

# 1 Triton Square & St Anne's

*Heritage Statement*

*OCTOBER 2016*









# **1 Triton Square & St Anne's**

**London NW1**

## **St Anne's residential development: heritage statement**

October 2016

Consultancy for the  
Historic Built Environment

**KMH**Heritage

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# 1 Introduction

- 1.1 This Heritage Statement has been prepared by KMHeritage as part of a planning application by British Land Property Management Limited (BL or the 'Applicant'). This planning application seeks full planning permission for the extension and refurbishment of the 1 Triton Square office building and the redevelopment of St Anne's Church for residential use along with works to the public realm. Both of these buildings lie within the London Borough of Camden.
- 1.2 This document has been written in relation to the effect of the St Anne's residential development on the heritage significance of the Grade II\* Church of St Mary Magdalene. A separate Townscape, Heritage and Visual Impact Assessment has been prepared by the Tavernor Consultancy that assesses the effects on heritage significance from the St Anne's residential development and the 1 Triton Square development on other heritage assets.

## Purpose

- 1.3 The purpose of the report is to assess the proposed St Anne's development against national and local policies relating to the historic built environment.
- 1.4 This report should be read in conjunction with the drawings and Design & Access Statement prepared by the Matthew Lloyd Architects.

## Organisation

- 1.5 This introduction is followed by a description of St Anne's and the area in which it is located, and an analysis the heritage significance of the existing site and its context. Section 3 sets out the national and local policy and guidance relating to the historic built environment that is relevant to this matter. An analysis is provided in Section 4 of the proposal and its effect in heritage terms on the



significance of the listed St Mary Magdalene church and school. Section 5 identifies compliance with policy and Section 6 is the summary and conclusion. There are a number of appendices.

### **Author**

- 1.6 The lead author of this report is Kevin Murphy B.Arch MUBC RIBA IHBC. He was an Inspector of Historic Buildings in the London Region of English Heritage and dealt with a range of major projects involving listed buildings and conservation areas in London. Prior to this, he had been a conservation officer with the London Borough of Southwark, and was Head of Conservation and Design at Hackney Council between 1997 and 1999. He trained and worked as an architect, and has a specialist qualification in urban and building conservation. Kevin Murphy was included for a number of years on the Heritage Lottery Fund's Directory of Expert Advisers.
- 1.7 Historical research and assistance for this report was provided by Dr Ann Robey FSA, a conservation and heritage professional with over twenty years experience. She has worked for leading national bodies as well as smaller local organizations and charities. She is a researcher and writer specialising in architectural, social and economic history, with a publication record that includes books, articles, exhibitions and collaborative research.

## 2 The site and its context

### Introduction

- 2.1 This section of the report briefly describes the history and development of St Anne's and its context. Following this, an assessment of their heritage significance is provided.
- 2.2 Historical mapping is contained in Appendix A, and other appendices provide additional information in the site and its evolution.

### History

#### *Introduction*

- 2.3 St Anne's Roman Catholic Church lies on the corner of Laxton Place and Longford Street. It is a circular design and built in dark grey brick and it was erected in 1970 on the site of a former public house in a residential area just east of Regent's Park.

