio has no bearing on the height and bulk of the development. Plot ratio for the whole of the development site is calculated to be 5.4:1, which is close to the Council's calculation of 5.7:1. It is not sensible to consider the plot ratio of the office block alone. The design considers the whole of the site and organises the scheme to preserve and enhance the existing buildings and to respect the context of surrounding development. It would be quite possible to design a building which conformed to local plot ratio standards, but was clearly of inappropriate bulk and size.

5.2.6. It is accepted that there are some minor infringements of recommended daylighting standards, but these could be overcome if necessary by small amendments to the design (Document 6). The Council agreed that daylighting concerns could be met by an appropriate condition.

5.2.7. It is worth repeating that strenuous efforts have been made to respond to the views of the local planning authority and the considerable array of consultees. These efforts have been largely successful in that:

1. The appeal scheme has the full support of the RFA;
2. The height of the office building conforms to the criterion laid down by planning officers in March 1990; the overall design of the scheme received their support in December 1990;
3. The views of EH, the Bloomsbury Conservation Area Advisory Committee (BCAAC) and the Covent Garden Community Association (CGCA) have been accommodated to a considerable degree by scheme modifications.



### The Character of the Conservation Area

5.3.1. Neither the Council nor EH have seriously attempted to define the distinctive qualities of the part of the Conservation Area within and in the vicinity of the appeal site. It has 3 main characteristics. Firstly there is the Church of St Giles and its immediate setting. The Church sets a high standard of quality and manifests noble urban scale (Document 8, view 9). Secondly, and complimentary to the first characteristic, there is Denmark Street, which was once domestic in scale but has been much altered in this century by rebuilding and the insertion of ill-conceived shop fronts (Document 8, view 40).

5.3.2. Thirdly, there is the more elaborate frontages on Charing Cross Road (Document 8, view 44) and St Giles High Street, which display Victorian metropolitan scale, of an entirely different order to that of Denmark Street. The squalid little alley of Denmark Place (Document 8, views 49, 72 & 73) is an interesting relic of the historic street pattern, but today is enclosed on both sides by decrepit buildings.

5.3.3. Centrepont stands outside the Conservation Area, but it is an inescapable presence and exerts a powerful influence on St Giles Circus and its surroundings. Cambridge Circus (Document 8; views 52-56), to the south, is a comparable nodal point to St Giles Circus. The Soho Conservation Area on the west side of Charing Cross Road, with its diversity of buildings (Document 8, pages 59-68), is also relevant to consideration of the identity of St Giles Circus.

5.3.4. The character of the part of the Area within and in the vicinity of the appeal site was born in the late C17. It was confirmed by the construction of the church in the early C18, and subsequently modified by new building in the C19 and C20. It has little in common with the core of the Bloomsbury Conservation Area and more closely resembles the character of the Soho Conservation Area. The most significant event to affect the stock of buildings in the district was the Metropolitan Street Improvements Act of 1877. George Vulliamy's plans to widen Charing Cross Road redefined the western boundary of the appeal site. The Survey of London (Document 13, appendix 3) notes that as a consequence "the eastern side of the northern part of Charing Cross Road is lined with buildings of various styles, heights and materials, although red brick predominates and a general level of mediocrity prevails".

### The Listed Buildings

5.4.1. There are 4 listed buildings within the appeal site (Document 10, appendix 10). No 20 Denmark Street is listed with 16 Denmark Place. Although they operate as one premise on the ground floor they are in every other respect distinctly separate buildings. No 16 was not annexed to the business at 20 Denmark Street until the 1960's. The 2 properties were never intended to be interdependent and it is inappropriate to list them as if they were.

5.4.2. By reference to the principles of selection set out on Appendix 1 to Department of the Environment Circular 8/87, there is scant evidence to justify the listing of 16 Denmark Place. It is far from being in original condition, what is old is commonplace, it is of no definite quality, by no architect, displays no technological innovation, has no group value and is of no interest as an example of a building type or plan form. The building ought not to have been listed and the mistake should be rectified by permitting its demolition.



5.4.3. No 20 Denmark Street has suffered from alterations which have left it but a recollection of the tidy little late C17 house which it once was. The rear elevation is grotesquely deformed by settlement. Nos 26 and 27 Denmark Street and 59 St Giles High Street have also undergone extensive alteration. On the north side of Denmark Street every last vestige of Georgian detailing has been lost at ground floor level and there is nothing in the listed buildings of the character that is seen in the old photograph of the handsome fronts of 10 and 11 Denmark Street (Document 10, appendix 19).

5.4.4. Generally the listed buildings on the site are in a dilapidated or derelict condition. The alterations that have been made and the introduction of retail uses, have largely destroyed their integrity. Work carried out in C19 and C20 has been insensitive or downright destructive. Except for the staircases at Nos 26 and 27, which are decrepit and dangerous, there is nothing internally of particular interest.

#### Demolitions

5.5.1. The appeal site north of Denmark Place, blighted since the Centrepoint development, is semi-derelict or worse, and there is nothing of real value worthy of retention. Although the facade of York and Clifton Mansions makes some contribution to the local street scene it makes no significant contribution to the Conservation Area. It was not sensible to draw the Conservation Area boundary down the centre of Denmark Place, dividing the facade of York and Clifton Mansions and it is unreasonable to apply conservation area constraints outside the Conservation Area. The character of the northern part of the site certainly does not justify the extension of the Area introduced during the inquiry.

5.5.2. The redevelopment potential of the site would be critically impaired by the retention of all or part of the Mansion block. The building is ill-suited to meet present day needs and the Council have accepted the practical difficulties of retention in their Pre-Inquiry Statement. The refusal of conservation area consent before the inquiry only relates to a part of the block (Nos 56-58) and the reason for refusal is the absence of an approved replacement scheme, rather than the merit of the building.

5.5.3. Neither 16 Denmark Place nor its unlisted neighbours make any contribution to the Conservation Area. Their removal and replacement by the proposed re-creation of the alley would significantly improve the environment of Denmark Place and enhance the character and appearance of the Area.

5.5.4. The Denmark Street buildings are run-down. The partial demolition and refurbishment of 21-25 Denmark Street, together with the repair and rehabilitation of the listed buildings, will result in the enhancement of the whole of one side of the Street and will act as a spur to general improvement on the other side of the road, to the significant benefit of the Bloomsbury Conservation Area.

#### Impact of the Proposals on the Conservation Area and on the Setting of the Listed Buildings

5.6.1. The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72, requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance" of conservation areas. The appeal scheme will secure a material enhancement of the Conservation Area, both in physical terms and in terms of its established character.



5.6.2. The most significant matter which needs to be considered is the resolution of the unsatisfactory scene at the base of Centrepoint. Westminster City Council and EH seem to be saying that if you have an existing built environment of a certain stature - in this case 5/6 stories - you must not go any higher. The appeal scheme takes account of the wider context of the site and accommodates the extra height of part of the development by stepping down. On the Charing Cross Road frontage a new street wall, 5/6 floors high enfolds the taller main office building. Harmonious and well-mannered connections between new and retained buildings are achieved, not only on the main street frontages but in Denmark Place where the interface between old and new is more immediate.

5.6.3. The proposals in respect of all but one of the listed buildings have been accepted in principle by the Council and EH. The appellants would be prepared to abide by conditions requiring approval of details of the works to the listed buildings. The limited sacrifice of 16 Denmark Place is justified to achieve the overall benefits of the scheme and would be in accord with the spirit of paragraph 90(d) of Circular 8/87. The setting of the other listed buildings on and near the site would be enhanced rather than harmed by the proposed development.

5.6.4. The setting of the listed buildings viewed from the rear will be improved by the enhancement of Denmark Place. Viewed from Denmark Street the setting of the listed buildings will be unaffected by the new building on the northern part of the site because it will not be seen (Document 4, fig 11). The offices will be seen with 59 St Giles High Street in views from the vicinity of the church (Document 4, fig 19), but also apparent will be the improvement in the connection of adjoining development to the listed building.

5.6.5. English Heritage have questioned the scale of the new office block. Scale relates the parts of a composition to the whole and in turn to mankind. It does not necessarily relate to height or mass. There is a diversity of buildings of different heights and scales in the urban context of the site. There is at present incompatibility of scale between 59 St Giles High Street and its immediate neighbours (Document 8, view 41). The Edwardians tended to build large scale structures (Document 8, fig 47). Centrepoint is a mega-structure, having no sense of size in relation to the man in the street (Document 8, figs 14 & 26). In the face of such conflicting signals the architects have demonstrated a well judged sense of scale appropriate to the site. A building of smaller scale or lesser stature would not be adequate to its position on St Giles Circus and would look ridiculous.

5.6.6. English Heritage are anxious to preserve views of St Giles-in-the-Fields from the surrounding area. It is clear from evidence of the historic street pattern that views of the church which have remained virtually unchanged by later development will also be unchanged by the present proposals. The view from the north side of Oxford Street (Document 31, appendix E, view H) is of recent origin and is a consequence of demolition to make way for Centrepoint. The best prospects of the church are from the north-west on the corner of Denmark Street (Document 11, pages 4 & 6, Document 8, view 10), from the south and along the High Street. Any impairment of views from the Soho Conservation Area to the west would not amount to serious loss. It would be wrong to consider the steeple of St Giles as if it were the dome of St Paul's.



### The Music Industry

5.7.1. Denmark Street is known as the Tin Pan Alley of London. The gathering of popular music affiliated activities dates from the late 1920's and their hey-day spanned the 1950's and 60's. The pattern of occupancy by the music trade has been unstable (Document 12, appendices 1 & 2) and the area has never been the "showcase of the British music industry" as asserted by others. There is a wide variety of other uses in the Street. The music business activity has never had any material effect on the design and character of the buildings within the Conservation Area. The visual qualities which the music shops contribute to the Area are limited to window displays and the occasional colourful personality. Qualities of this kind are not important in the terms of Department of the Environment Circular 8/87 to the character and appearance of a conservation area.

5.7.2. The Council contend that the "proposed development would be likely to do irreparable harm to the Denmark Street part of the Conservation Area in that the existing music industry uses which are a fundamental part of that character would be likely to be displaced and not return due to the scale and nature of the changes proposed". However, they accepted that the nature of the businesses does not affect the buildings and there is no convincing evidence to show that the music uses are a "fundamental part" of the character of the Conservation Area. The popular music uses in Denmark Street are of comparatively recent origin and have generated no character which is worthy of preservation. Nevertheless, considerable efforts have been made to support the continued presence of the music industry. The scheme retains individual shop units in Denmark Street and provides for small business uses on upper floors; the Museum of Popular Music should secure tangible benefits for retailers and other related music industry uses on the site. Discussions with existing occupiers have led up to the agreement to safeguard the tenure of existing music businesses (Document 27).

5.7.3. Nevertheless, the proposal to create a Museum of Contemporary Music recognises and would reinforce the music related interests in the neighbourhood. In response to representations by the Tin Pan Alley Traders Association the developers are prepared, if it is considered necessary, to enter into an agreement to safeguard the tenure of existing music businesses (Document 27).

### The Railway Works

5.8.1. Three major rail schemes are proposed in the vicinity of the appeal site (Document 22, figs 5 & 6):

- (i) Safety Measures - involving the construction of a new ticket hall at Tottenham Court Road Station and the provision of new escalator/subway links to the Central and Northern lines;
- (ii) Crossrail Link - involving the provision of station platform tunnels running in an east-west direction, escalator/subway links and sub-surface concourse areas for the new station;
- (iii) Chelsea-Hackney Line - involving the provision of station platform tunnels running in a north-south direction and associated links to the Northern, Central and Crossrail lines.

The effect of these proposals is that Tottenham Court Road Station will become a key British Rail/London Underground Limited interchange.



5.8.2. The Safety Measures Bill might receive Royal Assent in October 1990, although it may be delayed until Spring 1991. Works are expected to start some time between 1992 and 1994, probably in April 1993.

5.8.3. It is planned to deposit a Bill before Parliament to authorise the construction of Crossrail in November 1991. It is envisaged that Royal Assent will be granted to enable works to commence by the end of 1993 or early in 1994. Construction is expected to take 4 years.

5.8.4. A Bill for the Chelsea-Hackney Line is not expected to be deposited before November 1993. The earliest start would be in 1995 or 1996; estimated construction time is about 5 years. However, this timetable is uncertain and could be extended.

5.8.5. Detailed land requirements for the Safety Measures works have been identified on plans deposited with the Bill (Document 51, exhibit 05). The Secretary of State for Transport has issued Safeguarding Directions for both the Crossrail and the Chelsea-Hackney Line projects and annexed plans indicate the limits of land subject to consultation and the areas of surface interest (Document 22, fig 4 & Document 51, exhibits 06-08).

#### Potential Work Sites - Engineering Aspects

5.9.1. Tables have been prepared listing the approximate amount of the permanent works planned for the 3 rail schemes (Document 18) and a series of potential surface sites (Document 22, fig 9) for the conduct of the works have been explored. The engineering aspects of the proposed railway works and the sequences in which they might be carried out from the more favourable sites has been examined (Document 14, Sections 2 & 4).

5.9.2. Surface sites will be necessary for access shafts to the underground works, for the positioning and manoeuvring of plant and materials, the siting of supplementary plant and equipment, the storage of permanent and waste materials and for offices, stores and canteens. The desirable area for such a site on a major underground project is 6000-8000 sq m; a minimum area would be 5000 sq m. A good logistical layout is essential for efficient underground working. If the area around the shaft is insufficient it may be necessary to find additional land close by, or even serve the site from further afield with consequences for the time and cost of construction.

Denmark Place (Document 22, fig 10)

5.9.3. When the Crossrail project status report was put before the Secretary of State the whole of the appeal site was under consideration (Plan J): a working area of 2500 sq m was quoted. However, the proposed working site now comprises only the land bounded by Charing Cross Road, Andrew Borde Street, St Giles High Street and Denmark Place (Document 51, exhibit 14), and is reduced in area to 1714 sq m (Document 54, Table S1). This is less than half the area of the appeal site and a great deal smaller than the area approved by the Secretary of State to be safeguarded. It is also 15% less than the minimum for a station working site advised by Sir William Halcrow and Partners, consulting engineers for the Crossrail project, and less than a third of the area considered by London Underground to be necessary for major station works elsewhere (Document 19, reference 1).





5.9.4. The site could provide access to low level works but its area would be quite inadequate to serve the station tunnel drives, producing some 800 cu m of excavated material a day, or twice as much if both station tunnels were excavated at the same time.

5.9.5. A working site must provide space to stand a spoil vehicle while it is loaded, to manoeuvre the loading machine, to stand delivery vehicles while they are unloaded and to operate a fixed or mobile crane. The first arrangement proposed at the inquiry by London Regional Transport (Document 51, exhibit 14) made provision for none of these things, failed to provide for vehicles to enter and leave in a forward direction and clearly did not meet the space requirements LRT themselves identified (Document 54, table S2).

5.9.6. LRT's revised proposals (Document 50, exhibits 23-25) fall short of the space requirements to turn a rigid vehicle (Plan N/1) and certainly would not accommodate articulated vehicles (Plan N/2).

5.9.7. It would be possible to locate a working shaft on the site directly over the eastbound Crossrail running tunnel, but this would not be a satisfactory location for a combined access and ventilation shaft and there would be no room to sink a second shaft. By reference to the latest scheme drawings (Document 53, exhibits 21A & 22A) the site boundary is now 65 m from the eastbound Crossrail station tunnel along the line of the running tunnel. Other sites are more suitable to accommodate combined access/ventilation shafts and working shafts for the Crossrail station tunnel works. The Denmark Place site is some 200m from the centre of gravity of the Chelsea-Hackney Line works. Long, sloping, temporary access adits would be necessary to reach the works and Denmark Place is therefore not an attractive site from which to execute that project. As LRT suggest, the removal of tunnelling machines could be effected from the site. This is not a difficult operation but in order for it to be done the running tunnels would have to be driven before the station platform tunnels were begun, thus providing excellent access in an east west direction from any site over a running tunnel.

The Astoria Site (Document 22, fig 11)

5.9.8. This site, 3375 sq m in area, is one of the larger sites being considered but could not accommodate major station works on its own. In any case, it is essential for the execution of the safety measures and for the provision of permanent access to the Crossrail station lower concourse level. It could provide access to some lower level work for a limited period and, once the new ticket hall is decked over, could offer storage, plant and office space for nearby operations, but it could not serve as a working site for construction much in excess of the safety measures.

The Pool (Centre Point Piazza) and Andrew Borde Street

5.9.9. This site is only 1740 sq m in area, could not therefore accommodate major station works on its own and is not over any of the proposed underground works. It would be possible to gain access to all the Crossrail low level works and to provide permanent underground ventilation from this site, but its restricted area, proximity to Centrepoint and separation from the Astoria site make it unattractive.



Derwent Valley (Document 22, fig 12)

5.9.10. This site, of 1740 sq m, is to have 2 escalator shafts sunk beneath it finishing respectively at levels +98 and +102. It is not large enough to support the underground works for a major station, but it could accommodate a construction shaft which could be used successively for:

- (i) the Northern Line low level safety improvement works;
- (ii) the construction of all the +102 level passage, concourse and junction work, by decking over the operational safety works; and
- (iii) the construction of the ventilation works at approximately +106 and permanent use as a ventilation shaft, by filling in the temporary access at +102 and to the west.

The triple use of this shaft would offer economy of construction and convenient working access to the lower levels. However, a further site would be desirable to the east or to the west of the Crossrail station tunnels

Phoenix Gardens (Document 22, fig 13, Document 23, fig 13A & Plan L)

5.9.11. This site has an area of approximately 3025 sq m. At its nearest point it is only 40 m further than Denmark Place from the shield chamber of the southerly Crossrail station tunnel, along the line of the running tunnel. The length of ventilation connecting passage required would be the same as at Denmark Place. It would be feasible to run the underground construction work for Crossrail from this site in conjunction with Derwent Valley.

Dean Street (Document 22, fig 14)

5.9.12. The area of this site, including adjacent roadways, is 2200 sq m. The site is strategically placed relative to the 2 new stations but is not adequate to serve major station works on its own. However, the addition of the adjacent site across Dean Street (Document 17, drg OA14) would make this an admirable site from which to operate all the station works on the west side. Alternatively, the site could be used in conjunction with other sites to the east to serve all the remaining station works after the opening of the safety measure works.

Soho Square

5.9.13. This site has a gross area of over 4200 sq m, but it is public open space at the heart of the Soho Conservation Area and has not been considered in depth for environmental reasons.

Conclusions on Engineering Aspects

5.9.14. No single site, except Soho Square, is of sufficient size to serve the whole of the Tottenham Court Road Station works.

5.9.15. It would be possible to gain access to some of the Crossrail underground works from a shaft on the Denmark Place site, but there are no compelling considerations in favour of this. The site would not offer economic underground access for the construction of the Chelsea-Hackney station tunnels. The available working area is inadequate to accommodate the requirements of a main working site for the Crossrail station.



5.9.16. Other sites, available and safeguarded or within the limits of deviation, are more suitably located to serve the low level concourse and passage works for the Chelsea-Hackney and Crossrail stations. Other sites have good access and more surface area than Denmark Place and in these respects are better fitted to serve the construction of the Crossrail and Chelsea-Hackney Line station tunnels.

5.9.17. A combination of sites - Astoria, Derwent Valley, Phoenix Gardens and Dean Street - could serve all the Tottenham Court Road Station works. Denmark Place could not effectively replace all or any of these sites and should not therefore be designated as a working site.

#### Potential Work Sites - Land Use and Planning Aspects

5.10.1. Although the Crossrail project is a firm proposal, announced by the Secretary of State in October 1990, no such commitment has been made to the implementation of the Chelsea-Hackney Line.

5.10.2. Planning Policy Guidance 13 (PPG13) states:

"Land or buildings should not be allowed to become or to be idle for any period because of a possible road scheme some years ahead. Little if any weight can therefore be put on the mere possibility of a future road scheme when considering applications for development of land affected."

If the spirit of this advice is applied to the current rail proposals, then the status of the Chelsea-Hackney Line is insufficiently certain to justify the blight of the appeal site.

5.10.3. The wide route corridors and the uncertain timescale of the works is resulting in blight over a broad area. If planning blight and general stagnation is to be minimised, London Underground Limited (LUL) should confine its search for working sites to land with no development potential. For example, open space which could be returned to its use when the works are finished, sites already owned by LUL or land already in the public domain.

5.10.4. The routing of vehicles generated by work sites will have an impact upon the local road network (Document 22, figs 7 & 8). During the construction period of the Safety Measures work additional traffic movements have been estimated as a mean peak increase in HGV's of 35 vehicles per day and a worst case increase of 57 vehicles. An additional 100 cars and vans per day would use Oxford Street. The Crossrail works at Tottenham Court Road Station will generate 65 HGV movements per day, but during the peak tunnelling period of about 6 months the number of HGV's visiting the site will rise to 150. The impact of these additional traffic movements will include noise, congestion and conflict with pedestrians and other road users.