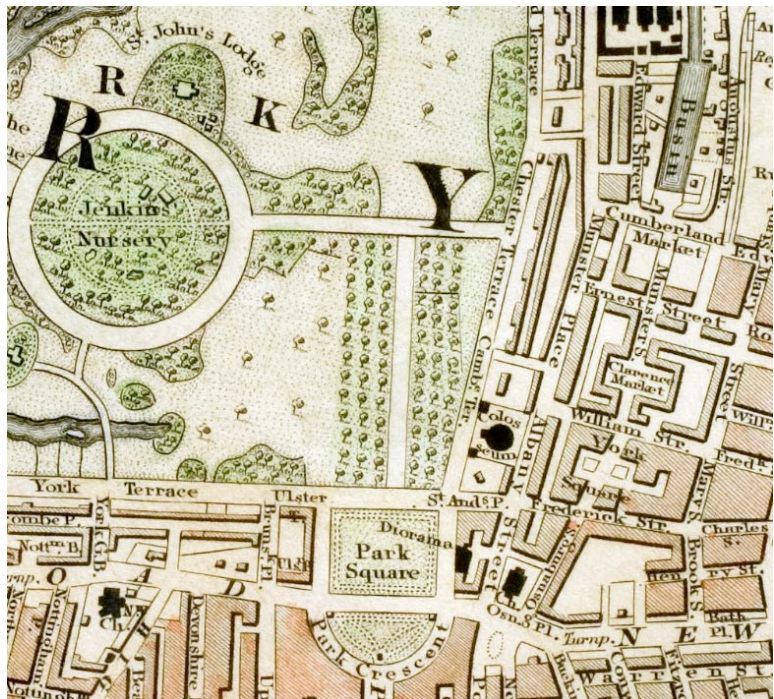


Figure 1: Schmollinger Plan of Regent's Park development 1833, showing York (later Munster) Square

- 2.4 Originally the site lay to the south of John Nash's Munster Square (originally York Square), which was built as the southernmost of the three planned markets laid out to serve the large houses in and around Regent's Park that he developed on Crown land.<sup>1</sup> The area to the east of the park was to be a service district to the grand stucco terraces, with small houses for tradesmen and the three large squares intended for the marketing of hay, vegetables and meat (see Figure 1). None were a great commercial success.<sup>2</sup> In fact by the beginning of the 20th century, the garden of Munster Square, divided by Osnaburgh Street, was leased by the Crown to the London County Council who opened it to the general public in 1906, and laid it out with paths and seats.<sup>3</sup>
- 2.5 In 1849-52, St. Mary Magdalene was built on the south side of Munster Square. By the end of the 19<sup>th</sup> century, there was an associated school that lay just to the south of the church, standing opposite the public house on the corner of Laxton Place and Longford Street. To the north of the pub was a terrace of small early 19<sup>th</sup> century houses built by Nash for workers (see Figure 2). Due to their proximity to Euston and Kings Cross Stations, these squares to the east of Regent's Park were heavily bombed during the Second World War, especially around Munster Square and by the end of the war, much of the housing built by Nash had fallen into disrepair, been demolished, or bombed.<sup>4</sup>

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<sup>1</sup> 'Munster Square', in *Survey of London: Volume 21, the Parish of St Pancras Part 3: Tottenham Court Road and Neighbourhood*, ed. J R Howard Roberts and Walter H Godfrey (London, 1949), p. 139. *British History Online*

<sup>2</sup> Only Cumberland Market, the northernmost square survived as a commercial area. London's hay market relocated here from the Haymarket in 1830

<sup>3</sup> <http://www.londongardensonline.org.uk/gardens-online-record.asp?ID=CAM072>

<sup>4</sup> *The London County Council Bomb Damage Maps 1939-1945*, London Topographical Society. LTS Publication No. 164. (2005), Map 49



Figure 2: OS Map 1875-1876

- 2.6 In 1951 the Crown Estate Commissioners sold the 32 acres on which Munster Square, Clarence Gardens and Cumberland Market stood to St Pancras Borough Council for the building of a social housing estate, which became known as the Regent's Park Estate.<sup>5</sup> The remaining 19<sup>th</sup> century buildings were demolished, but some trees and open areas survived, which became the skeleton of the estate and one of these was Munster Square. Modern low-rise council blocks replaced the former 19th century terraces that once surrounded the garden. This is clearly shown on the site plan below, along with the circular St Anne's Church to the south (see Figure 3).
- 2.7 The proposals for HS2, which will start and terminate at Euston, directly affect parts of the estate. Plans for new homes for those displaced by the new rail line and the regeneration of the Regent's Park Estate in London,

<sup>5</sup> Today the estate has 2,200 homes in 49 different blocks.

developed by Tibbalds Planning and Urban Design, have been recently approved by Camden Council.