5.10.5. The traffic, planning and property issues associated with potential work sites already identified, have been examined (Document 21). Soho Square is rejected on grounds of its location, environmental sensitivity and difficulty of access. Andrew Borde Street is also rejected because of its location.

Denmark Place (Document 22, fig 10)

5.10.6. The site is well served in traffic terms but its restricted size gives rise to the need for a truck holding area on the Designated Road of Andrew Borde Street. This would require temporary road closure beyond the



normal period, limit highway capacity and cause congestion. The use of this site would concentrate construction traffic serving both the Crossrail and the Safety Measures works in the St Giles Circus area, with consequent interference with general traffic flows on major highway routes. The suggested marshalling zone for trucks in St Giles High Street would contribute to congestion and particular problems could be anticipated at the junction of Andrew Borde Street with Charing Cross Road. Pedestrian movements would be confined and would conflict with the site access and activities (Document 51, exhibit 14).

5.10.7. The proposed working site is part of a prime development site of substantial value, which is wholly owned by the St Giles Partnership. The maintenance of its designation as a working site would sterilise the whole of the development site for the foreseeable future and the opportunity to regenerate the area would be lost for many years. However, pressure to develop the land would not relax, and would be exacerbated by the uncertainty of the timescale of the Chelsea-Hackney Line scheme. The evidence shows it to be inappropriate for use as a work area and LUL should reconsider its designation.

The Astoria Site (Document 22, fig 11)

5.10.8. This site is well served by the main highway routes and traffic arrangements have already been developed for the Safety Measures works which it will support. The temporary closure of Sutton Row, already being pursued for the Safety Measures works, could be extended in time to accommodate some Crossrail works. The level of construction traffic would depend upon the timescale of the Safety Measures works. If the Crossrail and Safety Measures works were conducted in tandem traffic could be arranged by reference to the spoil removal operations, although there might be demand for an additional truck holding area during periods of intensive activity.

5.10.9. Part of this site is owned by LUL and they are seeking to acquire the remainder. LUL are investigating ways in which redevelopment could start before the completion of the Safety Measures works. They could adopt a similar approach to the Crossrail project, to minimise delay in the redevelopment of the site.

5.10.11. The traffic and access arrangements defined for the Safety Measures works would accommodate those Crossrail works which would be possible from this site (Document 21, Section 6). The use of this site would prejudice neither conservation interests nor development options. It will be in the ownership of LUL and in these circumstances its use for the conduct of railway works should be maximised.

Derwent Valley (Document 22, fig 12)

5.10.12. London Underground have rejected Derwent Valley as a working site because of concern about engineering operations close to St Patrick's Church. However, any possible interference with foundations would result from the construction of the proposed escalator subways, and not from use of the land as a working site.

5.10.13. Traffic options for this site would be similar to those for the Astoria site, with access off Charing Cross road by way of Goslett's Yard or Sutton Row. Arrangements for Crossrail and Hackney-Chelsea Line traffic could be developed in parallel with the Safety Measures traffic arrangements.



5.10.14. The land is owned by Dorington Investments PLC and is blighted by the uncertainty of the rail proposals. There are no current planning applications for its development. Proposed sub-surface works will constrain any future options and it would be sensible to expand the use of the site for surface level purposes, consistent with the planned engineering operations. The owners have indicated that they would be prepared to discuss the use of their land as a working site.

5.10.15. Although constrained by proximity to St Patrick's Church and other listed buildings, the site lies outside the Soho Conservation Area and could fulfill a valuable function in association with the Astoria site.

Phoenix Gardens (Document 22, fig 13, Document 20, fig 13A & Plan L)

5.10.16. This site offers a large area and is well placed to meet the engineering needs of the Crossrail station tunnel drives and to accommodate a vent shaft (Document 21).

5.10.17. The principal land uses in the neighbourhood are offices and cinemas or theatres. There are 2 small private residential blocks of one and two bedroom flats to the north-east of the Gardens (Plan K). Access to the site would be from New Compton Street by way of St Giles High Street. New Compton Street has a carriageway width of about 7.3 m and provides service access to the back of properties fronting Shaftesbury Avenue.

5.10.18. Location of the station tunnel drive operations at Phoenix Gardens would divert a substantial number of HGV movements from St Giles Circus and would eliminate direct interference with the major traffic route of St Giles High Street.

5.10.19. The suggested working site lies within the St Giles Conservation Area; it comprises a community park, a childrens playground and a car park, and it is crossed by a pedestrian thoroughfare between St Giles High Street and New Compton Street. Six trees within the playground are the subject of a Tree Preservation Order.

5.10.20. However, the location of the site behind the church would limit the wider environmental effects of the construction activities. The playground is on church land leased to the London Borough of Camden. It is in poor condition (Photo 2) and during observations over 3 days no children were seen to use the facilities (Document 24, appendix A3). The community park (Phoenix Gardens) is owned by the Borough and its use varies according to the weather, time of day and day of the week. Observations suggest that it is primarily a lunchtime recreation area for local office workers (Document 24, appendices A2 & A5). The car park is also owned by the Borough and provides long-stay parking for up to 40 cars. The thoroughfare which crosses the site is partly a public highway and partly a path on land owned by the church and leased to the Borough. The route is little frequented outside the lunch hour (Document 24, appendix A4) and few people care to sit on the seats provided.

5.10.21. The London Borough of Camden have plans for the development of the car park for housing and retail uses, but the development value of this proposal is low in relation to the whole site area and the designation of Phoenix Gardens as a working site would not significantly blight potential for environmental improvement and urban regeneration. The existing uses on the site could be temporarily suspended and alternative short term provision could be made. Measures could be taken to protect the playground trees. Alterna-



tive routes between New Compton Street and St Giles High Street are available and the construction activities would not conflict with other pedestrian movements.

5.10.22. Phoenix Gardens site clearly offers a better working site than Denmark Place.

- (i) It is substantially larger and would therefore provide greater capacity and flexibility for operations.
- (ii) Access arrangements would be superior and would not impede main traffic flows.
- (iii) Pedestrian routes would be segregated from construction activities.
- (iv) The local environment is less sensitive.

Dean Street (Document 22, fig 14)

5.10.23. Dean Street offers substantial scope for use as a working site in association with other sites

5.10.24. Operations from this site may require the suspension of bus priorities along Oxford Street during normal working hours, but general traffic flows should not be impeded.

5.10.25. It is understood that the site is to be permanently acquired by LUL and it is therefore a low cost option as a working site. It is outside the Soho Conservation Area and is not particularly sensitive to noise or visual impact. It offers a potential redevelopment opportunity, but this consideration should not take precedence over the rail construction requirements, at the expense of other sites in private ownership.

#### Conclusions on Land Use and Planning Aspects

5.10.26. Denmark Place is an important development site, of high value in a sensitive area. It is blighted by its designation as a working site. It is not yet known whether Crossrail will be promoted at all, despite the decision in principle, and in any event the timing is uncertain. Even if the Crossrail Bill is introduced in Parliament in November 1991, it is likely to be at least 2 years before enactment. The Chelsea-Hackney line proposals are not to be introduced in Parliament this year and the uncertainties associated with this scheme are even greater. There is no guarantee that either Bill will be enacted, as they are bound to be heavily petitioned, or if they are enacted that the schemes will proceed as planned at present. The appeal site is not a suitable place from which to drive the station tunnels. A combination of the Astoria, Derwent Valley, Phoenix Gardens and Dean Street sites would provide suitable accommodation for the LUL works and, besides engineering benefits, would satisfy all relevant traffic, access, planning and environmental considerations. This work site strategy would represent the most economic use of valuable central London development space and would make the acquisition of the appeal site unnecessary.



### Accommodation of the Permanent Railway Works

5.11.1. An appropriate piling layout can be arranged to accommodate the eastbound running tunnel beneath the appeal site and to meet the foundation requirements of the proposed building (Document 4, figs 21 & 22). It cannot therefore be maintained that the development would prejudice the running tunnels; the necessary piling layout could be secured by a planning condition.

5.11.2. A suitable location for a ventilation shaft to service the eastern end of the station platform tunnels could be found off the appeal site, for example at Derwent Valley or Phoenix Gardens (Document 22, figs 12 & 13).

### General Planning Considerations

5.12.1. The policy background against which all planning issues should be judged is the presumption provided in PPG1 that development should always be allowed, having regard to all material considerations, "unless that development would cause demonstrable harm to interests of acknowledged importance".

5.12.2. Uses on and around the appeal site are mixed, and the Council raise no objection to the type of uses which the development proposes. The site is well located for major office development in the terms of Paragraph 4.15(ii) of the GLDP. The thrust of National and Strategic policies is to encourage employment generating development in appropriate places; these policies have been reflected in recent appeal decisions in the London Borough of Camden (Document 20, appendices 16 & 17).

5.12.3. The scheme offers a number of planning advantages specified in paragraph 4.15(i)(c) of the GLDP. These include:

1. Improvement of the public transport system by the improvement and relocation of subway entrances;
2. Benefits to the public provided by the Museum of Popular Music and the improvement of Denmark Place;
3. Redevelopment of an area of poor layout and design;
4. Conservation of buildings of historic and architectural interest;
5. The provision of additional and upgraded residential accommodation;
6. The provision of accommodation suitable for small businesses.

5.12.4. The Borough Plan locates the site in a "Community Area", but the Proposals Map shows that this designation covers a wide area of varying characteristics. The planning considerations relevant to the appeal site, in a busy commercial location, are quite different to those relevant to properties in the heart of the Community Area. In the terms of National and Strategic policies, the appeal site is well suited for major employment development and these considerations should outweigh the provisions of Local policy EM22. Recent appeal decisions support this view (Document 20, appendices 16 & 17).

5.12.5. Although the appellants were willing to accept a restriction upon the business uses proposed, in the changed economic circumstances they consider that a restriction to B1(c) uses would no longer be acceptable. It is clear from the terms of Circular 13/87, the statement by the Secretary of State in



1987 and the outcome of a number of appeals, that in the absence of exceptional circumstances or material detriment to local amenity or to the environment, Class B uses should not be restricted. There is no basis for restriction on any of these grounds in this case.

5.12.6. The proposed retail uses are uncontentious and would make a major contribution to the revitalisation of the site and the locality.

5.12.7. The residential uses conflict with no approved policy and would secure significant gains in both the quality and effective quantity of residential accommodation on the site.

5.12.8. Beyond the benefits relating to the planning advantages listed in the GLDP, the implementation of the appeal scheme would:

1. Transform a run-down site into a revitalised area in full economic use.
2. Replace dilapidated and obsolete structures with new buildings of distinguished modern design.
3. Enhance the amenity and environment of the locality.
4. Extend and improve existing retail facilities.
5. Enhance the appearance and character of the Conservation Area.
6. Enhance the setting of the listed buildings to be retained.
7. Provide new and refurbished accommodation for small businesses.
8. Substantially increase the quality and quantity of residential accommodation on the site.
9. Create a Museum of Popular Music.
10. Significantly improve local highway conditions.
11. Improve the environment and facilities for pedestrian movement around the site.

#### Summary and Submissions

5.13.1. The reasons for refusal in this case fall under 3 heads:

- (i) LRT's Safeguarding requirements;
- (ii) Urban Design and Conservation objections;
- (iii) Harm to the Music Industry.

If the Secretary of State refuses planning permission only by reason of likely prejudice to LRT's proposals, he is requested to make it clear that he rejects the other reasons for refusal and would have otherwise granted permission.





## The Safeguarding Requirements

5.13.2. The proposed development could accommodate the Crossrail eastbound running tunnel and ventilation tunnels beneath the site, by means of a suitable arrangement of the piled foundations. The scheme could also be designed to accommodate a ventilation shaft if necessary. These matters could be dealt with by way of planning conditions.

5.13.3. London Regional Transport claim that part of the site is needed as a working site to drive station platform tunnels for the Crossrail and Chelsea-Hackney lines. The issue here is not whether the works should be carried out from the site, but whether LRT's projects would be prejudiced if planning permission for the development was to be granted.

5.13.4. The Council's reason for refusal based upon LRT's requirements is no different from any other reason for refusal, in that it is incumbent upon the local planning authority and LRT to demonstrate harm to an interest of acknowledged importance. It is not enough that LRT's recommendation follows from a Direction by the Secretary of State for Transport.

5.13.5. There is no express policy by which this issue may be determined, but PPG13 states that "Land or buildings should not be allowed to become or to be idle for any period because of a possible road scheme some years ahead. Little if any weight can therefore be put on the mere possibility of a future road scheme when considering applications for development of land affected." This principle provides an appropriate approach to the issue. By analogy, LRT's proposals must be more than a mere possibility; the weight they carry must depend upon how firm they are.

5.13.6. It is relevant to consider whether the Secretary of State was fully aware of all material matters when he made his Directions. LRT confirm that all the Secretary of State had before him was Appendix WS1 to the Status Reports on both rail projects (Document 51, exhibit 20). This Appendix was deficient in a number of respects:

(i) The alternatives to Denmark Place which were considered were said to be the "only options". No consideration was given to Phoenix Gardens, which has been shown at the inquiry to be a very real alternative site.

(ii) The Appendix stated that the Denmark Place site was 2,500 sq m in area, and of adequate size. What is now proposed is a working site of substantially smaller size; in his supplementary proof of evidence (Document 49) the LRT witness heavily qualified the original assertion of its adequacy. In fact, as demonstrated in evidence, the appeal site north of Denmark Place is much too small to allow unconstrained, efficient and expeditious tunnelling operations. To minimise the consequences of this inadequacy it would be necessary to meet needs arising from the works on other land.

(iii) The Secretary of State was told that the development proposals would involve the demolition of all the buildings on the site except Shaldon Mansions and certain premises and listed facades fronting Denmark Street. The appeal scheme in fact proposes to retain 3 listed buildings on Denmark Street as well as 59 St Giles High Street. No consideration was given to the effect of railway works upon these listed buildings, or upon 16 Denmark Place and York and Clifton Mansions if these properties were retained.



(iv) The Secretary of State was not told that half the site lay within a conservation area. The whole site is now included in the conservation area and is therefore subject to the relevant constraints. Unless LRT take the radical step of seeking provision in the Bill to dispense with conservation area consent, such consent would be needed for the demolition of the existing buildings on the proposed working site.

(v) There was no Environmental Assessment before the Secretary of State, dealing in particular with the effect of the operations upon residential amenity.

(vi) The Appendix gave no consideration to the effect on road traffic of the necessary restriction of the width of Andrew Borde Street.

(vii) No attempt was made to cost the Denmark Place working site, or any of the alternative options.

5.13.7. Parliamentary authority is needed for the rail projects to proceed, and it cannot be assumed that the necessary powers will be granted, particularly on a Private Bill. The Secretary of State has not yet given consent to the deposit of the Crossrail Bill and no Government resources have been committed. So far as the Chelsea-Hackney line is concerned, this project is only envisaged if and when resources permit. It cannot be assumed that it will go ahead; it is certainly not possible to forecast when the work might be completed and the appeal site be released. Even if the Secretary of State agrees that the Chelsea-Hackney station tunnels should be included in the Crossrail Bill, it cannot be taken for granted that Parliament will give power to construct them, and to take the necessary land interest for that purpose, in advance of the of the rest of the Chelsea-Hackney line, which would not be before Parliament.

5.13.8. London Regional Transport have made no case that the tunnelling works could not be carried out from Phoenix Gardens. The most that can be said is that it would be more expensive to work from Phoenix Gardens, rather than from Denmark Place, because of longer runs to the shield chambers. LRT have presented no evidence of greater expense, but they did not dispute digging costs of £10,000 a metre. The additional expense of an extra 60 m of tunnel at this rate, is a minor consideration. To set against this is the very substantial costs that would arise from working within the confined limits of the Denmark Place site. LRT have not suggested that a working site at Phoenix Gardens would be of inadequate size.

5.13.9. It is questionable whether the Denmark Place site could function at all. LRT's efforts to show that it would be possible to provide a proper access and still leave sufficient working space on the site are unconvincing. They have failed to show that the site could serve their purposes and it follows that they have failed to show prejudice if the appeal scheme is permitted.

5.13.10. There is no evidence that there would be environmental advantages in working from Denmark Place, rather than from Phoenix Gardens, which would outweigh the operational deficiencies of Denmark Place. Residents in the neighbourhood of both sites would be effected by some noise arising from operations. Plans for the development of both sites include residential accommodation. Short term compensation for the loss of public open space at Phoenix Gardens could be provided by the substitution of a larger area of adjacent Church land which is leased by the London Borough of Camden. The effect of operations on the Denmark Place site upon the neighbouring listed



buildings and the character and appearance of the conservation area would be greater than the effect of work at Phoenix Gardens upon the listed St Giles Church.

5.13.11. The possibility of objection by the Council to the inclusion of Phoenix Gardens in the Crossrail Bill is of no greater weight than the certainty that the appellants would object to the inclusion of Denmark Place, with the stronger case.

5.13.12. If planning permission is refused in order to safeguard land for the tunnelling works, the appeal site will be blighted, without compensation, for not less than 8 years, and possibly for much longer if the Chelsea-Hackney station tunnels are not driven under the Crossrail Bill. There are 3 principal reasons why such serious blight ought not to be imposed:

(i) Years of land assembly, negotiation and design work took place, and much expenditure was incurred, before the Safeguarding Direction was made.

(ii) The site is an eye-sore and has been so for a very long time. The opportunity of redevelopment to remedy this situation should not be lightly disregarded.

(iii) It must be doubtful whether enthusiasm to redevelop the land would be readily rekindled after many years of the blight which its use as a working site would incur.

#### Urban Design and Conservation

5.13.13. Most of the issues concerning these matters raise value judgements, but it is useful to put the conflicting evidence in context.

5.13.14. With regard to the proposed demolition of 16 Denmark Place, the appeal site has been the subject of detailed consideration by both the Council and English Heritage since 1988; neither suggested that this building merited listing. There is no justification for its preservation as a building of special architectural or historic interest. The spot listing of 16 Denmark Place was a mistake, if not a misuse of the statutory listing procedure. The retention of the property would not frustrate the redevelopment scheme, but would not enhance it and would impair the improvement of Denmark Place.

5.13.15. The duty laid upon planning authorities by S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not extend to applications for planning permission in respect of land outside conservation areas. Nevertheless, it is accepted that consideration must be given to the effect of proposed development outside a conservation area upon the character and appearance of the conservation area, and also to the effect of proposed development upon the setting of listed buildings.

5.13.16. The character and appearance of the Conservation Area which is worthy of preservation lies in Denmark Street and in the immediate surroundings of St Giles-in-the-Fields. Neither the demolition of the buildings in Denmark Place, nor the demolition of Clifton Mansions would harm the character or appearance of these aspects of the Conservation Area.

5.13.17. Much of the appeal site is so degraded that it seriously detracts from the character and appearance of the locality. It is confidently submitted that the demolition of the existing run-down buildings and their



replacement by the appeal scheme would positively and significantly enhance the character and appearance of the conservation area within which the site lies and would enhance the setting of the listed buildings to be retained. The new office block would only be seen in conjunction with the north side of Denmark Street and its listed buildings in oblique views from St Giles High Street. Views of St Giles' steeple from the east end of Oxford Street are of recent origin, arising from the demolition which took place to make way for Centrepont. Even if the office block was lowered by 2 stories they could not be retained without providing a gap in the Andrew Borde Street frontage, which would be disastrous in townscape terms.

5.13.18. The Council's witness who maintained that the office block ought to be reduced in height by 2 stories was clearly in disagreement with his colleagues who had dealt with the application from the outset and, more significantly, was in disagreement with the RFAC who support the design. Mr Robert Turner's scheme offers a satisfactory solution to the problems of transition posed by the setting of the site and achieves an architectural statement which is worthy of its important position in the street scene.

5.13.19. Shortfalls in the daylighting standards of the non-mandatory code are minor. It has been demonstrated that they are capable of being remedied, and they could be dealt with by way of planning conditions.

#### The Music Industry

5.13.20. It is submitted that the Council's fourth reason for refusal of planning permission is not a valid planning objection. If there is any merit in this objection it must be on the assumption that the music industry use is part of the character of the conservation area. This is not the case. Only about one third of the Denmark Street premises are in music industry use and the specialist retail sales of guitars and electronic instruments neither affect nor are reflected in the character of the buildings. Consequently these uses cannot be said to affect the character of the area. The period during which the music industry has been associated with Denmark Street is not long enough to have imprinted historic character upon the area.

5.13.21. There is no good reason why the present occupiers of the listed and other buildings in Denmark Street and Denmark Place should be assured of security of tenure. Even if they are in some way part of the character of the conservation area, there is no evidence of lack of demand by others in the industry to take their place. However, if the Council's objection is found to be valid, the appellants have made an offer to ensure reasonable security of tenure to those displaced by the works; the objection is thus overcome. If it is considered necessary the appellants would be prepared to enter into an agreement (Document 24), before grant of planning permission, providing for reasonable security of the music tenancies.

#### Conditions

5.13.22. The conditions suggested by the Council would be acceptable subject to the following amendments and omissions:

Condition 6. Add after "brought into use" - "with the exception of properties proposed to be retained and refurbished".

Condition 8. Delete "in such a way" - substitute "at such a volume".

Condition 13. Delete "relocation of the London Underground".



Condition 19. Amend to read "Details of the proposed internal layout and subdivision of the retail accommodation fronting Denmark Place shall be submitted to and approved by the Council prior to occupation of that accommodation."

Listed Building Condition 1. This condition is not relevant to the appeals before the Secretary of State and can only be informative.

Additional Condition 1. The Council are not agreeable to amendment of the planning application by the deletion of the word "restricted", qualifying "Class B1 uses", and this amendment is not therefore pursued. However, Additional Condition 1 seeks to impose restrictions within Use Class B1, depriving the appellants of the benefits provided by the General Development Order, without good reason, contrary to National planning policy. This condition is unacceptable.

Additional Condition 2. The kind of goods to be sold from retail premises may be restricted, but various trades are represented in Denmark Street. There is no good planning reason why the premises identified by the Council should be restricted in the manner proposed and this condition is also unacceptable.

#### THE CASE FOR THE LONDON BOROUGH OF CAMDEN

The material points are:

##### Planning Policy

6.1.1. Planning Policy Guidance 1 states at paragraph 13 that the Borough Plan is only one of the material considerations to be taken into account, but at paragraph 14 it points out that "where the plan is up to date and relevant to the particular proposal, it follows that the plan should normally be given considerable weight in the decision and strong contrary planning grounds would have to be demonstrated to justify a proposal which conflicts with it". This advice is repeated in PPG 12, paragraph 3.

6.1.2. The whole site lies within a Community Area, defined in the Borough Plan, wherein emphasis is given to meeting the needs of the local community, rather than accommodating pressure for commercial development.

6.1.3. Policies relevant to this case, principally related to Urban Design, are:

- (a) GLDP - Chapter 6 (Urban Landscape)
- (b) Strategic Guidance - Section 6 (Built Environment)
- (c) Borough Plan - Chapter 3 (Employment - EM7)
  - Chapter 4 (Transport - TR3)
  - Chapter 5 (Urban Design - UD2,3,4,6,7,11,12,14,15, 18 & 32)
  - Chapter 6 (Shopping - SH22)
  - Chapter 7 (Leisure - LE3)
- (d) Environmental Code - Section 15 (Plot Ratio)
  - Section 16 (Daylight)
  - Section 25 (Design)



replacement by the appeal scheme would positively and significantly enhance the character and appearance of the conservation area within which the site lies and would enhance the setting of the listed buildings to be retained. The new office block would only be seen in conjunction with the north side of Denmark Street and its listed buildings in oblique views from St Giles High Street. Views of St Giles' steeple from the east end of Oxford Street are of recent origin, arising from the demolition which took place to make way for Centrepont. Even if the office block was lowered by 2 stories they could not be retained without providing a gap in the Andrew Borde Street frontage, which would be disastrous in townscape terms.

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## Listed Building. Conservation Area & Design Policies

6.1.4. In determining the appellants' applications the Council were mindful of the advice offered by Department of the Environment Circular 8/87, relating to historic buildings and conservation areas, and of their duty to have special regard to the preservation of the setting of listed buildings in accordance with S.66(1) of the Planning (Listed buildings and Conservation Areas) Act 1990. Circulars 22/80 and subsequent advice recognises that the control of external appearance can be important in environmentally sensitive areas, such as conservation areas. Circular 22/80 also states that local authorities "should reject obviously poor designs which are out of scale with their surroundings".

6.1.5. Policy UD2 of the Borough Plan (Document 28, appendix 4) seeks to ensure that all proposals are "of a good standard of design, sensitive to and compatible with the scale and character of the existing surrounding environment...". This policy is expanded in Policy UD3 which states that "new development should respect the scale and proportion of existing buildings, building lines and building heights in the street...". Policy UD7 states that "The Council will not permit the development of new buildings which are excessively bulky and out of scale with their locality...".

6.1.6. Borough Plan Policy UD11 expresses the Council's objective "to retain, conserve and enhance areas and individual buildings of architectural quality or character, including the historic pattern of streets and spaces, and to promote activities and functions which contribute to their character and variety". Policy UD14 states that the Council "will actively seek out and protect areas and individual buildings of special quality or character either through designating them as conservation areas or recommending them for listing by the DOE...". The designation of the appeal site as part of the Bloomsbury Conservation area reflects these policies and the duty placed upon the Council by paragraph 55 of Circular 8/87, to review continuously conservation areas in the Borough.

6.1.7. Paragraph 54 of Circular 8/87 defines conservation areas. Paragraph 27 of the Circular points out that the character of a conservation area can be affected by development outside the area. Paragraph 61 states that it is important "to ensure that any new development accords with its special architectural and visual qualities. It will be important to see that every new building is designed, not as a separate entity, but as part of a larger whole, which has a well established character of its own". Paragraph 62 states that "Special regard should be had to such matters as bulk, height, materials, colour, vertical or horizontal emphasis and design".

6.1.8. Borough Plan Policy UD15 states that "The demolition of listed buildings will not normally be permitted, nor will any alterations which would adversely affect the character, appearance or setting of any listed building".

6.1.9. Paragraph 89 of Circular 8/87 states that "local planning authorities are required to have special regard to the desirability of preserving the (listed) building or its setting..." Paragraph 91 states that "the presumption should be in favour of preservation except where a strong case can be made out for granting consent ..." after the application of the criteria set out in paragraph 90 (a)-(d). Paragraph 94, dealing with the demolition of unlisted buildings in conservation areas, states that "In assessing whether or



not consent should be granted authorities should have regard to the desirability of preserving or enhancing the character of the conservation area in which the building is situated".

6.1.10. Borough Plan Policy UD16 states that "Where buildings constitute well-known or familiar landmarks both in respect of their value to the skyline or as local buildings of special townscape merit or where they contribute to valuable local vistas, their preservation and enhancement will be encouraged".

6.1.11. In April 1987 the Council approved Guidelines for the Demolition of Unlisted Buildings in Conservation Areas. The Guidelines provide a general presumption against demolition in conservation areas and set out criteria against which proposals will be assessed (Document 28, Appendix 7).

6.1.12. Paragraph 25 of Circular 8/87 states "The setting (of a listed building) .... is often an important feature of its character ... It is important to consider the effect that proposed development may have on such buildings. In addition, many attractive streets ... owe their character not so much to buildings of great individual merit but to the harmony produced by a whole range or complex of buildings. Such areas require the same careful consideration when proposals for redevelopment are under consideration, even if the redevelopment only replaces a building that is neither of great merit itself nor is immediately adjacent to a listed building".

#### The Appeal Site and its Surroundings.

6.2.1. The appeal site is prominently located and is significant given the role of Centrepoint as a central London landmark. The Centrepoint office tower is vastly out of scale with its setting but, with its honeycombed precast cladding, it provides an interesting contrast with its surroundings and is acknowledged to be an important building.

6.2.2. The site forms a backdrop at the base of Centrepoint in the long view looking southwards along Tottenham Court Road (Photo 1 [1]). Centrepoint is set parallel to the axis of Charing Cross Road and with its adjoining residential blocks to the east forms part of a civic space, which is complete except on the south side, where it is bounded by the flank walls exposed as a consequence of demolition carried out when Centrepoint was built (Photo 1 [4]).

6.2.3. A detailed appraisal of the historic and intrinsic importance of the listed and other buildings forming part of the development site and in the immediate area is set out in the proof of evidence of Miss Zoe Croad (Document 30, Section IV). It includes the history and a description of the Hospital and Parish of St Giles, of the Church of St Giles-in-the-Fields, of Denmark Street, of Denmark Place, of St Giles High Street and of Charing Cross Road. The list descriptions of listed buildings referred to are at Document 31, Appendix D.

6.2.4. The Church of St Giles-in-the-Fields, together with Denmark Street itself, forms the core of the Bloomsbury:Denmark Street Conservation Area. The present Church of St Giles-in-the-Fields, listed Grade I, is the third to have been built on approximately the same site, the earliest known church having been connected with the medieval leper hospital bearing the same name. The precinct of the Hospital is believed to have included the whole of the island site now bounded by St Giles High Street, Charing Cross Road and Shaftesbury Avenue. After the suppression of the hospital the whole fabric of the church





became parochial. The present church was built in 1733 to designs by Henry Flitcroft; it is probably the foremost and certainly the best known work of a major architect of the Palladian Revival.

6.2.5. In the context of the appeal proposals the most important aspect of Flitcroft's design is the tower, and the views of it that may be obtained from its surroundings. It was taken for granted by Wren and his successors that impeded views of London parish church towers were as important as unimpeded ones, if not more so. Great pains were taken with the design of the upper portion of towers and steeples in order that they could be seen at frequent points throughout the parish. A conscious and precious sense of proportion was exercised between church towers and their surroundings.

6.2.6. The spire of St Giles, above the clock face, can be seen over the Andrew Borde Street frontage from the north side of Oxford Street and from the west side of Charing Cross Road (Photo 1 [4]). Looking south from beneath the Centrepont link block, the west end of St Giles appears between the Earnshaw Street residential block and the St Giles High Street facade of York and Clifton Mansions and 28 Denmark Street (Photo 1 [5]). In this view St Giles is framed by converging building lines and there is an interesting contrast between the modern block and the lively Victorian elevation of the Mansions.

6.2.7. Clifton and York Mansions, at 52-58 St Giles High Street, were erected in 1895-7 by the builders Hilder and Edge. They are only a little higher than No 59 which probably dates from c.1800-20 and is the only building surviving on the appeal site to represent the plot width and scale of the properties indicated on Horwood's maps of 1799 and 1819 which show both sides of St Giles High Street to the north of Denmark Street occupied by individual houses. The front elevation of the Mansions is of red brick and stone in the Victorian Italianate style and their scale is appropriate to their surroundings; they are important in the setting of St Giles and to the character of the area as a whole (Photo 1 [5&2]).

6.2.8. The developers of Denmark Street were Samuel Fortrey and Jacques Wiseman. By 1691 all the houses in Denmark Street were completed; today Denmark Street is of unusual architectural interest because 8 of its houses survive, more or less structurally intact and with varying degrees of internal fitting-out in place. Replacements built in the C19 and early C20 maintained plot widths and the prevailing scale of the street scene. There are probably only 6 streets within the old built-up area of London north of the Thames, as it was in 1700, where groups of houses dating from the third quarter of the C17 still stand. Denmark Street is the only one of the 6 where original houses survive on both sides of the street. It follows that the houses of Denmark Street are remarkably significant and rare survivals of London terraced houses more than 300 years old.

6.2.9. The buildings fronting Charing Cross Road are generally taller and of more commercial character and are predominantly Victorian or early C20, with some post war development. Charing Cross Road is one of several important West End arteries created in the second half of the C19 by the Metropolitan Board of Works. In townscape terms this main thoroughfare is a corridor between Cambridge Circus to the south and St Giles Circus to the north. It was laid out from 1877 onwards and entailed the compulsory purchase of properties on the east side of the former Crown Street, where the building line was set back some 20 feet. Between Denmark Street and what is now Andrew Borde Street the new plots thus created were developed in the late 1880's. Although some of the buildings are neglected, this frontage displays remarkable consistency of scale and character.



6.2.10. The best building fronting Charing Cross Road is Shaldon Mansions. Originally Halberstadt Mansions, it was built in a spirited Queen Anne style with Gothic touches by James Hartnoll in 1889. With its red brick and stepped gable facade, it is distinctive and offers a key reference for new development. To the north of Shaldon Mansions there is a mixed group of typical C19 buildings. Nos 142-146 (even) Charing Cross Road was designed by H H Collins in 1888. The most interesting building in the group is No 148, built to the designs of Bateman and Bateman for the lamp manufacturers James Hinks and Son. It has a massive 2-storey decorated faience arch under a graduated slate pyramidal roof, and the mullions of the upper showroom windows were carved by George Frampton, later to become celebrated as a sculptor. No 148 possesses intrinsic interest and is of value in the street scene.

6.2.11. Denmark Place is a narrow unpleasant space with an air of dereliction. It is thought to have been laid out at the end of the C17 as Dudley Court. By 1799 there were 15 separate properties on the north side of the thoroughfare; most of the south side was occupied by workshops or stabling. Denmark Street itself became increasingly commercial after 1800, with back premises and upper stories given over to crafts-scale production. On the north side its buildings are 3-storied; on the south side they are generally lower, reflecting the piecemeal development of Denmark Street behind. They are robustly detailed, traditional structures, unremarkable with the exception of the Grade II listed No 16. Nevertheless, the underlying character of Denmark Place is interesting and it has potential to be a positive asset to the area.

6.2.12. No 16 Denmark Place is an example of the back extensions created by C19 commercialisation. It was built in the early C19 as a workshop, possibly for the metal-finishing trade which was predominant in the area by the mid C19. It retains a number of original features, including central loading door openings, unhorned gated sashes, a staircase and a glazed lantern at third floor level. It is of interest for its contiguity with the late C17 No 20 Denmark Street and for its representation of an early C19 industrial building. Few other industrial buildings survive in the immediate surrounding area; those that do exist are of later date and different character.

6.2.13. A significant element of the character of the area is its roofscape. Generally the roofs are traditionally detailed slate roofs with dormers or set back attic stories. Other buildings have turrets or gables and, in the case of St Giles, a steeple. Views from upper storeys can be as important as those at street level, and although these features may be subsidiary to the main elevations of buildings, they help to create the grain and coherent townscape of the area (Photo 1 [21]).

#### The Conservation Area

6.2.14. The Bloomsbury Conservation Area is of varied character and reaches from Euston Road in the north to Lincolns Inn Fields in the south, and from Cleveland Street in the west to Grays Inn Road in the east.

6.2.15. The Denmark Street Conservation Area is an extension of the Bloomsbury Conservation Area; prior to the further extension, designated in June 1991, it was bounded by Denmark Place on the north-west, St Giles High Street on the north and north-east, Shaftesbury Avenue on the south-east and Charing Cross Road on the east. The nucleus of the Conservation Area centres



on the Church of St Giles and includes the whole of Denmark Street. The street pattern is largely that which was in place at the end of the C17. The buildings are, for the most part, of four to six stories.

6.2.16. Only a dozen or so buildings on Denmark Street are not statutorily listed. These are predominantly commercial buildings of the late C19 and early C20. They maintain the consistency of scale and proportion of the listed buildings and introduce variety and incidental detail which contributes to the character of the street.

6.2.17. Denmark Place is a traditionally scaled pedestrian thoroughfare which makes an important contribution to the character of the Conservation Area. The plot widths of the buildings on the south side conform to those of the Denmark Street properties onto which they back, and this, in combination with their subordinate scale and varied fenestration imparts a traditional appearance. The retention of Denmark Place in its traditional form, in particular the narrow exits at its east and west ends, is of fundamental importance to the preservation of the Area.

6.2.18. On St Giles High Street, York and Clifton Mansions display an elevational treatment which is strongly rhythmical, with alternating paired and single window dormers. From beneath Centrepont, the serried ranks of dormers and the hexagonal tower and cupola at 28 Denmark Street provide a sympathetic foreground to views of the church tower and steeple.

6.2.19. On Charing Cross Road, Shaldon Mansions occupies the street frontage between Denmark Street and Denmark Place. To the south of Denmark Street, with the exception of the modern 7 storey block at Nos 118-120, 4 storey buildings predominate.

#### Design Considerations

6.3.1. The appeal proposals fail to respond to the important location of the site, its situation in the Bloomsbury (Denmark Street) Conservation Area and its relationship to the adjoining Soho Conservation Area in the City of Westminster.

6.3.2. It is proposed to demolish all the buildings north of Denmark Place, together with York and Clifton Mansions and the listed 16 Denmark Place. The demolition of York and Clifton Mansions would represent the loss of buildings which make a positive contribution to the appearance of the Conservation Area: the replacement building would substantially change the character of St Giles High Street. In the absence of drawings showing the precise extent of demolition and subsequent excavations, it is not possible to assess the likely impact of the works upon the aged and fragile listed buildings fronting Denmark Street.

6.3.3. Applications for listed building consent relating to 20, 26 and 27 Denmark Street and to 59 St Giles High Street are not before this inquiry, and English Heritage considers that the proposed alterations could be acceptable in principle. However, the proposed demolition of 16 Denmark Place is a matter to be determined. It is the only survivor of the buildings in Denmark Place likely to have been connected with the metal-working industry to retain characteristic loading bay openings and, on the second floor, central doors and paired unhorned flanking sashes, indicative of its former use. The roof lantern is also characteristic of industrial use. There are no other



survivals of comparable type or date in Denmark Place or Denmark Street. The industrial buildings in Flitcroft Street, to the south, are of later date and different character.

6.3.4. No 16 Denmark Place is in use as retail premises and appears to be in reasonable condition. It could be retained without great difficulty and without serious impairment of the development scheme. However, its demolition might well result in damage to the fabric of 20 Denmark Street, which dates from the late C17 and is likely to be fragile. The proposal fails to meet the criteria to be taken into account when considering the demolition of a listed building, set out in Circular 8/87, paragraph 90, and the application to demolish should be refused.

6.3.5. York and Clifton Mansions make a positive contribution to the Conservation Area; they could be cleaned and restored, and accommodated within the redevelopment of the appeal site. There are no good reasons for an exception to the presumption against the demolition of 16 Denmark Place.

6.3.6. The proposed office block would be unsympathetic in scale to its surroundings; it would harm the character and appearance of the Conservation Area and the setting of 59 St Giles High Street. It would have an overbearing impact upon the pedestrian passageway of Denmark Place. By blocking key views, it would detrimentally affect the setting of the Church of St Giles-in-the-Fields. The view from the east end of Oxford Street could be preserved by framing the tower and steeple between separate elements of the structure.

6.3.7. From the outset the architects have sought to create a 'landmark' development and aimed to create an imposing building. They have adopted a formal plan on what is essentially a site of irregular shape. This approach has created problems which combine to make the scheme unacceptable.

(i) The imposition of a rectilinear plan form, parallel to Denmark Place, inevitably results in the loss of York and Clifton Mansions.

(ii) The development does not respect the axis of Centrepoint. To do so, the Andrew Borde Street frontage should be set at 90 degrees to Charing Cross Road.

(iii) The street frontage of the proposed building fails to maintain the sense of enclosure which is characteristic of Charing Cross Road. The office block seems to turn its back on the main thoroughfare.

(iv) The plan form adopted does not make full use of the site and there are numerous 'left over' spaces, for example at the base of the lift tower and along Charing Cross Road and Andrew Borde Street. These spaces do not contribute positively to the character of the street scene and could present safety and security problems.

(v) The subway entrance is poorly integrated into the ground floor of the office block. It would be better incorporated into an arcade along the Charing Cross Road frontage.

6.3.8. The proposed office block is too high, excessively bulky, and would have a detrimental impact upon the area in general and on the character of the Conservation Area. Its relationship with No 59 St Giles High Street would be inharmonious. The new building would not lead the eye towards the steeple of the church, as do York and Clifton mansions, and as a consequence the steeple would become incidental to the view. The 6 storey office building on St Giles



High Street would rise to 8 stories on the north side of Denmark Place and would have an overbearing effect upon the character of the historic way. The opening out of the east end of Denmark Place behind 24-26 Denmark Street and the metal clad curved east end of the studio block above the entrance to the museum, would radically alter the appearance of the pedestrian passage. The main elevation of the studio block would not accord with the predominantly vertical emphasis of the existing buildings on the south side of Denmark Place. The new building would adversely affect the setting of neighbouring listed buildings and of St Giles-in-the-Fields.

6.3.9. The main block would be significantly higher than the existing buildings in Charing Cross Road, Denmark Street and St Giles High Street. It would be the same height as the Centrepoint residential blocks, but these are themselves out of scale with their surroundings. A reduction of 2 storeys would bring the new building more into line with the existing development in Charing Cross Road, and would provide a transition between the scale of the Centrepoint blocks and the smaller scale of the buildings in the Conservation Area.