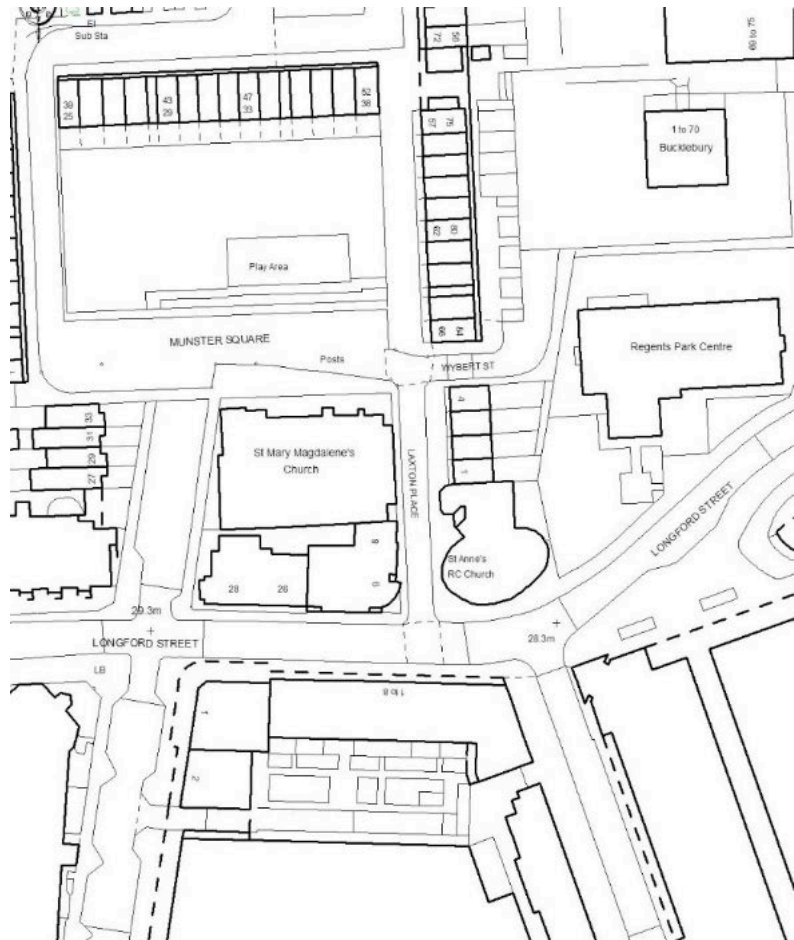


Figure 3: Site plan showing St Anne's Church and the immediate surroundings

### *Building St Anne's Church*

- 2.8 The church was planned in the late 1960s, and the architects were Scott & Jacques, of Shenfield in Essex, and Horseferry Road, Westminster.<sup>6</sup> The plans were approved in 1968, the foundation stone laid by Cardinal Heenan in May, 1970 and the congregation moved from Seaton Place,<sup>7</sup> to the new circular church late in 1970.<sup>8</sup>

<sup>6</sup> Camden Local Studies and Archives Centre, Drainage Plans Microfiche for Longford Street

<sup>7</sup> THB Scott (father of the architect of St Anne's) had designed that church in 1938

<sup>8</sup> Denis Ewinson, *Catholic Churches of London* (1998), p. 85



- 2.9 The architects are not of any particular note. They were responsible for a number of Catholic churches and school buildings during the middle of the 20<sup>th</sup> century. Thomas Scott was born a Catholic in the very early 1900's. He went into partnership with his father, TH Birchall Scott, but their names have never been seen linked as a 'father and son' partnership. He later formed Scott & Jacques architects which were at first based in Chelmsford, Essex.<sup>9</sup>
- 2.10 The firm designed St. Bernadette's Catholic Church in Hillingdon (1937), St Philip's Catholic Church, Finchley (1933), the post-war restoration in Canning Town of St Margaret and All Saints (1949-51), the new chancel at the Blessed Sacrament Church, Copenhagen Street, Islington (1959) and St John Fisher Church, Shepperton (1966). They also were responsible for the Canon Holmes Memorial School, Hutton Park, Brentwood (1968), St Mary & St Edward's Catholic School Silvertown (1970) and alterations to St Helen's in Ongar, Essex (1973). The practice also designed Basildon Zoo in Essex.<sup>10</sup>