6.3.10. The winged roof to the top storey of the office block is a prominent and incongruous element. It collides with the differently aligned frontages of Charing Cross Road and St Giles High Street. Viewed along Charing Cross Road from the south it has an unsatisfactory relationship with the gable of Shaldon Mansions; when viewed from the west along St Giles High Street it has an unsatisfactory impact on the lower scaled buildings which adjoin the site.

6.3.11. The tower element is also too high and unduly prominent in the townscape. It should be reduced in height and would be better located at the corner with Charing Cross Road to maintain a sense of enclosure and to correspond to the gable of Shaldon Mansions and the turrets of other buildings in the neighbourhood.

6.3.12. The view of St Giles' steeple looking south-east from Oxford Street and Charing Cross Road, which would be obscured by the office block, was revealed as a result of the Centrepoint development, but it is not new. An engraving of the early C19 shows that at that time St Giles was prominent in the view from Oxford Street. Today the steeple is a counterpoint to the existing office tower in one of the main views of Centrepoint. This view should be maintained by the retention and refurbishment of York and Clifton Mansions and a reduction in the height and bulk of the proposed office block.

6.3.13. The proposed set back and increased scale of the buildings on the south side of Denmark Place would have an unacceptable impact upon the character of the thoroughfare. If extra space is required for pedestrians, this could be achieved by arcading on either side of the way. The narrow width of the lightwell (1.5 m - 3.0 m) between the proposed studio block and the backs of the Denmark Street properties would have unacceptable implications for the setting of the listed Denmark Street buildings, and would afford unacceptably limited outlook and natural lighting. The studio block should be no more than 3 full stories high, possibly with a set back roof storey, and the width of the lightwell should be increased.

6.3.14. The proposed residential block at 56-58 St Giles High Street relates poorly to the adjoining listed No 59. The top storey should be set back and reduced in size and the bulk of the block at the rear should be reduced to minimise loss of daylight to the back of 27 Denmark Street.



6.3.15. Turning to matters of design, it is necessary to consider whether or not the proposals would preserve or enhance the character of the Conservation Area, and their effect upon the setting of listed buildings. It has already been concluded that the office block would be excessively high and bulky and out of scale with its surroundings. The extensive use of glass and metal in the elevations would be incongruous in this area where masonry predominates. The horizontal emphasis of the elevational treatment would be out of place beside the solid geometric form of Centrepoint. The 'winged' roof and the tower would serve to emphasise the scale and self-importance of the proposed building. A more discreet, simpler solution, reflecting the traditional human scale of the area is called for.

6.3.16. In order to relate the new building to those which exist, the architects have broken down the elements of the Charing Cross Road frontage, but this has resulted in a fragmented facade and loss of sense of enclosure. To reduce the bulk of the building, storey heights have been reduced to a minimum, but as a consequence the ground floor appears squat by comparison with adjoining buildings.

6.3.17. The office block makes no concessions to the existing character of Denmark Place. It imposes a massive metal and glass wall on the north side; a variety of materials are represented on the south side, all of which, with the exception of brick, are out of character with this part of the Conservation Area.

6.3.18. The buildings designed to replace York and Clifton Mansions would not enhance the Conservation Area. The proposed flats are crudely detailed and their features are not consistent with the character of the neighbourhood. The roof storey would be far too prominent. The block would be considerably higher than the existing buildings and much of the ground floor, which now displays a pleasant street frontage with its architectural framework intact, would be given over to servicing. Viewed from the east along St Giles Street, the impression would be of a disparate group of elements thinly disguising the massive office block behind. The setting of St Giles seen from beneath the Centrepoint link block would be degraded.

6.3.19. The Council have no objection to the selective redevelopment of the northern half of the site - Policy UD10 aims to retain buildings which still have a useful life - but in the circumstances of this case the proposed development would be contrary to the advice of Circular 8/87 and to Policies UD3, UD7, UD15, UD16 and UD32 of the Local Plan.

6.3.20. Relevant to the issue of urban design, on 9 February 1990 appeals concerning the proposed redevelopment of 122-4 Charing Cross Road were dismissed under references T/APP/X5210/A/89/128658/P2 etc (Document 28, Appendix 15). The site is directly opposite Shaldon Mansions on the corner of Denmark Street, within the Conservation Area. The reasons for dismissal were that the building would be excessively high and bulky in respect of both street frontages and thus would neither preserve nor enhance the character of the Conservation Area nor respect the setting of the listed buildings.

#### Other Planning Considerations

##### Transport Considerations

6.4.1. Borough Plan Policy TR3 seeks to improve public service transport services and to support new rail investment. Its objective is "to improve and enhance the Borough's network of public service transport services including



advocating investment in new ones so as to provide reliable frequent and rapid services and an adequate level of public transport services for all those who need to travel within the Borough". It follows that the Council fully support the programme for investing in new railway infrastructure.

6.4.2. By letters dated 27 November 1990 and 25 March 1991, London Regional Transport (LRT) recommended refusal of the planning application on account of need to safeguard the routes of the proposed Crossrail and Chelsea-Hackney lines. St Giles Circus is the first site in Camden where development proposals have come into conflict with LRT requirements for a working site, but if, as LRT intend, the site is to be used as a working site for about the next 10 years, it would clearly be premature to grant an unfettered planning permission now.

6.4.3. The appellants have suggested alternative working sites. LRT will explain why these alternatives are impractical from the engineering point of view and in written representations the City of Westminster deal with sites within their boundaries.

6.4.4. The appellants propose Phoenix Gardens and the adjoining car park as a working site. A planning brief approved in 1989 zoned the Gardens as permanent open space and the car park for housing and commercial use. The Gardens were created in 1985 by local people. They are now firmly established and were given permanent open space status in May 1990. The playground within the adjacent churchyard is leased and is only temporary. There is a sizable residential community in the neighbourhood; the area is extremely short of open space (Document 35, Appendix 2) and without Phoenix Gardens would be deficient in terms of the GLDP criteria (Document 35, Appendix 3). Council policy seeks to ensure adequate facilities in the Community Area (Document 35, Appendix 4). Policy LE3 aims to resist the loss of existing open space. The loss of the Gardens for 10 years, or even for 12 months, would deprive the community of an important resource which would be difficult to replace.

6.4.5. It is proposed to sell the car park to the Soho Housing Association, which has received a firm commitment from the Housing Corporation to provide finance in 1993-4 to fund the development of the site. This is the only vacant site left in Soho/Covent Garden for public sector housing and its loss would jeopardise a unique opportunity to provide new accommodation in the area.

6.4.6. There are 2 residential blocks in New Compton Street, which would serve a working site on Phoenix Gardens. A block of 25 Council flats, many occupied by the elderly and housebound, has windows directly overlooking the street and the site. Even if the site was only used for tunneling for a 12 month period, there could be up to 70 HGV's calling in a 24 hour period. This would cause intolerable disturbance in an environment which is at present reasonably quiet. The street is 7.5 m wide at its entrance, but narrows to 6m for the rest of its length; it would not accommodate waiting lorries.

6.4.7. The disbenefits to the community which would arise from the use of the site for LRT's working would far outweigh any possible technical advantages.

6.4.8. Working sites at Centrepoint and Andrew Borde Street would be wholly unacceptable. They would entail the destruction of improvement works due to start imminently, and severely impede and endanger traffic and pedestrian flows.



6.4.9. The Council share the objections of Westminster City Council to the use of Derwent Valley as a working site. The access is restricted and the anticipated vehicle flows of 6 HGV's per hr at peak for 3 years would lead to highway congestion and would conflict with pedestrian flows.

6.4.10. Denmark Place has a number of advantages as a working site. There is no objection to the loss of the existing dilapidated buildings, such as 138-148 Charing Cross Road; there is unlikely to be destruction of important archaeological remains. It would be possible to retain York and Clifton Mansions. The substitution of part of Andrew Borde Street would be acceptable, subject to careful consideration to ensure the safety of pedestrians and traffic. The site is accessible to heavy goods traffic from all directions and because there are few local residents the effect upon residential amenity would be minimal.

#### Plot Ratio

6.4.11. The Council's Environmental Code indicates that an appropriate plot ratio on the appeal site would be 3.5 to 1. It is recognised that in the circumstances of this site a ratio of 5 to 1 would be acceptable, but the office block alone generates a ratio of approximately 8 to 1. This is not a reason for refusal but it highlights the excessive bulk of the office block and the over development which it represents.

#### Daylight

6.4.12. The Environmental Code requires that daylight to dwellings should generally comply with Department of the Environment publication "Sunlight and Daylight". Non-conformity with these standards is not a reason for refusal, but is a consequence of the height overbearing character of the new blocks. The appellants have proposed amendments to the design which overcome some concerns, but by reference to the guidelines the proposed flats on the first to third floors of 24 Denmark Street, on the first floor of the St Giles block and on the first to third floors of the studio block, will receive inadequate daylight.

#### The Music Industry

6.4.13. Borough Plan Policy EM7 seeks to protect business activities which contribute to the special character of an area. Policy UD11 includes the objective to promote activities and functions which contribute to the character and variety of areas of special architectural quality. Policy UD12 goes further and seeks to insure that activities which contribute to this character are not displaced by redevelopment. Policy SH22 states that within the Community Area, the Council will protect the specialist shopping activities which contribute to the character of central London.

6.4.14. Denmark Street contains the nucleus of a music specialism - principally the sale and repair of popular music instruments. The industry appears to be thriving and attracts customers from home and abroad. A feature of the street is small shop units, sometimes stacked on 2 or more floors of historic buildings, giving a sense of intimacy and interest to shopping. Out of 19 retail businesses in the street, 9 are involved in the music trade. In total there are some 22 businesses on the appeal site (Document 28, Appendix 16.3).





6.4.15. The music specialism is a significant characteristic of the Denmark Street Conservation Area and should be retained both for this reason and for its contribution to central London's economy. The appellants say that they aim to protect and enhance the area's reputation as a centre for popular music, but in the absence of satisfactory agreement between the developers and the existing music tenants the Council remains concerned that this aim may not actually be met. It is recognised that the commercial interests of individual shopkeepers are not a planning matter, but experience suggests that, following refurbishment or redevelopment, rents would rise to a point where individual specialist retailers would be unable to compete and the important element of the character of the Conservation Area which these businesses represent would be lost.

#### Summary and Submissions

##### Preliminary Matters

6.5.1. Consequent upon the Council's resolution on 1 June 1991, the whole of the appeal site falls within a designated conservation area and the provisions of Section 72 of the 1990 Act must apply in the determination of the planning appeal. If planning permission is granted, conservation area consent will be necessary for the demolition of the buildings north of Denmark Place. The Council do not oppose the demolition of York and Clifton Mansions, provided that the replacement buildings make an equal contribution to the character and appearance of the Conservation Area. Nevertheless, it is accepted that planning benefits can outweigh detriment to the character or appearance of a conservation area.

6.5.2. The appellants have sought to amend the application by deleting the designation of "restricted B1 use" from 22,921 sq ft of the proposed floor space (Document 20, Appendix 8). This amendment is opposed. It involves a substantial increase in the amount of unrestricted B1 floorspace, raising the possible office content from 104,326 sq ft to 127,247 sq ft and changing the mix of employment uses. The amendment would vary the terms of the application, the application drawings and the submitted schedule of floorspace. It is clear from *Bernard Wheatcroft v Secretary of State for the Environment* (1982) JPL 37 (Document 45), that amendment is not possible where it increases the scope of the development. What is suggested would materially increase the scope of the development.

6.5.3. Employment land use mix was an important consideration in discussions with the developers about the application. The "mixed application" was designed to meet Policy EM22, which is controversial, but is part of the Local Plan and is relevant to consideration of applications for office or potential office floor space. The proposed amendment was raised for the first time in Mr Skelcey's proof of evidence and to allow amendment now would deprive the many consultees of the opportunity to comment on a material planning issue.

6.5.4. If the application is not amended and the appeal succeeds, planning permission should be subject to a condition restricting to B1 use, in the same way that approval of an agricultural workers dwelling is subject to an agricultural occupancy condition.

## Benefits of the Scheme

6.5.5. It is accepted that the scheme would carry planning benefits, in the refurbishment of properties in Denmark Street, in traffic improvements and in the redevelopment of the derelict northern half of the site. However, a scheme of less bulk and height than that proposed could yield the same benefits.

## The Appeal against Refusal of Planning Permission

6.5.6. The first reason for refusal concerns prejudice to the implementation of the Crossrail and Chelsea-Hackney Line Projects, and is in accordance with Policy TR3 of the Local Plan (Document 28, Appendix 4.7). The appellants accept that this is a matter to be taken into account.

6.5.7. If the appeal scheme is permitted it would prejudice the early provision of public transport improvements. The "planning cost" of carrying out the BRT works on an alternative site would be significantly greater than if the works took place on the appeal site.

6.5.8. The appellants suggest Phoenix Gardens as a working site. This option would result in the loss of a much used and valued open space which Local Plan policies endorse and protect. It would generate HGV movements and noise which would detract from the amenity of residential accommodation, and would postpone the prospect of social housing proposed to be undertaken by the Soho Housing Association. It might well compromise archaeological remains.

6.5.9. Denmark Place may not be the ideal working site, by virtue of proximity to the listed buildings at 16 Denmark Place and 59 St Giles High Street, but the ideal may be unattainable in a closely packed historic townscape, and the rare commodity of undeveloped land should not be regarded as a soft option. Planning assessment should not be unduly influenced by the fact that a private developer is anxious and able to develop a site. Furthermore, dismissal of the appeal on the basis of the first reason for refusal of planning permission would effectively remove blight from other sites in the area, and this should be taken into account.

6.5.10. The second reason for refusal concerns the impact of the proposed development on the area in general and in particular on the Bloomsbury (Denmark Street) Conservation Area and the setting of adjoining listed buildings. The impact of the development would extend beyond the Conservation Area to the north, east and west sides of St Giles Circus and to the west side of Charing Cross Road. The test to be applied is indicated in PPG1, paragraph 28, which states "Local planning authorities should reject obviously poor designs which are out of scale or character with their surroundings". Policy UD3 of the Local Plan (Document 28, Appendix 4.8) reflects this advice.

6.5.11. The appellants say that the new building would close the "square" around Centrepont. In the council's view, the Centrepont office block forms the east side of the "square", and not the Centrepont residential block as the appellants contend, but the appellants agreed that a building lower than that proposed could adequately close the "square". Similarly, a lower building could adequately close the vista from the southern end of Tottenham Court Road.

6.5.12. Criticism of the positioning of the tower feature, of the alignment of the new office block relative to Charing Cross Road and of other features of the design has been explained in evidence.



6.5.13. The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72(1), requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance" of conservation areas. To satisfy the test which this requirement implies, the Council consider that the new development should reflect the consistent scale set by Shaldon Mansions and other buildings further down and on the opposite side of Charing Cross Road. This the scheme clearly fails to do. Proposed materials are alien to the setting of the site; the winged roof feature and plant rooms would accentuate the height and bulk of the office block.

6.5.14. In views from the east and in both directions along St Giles High Street, the character of the Conservation Area derives from domestic scale and narrow plot widths. As a consequence of the inappropriate scale and design of the development, the appearance of the Area in these views would be materially changed. The roof fin and curved roof elements of the new residential block would be wholly out of character with the neighbourhood; the bulk of the office block would create a new skyline and the horizontal emphasis of the design would fail to respect the historic pattern of development. It is not accepted that the book-end feature of the design represents an enhancement.

6.5.15. The historical importance of views of the tower and spire of St Giles-in-the-Fields has been explained in evidence. The development would obstruct the last view left from the north and west quadrants of this feature of the townscape. Refusal of planning permission would ensure the opportunity to take proper account of this view in the development of the appeal site.

6.5.16. The third reason for refusal concerns the demolition and alteration of buildings which contribute to the character of the Conservation Area. The impact of the proposed demolitions and redevelopment upon the character of the Conservation Area and the setting of its listed buildings, in particular 59 St Giles High Street and 20, 26 & 27 Denmark Street has been explored in evidence. York and Clifton Mansions which are proposed to be demolished make a positive contribution to the character of the area. They exhibit the scale appropriate to the development of the appeal site, and could easily be cleaned and restored to residential occupancy.

6.5.17. Differing views have been expressed on the issues which the second and third reasons for refusal raise. The Council are aware of the view of the RFAC, but others do not share this opinion and the issues call for resolution in the light of expert professional judgement.

6.5.18. The fourth reason for refusal raises the matter of the contribution of the music industry to the character of the area. Since 1913 music traders have had a significant presence in Denmark Street and have dominated since the 1930's. The evidence overtakes the appellants' assertion that the trade has been unstable and that the area has never been the "showcase of the British music industry"; in their submissions in support of their application for planning permission the appellants themselves said that the music businesses contribute to the character of the area.

6.5.19. Circular 8/87 does not discuss the contribution of uses to the character or appearance of a conservation area, but in his decision dated 26 March 1990, under reference APP/X5210/A/88/086131 (Document 42), the Secretary of State implicitly accepted, in paragraph 15, that land use may affect the character of a conservation area. Among the buildings which are identified in Circular 8/87, Appendix I, as worthy of consideration for listing, are those



which have special value "as illustrating social and economic history" or "association with well-known characters or events". This relates historic interest and character to use.

6.5.20. It is likely that higher rents will follow redevelopment. As a consequence there is a real risk that music businesses will move out, significantly diluting the present unique concentration of choice of goods and skills, and eroding the character of the Conservation Area.

6.5.21. If a legal agreement can be reached between the developers and the traders, which will ensure the continuation of the Denmark Street music businesses, then the fourth reason for refusal will fall away. If no agreement is completed and planning permission is granted, it should be subject to a condition requiring that the present music shops should remain in the business of music retailing and instrument repair. Such a condition would be reasonable, in that it would serve the planning purpose of maintaining the character of the Conservation Area and would not promote the interests of individual tenants. A similar condition, limiting premises to use as an employment agency, was found to be lawful in *City of London Corporation v Secretary of State for the Environment* (1971) P & CR 28 (Document 46).

#### The Appeal against Refusal of Listed Building Consent

6.5.22. It is clear from the evidence presented that 16 Denmark Place was not wrongly listed and, by reference to the criteria of Circular 8/87, paragraph 90, there is a compelling case for the retention of the building on its merits. The appellants concede that the building could be retained without difficulty and without sacrifice of planning gain.

#### The Appeal against Refusal of Conservation Area Consent

6.5.23. In view of the failure of the proposed replacement scheme to satisfy reasonable criteria of design and to respect its setting, it would be wrong to grant conservation area consent for the demolition of unlisted buildings within the Conservation Area.

#### Conclusions

6.5.24. The objections to the scheme outweigh its benefits and the appeals should be dismissed. However, if it is determined that the appeals should succeed, planning permission should be subject to conditions 1-20 suggested by the Council (Document 47), framed to safeguard archaeological remains; to provide for approval of details of the scheme, including landscaping and car parking arrangements; to preclude the loading and unloading of goods on the highway; to safeguard residential amenity; to provide for access by disabled persons, and to require that the development shall be completed and available before any part is brought into use. Conditions should be imposed requiring pavement areas to be constructed, surfaced and maintained to the satisfaction of the Council; to ensure that the foundation design will accommodate the requirements of LRT, and to restrict the proposed museum to its intended use. For the reasons already explained, further conditions should be imposed defining the use of the "restricted B1" floorspace, and providing for the retention of the Denmark Street music uses.

6.5.25. Listed Building Consent should be subject to a condition requiring applications for listed building consent for the alterations to 20, 26, 27 Denmark Street and 59 St Giles High Street.



6.5.26. Conservation area consent should be subject to a condition to ensure that no demolition takes place until contracts have been exchanged for the development in accordance with the planning permission.

#### THE CASE FOR LONDON REGIONAL TRANSPORT

The material points are:

##### Statutory Background (Document 48, Section 2)

7.1.1. LRT object to the development of the appeal site as proposed because it would prejudice the proposals for the building of new underground railways between Liverpool Street and Paddington (Crossrail) and between Wimbledon and Hainault (Chelsea-Hackney).

7.1.2. LRT was established by the London Regional Transport Act 1984. LRT's long term strategy (Document 51, exhibit 01) includes:

(i) Ensuring that by the year 2000, Greater London enjoys "the benefits of a public transport system which is safer, more efficient and adequate in capacity".

(ii) Developing plans for expansion of the Underground to relieve current overcrowding and meet future demand.

The expansion of the Underground has focussed on 3 major schemes:

(i) the Jubilee line extension;

(ii) the Crossrail line;

(iii) the Chelsea-Hackney line.

The Crossrail and Chelsea-Hackney lines intersect at Tottenham Court Road, where there would be full interchange between them and the Central and Northern lines.

7.1.3. The Secretary of State announced on 9 October 1990 (Document 51, exhibit 02) that he expected a Bill for the Crossrail project to be deposited by 27 November 1991. Preparation of documents, including scheme drawings and an environmental impact study is progressing.

7.1.4. By a Directive dated 5 November 1990 (Document 51, exhibit 03) and issued under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988, the Secretary of State for Transport safeguarded the alignment and lands required for the construction of a new railway from Westbourne Park to Mile End (the Crossrail project). By a similar Directive dated 7 February 1991 (Document 51, exhibit 04) an alignment from Parsons Green to Hollybush Hill Ell was safeguarded for the Chelsea-Hackney Line project.

7.1.5. Outline plans for the Chelsea-Hackney line have been prepared, but the project is at an early stage of design. At Tottenham Court Road the opportunity exists to carry out the major tunnelling works concurrently with the Crossrail scheme. This approach and its funding has not yet been considered by the Secretary of State.



7.1.6. Land at Tottenham Court Road is required for 3 interrelated projects. The London Underground (Safety Measures) Bill currently before Parliament, awaiting the Committee stage in the Second House, provides for improvement of the access to the existing lines and the provision of a new ticket hall on land which does not include the appeal site. Both the Crossrail Safeguarding Plan (Document 51, exhibit 06) and the Chelsea-Hackney Safeguarding Plan (Document 51, exhibit 07) do affect the appeal site. The Plans identify land where consultation is required if development is proposed more than 3 m below the surface, and more limited areas of surface interest where consultation is required on all applications.

7.1.7. Areas of surface interest are required for a number of different purposes (Document 51, exhibit 08). These are for permanent uses, such as ticket halls, shallow tunnels, ventilation plant and escape routes, and for temporary uses such as the construction of underground works and access to the works.

#### Transport Planning Background (Document 48, Section 3)

7.2.1. As a result of studies commissioned by the Secretary of State for Transport between January 1989 and October 1990 the case for a 2 line package of new routes on the alignments now proposed was established and accepted by the Government. The proposals for both lines have been subject to further feasibility investigation and refinement. The detailed alignment within the central area has been adjusted as further information has become available. None of the studies undertaken have challenged the view that both lines should serve Tottenham Court Road.

#### The Railway Works (Document 48, Section 4)

7.3.1. The works proposed in the London Underground (Safety Measures) Bill, the Crossrail project and the Chelsea-Hackney line at Tottenham Court Road comprise a number of elements (Document 51, exhibit 12; Document 48, Section 4.1).

7.3.2. The Safety Measures ticket hall site has been determined by the need to minimise interchange distances between lines, and to maintain maximum accessibility from the existing ticket hall and subway system to the new lines, and by the aim to provide a direct route from the street to the platforms, taking account of the horizontal displacement of the escalators.

7.3.3. The options for locating the new Crossrail and Chelsea-Hackney line platforms are limited by the foundations of Centrepont to the east and the remoteness of the area to the north from the available space for access to the Northern line platforms. The only area available for major new works is to the south and west of the present station.

7.3.4. Most of the new works will be in bored tunnel. It is intended to construct the running tunnels of the 2 new lines using mechanised techniques from working sites on the outskirts of the central area, from which spoil can be removed by rail or water. Only the upper escalators, lift and stairway shafts would be excavated from the ticket hall sites; the platform tunnels, concourses and their associated passageways would be constructed from a working site near the station.



Permanent Works (Document 48, Section 5)

7.3.5. Two elements of the permanent works affect the appeal site (Document 51, exhibit 15):

(i) the eastbound Crossrail running tunnel and.

(ii) deep level ventilation tunnels and a ventilation shaft at the east end of the Crossrail station with associated mechanical plant.

7.3.6. The alignment of the eastbound tunnel is tightly constrained by existing foundations and the relationship with the escalators leading from the new ticket halls. It is not possible to construct the Crossrail tunnels at a significantly lower level. The running tunnel beneath the appeal site must constrain the piled foundations of the proposed building. However, discussions have taken place with the appellants; a mutually acceptable solution has been identified and if the development is permitted conflict between the alignment of the tunnel and the foundations of the building could be avoided by an appropriate condition (Document 48, Section 5.16 [i]).

7.3.7. The ventilation of the Crossrail areas of Tottenham Court Road station requires the provision of a ventilation shaft of around 6 m diameter near to each end of the station platform tunnels with electrical equipment occupying about 40 sq m. The shaft should vent least 3 m above ground, although discharge at roof level is preferred. An area of search for a shaft site has been determined, based on the relevant design criteria (Document 51, exhibit 18). It is not possible to locate the shaft within the preferred radius of 25 m because of the constraints on tunnel alignments, and locations within an 80 m radius have been considered. Six potential sites have been identified, but with one exception all are occupied by buildings (Document 48, Section 5.11). All except the western half of the Denmark Place site present design difficulties or are objectionable for environmental reasons (Document 48, Section 5.12). This area of the appeal site is proposed for demolition and is an obvious choice for the ventilation shaft.

7.3.8. The ventilation passages and shaft would constrain the design of the redevelopment, but arrangements for their inclusion in the scheme have been discussed with the appellants. They could be included in the scheme and, if the development is permitted, a condition is suggested to require their accommodation (Document 48, Section 5.16 [ii]).

Temporary Works (Document 48, Section 6)

7.3.9. One of the reasons for safeguarding the appellants' site is to provide for its temporary occupation in connection with the construction of both the Crossrail and the Chelsea-Hackney lines. The length of time required to build new underground railways is generally determined by the time required for the construction of the stations. It is therefore important to minimise the volume of tunnelling works carried out from the ticket hall site, and this is achieved by providing a separate working site for the deep level tunnels.

7.3.10. Eight main tasks are carried out from a station tunnel working site (Document 48, Section 6.3). Most of the working site needs to be a cleared area, but existing buildings may be suitable to provide office, welfare and other accommodation. Most of the work taking place is the movement of materials from transport to store and thence to the shaft and vice versa. The nature of tunnelling work requires that it be carried out on a 24 hour, 5 day



week basis. In sensitive locations continuous 7 day working is required. This restricts the choice of locations to areas where night and weekend activity is acceptable.

7.3.11. The principal requirements for a deep level working site are:

- (i) Adequate area.
- (ii) Good access for HGV's.
- (iii) No major environmental conflicts.
- (iv) Independence from other works affecting the railway construction programme.
- (v) Close proximity to the works being built.

7.3.12. The consulting engineers for the Crossrail project have advised that a suitably shaped area, with good vehicular access, of about 2,000 sq m would suffice, although 2,500 sq m would give greater flexibility. A similar area is required for the Chelsea-Hackney line, so it is intended that one site should serve both projects. To be most effective the site needs to be located above and between the 2 main running tunnels and within 50 m of either end of the station. If possible, it should offer the opportunity to sink a temporary access shaft directly over one or both of the running tunnels, to afford ready access for the assembly of the mechanised shields to be used for the construction of the station tunnels.

#### Alternative Working Sites (Document 51, exhibit 19)

##### The Astoria Site

7.4.1. This site would be of adequate size if the construction of the Safety Measures ticket hall was delayed until after the completion of the Crossrail deep level construction works, but this would represent a reversal of policy, delaying the urgent ticket hall works, extending the duration of the Safety Measures project by 3-4 years, and requiring the occupation of the site for a total of 8 years. The loss of retail frontage for this length of time could have a significant detrimental impact on the eastern end of Oxford Street.

7.4.2. Access for HGV's is restricted to Charing Cross Road and would conflict with traffic and pedestrian flows. Mechanised tunnelling works generate from 40 or 50 to 100 vehicle movements per day; the ticket hall construction alone would only generate about 20 per day.

7.4.3. The site is within the Soho Conservation Area. It is designated for demolition and redevelopment, but delay in its redevelopment would extend the impact of the works upon the surrounding area.

7.4.4. The site would only be available if Crossrail were to be authorised before London Underground are contractually committed to the Safety Measures works and the redevelopment. A Crossrail decision might not meet the timetable and London Underground would not wish to delay the Safety Measures indefinitely.

7.4.5. Access to the station works would be indirect and would conflict with other tunnels being constructed. Following completion, the working shaft could be used for an emergency stairway, but it would not be possible to





locate the Crossrail ventilation shaft on the site. The construction of the deep level works for the Chelsea-Hackney line would be possible, but would intensify the difficulties already described.

135-155 Charing Cross Road (Derwent Valley) & 23-25 Soho Square

7.4.6. There are proposals for the redevelopment of these sites. Their combined area is 2,800 sq m, although their shape renders their effective area rather less. Operations would be constrained by the driving of the escalators from the Safety Measures ticket hall to the Northern line.

7.4.7. Access for HGV's is restricted to the Charing Cross Road frontage with consequent conflict with vehicle movement and pedestrian flows. The site can only be approached from the south and the marshalling of lorries would cause traffic congestion.

7.4.8. Although the Charing Cross Road frontage is outside the Soho Conservation Area, Soho Square lies to the west of the site and the listed St Patrick's Church is adjacent. Preventive measures would mitigate the impact of the works upon the church, but they would remain intrusive upon the local environment.

7.4.9. The site could be operated jointly with the Safety Measures site, but this would entail a hoarding about 110 m long on the west side of Charing Cross Road, extending about 50 m up Oxford Street, which would remain for a long period.

7.4.10. The site is suitably located in relation to the Crossrail tunnels for construction of the deep level works, but because of other works in the area it would be difficult to locate the working shaft and retain it for subsequent use for ventilation. The appellants accept its unsuitability for the platform tunnel drives.

#### Phoenix Gardens

7.4.11. This site offers adequate space and is an acceptable shape. However, access would be via New Compton Street, much of which is only 6 m wide with 2-way traffic. There are limited opportunities for marshalling vehicles approaching the site.

7.4.12. The site lies within the Bloomsbury Conservation Area and includes a recently designated public open space, a car park and a childrens playground. It is close to the listed Phoenix Theatre which would be likely to suffer disturbance during rehearsals and performances.

7.4.13. Phoenix Gardens are above the westbound Crossrail alignment, but remote from the major works at Tottenham Court Road. The site is more than the effective distance (50 m) from the Crossrail station tunnels. It is poorly located to meet the requirements of ventilation; if it was used for tunnel construction, another site would be required for a ventilation shaft. However, if available, part of the Phoenix Gardens car park and grassed area could be used for ancillary purposes.



#### Dean Street

7.4.14. A new ticket hall is proposed on this site, primarily to serve Crossrail and the Chelsea-Hackney line. It has an area of only 1500 sq m. and would require a support site for the storage of materials and maintenance of equipment, within easy reach.

7.4.15. Vehicular access to the site is poor, roads to the south are congested and the Oxford Street footways are very busy. There is no obvious location for marshalling HGV's. The site is outside the Soho Conservation Area, but its use for tunnelling works would intrude upon Oxford Street for a long period and would significantly increase traffic in the Conservation Area. Because of the restricted site area the works would delay the provision of the Dean Street ticket hall for more than 3-4 years.

7.4.16. The site is to the north of the eastbound running tunnel and is consequently poorly related to the works to be constructed. The working shaft could be retained for ventilation purposes, but a second ventilation shaft would be required at the east end of the station.

#### Soho Square

7.4.17. This site is of adequate size and shape and surrounded by roads, but it is approached from all directions by narrow streets. It lies at the heart of the Soho Conservation Area and there are several listed buildings around the Square.

7.4.18. It is structurally independent of the ticket hall works and well located for most of the tunnelling works, but it is remote from either end of the station, so the logistics associated with the platform tunnelling shields would be difficult and time consuming. The working shaft would not be suitably located for subsequent use for ventilation.

#### Centrepont Piazza (The Pool) & Andrew Borde Street

7.4.19. The area available would depend upon an assessment of traffic requirements and use would be restricted by considerations of loading on parts of the Centrepont basement. The pressure on road space would render access difficult; the environmental impact of the construction of the working and ventilating shafts upon the Centrepont offices and on any development fronting Andrew Borde Street would be considerable.

7.4.20. The intensity of traffic movements would interfere with the operation of the Safety Measures site; account would have to be taken of the proposed subway link between the existing and new ticket halls. The site is on the north side of the eastbound running tunnel and consequently access for construction would take longer and be more complicated.

#### Flitcroft Street

7.4.21. This site was considered as it was thought to be being assembled for redevelopment but it is understood that this is no longer the case. It is of adequate size, but not an ideal shape. It has some potential for use as a work site, but suffers from a number of drawbacks (Document 48, Section 7.6.3).



#### Denmark Place

7.4.22. The present buildings on the site are mainly unoccupied. Existing tenancies are short term and the displacement of the occupiers would cause little hardship. If Clifton Mansions are not to be redeveloped they could remain, subject to appropriate changes in the traffic management scheme at present envisaged.

7.4.23. A site of suitable size and shape could be obtained without interfering with the listed buildings south of Denmark Place. Vehicular access is good, with entry from the direction of St Giles High Street and exit onto Andrew Borde Street; HGV's could be marshalled on St Giles High Street (Document 53, exhibit 29). Environmental impact would be minimal and operations would only marginally interface with the retail areas of Charing Cross Road, Oxford Street and New Oxford Street. Adjacent pavements are lightly used so there would be little conflict between pedestrian and vehicle movements.

7.4.24. The site is completely independent of the ticket hall working sites and therefore the duration of construction would be minimised. Access to the deep level works would be between the running tunnels and would be well located for efficient construction of the deep level station works, particularly construction of the platform tunnels by shield. The working shaft would meet the requirements for subsequent use as a ventilation shaft, and it would be possible to sink a temporary shaft on the line of the running tunnel to access the eastbound platform tunnel drive.

7.4.25. For these reasons, Denmark Place has featured in feasibility studies throughout the development of the Crossrail project.

7.4.26. It is acknowledged that work from Phoenix Gardens would only entail 60 m more dig than from Denmark Place. The available working area of the Denmark Place site is less than the optimum and it is accepted that the suggested layouts of the site (Document 51, exhibits 14/A & 14/B) do not fully meet the defined requirements of space to turn vehicles and accommodate uses. However, rigid vehicles could work the site satisfactorily and acceptable road traffic arrangements could be made (Document 48, Section 4). Working and storage spaces are not immutable and would be used flexibly.

7.4.27. Tunnelling works will be carried out from more than one site in the area, and although the extent of work from each site will be determined by the contractor a strategy has been devised (Document 49, Section 2). Experience on other London tunnelling sites demonstrates that it is possible to carry out tunnelling from sites considerably smaller than Denmark Place (Document 49, Section 3.7). Strict site control, forward planning with supplementary off-site facilities are, of course, essential (Document 49, Section 3.12-3.14)

7.4.28. Denmark Place is the most suitable site in terms of location, environment and access for construction of the Crossrail low level station works and certain elements of the Chelsea-Hackney works. It is also suitably located to provide a ventilation shaft.

7.4.29. The site is of adequate size to service the works. It is certainly large enough for the low level works, excepting the platform drives. It is less than ideal for the mechanised station platform drives, but could be made to work for these operations.



Programme (Document 48, Section 9)

7.5.1. The Secretary of State for Transport has said that he does not wish the Crossrail and Chelsea-Hackney works to be carried out concurrently because of the effect on Central London (Document 51, exhibit 10), and prefers that Crossrail should be the first scheme (Document 51, exhibit 02). London Underground seeks to give precedence to the Safety Measures work because of the urgent need. However, major surface works at Tottenham Court Road are also part of the Crossrail scheme and must be completed before the Crossrail station can open. At deep level a significant proportion of work is common to both Crossrail and Chelsea-Hackney, and it must be completed before the first new line to serve the station can be opened. Thus most of the required construction must be finished prior to the opening of Crossrail.

7.5.2. The exact timing of all 3 projects depends upon the availability of finance, but it is intended that the Safety Measures work should proceed as soon as possible after Royal Assent to the Bill; it will not necessarily be delayed pending a decision on the Crossrail project. Consequently the site of the Safety Measures ticket hall cannot be considered as being available for use in connection with Crossrail.

7.5.3. It is expected that the Denmark Place site would be occupied for the Crossrail works from January 1994 to January 1999. The Chelsea-Hackney line timetable is less certain, but if the projects were undertaken consecutively the site would be occupied for a further 3 years to carry out these works. This period could be extended by any interval between the construction of the 2 schemes, but it is open to the Secretary of State to authorise the construction of the Chelsea-Hackney deep level tunnels in advance so that they could proceed concurrently with the Crossrail scheme and limit the site occupation (Document 53, exhibit 32).

Summary and Submissions

7.6.1. The appellants seem to suggest that because the timing of the railway works is uncertain, they are not a material consideration. However, it is clear from the actions of the Secretary of State taken to safeguard sites which may be needed for both the Crossrail and the Chelsea-Hackney projects that this is not the case. Any possible prejudice to these important public proposals, which have the support of Government, is not only material but a very weighty matter to be taken into account in the determination of these appeals.

7.6.2. Prejudice to Crossrail must be the first consideration because the project is more advanced and has an identifiable timetable. But the Chelsea-Hackney scheme is also important because the opportunity exists to carry out Chelsea-Hackney works from the Crossrail working site, consecutively. It is common ground that this is desirable in principle.

7.6.3. London Underground's expressed preference for the Denmark Place site must carry weight, although it is accepted that it is right for the inquiry to explore its suitability. But it should be borne in mind that suitable working sites are hard to find and it is easy to raise plausible objections to the use of any particular site. Every site that has been considered is open to an objection of one sort or another, which may eventually be pursued by way of a petition against the site's inclusion in a Parliamentary Bill.



#### Denmark Place

7.4.22. The present buildings on the site are mainly unoccupied. Existing tenancies are short term and the displacement of the occupiers would cause little hardship. If Clifton Mansions are not to be redeveloped they could remain, subject to appropriate changes in the traffic management scheme at present envisaged.

7.4.23. A site of suitable size and shape could be obtained without interfering with the listed buildings south of Denmark Place. Vehicular access is good, with entry from the direction of St Giles High Street and exit onto Andrew Borde Street; HGV's could be marshalled on St Giles High Street (Document 53, exhibit 29). Environmental impact would be minimal and operations would only marginally interface with the retail areas of Charing Cross Road, Oxford Street and New Oxford Street. Adjacent pavements are lightly used so there would be little conflict between pedestrian and vehicle movements.

7.4.24. The site is completely independent of the ticket hall working sites and therefore the duration of construction would be minimised. Access to the deep level works would be between the running tunnels and would be well located for efficient construction of the deep level station works, particularly construction of the platform tunnels by shield. The working shaft would meet the requirements for subsequent use as a ventilation shaft, and it would be possible to sink a temporary shaft on the line of the running tunnel to access the eastbound platform tunnel drive.

7.4.25. For these reasons, Denmark Place has featured in feasibility studies throughout the development of the Crossrail project.

7.4.26. It is acknowledged that work from Phoenix Gardens would only entail 60 m more dig than from Denmark Place. The available working area of the Denmark Place site is less than the optimum and it is accepted that the suggested layouts of the site (Document 51, exhibits 14/A & 14/B) do not fully meet the defined requirements of space to turn vehicles and accommodate uses. However, rigid vehicles could work the site satisfactorily and acceptable road traffic arrangements could be made (Document 48, Section 4). Working and storage spaces are not immutable and would be used flexibly.

7.4.27. Tunnelling works will be carried out from more than one site in the area, and although the extent of work from each site will be determined by the contractor a strategy has been devised (Document 49, Section 2). Experience on other London tunnelling sites demonstrates that it is possible to carry out tunnelling from sites considerably smaller than Denmark Place (Document 49, Section 3.7). Strict site control, forward planning with supplementary off-site facilities are, of course, essential (Document 49, Section 3.12-3.14)

7.4.28. Denmark Place is the most suitable site in terms of location, environment and access for construction of the Crossrail low level station works and certain elements of the Chelsea-Hackney works. It is also suitably located to provide a ventilation shaft.

7.4.29. The site is of adequate size to service the works. It is certainly large enough for the low level works, excepting the platform drives. It is less than ideal for the mechanised station platform drives, but could be made to work for these operations.



7.6.4. It is recognised that Denmark Place is not the ideal size, but London Underground (LU), advised by their consultants, believe that it can be made to work. The appellants initial objections were unspecific and their expert was unwilling to discuss crucial issues with LU, but it is evident that the size of the site would only be a problem when the station drives are taking place. This is only part of the work to be done from the site, over a relatively short period (Document 53, exhibit 32). Significantly smaller sites have been used by LU for works equivalent to the proposed low level tunnelling operations, excluding the Crossrail station drives. The appellants appear to accept that, aside from its size, the site is suitable in engineering terms for all the works which LU wish to carry out from it.

7.6.5. The appellants did not pursue the argument that sites with development potential should not be used as working sites. Because development sites are land where buildings are in any event intended to be demolished, they are particularly appropriate candidates.