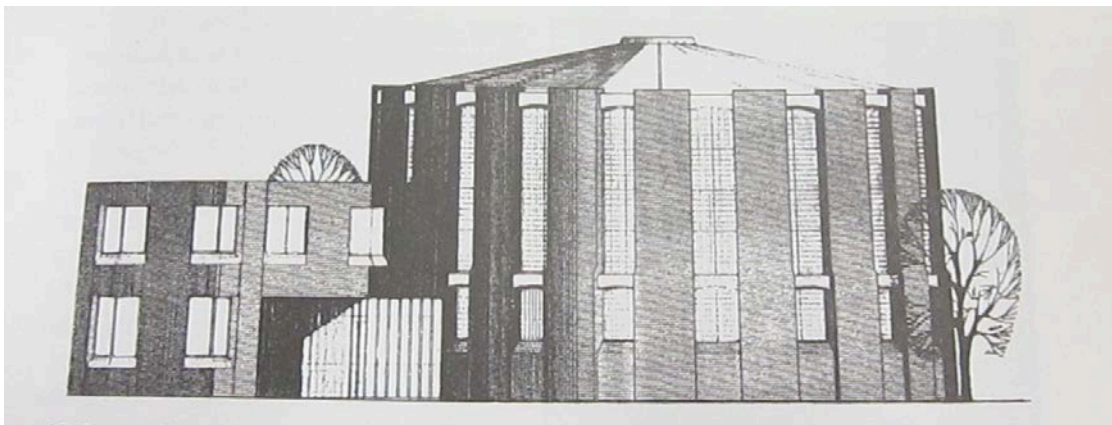


Figure 4: St Anne's RC Church

- 2.11 St Anne's Church is built in two shades of dark brick, one employed for the buttress like members, the other relating to the intervening windows. In total there are 17 tall windows, with tinted glass (added in the 1970s). Internally there are converging metal trusses that support

<sup>9</sup> <http://www.sjfchurch.org.uk/70-year-history>

<sup>10</sup> <http://www.sjfchurch.org.uk/70-year-history>

a copper roof.<sup>11</sup> Off the main semi-circular body of the church, is a small square service annex where there is the narthex and sacristy, beyond which a room for the house keeper and off the hall, towards the road side, a waiting room and rectors' office. These rooms all form part of the matching two-storey presbytery. Above these rooms was the priest's residential accommodation comprising a bedroom, large living room, kitchen and spare bedroom.<sup>12</sup> By the 1980s, the church was little used.



Figure 5: The church in 2011

- 2.12 The UK's small Chaldean Syrian community started worshipping in the church in 1991. Worship continued until at least 2003, but the church had closed by 2011.

<sup>11</sup> Denis Ewinson, *Catholic Churches of London* (1998), p. 85

<sup>12</sup> Camden Local Studies and Archives Centre, Drainage Plans Microfiche for St Anne's Church (original plans)

### *St Mary Magdalene*

- 2.13 Immediately opposite St Anne's is St Mary Magdalene, Munster Square which was built in 1849-52, to the designs of R.C. Carpenter.<sup>13</sup> The architect Richard Cromwell Carpenter (1813–1855), was the designer of two Brighton churches, SS. Stephen and Andrew, and S. Paul. He was connected with the High Church movement within the Church of England, and a favoured architect of the Cambridge Camden Society, an organization which attempted to give structural expression to the liturgical and doctrinal ideals which emanated from the Oxford Movement. The Clergy House is from 1894 and the adjacent school building was an important part of the church's mission. The church, school annex and railings are listed (though see below regarding the replacement of the school).
- 2.14 The stained glass in the east window of St Mary Magdalene was designed by Augustus Welby Pugin, 'the cartoons for which were drawn by his pupil and son-in-law, John Powell, while Messrs. Hardman carried out the work, and the two easternmost windows in the south aisle were made by Messrs. Clayton and Bell under the direction of Butterfield'.<sup>14</sup> In addition, the windows in the north aisle of the crypt were filled by 1975 with stained glass from the demolished St Augustine's, Haggerston. The crypt has six of the eight frames of Margaret Rope's 'Haggerston' series of saints, designed between 1931 – 1947.<sup>15</sup> As well as the six saints, the crypt has two stained glass panels by Rope, not in the series entitled the *Crowning of the Blessed Virgin Mary* and *Mary, Mother of Christ*.

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<sup>13</sup> The church was altered in 1866-7 by Slater and Carpenter; the north aisle and crypt added 1883-4 by R H Carpenter and B Ingelow

<sup>14</sup> 'St. Mary Magdalene, Munster Square', in *Survey of London: Volume 21, the Parish of St Pancras Part 3: Tottenham Court Road and Neighbourhood*, ed. J R Howard Roberts and Walter H Godfrey (London, 1949), pp. 140-141.