7.6.6. There is no dispute about the need to protect the running tunnel under the appeal site and it was accepted that the new building could accommodate a ventilation shaft. These matters could be covered by conditions.

7.6.7. It was reasonable for the inquiry to consider alternative working sites to see whether LU's choice had been sensibly made. However, it would be dangerous to reach a decision based upon alternative possibilities, as other parties concerned with those sites have not been fully consulted and heard.

7.6.8. It was suggested that Derwent Valley and Phoenix Gardens might be substituted for Denmark Place. Derwent Valley could be used for certain purposes, but it would plainly be undesirable to substitute 2 sites for one. Moreover, Derwent Valley is also a development site and the owner would be sure to object; Westminster City Council already object to this possibility.

7.6.9. It was also suggested that Phoenix Gardens might serve all the functions expected of Denmark Place, but LU do not consider that it is suitable in engineering terms and recognise planning objections, which are also identified by the London Borough of Camden. If LU sought to pursue the use of Phoenix Gardens they could expect to run into a variety of objections from the occupiers of neighbouring buildings, which include the Church of St Giles, the Phoenix Theatre and a cinema.

7.6.10. The Denmark Place site is seen as critical to the successful completion of the Crossrail project within the alignment and timetable announced by the Secretary of State for Transport, and is appropriate as a working site for the Chelsea-Hackney line. Should the development proceed before the Crossrail Bill is enacted it would not be sensible to acquire, clear and use the site for tunnelling purposes. In addition to the cost, delay and difficulty of carrying out the work from a less suitable location, the community would suffer the intrusion of the railway works for a significantly longer period.

7.6.11. The proposals for the new lines are a matter of acknowledged importance to the proper planning of the area. Development which would prejudice their implementation, as would the appellants' scheme, ought not to be permitted.



## THE CASES FOR INTERESTED PERSONS

The material points are:

### Mr Tony Tugnutt

8.1.1. Mr Tugnutt represented the Bloomsbury Conservation Area Advisory Committee (BCAAC) (Document 65). The Committee was established by Camden Borough Council and includes representatives of the Bloomsbury Association, the Charlotte Street Association, the Rugby and Harpers Residents Association and the Victorian Society. The Committee were asked to consider the appeal application by the Council (Document 64, TT5-8), in accordance with the usual procedure.

8.1.2. Mr Tugnutt said that the extension of the Conservation Area to include the whole of the appeal site had little affect on any new building on the northern part of the site, because this land had already been subject to constraints by virtue of its proximity to the Conservation area and listed buildings. The exception was the control over the demolition of existing buildings, which the designation carried with it.

8.1.3. The appellants have a low opinion of the buildings on the <sup>proposed working</sup> site. The Secretary of State defined a test to be applied to new buildings in his decision letter concerning the Mies van der Rohe scheme for Mansion House Square in 1985 (Document 64, TT12) and it is logical and appropriate to apply this test to existing buildings in a conservation area. Nobody is claiming that the existing buildings are great works of architecture, although 148 Charing Cross Road has merit, but they do or could form appealing townscape. There is no reason why a redevelopment scheme should not retain the whole of York and Clifton Mansions and at least the front of 148 Charing Cross Road.

8.1.4. The Committee share the Council's view that Centrepoint does not stand at the centre of St Giles Circus, but rather stands to one side of an open space, rather in the way that the Mies tower would have related to Mansion House Square (Document 64, TT17 & 18). The civic significance of this space and the need for a landmark building on the appeal site is questionable, in view of the fact that most of the projected activity in the area will be taking place underground, the appeal scheme has no direct link with the activity, and we have no tradition in London of celebrating tube entrances with significant buildings. Even if it is accepted that there is need for an urban marker, we already have one in Centrepoint. What is required on the appeal site is a skilful piece of plastic surgery.

8.1.5. The proposed office block, in effect a free standing slab, would have a most disconcerting impact as it rose above the Conservation Area, particularly on Charing Cross Road when viewed from the south and on St Giles High Street in views from the east. The effect would be intensified by the roof form.

8.1.6. The studio block would negate the subordinate relationship between the buildings in Denmark Place and those on Denmark Street. The increase in height on the south side of Denmark Place would create a gloomy space; sunlight would be lost at ground floor level. The threefold increase in height on the north side would contribute to this effect and tend to make the new space at the east end unpleasant, dominated by the sheer height of the main block. These disadvantages would more than outweigh the debatable benefit of increasing the width of the space by 0.5 m. Furthermore, the existing buildings reflect the plot widths that run through from Denmark



Street whereas the new development would reflect the structural grid of the main block on the north side of Denmark Place, imposing a formalised, overscaled framework, which would be alien to, and destructive of, the character and appearance of the area. The curved facade of the studio block would introduce a distinctly modern element; this feature and the widening of the entrance to Denmark Place from St Giles High Street would also serve to erode the character of the area.

8.1.7. The residential block adjacent to 59 St Giles High Street makes few concessions either to its neighbour or to the wider scene. It introduces a quite different aesthetic and by virtue of its height and uncharacteristic roof form would tend to dwarf the listed building. The corner into Denmark Place expressed at ground level by an exposed piloti would appear weak.

8.1.8. In views of St Giles High Street there is a clear distinction between the development on either side of the road, in terms of scale, height and massing (Document 64, TT20). Within the Conservation Area there is consistent scale and character, and to suggest that the post-war development to the north-east sets a precedent or justifies an increase in scale on the appeal site is simply not tenable. On the other hand, on the Charing Cross Road frontage it would be entirely appropriate to echo the scale of the buildings on the west side of the street.

8.1.9. The setbacks which the development would create around the perimeter of the site would give rise to serious problems in terms of security, litter and various anti-social activities, which would enhance neither the pedestrian environment nor the appearance of the area.

8.1.10. Even if the bulk, scale and massing of the development were acceptable, the proposed materials, their use, and the resulting architecture would be inappropriate for the site. The modern design and appearance of the scheme fails to comply with the advice of Circular 8/87, paragraph 4, which advises that new buildings in conservation areas should be "well designed and follow fundamental architectural principles of scale and the proper arrangement of materials and spaces and show respect for their neighbours." It is recognised that the RFAC have endorsed the design, but they would only have judged the architecture of the proposed building; they would not have considered the planning matter of whether or not it would be in harmony with its setting.

8.1.11. Circular 22/80, paragraph 20, advises local planning authorities to reject obviously poor designs which are out of scale or out of character with their surroundings. The test of architectural quality formulated in the Secretary of State's Mansion House Square decision, brings this scheme into the category of poor design.

8.1.12. Others have raised the concern that the development would not preserve or enhance the setting of St Giles Church and would obscure existing views from St Giles Circus (Document 64, TT22). It is highly desirable that some, if not all, of these views should be respected by any development on the appeal site.

8.1.13. There have been a number of recent developments in the locality which have paid due regard to the character and appearance of the Conservation Area (Document 64, TT24, 25 & 26). The appeal site has been an eyesore for several decades and it would be regrettable if consent should be given for a redevelopment scheme which would be so out of character and out of harmony with its surroundings.





Mr Simon Grant

8.2.1. Mr Simon Grant represented the Tin Pan Alley Traders Association (TPATA), which is a body of local traders who came together early in 1990 for their mutual benefit and for the general promotion of Denmark Street as the centre of the popular music industry in the UK (Document 58). The TPATA is a full member of the London Tourist Board and joint sponsor of the London Songwriters Showcase.

8.2.2. The TPATA support the redevelopment of the area in principle, provided that the musical character of the area remains intact and is actively improved in the process. They are opposed to any use of land south of Denmark Place for railway works.

8.2.3. Mr Grant outlined the significance of Denmark Street in the history of popular music, and its present importance (Document 59). Popular music became an industry largely through the invention of the phonograph/gramophone and recorded discs, which became widely available in England after 1900, and through the entrepreneurial and marketing skills of individuals such as Billy Cotton in the 1920's, when Denmark Street became the focal point of the industry. There has always been a steady turnover of businesses in Denmark Street, but there has always been a high proportion of music related firms and today more than 40% of ground floor premises are leased to music companies of one sort or another.

8.2.4. There is an enormous catalogue of events and stars associated with Tin Pan Alley across its 70 year history (Document 60). While the architectural significance of Denmark Street cannot be compared with that of some other commercial centres in London, the maintenance and preservation of its unique character as a focus of musical activity should be taken into account in the determination of any planning application.

8.2.5. In Tin Pan Alley today there are 9 musical instrument and printed music retail stores, 4 artiste management offices, 3 publishing houses, 2 recording studios, 2 luthiers workshops, 3 music and theatrical agents, and a personal adviser and clairvoyant specialising in artiste clients. Seven of the 11 ground floor premises on the north side of the street, which lies within the appeal site, accommodate music related businesses.

8.2.6. About 20% of instrument purchases are made by overseas customers. Total tourist sales exceed £2m in the street as a whole, and invisible earnings from related businesses must be significant. There are about 70 specialist sales personnel employed; it is unlikely that a larger pool of knowledge can be found in such a small area anywhere else in the world. This infrastructure supports many other businesses throughout the country.

8.2.7. The music retail industry has never been wealthy and it is only due to the secondary and tertiary nature of the Denmark Street properties that the Tin Pan Alley tenants are able to bear the rents and business rates. If the street was radically altered, or if development forced rents too high, the music businesses would go elsewhere and the character of the area and the concentration of knowledge and skills would be lost.

8.2.8. The TPATA have sought a firm commitment from the developers which would safeguard the livelihoods of the traders and the lifeblood of Tin Pan Alley. The affected traders were issued lease termination notices on 20 December 1989, most without prior consultation or warning. Discussions took place in



May 1990 and thereafter and a legally binding agreement was promised (Document 62, letter 3.8.90). However, nothing came of this, and on 15 November 1990 the developers presented a draft lease and deed of surrender which was wholly unacceptable to the tenants. The offer of terms put forward at the inquiry on 12 June 1991 (Document 26) is felt to be even less acceptable (Document 63).

Miss Malena Griffiths

8.3.1. Miss Griffiths represented the Covent Garden Open Spaces Association (CGOSA) which has special responsibility for open spaces in Covent Garden, including the Phoenix Community Garden. The CGOSA support the Council's refusal of planning consent on the grounds, inter alia, that the development site is required for railway works, and contest the appellants' assertion that the Phoenix Community Garden is a preferable site for the works.

8.3.2. The Garden was set up on a derelict site as a result of a community initiative and is managed on a voluntary basis with the assistance of 3 part-time workers funded by the Council. The Garden falls within the Community Area defined in paragraph 1.9(b) of the approved Borough Plan, wherein the Plan aims to ensure the provision of adequate community facilities.

8.3.3. Miss Griffiths said that Phoenix Garden is a unique asset which meets the recreational needs of both the local residential and working population; its loss would be contrary to Policy LE3 of the Local Plan which seeks to resist the loss of public open space. The Garden serves a catchment area of some 10,000 local residents and approximately 30,000 people working in the vicinity. It is used by 3 primary schools and 9 nursery schools, with 2 or 3 groups of nursery school children visiting every school day (Photo 3). In cold weather between 70 and 80 and in the summer 200 or more local workers use the Garden at lunchtime. Regular community events attract up to 500 people.

8.3.4. It would not be feasible to relocate the Garden because:

- (a) it is an established garden, 7 years old;
- (b) there is no obvious alternative site in the vicinity;
- (c) it would not appear to be within the power of the appellants to offer an alternative site.

It is evident that Phoenix Garden does not meet the requirements of LRT. It lies at the core of an environmentally sensitive area surrounded by development on 3 sides and St Giles Churchyard on the fourth. Its use as a work site with access from New Compton Street would represent a major environmental intrusion, affecting some 40 flats in New Compton Street.

8.3.5. The adjoining playground proposed to be included in the work site is still part of the St Giles Churchyard, which contains the graves of 16 Roman Catholic martyrs. Other land within the churchyard which the appellants suggest could be substituted for the Garden is shaded by trees, is approached from the High Street and is frequented by dogs and vagrants. It would not be suitable, and in any case its availability would depend upon the rector being willing to give it up.



Ms Sue Vincent

8.4.1. Ms Vincent represented the Covent Garden Community Association (CGCA). All local tenants associations are affiliated to the CGCA, which has over 1,000 members. She said that since the CGCA objected to the development on 31 July 1990, there had been only superficial amendments to the scheme to reduce its bulk. The massing of the residential block on St Giles High Street would still overwhelm the adjacent listed building and the office block would dominate its surroundings.

8.4.2. The new housing would lack natural daylight and its principal view would be of the back of the office block. The interiors of the Denmark Street houses would be largely removed, destroying the unity of plans and elevations. The retention of the variety of uses in Denmark Street is vital to the local community.

8.4.3. York and Clifton Mansions are in scale and character with the area and are fully capable of rehabilitation to provide a higher standard of housing and 4,000 sq ft more accommodation than the appeal scheme would offer. York and Clifton, as well as Shaldon Mansions, should be dedicated to a housing association.

8.4.4. The scheme plans give little indication of the alterations to provide residential and office accommodation in the existing Denmark Street buildings. Flats are proposed, whereas these houses, particularly Nos 24 and 25, lend themselves to the more appropriate use of family housing.

8.4.5. Other matters of concern to the CGCA are the proposed underground car park, with access from and egress to an uncommonly busy road; the poor mix of residential accommodation with a dearth of family dwellings, and the proximity of residential use to restaurant use.

8.4.6. The Association believe that it is improbable that the intended housing association tenure of the new residential accommodation will ever come to pass. Planning permission and conditions cannot determine tenure. In the absence of a housing association or other agency with sufficient funds to take up the accommodation, it would, not unreasonably, be impossible for the Council to enforce the obligations of a S.106 agreement. Housing Association properties in this part of central London are being priced out of reach of the people for whom they were intended.

8.4.7. The only way the 'quid pro quo' of offices for housing could be justified would be if the freehold interest of the present accommodation in Shaldon, York and Clifton Mansions, as well as that in Denmark Street and St Giles High Street, were dedicated at no cost to a housing association, leaving the association to levy rents as they saw fit, unrestricted by the 1988 Housing Act. However, even if this was done, the size, bulk, disposition and design of the office block would still be objectionable. It would represent gross overdevelopment, providing unrequired office space, which would exacerbate congestion and be utterly unsympathetic to the needs of central London.

8.4.8. The CGCA wholehearted support the objections of the CGOSA to the suggestion that Phoenix Garden should be used for a railway work site.



Mr J Monahan

8.5.1. Mr Monahan said that he had been approached by the St Pancras Housing Association in August 1986 with a view to the rehabilitation of York and Clifton Mansions. Sketch plans (Document 69) were prepared and it was concluded that, without the provision of a lift, it would be possible to provide eight 4-person, five 2-person and three 5-person flats at a cost of £829,653 including fees and purchase, to a 30 year standard. With a lift, four 4-person, eight 2-person and four 5-person flats could be provided at a cost of £994,870. Today, the condition of the buildings appears to be little worse than in 1986, but costs would be 20-25% higher.

8.5.2. An alternative for a hostel with 12 bedrooms on each floor was also considered.

8.5.3. The Mansions are substantial and well built with generous sized rooms, larger than the proposed new accommodation, and would attract finance accordingly. All dwellings would have double aspect and costings allowed for double glazing. Properties such as this are few and far between, and it would be unreasonable to demolish the Mansions to replace them with housing of a lower standard at higher rents. The existing buildings are an asset to the area, contribute to the continuity of the street scene, and ought to be retained for their original purpose.

WRITTEN REPRESENTATIONS

Westminster City Council (Document 71)

9.1.1. The Westminster City Council (WCC) object to the proposal. They consider that the new building would be excessively tall and bulky in relation to the neighbouring buildings to the south and west, and believe that the scheme would have an adverse impact on the surrounding townscape, on the setting of the adjacent Soho Conservation Area and on the setting of adjacent listed buildings. The WCC have reservations about the proposed materials and detailed design of the building, particularly the inappropriateness of the extensive use of glass on the facade.

9.1.2. Subject to land-use, amenity and detailed design considerations, the WCC would not object to a scheme which did not exceed 5-6 storeys, and thus matched the predominant height of buildings in the adjacent Soho Conservation Area. The WCC amplify their grounds of objection (Document 71, Section 3).

9.1.3. The WCC consider the alternative working sites at Dean Street, Derwent Valley and the Astoria to be unacceptable on traffic or wider environmental grounds (Document 71, Section 4). They identify the major obstacles to the use of the Dean Street site as the difficulty of gaining satisfactory vehicular access and its inadequate size. With regard to 135-155 Charing Cross Road (Derwent Valley), they anticipate pedestrian/vehicle conflict and adverse affect upon traffic movement. If it was necessary to include 23-25 Soho Square, the work site would encroach upon and affect the character and appearance of the Conservation area and the setting of adjacent listed buildings. The Astoria site raises similar highway concerns and its use for the Crossrail project would delay completion of the station and prolong severe disruption of a busy transport interchange at one end of a premier shopping street.



Rev G C Taylor (Document 70)

9.2.1. The Rev G C Taylor is Rector of St Giles in the Fields and freeholder of the church and churchyard during his incumbency. The part of the churchyard which is a playground and is suggested by the appellants to be included in a temporary work site is leased to the London Borough of Camden.

9.2.2. The Rector is totally opposed to the use of any part of the churchyard as a worksite. It is all consecrated land with burials and is subject to the Faculty Jurisdiction of the Chancellor of the Diocese. He would make absolute objection to any proposal to use part of the churchyard as a work site which was included in the Crossrail Bill.



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8.5.1. Mr Monahan said that he had been approached by the St Pancras Housing Association in August 1986 with a view to the rehabilitation of York and Clifton Mansions. Sketch plans (Document 69) were prepared and it was concluded that, without the provision of a lift, it would be possible to provide eight 4-person, five 2-person and three 5-person flats at a cost of £829,653 including fees and purchase, to a 30 year standard. With a lift, four 4-person, eight 2-person and four 5-person flats could be provided at a cost of £994,870. Today, the condition of the buildings appears to be little worse than in 1986, but costs would be 20-25% higher.

8.5.2. An alternative for a hostel with 12 bedrooms on each floor was also considered.

8.5.3. The Mansions are substantial and well built with generous sized rooms, larger than the proposed new accommodation, and would attract finance accordingly. All dwellings would have double aspect and costings allowed for double glazing. Properties such as this are few and far between, and it would be unreasonable to demolish the Mansions to replace them with housing of a lower standard at higher rents. The existing buildings are an asset to the area, contribute to the continuity of the street scene, and ought to be retained for their original purpose.

WRITTEN REPRESENTATIONS

Westminster City Council (Document 71)

9.1.1. The Westminster City Council (WCC) object to the proposal. They consider that the new building would be excessively tall and bulky in relation to the neighbouring buildings to the south and west, and believe that the scheme would have an adverse impact on the surrounding townscape, on the setting of the adjacent Soho Conservation Area and on the setting of adjacent listed buildings. The WCC have reservations about the proposed materials and detailed design of the building, particularly the inappropriateness of the extensive use of glass on the facade.

9.1.2. Subject to land-use, amenity and detailed design considerations, the WCC would not object to a scheme which did not exceed 5-6 storeys, and thus matched the predominant height of buildings in the adjacent Soho Conservation Area. The WCC amplify their grounds of objection (Document 71, Section 3).

9.1.3. The WCC consider the alternative working sites at Dean Street, Derwent Valley and the Astoria to be unacceptable on traffic or wider environmental grounds (Document 71, Section 4). They identify the major obstacles to the use of the Dean Street site as the difficulty of gaining satisfactory vehicular access and its inadequate size. With regard to 135-155 Charing Cross Road (Derwent Valley), they anticipate pedestrian/vehicle conflict and adverse affect upon traffic movement. If it was necessary to include 23-25 Soho Square, the work site would encroach upon and affect the character and appearance of the Conservation area and the setting of adjacent listed buildings. The Astoria site raises similar highway concerns and its use for the Crossrail project would delay completion of the station and prolong severe disruption of a busy transport interchange at one end of a premier shopping street.



Rev G C Taylor (Document 70)

9.2.1. The Rev G C Taylor is Rector of St Giles in the Fields and freeholder of the church and churchyard during his incumbency. The part of the churchyard which is a playground and is suggested by the appellants to be included in a temporary work site is leased to the London Borough of Camden.

9.2.2. The Rector is totally opposed to the use of any part of the churchyard as a worksite. It is all consecrated land with burials and is subject to the Faculty Jurisdiction of the Chancellor of the Diocese. He would make absolute objection to any proposal to use part of the churchyard as a work site which was included in the Crossrail Bill.



## FACTS AND CONCLUSIONS

In this section of my report the source of facts is indicated by reference in brackets to preceding paragraphs, or to documents or plans.

The site and its surroundings are described in Section 2 of this report. The planning history of the site is set out in Section 3, and there is an outline of the relevant statutory framework and planning policy in Section 4.

### Amendment of the Application for Planning Permission

10.1.1. During the course of the inquiry the appellants sought to amend the application for planning permission by the deletion of the word "restricted", qualifying "Class B1 uses". This amendment was opposed by the Local Planning Authority and the appellants withdrew their request [1.1.2]. I have not, therefore, considered whether or not such an amendment to the scheme would be acceptable.

### The Application for Planning Permission

#### The Railway Works

10.2.1. The first reason for refusal of planning permission is:

The site lies within the route proposed by LRT and BRB for the Crossrail and Chelsea-Hackney Line Projects and is likely to be required for or in connection with the construction of these projects. The proposals by virtue of their location and design would be likely to prejudice the implementation of the said projects [1.1.5].

10.2.2. By a Direction dated 5 November 1990 and issued under Articles 14(1) and 18(3) of the Town and Country Planning General Development Order 1988, the Secretary of State for Transport safeguarded the alignment and lands required for the construction of a new railway from Westbourne Park to Mile End (the Crossrail project). By a similar Directive dated 7 February 1991 an alignment from Parsons Green to Hollybush Hill Ell was safeguarded for the Chelsea-Hackney Line project [7.1.4].

10.2.3. Both the Crossrail Safeguarding Plan and the Chelsea-Hackney Safeguarding Plan locate the appeal site within an area of surface interest [Document 51, exhibits 06 & 07]. Areas of surface interest are required for permanent uses and for temporary uses [7.1.7]. Two elements of the permanent works would affect the appeal site [7.3.5]:

- (i) the eastbound Crossrail running tunnel and,
- (ii) deep level ventilation tunnels and a ventilation shaft at the east end of the Crossrail station with associated mechanical plant.

The site, identified as Denmark Place, is also safeguarded to provide for its temporary occupation in connection with the construction of both the Crossrail and Chelsea-Hackney lines [7.3.9].

10.2.4. The London Underground (Safety Measures) Bill, currently before Parliament, provides for improvement of the access to existing lines and the provision of a new ticket hall on land which does not include the appeal site [7.1.6].





10.2.5. The engineering case for the safeguarding of the appeal site to meet the requirements of the planned railway works was put at the inquiry by LRT. LRT submit that development which would prejudice the implementation of the new lines, as would the appellants' scheme, ought not to be permitted [7.6.11].

10.2.6. The proposed development could accommodate the Crossrail eastbound running tunnel and ventilation tunnels beneath the site, by means of a suitable arrangement of the piled foundations [5.13.2]. The appellants submit that a suitable location for a ventilation shaft to service the eastern end of the station platform tunnels could be found off the appeal site [5.11.2], but agree that the scheme could be designed to accommodate a ventilation shaft if necessary, and that these matters could be dealt with by way of planning conditions [5.13.2.].

10.2.7. I conclude that, subject to the imposition of appropriate planning conditions, the proposed development would not prejudice the permanent railway works which would affect the appeal site.

10.2.8. LRT consider that Denmark Place is the most suitable site in terms of location, environment and access for construction of the Crossrail low level station works and certain elements of the Chelsea-Hackney works [7.4.28]. They see the site as being critical to the successful completion of the Crossrail project within the alignment and timetable announced by the Secretary of State for Transport, and appropriate as a working site for the Chelsea- Hackney line [7.6.10].

10.2.9. The appellants concede that the site could serve some railway works but submit that its size is inadequate and its location unsuitable for all the purposes proposed by LRT [5.9.3.-5.9.7.].

10.2.10. When the Crossrail project status report was put before the Secretary of State the whole of the appeal site was under consideration: a working area of 2500 sq m was quoted. However, the proposed working site now comprises only the land bounded by Charing Cross Road, Andrew Borde Street, St Giles High Street and Denmark Place, and is reduced to less than half the area of the appeal site; it is a great deal smaller than the area approved by the Secretary of State to be safeguarded. It is also 15% less than the minimum for a station working site advised by Sir William Halcrow and Partners, consulting engineers for the Crossrail project, and less than a third of the area considered by London Underground to be necessary for major station works elsewhere [5.9.3.].

10.2.11. LRT concede that the available working area of the Denmark Place site is less than the optimum and accept that the layouts of the site exhibited at the inquiry would not fully meet the defined requirements of space to turn vehicles and accommodate uses. Nevertheless, they maintain that rigid vehicles could work the site satisfactorily and that acceptable road traffic arrangements could be made. They point out that working and storage spaces are not immutable and would be used flexibly [7.4.27], and tunnelling works would be carried out from more than one site in the area.

10.2.12. I conclude that the Denmark Place site does not offer the working potential which the Crossrail project status report promised. It suffers from a number of drawbacks, principally due to its limited size. During the course of the inquiry LRT qualified their assertions of the site's adequacy and did not dispute that it would be necessary to meet needs arising from the works on other land [5.13.6]. However, Denmark Place is well located to serve the



works [Document 53, exhibits 21A & 22A]. I agree with LRT that, in central London, suitable working sites are hard to find [7.6.3] and I am satisfied that Denmark Place has the potential to make an important contribution to the achievement of the Crossrail and Chelsea-Hackney line schemes.

10.2.13. However, the appellants say that a combination of other sites could serve all the Tottenham Court Road Station works [5.9.17]. The potential of a number of sites to contribute to the railway schemes was explored at the inquiry but the main plank of the appellants argument on this issue is their contention that Phoenix Gardens and adjoining land could be substituted for Denmark Place, making it unnecessary to reserve any part of the appeal site for temporary railway works.

10.2.14. The Phoenix Gardens site has an area of approximately 3025 sq m. At its nearest point it is only 40 m further than Denmark Place from the shield chamber of the southerly Crossrail station tunnel, along the line of the running tunnel. The length of ventilation connecting passage required would be the same as at Denmark Place [5.9.11]. LRT question the suitability of Phoenix Gardens in engineering terms [7.6.9] and consider that it would be undesirable to run the Crossrail underground construction work from Phoenix Gardens in conjunction with Derwent Valley, as the appellants suggest [7.6.8]. The appellants concede that working from Phoenix Gardens would entail an extra 60 m of tunnel and would consequently be more expensive, but set against this the costs which would arise from working within the confined limits of Denmark Place. Access to the site would be from New Compton Street by way of St Giles High Street [Plan L]. LRT recognise the possibility of the use of part of the site for ancillary purposes [7.4.13].

10.2.15. There are objections [9.1.3, 7.4.7 & 7.4.8] to use of the Derwent Valley site [9.1.3] in conjunction with Phoenix Gardens, but I am persuaded by the appellants' evidence [5.9.11, 5.10.16, 5.10.18 & Plan L] to accept that the Phoenix Gardens site would offer a better working site than Denmark Place, in that it would provide greater capacity and flexibility for operations, access arrangements would be superior and would not impede main traffic flows, and pedestrian routes would be segregated from construction activities [5.10.22]. However, engineering suitability and highway safety and convenience are not the only matters to be taken into account.

10.2.16. A planning brief approved in 1989 zoned the Gardens as permanent open space and the car park for housing and commercial use. The Gardens were created in 1985 by local people. They are now firmly established and were given permanent open space status in May 1990. The playground within the adjacent churchyard is leased and is only temporary. There is a sizable residential community in the neighbourhood; the area is extremely short of open space and without Phoenix Gardens would be deficient in terms of the GLDP criteria. Council policy seeks to ensure adequate facilities in the Community Area, defined in paragraph 1.9(b) of the Borough Plan. Policy LE3 aims to resist the loss of existing open space [6.4.4]. The Garden serves a catchment area of some 10,000 local residents and approximately 30,000 people working in the vicinity. It is used by 3 primary schools and 9 nursery schools, with 2 or 3 groups of nursery school children visiting every school day. In cold weather between 70 and 80 and in the summer 200 or more local workers use the Garden at lunchtime. Regular community events attract up to 500 people [8.3.3]. The appellants question the use and value of the Gardens and suggest that the existing uses on the site could be temporarily suspended and alternative short term provision could be made [5.10.21], but I am inclined to agree with the CGOSA that it would not be feasible to relocate the garden



[8.3.4] and I accept the Borough Council's contention that the loss of the Gardens for 10 years, or even for 12 months, would deprive the community of an important resource which would be difficult to replace.

10.2.17. The Council propose to sell the car park to the Soho Housing Association, which has received a firm commitment from the Housing Corporation to provide finance in 1993-4 to fund the development of the site. This is the only vacant site left in Soho/Covent Garden for public sector housing [6.4.5].

10.2.18. There are 2 residential blocks in New Compton Street. A block of 25 Council flats, many occupied by the elderly and housebound, has windows directly overlooking the street and the site. Even if the site was only used for tunnelling for a 12 month period, there could be up to 70 HGV's calling in a 24 hour period [6.4.6]. This would cause disturbance in an environment which is at present reasonably quiet.

10.2.19. The playground proposed to be within the working site is consecrated land with burials [9.2.2] and includes several fine mature trees. In my experience of building site working areas, disturbance of the ground and damage to the trees, which are a prime feature of the area, would be difficult to avoid.

10.2.20. I conclude that the use of Phoenix Gardens as a working site would deprive the community for at least 8 years [7.5.3] of a valued amenity, created and maintained by local people, which local planning policies seek to preserve and which would be difficult to replace. HGV movements would disturb a significant resident population in what appeared to me when I visited the site to be a relatively quiet backwater. A planned housing association scheme would be deferred for at least 8 years and mature trees would be at risk.

10.2.21. On the other hand, the Denmark Place site is an eye-sore and has been so for a very long time [5.13.12]. The Borough Council accept that the redevelopment of the appeal site would carry planning benefits in the refurbishment of properties in Denmark Street, in traffic improvements and in the redevelopment of the derelict northern half of the site [6.5.5]. If Denmark Place is used for the tunnelling works, the appeal site will be blighted for not less than 8 years, and possibly for much longer if the Chelsea-Hackney station tunnels are not driven under the Crossrail Bill. I am not convinced that enthusiasm to redevelop the land would not be readily rekindled after the years of the blight which its use as a working site would incur, but I recognise that years of land assembly, negotiation and design work took place, and much expenditure was incurred, before the Safeguarding Direction was made.

10.2.22. There are people living in the vicinity of Denmark Place, but I do not consider that the surroundings of the site offer the residential amenity of the Phoenix Gardens neighbourhood. The use of either site for the railway works would affect the character and appearance of the Conservation Area, in my opinion more or less equally. The appeal scheme would include residential accommodation [5.1.5]. However, on balance, I do not consider that the termination of the blight which has afflicted the northern part of the appeal site, and which will continue for at least 8 years if the Denmark Place site is used for the railway works, and the benefits which would ensue from the early redevelopment of the site, outweigh the damage to the quality of the environment in the Community Area which would result from the destruction of the Garden and the harm to residential amenity which would result from activity associated with work on the Phoenix Gardens site.



10.2.23. I conclude that Phoenix Gardens would not be an appropriate alternative to Denmark Place for use as a railway working site. I have recognised that Denmark Place has the potential to make an important contribution to the achievement of the Crossrail and Chelsea-Hackney line schemes. I agree with LRT that, should the development proceed before the Crossrail Bill is enacted, it would not be sensible to acquire, clear and use the Denmark Place site for tunnelling purposes. Apart from Phoenix Gardens no other site was suggested at the inquiry to take its place entirely. I conclude that the Denmark Place site is likely to be required for or in connection with the construction of the Crossrail and Chelsea-Hackney line projects and that the appellants' proposals would be likely to prejudice their implementation.

10.2.24. PPG13 states that "Land or buildings should not be allowed to become or to be idle for any period because of a possible road scheme some years ahead. Little if any weight can therefore be put on the mere possibility of a future road scheme when considering applications for development of land affected." I accept that, by analogy, LRT's proposals must be more than a mere possibility; the weight they carry must depend upon how firm they are [5.13.5].

10.2.25. Parliamentary authority is needed for the rail projects to proceed. The Secretary of State has not yet given consent to the deposit of the Crossrail Bill and no Government resources have been committed. So far as the Chelsea-Hackney line is concerned, this project is only envisaged if and when resources permit. It is not possible to forecast when the work might be completed and the appeal site be released. If the Secretary of State agrees that the Chelsea-Hackney station tunnels should be included in the Crossrail Bill, it cannot be taken for granted that Parliament will give power to construct them, and to take the necessary land interest for that purpose, in advance of the rest of the Chelsea-Hackney line, which would not be before Parliament [5.13.7].

10.2.26. LRT concede that the timing of the railway works is uncertain, but submit that it is clear from the actions of the Secretary of State taken to safeguard sites for both projects that the proposed railway works are a material consideration to be taken into account [7.6.1]. Until Parliamentary authority has been given and resources have been allocated there must be doubt when or if the works will proceed, but in my opinion the Directions by the Secretary of State for Transport are a sufficiently clear 'declaration of intent' to lead me to the conclusion that the works are a probability rather than a possibility, and are a matter of considerable weight in the determination of this appeal.

10.2.27. The appellants submit that it is relevant to consider whether the Secretary of State was fully aware of all material matters when he made his Directions. LRT confirm that all the Secretary of State had before him was Appendix WS1 to the Status Reports on both rail projects [5.13.6].

10.2.28. Some information relevant to the proposed working site was not dealt with in the Appendix to the Reports, or was incorrect [5.13.6]. Inter alia, what is now proposed as a working site is smaller than the site described in the Appendix. However, I have reached my conclusions on the suitability of Denmark Place as a railway working site on the evidence given at the inquiry, and accept that it is likely to be, as LRT maintain (7.6.10), critical to the successful completion of the Crossrail project within the alignment and timetable announced by the Secretary of State for Transport, and appropriate as a working site for the Chelsea-Hackney line.



The Impact of the Development on the Character and Appearance of the Area.

10.2.29. The second reason for refusal of planning permission is:

It is considered that the proposed new blocks on Andrew Borde Street, St Giles High Street, Denmark Place and Charing Cross Road are both unacceptable in terms of their detailed design and also excessively high and bulky in relation to their surroundings, and therefore would have a detrimental impact on the area in general and in particular on the Bloomsbury (Denmark Street) Conservation Area and the setting of adjoining listed buildings. As a result, it is considered that the character of this part of the Conservation Area would be damaged [1.1.5].

10.2.30. The appeal site lies within the Bloomsbury (Denmark Street) Conservation Area [1.1.4]. It includes 4 listed buildings [5.4.1]. The appellants considered that neither the Council nor EH have really attempted to define the distinctive qualities of the Conservation Area within and in the vicinity of the site [5.3.1], but the factual description and historic background of the appeal site and its surroundings, given at the inquiry by the Borough Council [6.2.1-6.2.19], were not seriously questioned.

10.2.31. The Council rehearsed relevant national and local listed building and conservation area policies [6.1.4-6.1.12]. They maintain that the appeal proposals fail to respond to the important location of the site, its situation in the Bloomsbury (Denmark Street) Conservation Area and its relationship to the adjoining Soho Conservation Area in the City of Westminster [6.3.1].

10.2.32. They consider that the proposed office block would be unsympathetic in scale to its surroundings and would harm the character and appearance of the Conservation Area and the setting of 59 St Giles High Street. They say that it would have an overbearing impact upon the pedestrian passageway of Denmark Place and, by blocking key views, it would detrimentally affect the setting of the Church of St Giles-in-the-Fields [6.3.6].

10.2.33. In the Council's view the scheme is also unacceptable because:

- (i) The imposition of a rectilinear plan form, parallel to Denmark Place, inevitably results in the loss of York and Clifton Mansions.
- (ii) The development does not respect the axis of Centrepoint.
- (iii) The street frontage of the proposed building fails to maintain the sense of enclosure which is characteristic of Charing Cross Road. The office block seems to turn its back on the main thoroughfare.
- (iv) The plan form adopted does not make full use of the site and there are numerous 'left over' spaces, for example at the base of the lift tower and along Charing Cross Road and Andrew Borde Street. These spaces do not contribute positively to the character of the street scene and could present safety and security problems.
- (v) The subway entrance is poorly integrated into the ground floor of the office block [6.3.7].

10.2.34. The Council point out that the main block would be significantly higher than the existing buildings in Charing Cross Road, Denmark Street and St Giles High Street. It would be the same height as the Centrepoint

residential blocks, but these are themselves out of scale with their surroundings [6.3.9]. They consider that the winged roof to the top storey of the office block is a prominent and incongruous element [6.3.10] and that the tower element is also too high and unduly prominent in the townscape [6.3.11]. They believe that the view of St Giles' steeple should be maintained by the retention and refurbishment of York and Clifton Mansions and a reduction in the height and bulk of the proposed office block [6.3.12]. They contend that the proposed residential block at 56-58 St Giles High Street relates poorly to the adjoining listed No 59 [6.3.14].

10.2.35 PPG1, paragraph 28, states "Local planning authorities should reject obviously poor designs which are out of scale or character with their surroundings". Policy UD3 of the Local Plan (Document 28, Appendix 4.8) reflects this advice [6.5.10]. The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72(1), requires that "special attention shall be paid to the desirability of preserving or enhancing the character or appearance" of conservation areas. To satisfy the test which this requirement implies, the Council consider that the new development should reflect the consistent scale set by Shaldon Mansions and other buildings further down and on the opposite side of Charing Cross Road [6.5.13]. They submit that, as a consequence of the inappropriate scale and design of the development, the appearance of the Area would be materially changed; materials would be alien to the setting of the site, the roof fin and curved roof elements of the new residential block would be wholly out of character with the neighbourhood, the bulk of the office block would create a new skyline and the horizontal emphasis of the design would fail to respect the historic pattern of development [6.5.14].

10.2.36. The Council have no objection to the selective redevelopment of the northern half of the site - Policy UD10 aims to retain buildings which still have a useful life - but in the circumstances of this case they consider that the proposed development would be contrary to the advice of Circular 8/87 and to Policies UD3, UD7, UD15, UD16 and UD32 of the Local Plan [6.3.19].

10.2.37. Most of the considerations of character and design in this case are subjective matters. I do not lightly set aside the Council's detailed appraisal and criticism of the proposed building, but I attach weight to the RFAC's support for the scheme [5.2.7].

10.2.38. Bearing in mind the location of the site to the south of the 36 storey office tower of Centrepoint at the junction of Charing Cross Road, Tottenham Court Road, Oxford Street and New Oxford Street [2.1.1], I consider that the appellants are right to aim to achieve an important piece of civic architecture [5.2.2]. I believe that the fact that the office block would not stand at 90 degrees to Charing Cross Road would be barely apparent in the street scene and am not convinced that it is important that the new building should respect the axis of Centrepoint. In the context of St Giles Circus [Plan D1], I see no reason why modern materials would be inappropriate nor any justification for insistence upon a more traditional design. Around the 'Circus' and on Charing Cross Road there are a variety of buildings of different times, which exhibit the styles of their periods [6.2.9].

10.2.39. The Council are properly concerned that the new development should respect the scale of its setting. I consider it appropriate that on the Andrew Borde Street frontage the height of the office block should relate to that of the Centrepoint residential block to the east. In my opinion the vertical circulation element and its tower are well fitted to terminate the southern axis of Tottenham Court Road [Document 4, Fig 175] and, to a small



degree, would serve to lessen the dominance of Centrepoint. On the Charing Cross Road frontage a new street wall, 5/6 floors high enfolds the taller main office building [5.6.2]. In my opinion the problem of disparity of scale and character between the office block and existing development to the south on Charing Cross Road is well, if not perfectly met, by the modulation and materials of the facade and the stepping down of the roofline [Document 4, Figs 16B & 18, Document 5, Fig 26]; in my view the enclosure of the street frontage is adequately maintained.

10.2.40. A similar problem of disparity arises on the St Giles High Street frontage. In most respects a similar approach to that adopted on the west side of the new building is successful.

10.2.41. It was common ground that Denmark Place is an interesting relic of the historic street pattern, but an unattractive space [Document 4, Fig 20A]. I consider that the creation of a shopping arcade in its place and the introduction of a studio/office building, residential and retail accommodation, and a music museum, would enhance the amenity of the pedestrian street. The RFAC have congratulated the architect on the design of Denmark Place [5.1.6]. The Council are concerned that the office block rising on the north side of Denmark Place would have an overbearing effect upon its character, but I believe that this would be largely countered by the canopy which is proposed to overhang the street [Document 5, Fig 12 Rev 1].

10.2.42. Notwithstanding the relationship of Denmark Place to the Denmark Street houses, I am not convinced that its retention in its traditional form is of fundamental importance to the preservation of the Conservation Area.