<sup>15</sup> They represent St Augustine (1931), St Anne (1932), St Leonard (1933), St George (1934), St Joseph and St Michael (?1947) The missing two saints from the series, St. Margaret and St. Paul, are now at St Saviour's Priory, Haggerston)





Figure 6: East Window in St Mary Magdalene designed by AW Pugin

- 2.15 What is now described in the list description as ‘St Mary Magdalene School Annexe’ is actually the surviving Clergy House and part of the school building; the majority of the school was demolished in the late 1990s and replaced by the modern residential building on the south-western corner of Laxton Place and Longford Street. The Clergy House remains at the corner of Osnaburgh Street and Longford Street, at No. 28 Longford Street; the surviving part of the school is at 26 Longford Street. Nos 8 and 9 Laxton Place is the recent residential development to the south of St Mary Magdalene Church and opposite St Anne's.



Figure 7: the site in the 1940s

### The heritage context

- 2.16 St Anne's Church is located immediately to the east of the Regents Park Conservation Area, the Grade II\* Church of St Mary Magdalene and the Grade II listed St Mary Magdalene School Annexe and attached railings (see above regarding the replacement of the school building).

- 2.17 The White House Hotel is listed Grade II, as is Walton House on Longford Street. Further to the west, Longford Street is terminated by a view of the rear elevation of the Grade I Royal College of Physicians. The post box on Longford Street, at the south west corner of the junction with Osnaburgh Street, is locally listed.
- 2.18 This report has been written specifically in relation to the effect of the St Anne's residential development on the heritage significance of the Grade II\* Church of St Mary Magdalene. A separate Townscape, Heritage and Visual Impact Assessment has been prepared by the Tavernor Consultancy that assesses the effects on heritage significance from the St Anne's residential development and the 1 Triton Square development on other heritage assets. Those heritage assets are described in more detail in that document.

#### **Assessing heritage significance: definitions**

- 2.19 As a listed building, St Mary Magdalene is a 'designated heritage asset', as defined by the National Planning Policy Framework (the NPPF).
- 2.20 Heritage 'significance' is defined in the NPPF as 'the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic'. The Historic England 'Historic Environment Good Practice Advice in Planning Note 2' puts it slightly differently – as 'the sum of its architectural, historic, artistic or archaeological interest'.
- 2.21 'Conservation Principles, Policies and Guidance for the sustainable management of the historic environment' (English Heritage, 2008) describes a number of 'heritage values' that may be present in a 'significant place'. These are evidential, historical, aesthetic and communal value.

### **The heritage significance of St Anne's and St Mary Magdalene**

- 2.22 St Anne's Church has no heritage significance; it is a very ordinary example of a post-war church building designed by an architectural firm who did not produce any buildings of note. It does not display any particular architectural innovation or skill, does not have any particularly significant associations and is generic in its design and execution. It ignores St Mary Magdalene, and makes no reference to its historic context.
- 2.23 St Mary Magdalene, as a listed building, has, by definition, special architectural and historic interest. This lies in its Pugin-influenced design, externally and internally, and its extensive historical associations, detailed above. The building clearly possesses significant internal decoration and stained glass. The church is a very good example of 19<sup>th</sup> century Gothic revival church design, whose significance is further enhanced by its association with notable individuals connected with architecture and the High Church Anglo-Catholic movement.
- 2.24 The stained glass at St Mary Magdalene is not of uniform, special interest. At the eastern end of the church facing Laxton Place, the window to the chancel is clearly of most importance, whereas that to the southern aisle is much later (1931) and that to the northern aisle is described as being manufactured by Clayton and Bell but no artist is associated with its design. Other stained glass in the church has no visual relationship with Laxton Place or St Anne's Church; that in the southern aisle is set very close against the boundary to the former school site.

### **Conclusion**

- 2.25 While St Anne's Church is an unremarkable example of post-war church building, of no architectural or historical significance, St Mary Magdalene is a leading example of 19<sup>th</sup> century church design in the non-classical revivalist

tradition, associated with notable designers and Anglo-Catholicism.

### **3 The policy context**

#### **Introduction**

- 3.1 This section of the report briefly sets out the range of national and local policy and guidance relevant to the consideration of change in the historic built environment.
- 3.2 Section 5 demonstrates how the proposed development complies with statute, policy and guidance. Not all the guidance set out in this section is analysed in this manner in Section 5: some of the guidance set out below has served as a means of analysing or assessing the existing site and its surrounding, and in reaching conclusions about the effect of the proposed development.

#### **The Planning (Listed Buildings and Conservation Areas) Act 1990**

- 3.3 The legislation governing listed buildings and conservation areas is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('the Act'). Section 66(1) of the Act requires decision makers to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' when determining applications which affect a listed building or its setting. Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay 'special attention... to the desirability of preserving or enhancing the character or appearance of that area'.
- 3.4 Appendix D sets out our understanding of the process by which sections 66(1) and section 72(1) of the Act are applied by decision makers in conjunction with the National Planning Policy Framework.

#### **The National Planning Policy Framework**

- 3.5 Paragraph 56 of the NPPF says that 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable

development, is indivisible from good planning, and should contribute positively to making places better for people’.

3.6 Paragraph 60 says:

*Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.*

3.7 Paragraph 61 continues:

*Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.*

3.8 Paragraph 63 says that ‘In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area’.

1.1 The NPPF says at Paragraph 128 that:

*In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.*

3.9 A description and analysis of the heritage significance of St Anne's and St Mary Magdalene is provided earlier in this report.

3.10 The NPPF also requires local planning authorities to ‘identify and assess the particular significance of any heritage asset that may be affected by a proposal

(including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal'.

3.11 At Paragraph 131, the NPPF says that:

*In determining planning applications, local planning authorities should take account of:*

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

3.12 Paragraph 132 advises local planning authorities that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.

3.13 The NPPF says at Paragraph 133 'Good design ensures attractive, usable, durable and adaptable places and is a key element in achieving sustainable development. Good design is indivisible from good planning.' Paragraph 133 says:

*Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve*



*substantial public benefits that outweigh that harm or loss, or all of the following apply:*

- the nature of the heritage asset prevents all reasonable uses of the site; and*
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and*
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and*
- the harm or loss is outweighed by the benefit of bringing the site back into use.*

- 3.14 Paragraph 134 says that ‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 3.15 Further advice within Section 12 of the NPPF urges local planning authorities to take into account the effect of an application on the significance of a non-designated heritage asset when determining the application. It says that ‘In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.
- 3.16 Paragraph 137 of the NPPF advises local planning authorities to ‘look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably’.
- 3.17 Paragraph 138 says that:

*Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.*

### **Planning Practice Guidance**

3.18 In 2014 the government published new streamlined planning practice guidance for the National Planning Policy Framework and the planning system. It includes guidance on matters relating to protecting the historic environment in the section entitled 'Conserving and Enhancing the Historic Environment'. It is subdivided into sections giving specific advice in the following areas:

- Historic Environment Policy and Legislation
- Heritage in Local Plans
- Decision-taking: Historic Environment
- Designated Heritage Assets
- Non-Designated Assets
- Heritage Consent Processes and
- Consultation Requirements

### **Historic England's Good Practice Advice in Planning Notes**

3.19 The NPPF incorporates many of the essential concepts in Planning Policy Statement 5 'Planning for the Historic Environment'. PPS5 was accompanied by a 'Planning for the Historic Environment Practice Guide', published by English Heritage 'to help practitioners implement the

policy, including the legislative requirements that underpin it'. In the light of the introduction of the NPPF, Good Practice Advice notes 1, 2 and 3 supersede the PPS 5 Practice Guide, which was withdrawn on 27 March 2015. These notes are:

- Historic Environment Good Practice Advice in Planning Note 1: The Historic Environment in Local Plans
- Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision-Taking in the Historic Environment
- Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets

### **The London Plan**

- 3.20 The London Plan 2016 (consolidated with alterations since 2011) is the current the spatial development strategy for London. This document, published in March 2016, is consolidated with all the alterations to the London Plan since 2011. It contains various policies relating to architecture, urban design and the historic built environment.
- 3.21 Policy 2.1 of the London Plan, 'London in its global, European and United Kingdom context', says that that 'The Mayor and the GLA Group will, and all other strategic agencies should, ensure....the development of London supports the spatial, economic, environmental and social development of Europe and the United Kingdom, in particular ensuring that London plays a distinctive and supportive part in the UK's network of cities'.
- 3.22 Policy 7.4 deals with 'Local character', and says that a development should allow 'buildings and structures that make a positive contribution to the character of a place, to influence the future character of the area' and be 'informed by the surrounding historic environment'.