10.2.43. The development would obstruct the view of the tower and steeple of St Giles from the east end of Oxford Street [Document 4, Fig 18]. This view existed in the early C19 [6.3.12], was subsequently lost and revealed once more by demolition to make way for Centrepoint [5.6.6]. The view of the tower and steeple contributes to the interest of the St Giles Circus street scene, but there are other good views of the church in the area [5.6.6], and I do not consider that the view which the Council seek to preserve is so important to the townscape that it should preclude otherwise acceptable development of the appeal site.

10.2.43. I do not consider that the architects decision not to make full use of the site would lead to problems on the streets which would be serious enough to negate the merits of the design. I believe that the roof feature accords with the character of the development and accept that it defines the new office building and relates to the 'datum' of the Centrepoint residential block [5.2.4]. The location of the subway entrance is a matter of detail which could be the subject of a planning condition, as suggested by the Council [Document 47].

10.2.44. The building on the northern part of the site would not be visible from Denmark Street [5.6.4] and consequently the character and appearance of the street and the setting which it affords for its listed buildings would be unaffected by the new development. In longer views the development would be seen as a departure from the historic character of the neighbourhood [Document 4, Fig 19], and I am inclined to agree with the Council and with the BCAAC [8.1.7] that the residential block adjacent to 59 Giles Street, by virtue of its height and roof form, would tend to dwarf the listed building [Plan D22].



10.2.45. The enhanced scale of building on the northern frontage of the appeal site and the modern design of the development would undoubtedly change the character of the Conservation Area, and would not be entirely without adverse affect upon the setting of its listed buildings. However, it would replace derelict and underused structures with a carefully designed building, which, in my opinion, would be worthy of its important site and would generally graduate comfortably to the more domestic scale of Denmark Street. I consider that, by virtue of these merits, the development would enhance the appearance of the Conservation Area and therefore conclude that what is proposed would not represent an unacceptable departure from local and national policies concerned to preclude development which would be out of place in its setting.

#### Demolitions and Alterations

10.2.46. The third reason for refusal of planning permission is:

The proposed development involves the demolition and alteration of buildings, some of which are listed, which make a positive contribution to the character of this part of the Conservation Area and their replacement by buildings which neither preserve nor enhance that character.

10.2.47. It is proposed to demolish all the buildings north of Denmark Place together with the listed 16 Denmark Place [6.3.2]. I have considered the proposal to demolish the listed building in reaching my conclusions on the appeal against refusal of listed building consent. Of the other buildings to be demolished, the Council identify 148 Charing Cross Road and York and Clifton Mansions as being of particular interest [6.2.10 & 6.3.5]. I agree with the Council and the BCAAC that these buildings make a pleasing contribution to the character of the neighbourhood; the rehabilitation of the Mansions to afford residential accommodation would be a practical possibility [8.5.1-8.5.3].

10.2.48. Nevertheless, the Council do not oppose the demolition of York and Clifton Mansions, provided that the replacement buildings make an equal contribution to the character and appearance of the Conservation Area. It seems to me that the nub of the third reason for refusal of planning permission is the Council's contention that the replacement buildings would fail in this respect. When the application was determined only part of the Mansions lay within the Conservation Area, but the appellants accept that consideration must be given to the effect of proposed development outside a conservation area upon the character and appearance of the conservation area [5.13.15]. The Council's Guidelines provide a general presumption against demolition in conservation areas [6.1.11]. However, I have already concluded that the new building, by virtue of its quality, would enhance the appearance of the Conservation Area and I do not therefore accept the Council's contention. English Heritage considers that the proposed alterations to the listed buildings at 59 St Giles High Street and to 20, 26 and 27 Denmark Street could be acceptable in principle [6.3.3], and I find no reason to disagree.





## The Music Industry

10.2.49. The fourth reason for refusal of planning permission is:

It is considered that the proposed development would be likely to do irreparable harm to the Denmark Street part of the Conservation Area in that the existing music industry uses which are a fundamental part of that character would be likely to be displaced and not return due to the scale and nature of the changes proposed.

10.2.50. I am persuaded by the evidence given on behalf of the TPATA [Section 8.2] that the music industry has had a long association with Denmark Street and continues to flourish there. From what I saw during my site inspection I accept that, although it does not significantly affect the buildings, the music specialism is a characteristic of the Conservation Area which should be retained. I agree with the appellants that there is no good reason why the present occupiers of the buildings should be assured of security of tenure [5.13.21], but I note the appeal decision dated 26 March 1990 cited by the Council and in the absence of any assurance that the development will not extinguish a significant element of the music uses, I consider that their continuance could properly be secured by a condition on the lines of that suggested by the Council [Document 47]. [6.4.15].

### Other Planning Considerations

10.2.51. Excessive plot ratio is not a reason for refusal of planning permission [6.4.11]. In view of my findings on the likely impact of the development upon its surroundings, I do not consider that the plot ratio of the scheme is material.

10.2.52. The appellants have proposed amendments to the design which overcome some of the Council's concerns about daylighting [6.4.12] and these could be secured by an appropriate condition [5.2.6]. The design would still fall short of the recommended standard in some respects [6.4.12] but bearing in mind the inner city location of the site I think that it would be unreasonable to insist on conformity to the letter.

### The Application for Conservation Area Consent

10.3.1. The application for conservation area consent relates only to the demolition of buildings lying within the Conservation Area prior to its extension during the course of the inquiry [1.1.4]. The sole reason for refusal is that it would be inappropriate to grant consent for demolition in the absence of an approved replacement scheme. I have taken into account the general presumption against demolition in conservation areas which the Council's Guidelines provide in my consideration of the third reason for refusal of planning permission, and if it is determined that the development should proceed the reason for refusal of conservation area consent should fall away.

### The Application for Listed Building Consent

10.4.1. The Council rely on the Written Statement of the Borough Plan to support their reason for refusal [1.1.5]. They argue that, by reference to the criteria of Circular 8/87, paragraph 90, there is a compelling case for the retention of 16 Denmark Place on its merits [6.5.22].



10.4.2 The appellants submit that there is scant evidence to justify the listing of 16 Denmark Place. They say that it is far from being in original condition, what is old is commonplace, it is of no definite quality, by no architect, displays no technological innovation, has no group value and is of no interest as an example of a building type or plan form. They consider that the building ought not to have been listed and the mistake should be rectified by permitting its demolition [5.4.2].

10.4.3. However, 16 Denmark Place is an example of the back extensions created by C19 commercialisation. It was built in the early C19 as a workshop, possibly for the metal-finishing trade which was predominant in the area by the mid C19. It retains a number of original features, including central loading door openings, unhorned gated sashes, a staircase and a glazed lantern at third floor level. It is of interest for its contiguity with the late C17 No 20 Denmark Street and for its representation of an early C19 industrial building. Few other industrial buildings survive in the immediate surrounding area; those that do exist are of later date and different character [6.2.12].

10.4.4. I find that the listing of 16 Denmark Place was justified according to the criteria of Circular 8/87 and, in the absence of over-riding considerations, should be retained. The appellants concede that the building could be retained without difficulty and without sacrifice of planning gain [6.5.22]. I conclude that it ought not to be demolished.

#### Summary

10.5.1. I conclude that the proposed development would not be unacceptable in its impact upon its surroundings and upon the character and appearance of the Bloomsbury (Denmark Street) Conservation Area. If the development is permitted to proceed I do not consider that the proposed demolitions (excepting that of 16 Denmark Place) and alterations would be objectionable. I believe that the retention of the music uses which contribute to the character of the Conservation Area could be secured by an appropriate planning condition. However I believe that the development would be likely to prejudice the implementation of the Crossrail and Chelsea-Hackney line projects, and consider that this is a matter of prime importance.

10.5.2. If it is determined that planning permission should be granted I find no obstacle to conservation area consent for the demolition of unlisted buildings in the Conservation Area as designated prior to 11 June 1991.

10.5.3. I find no justification for listed building consent for the demolition of 16 Denmark Place.

10.5.4. If it is determined that these appeals should succeed, I consider that it would be reasonable and necessary that planning permission should be subject to conditions 1-16 and 18-20 suggested by the Council [Document 47] as proposed to be amended by the appellants [5.13.22], to the conditions suggested by LRT [Document 48, Section 5.16], and to additional condition 2 suggested by the Council. The appellants did not pursue amendment of the application and additional condition 1 would therefore be irrelevant.

10.5.5. I agree with the appellants that the listed building condition suggested by the Council is irrelevant to these appeals. I consider that the condition which the Council suggest should be attached to conservation consent would be necessary to preclude premature demolition.



#### RECOMMENDATIONS

11.1.1. I recommend that the planning permission should be refused. If this recommendation is accepted, I recommend that conservation area consent should be refused. I recommend that listed building consent should be refused.

I have the honour to be  
Sir  
Your obedient Servant

Michael P Parsons



## APPEARANCES

### FOR THE ST GILES PARTNERSHIP

Mr L Read QC

instructed by:  
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He called:

Mr Robert Turner BArch AIA RIBA

Architect

Mr Anthony Blee FRIBA FRSA

Consultant Architect

Mr Douglas Parkes MA CEng FICE

Consultant Engineer

Mr Chris White BSc MSc MICE MCIT

Transport Planning  
Consultant  
Planning and Development  
Consultant

Mr G M Skelcey BSc FRICS

### FOR THE LONDON BOROUGH OF CAMDEN

Mr Peter Harrison of Counsel

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He called:

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Environment and Design  
Manager, LB of Camden  
Senior Professional  
Officer, English Heritage  
Senior Planner,  
LB of Camden

Miss Zoe Croad BA(Arch) DipArch DipELH

Mr Charles Thuairé BA DipTP MRTPI

### FOR LONDON REGIONAL TRANSPORT

Mr J Furber of Counsel

instructed by:  
Mr I E King  
Secretary and Solicitor  
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He called:

Mr K Beattie BSc FICE FISTructE

Civil Engineer

### INTERESTED PERSONS

Mr Tony Tugnut DipArch

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London WC1A 2JD



Mr Simon Grant

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Tin Pan Alley Traders  
Association, 11 Denmark St  
London WC2H 8LS

Miss Malena Griffiths

representing:  
Covent Garden Open Spaces  
Association, 21 Stacey St.  
London WC2H 8DG

Ms Sue Vincent

representing:  
Covent Garden Community  
Association, 45 Short's  
Gardens, London WC2H 9AP

Mr J Monahan AADip RegArch

CGHB Architects  
41 Great Windmill Street  
London W1

#### DOCUMENTS

Document 1 Lists of persons present at the inquiry

Document 2 Notice of the Inquiry

#### St Giles Partnership

Document 3 Appendix 1 to proof of evidence of Mr Turner - Chronology of Consultation, Copies of Correspondence, List of Planning Application Drawings

Document 4 Appendix 2 to proof of evidence of Mr Turner - Illustrations

Document 5 Appendix 3 to proof of evidence of Mr Turner - Illustrations

Document 6 Appendix 4 to proof of evidence of Mr Turner - Sunlighting and Daylighting

Document 7 Appendix 5 to proof of evidence of Mr Turner - Supplementary View Study

Document 8 Appendix AB2 to proof of evidence of Mr Blee - Photographs

Document 9 Appendix AB2A to proof of evidence of Mr Blee - Aerial views of the Church of St Giles in the Fields

Document 10 Appendix AB3 to proof of evidence of Mr Blee  
25 no Documents/Maps

Document 11 Appendix AB4 to proof of evidence of Mr Blee - Common Views of the Church of St Giles in the Fields

Document 12 Appendix AB5 to proof of evidence of Mr Blee -  
Denmark Street - 7 no documents

Document 13 Appendix AB6 to proof of evidence of Mr Blee -  
Barbon, Flitcroft and Charing Cross Road

Document 14 Proof of evidence of Mr Parkes

Document 15 Supplementary proof of evidence of Mr Parkes

Document 16 Appendix AB7 to proof of evidence of Mr Blee - Bloomsbury Conservation Area 1968

Document 17 Illustrations to proof of evidence of Mr Parkes



- Document 18 Appendix 1 to the proof of evidence of Mr Parkes - Tables
- Document 19 Appendix 2 to proof of evidence of Mr Parkes - References
- Document 20 Appendices to proof of evidence of Mr Skelcey
- Document 21 Proof of evidence of Mr Whife
- Document 22 Illustrations to proof of evidence of Mr Whife
- Document 23 Addendum Information to main and supplementary proofs of evidence of Mr Whife
- Document 24 Appendices A1-A6 to supplementary proof of evidence of Mr Whife
- Document 25 Copy of a lease concerning the churchyard and burial ground of St Giles-in-the-Fields
- Document 26 An outline of the terms of a Section 106 Agreement/Unilateral undertaking proposed by the appellants
- Document 27 Response to the TPATA letter to the inquiry dated 13 June 1991

Camden Borough Council

- Document 28 A bundle of documents numbered 1-18
- Document 29 Consultation Responses
- Document 30 Proof of evidence of Miss Croad
- Document 31 Appendices to proof of evidence of Miss Croad
- Document 32 Illustrations to proof of evidence of Miss Croad
- Document 33 Extract from The Georgian Group Journal 1991
- Document 34 Extracts from the Survey of London
- Document 35 Appendices to supplementary proof of evidence of Mr Thuairé
- Document 36 Planning Brief - Phoenix Garden, Cambridge Circus, WC2
- Document 37 Report to Committee - Review of Conservation Areas
- Document 38 Report to Committee - Bloomsbury: Denmark St Conservation Area
- Document 39 An Architectural Statement (Refurbishment of Centre Point)
- Document 40 Letter 13 June 1991, Soho Housing Association to Mr Thuairé
- Document 41 Copy of Statement in support of planning application for Comprehensive Development at St Giles Circus, 20 October 1989
- Document 42 Decision letter 26 March 1990, ref. APP/X5210/A/88/086131
- Document 43 Extract from Department of the Environment Circular 8/87
- Document 44 Extract from the Evening Standard 11 June 1991



- Document 45 Notes of case - Bernard Wheatcroft Ltd v Secretary of State for the Environment and Harborough District Council
- Document 46 Notes of case - City of London Corporation v Secretary of State for the Environment and Another
- Document 47 Conditions proposed by the Local Planning Authority

#### London Regional Transport

- Document 48 Proof of evidence of Mr Beattie
- Document 49 Supplementary proof of evidence of Mr Beattie
- Document 50 A table of exhibits 1-20
- Document 51 Exhibits 1-22
- Document 52 A table of supplementary exhibits 21A, 22A & 23-33
- Document 53 Supplementary exhibits 21A, 22A & 23-33
- Document 54 Tables and sketches illustrating the supplementary proof of evidence of Mr Beattie
- Document 55 Letters 24 May & 3 June 1991, an exchange of correspondence between Network Planning Manager (London Underground Ltd) and Head of Public Transport London Rail Division (Department of Transport).
- Document 56 A comparison of distances from Denmark Place and Phoenix Park to the east and westbound Crossrail Station tunnels.
- Document 57 A bundle of documents concerning the East-West Crossrail and the Chelsea-Hackney Lines

#### Tin Pan Alley Traders Association

- Document 58 Aims and objectives of the Association
- Document 59 Proof of evidence of Mr Grant
- Document 60 An addendum to proof of evidence of Mr Grant
- Document 61 A bundle of letters from traders supporting the Association
- Document 62 Correspondence - The Association, Messrs Teacher Marks Deal, Messrs Carruthers & Co
- Document 63 Letter submitted to the inquiry dated 13 June 1991

#### Other Documents

- Document 64 Appendices to the proof of evidence of Mr Tugnut
- Document 65 Constitution of the CGCA
- Document 66 Letter 7 June 1991 Covent Garden Community Association to Mr Thuair
- Document 67 Covent Garden Community Association Annual Report 1990-1991
- Document 68 Letter 5 June 1991 Chairman of the Covent Garden Open Spaces Association to the Inspector
- Document 69 A bundle of documents submitted by Mr Monahan



Document 70 Letter 14 June 1991 Messrs Biscoe Stanton to the Inspector  
Document 71 A written statement submitted by the Council of the City of Westminster

#### PLANS

##### Application Plans for Conservation Area Consent (E/91/807629. LBC ref 9070171)

Plan A1 CAA-01C OS Site Plan  
Plan A2 CAA-02B Context Plan  
Plan A3 CAA-03C Masterplan  
Plan A4 CAA-04B Demolition Plan  
Plan A5 CAA-05B Existing Building Layout  
Plan A6 CAA-06 21 Denmark Street & 17 Denmark Place  
Plan A7 CAA-07 22 Denmark Street & 18 Denmark Place  
Plan A8 CAA-08 23 Denmark Street & 19 Denmark Place  
Plan A9 CAA-09A 24 Denmark Street & 20 Denmark Place  
Plan A10 CAA-10A 25 Denmark Street & 21 Denmark Place  
Plan A11 CAA-11 Elevation Denmark Street  
Plan A12 CAA-12 Elevation Denmark Place

##### Application Plan for Listed Building Consent (E/91/807630. LBC ref 9170013)

Plan B ----- Location of 16 Denmark Place

##### Other 'Listed Building' Plans

Plan C1 LBA-01C OS Site Plan  
Plan C2 LBA-02B Context Plan  
Plan C3 LBA-03C Masterplan  
Plan C4 LBA-04B Existing Building Layout  
Plan C5 LBA-05 20 Denmark Street Existing  
Plan C6 LBA-06 26 Denmark Street Existing  
Plan C7 LBA-07 27 Denmark Street Existing





Plan C8	LBA-08	Existing Front Elevation Denmark Street
Plan C9	LBA-09	Existing Rear Elevation Denmark Place
Plan C10	LBA-10B	Proposed Site Plan 20-27 Denmark Street
Plan C11	LBA-11	20 Denmark Street Proposed
Plan C12	LBA-12B	26 Denmark Street Proposed
Plan C13	LBA-13	27 Denmark Street Proposed
Plan C14	LBA-14A	Proposed Front Elevation Denmark Street
Plan C15	LBA-15B	Proposed Rear Elevation Denmark Street
Plan C16	LBA-16A	59 St Giles High Street

Application Plans for Planning Permission  
(A/91/181034, LBC ref 9000462/R1)

Plan D1	DPA-01C	OS Site Plan
Plan D2	DPA-02B	Context Plan
Plan D3	DPA-03C	Masterplan
Plan D4	DPA-04B	Urban Morphology
Plan D5	DPA-05B	Basement
Plan D6	DPA-06C	Ground Floor
Plan D7	DPA-07B	Office First Floor
Plan D8	DPA-08B	Office Second-Fourth Floor
Plan D9	DPA-10B	Office Fifth Floor
Plan D10	DPA-11B	Office Sixth Floor
Plan D11	DPA-13B	Office Seventh Floor
Plan D12	DPA-14/1A	Housing and Studio Buildings First Floor
Plan D13	DPA-14/2A	Housing and Studio Buildings Fifth Floor
Plan D14	DPA-15C	Roof Plan
Plan D15	DPA-17C	Section B-B
Plan D16	DPA-18C	Section C-C
Plan D17	DPA-20B	Section E-E
Plan D18	DPA-21C	Section F-F



Plan D19	DPA-22C	Section G-G
Plan D20	DPA-23C	Andrew Borde Street Elevation
Plan D21	DPA-24C	Charing Cross Road Elevation
Plan D22	DPA-25C	St Giles High Street Elevation
Plan D23	DPA-28B	Site Plan 20-27 Denmark Street & 59 St Giles High Street
Plan D24	DPA-29	20 Denmark Street Proposed
Plan D25	DPA-30	21 Denmark Street Proposed
Plan D26	DPA-31	22 Denmark Street Proposed
Plan D27	DPA-32	23 Denmark Street Proposed
Plan D28	DPA-33A	24 & 25 Denmark Street Proposed
Plan D29	DPA-34C	26 Denmark Street Proposed
Plan D30	DPA-35A	27 Denmark Street Proposed
Plan D31	DPA-36A	Proposed Front Elevation Denmark Street
Plan D32	DPA-37B	Proposed Rear Elevation Denmark Street
Plan D33	DPA-39	126-136 Charing Cross Road & 17-18 Denmark Street

#### Other Plans

Plan E	Reduced Scale Plans A1-A12
Plan F	Reduced Scale Plans C1-C16
Plan G	Reduced Scale Plans D1-D33
Plan H	London Borough of Camden Local Plan Open Spaces Map
Plan J	London Regional Transport Status Report Plan
Plan K	Phoenix Gardens - Site Context
Plan L	Phoenix Gardens - Working Site Layout
Plan M	Appeal Site -Working Site Constraints
Plan N	2 no plans submitted by the Appellants - Appeal Site Vehicle Movement Constraints

#### PHOTOGRAPHS

Photo 1	21 no photos of the Site and Surroundings submitted by the Council
Photo 2	9 no photos of Phoenix Gardens and Surroundings



Photo 3 4 no photos of children in Phoenix Gardens

Photo 4 3 no 'montages' submitted by the Council