3.23 Policy 7.8 deals with 'Heritage assets and archaeology', and says:

*A London's heritage assets and historic environment, including listed buildings, registered historic parks and gardens and other natural and historic landscapes, conservation areas, World Heritage Sites, registered battlefields, scheduled monuments, archaeological remains and memorials should be identified, so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account.*

*B Development should incorporate measures that identify, record, interpret, protect and, where appropriate, present the site's archaeology.*

*C Development should identify, value, conserve, restore, re-use and incorporate heritage assets, where appropriate.*

*D Development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.*

*E New development should make provision for the protection of archaeological resources, landscapes and significant memorials. The physical assets should, where possible, be made available to the public on-site. Where the archaeological asset or memorial cannot be preserved or managed on-site, provision must be made for the investigation, understanding, recording, dissemination and archiving of that asset.*

3.24 Policy 7.9 deals with 'Heritage-led regeneration', and says:

*A Regeneration schemes should identify and make use of heritage assets and reinforce the qualities that make them significant so they can help stimulate environmental, economic and community regeneration. This includes buildings, landscape features, views, Blue Ribbon Network and public realm.*

*B The significance of heritage assets should be assessed when development is proposed and schemes designed so*

*that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets (including buildings at risk) should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.*

### **Camden Council's Local Development Framework**

- 3.25 Camden Council adopted its Core Strategy and Development Policies on 8 November 2010. Core Strategy Policy CS14 deals with 'Promoting high quality places and conserving our heritage' and says:
- 'The Council will ensure that Camden's places and buildings are attractive, safe and easy to use by:*
- a) requiring development of the highest standard of design that respects local context and character;*
  - b) preserving and enhancing Camden's rich and diverse heritage assets and their settings, including conservation areas, listed buildings, archaeological remains, scheduled ancient monuments and historic parks and gardens;*
  - c) promoting high quality landscaping and works to streets and public spaces;*
  - d) seeking the highest standards of access in all buildings and places and requiring schemes to be designed to be inclusive and accessible;*
  - e) protecting important views of St Paul's Cathedral and the Palace of Westminster from sites inside and outside the borough and protecting important local views'.*
- 3.26 The commentary to the policy says:
- 'Our overall strategy is to sustainably manage growth in Camden so it meets our needs for homes, jobs and services in a way that conserves and enhances the features that make the borough such an attractive place to live, work and visit. Policy CS14 plays a key part in achieving this by setting out our approach to conserving*

*and, where possible, enhancing our heritage and valued places, and to ensuring that development is of the highest standard and reflects, and where possible improves, its local area'*

3.27 It goes on to say

*'Development schemes should improve the quality of buildings, landscaping and the street environment and, through this, improve the experience of the borough for residents and visitors'*

3.28 Policy CS15 says that 'The Council will protect and improve Camden's parks and open spaces'.

3.29 Policy DP24 in Camden Development Policies says:

*The Council will require all developments, including alterations and extensions to existing buildings, to be of the highest standard of design and will expect developments to consider:*

- a) character, setting, context and the form and scale of neighbouring buildings;*
- b) the character and proportions of the existing building, where alterations and extensions are proposed;*
- c) the quality of materials to be used;*
- d) the provision of visually interesting frontages at street level;*
- e) the appropriate location for building services equipment;*
- f) existing natural features, such as topography and trees;*
- g) the provision of appropriate hard and soft landscaping including boundary treatments;*
- h) the provision of appropriate amenity space; and*
- i) accessibility.*

3.30 Regarding Camden's heritage, the Core Strategy refers to Policy DP25 in Camden Development Policies as providing more detailed guidance on the Council's approach to protecting and enriching the range of features that make up the built heritage of the borough.

3.31 Policy DP25 is as follows:

*Conservation areas*

*In order to maintain the character of Camden's conservation areas, the Council will:*

- a) take account of conservation area statements, appraisals and management plans when assessing applications within conservation areas;*
- b) only permit development within conservation areas that preserves and enhances the character and appearance of the area;*
- c) prevent the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area where this harms the character or appearance of the conservation area, unless exceptional circumstances are shown that outweigh the case for retention;*
- d) not permit development outside of a conservation area that causes harm to the character and appearance of that conservation area; and*
- e) preserve trees and garden spaces which contribute to the character of a conservation area and which provide a setting for Camden's architectural heritage.*

*Listed buildings*

*To preserve or enhance the borough's listed buildings, the Council will:*

- e) prevent the total or substantial demolition of a listed building unless exceptional circumstances are shown that outweigh the case for retention;*
- f) only grant consent for a change of use or alterations and extensions to a listed building where it considers this would not cause harm to the special interest of the building; and*
- g) not permit development that it considers would cause harm to the setting of a listed building.*

*Archaeology*

*The Council will protect remains of archaeological importance by ensuring acceptable measures are taken to preserve them and their setting, including physical preservation, where appropriate.*

*Other heritage assets*

*The Council will seek to protect other heritage assets including Parks and Gardens of Special Historic Interest and London Squares.*



## **4 The proposed scheme and its effect**

### **Introduction**

- 4.1 The proposed scheme for St Anne's is illustrated in the drawings of Matthew Lloyd Architects, and described in the accompanying Design & Access Statement.
- 4.2 This section of the report briefly describes the proposed scheme and its effect on the heritage significance of St Mary Magdalene described earlier.

### **The proposed scheme**

- 4.3 The proposed scheme replaces the existing church building on the site of St Anne's with a new residential building. It will contain affordable housing, provided as part of the 1 Triton Square development described in other application documents

### **The effect on St Mary Magdalene**

#### *Overall massing*

- 4.4 The proposed scheme is for a taller building than exists at present on the St Anne's site. It will extend to nine storeys, but the overall building form is modulated so that the upper three floors are smaller in plan area and placed furthest from St Mary Magdalene on the St Anne's site, thus reducing the effect of that height. The main 'shoulder' height of the proposed scheme is commensurate with the height of the recent residential development at Nos 8 and 9 Laxton Place and the overall height of the listed church. In the context of Laxton Place, the development will step up from the scale of the terrace of modern houses to the north, but in doing so will only be marginally taller than the ridge of St Mary Magdalene opposite. In views from Munster Square that permit the proposed scheme to be seen in the backdrop of St Mary Magdalene, the taller part of the development will be only be fleetingly visible above the ridge of the church, against the existing backdrop of the Euston Tower and the

large office development to the south, and will not have any significant effect.

*Detailed design*

- 4.5 The proposed development for the St Anne's site balances reference to and respect for the setting of St Mary Magdalene with achieving an identity as a new building with its own character and integrity. The design of the scheme has involved a study of the masonry textures and colours in the vicinity, including those of St Mary Magdalene, and the selection of materials – notably the choice of brick colour – has been informed by the proximity of the church. However, and is entirely appropriate, the proposed development is confidently contemporary in its expression – the design of its facades and the selection of materials clearly marks it out as a building of the present day. While placing more accommodation on the site and doing so in a contemporary fashion, the architectural language of the scheme is not overtly attention-seeking or ostentatious; it will not unduly draw the eye from the listed church, which, with its striking roof forms and powerful neo-Gothic expression, will continue to be the pre-eminent building in the immediate vicinity of St Anne's.

*Effect on the stained glass of St Mary Magdalene*

- 4.6 The stained glass in St Mary Magdalene has, as has been shown earlier, undoubted significance. However that significance varies, and the most important piece of stained glass is that designed under the influence of AWN Pugin for the eastern wall of the chancel. That is not to say that other stained glass in the church is not important, but there is a hierarchy in that importance.
- 4.7 The only meaningful potential effect on the stained glass of St Mary Magdalene from the proposed development of the St Anne's site would be on the stained glass window at the eastern end of the southern aisle. This window dates from 1931 and is of much less heritage significance than the earlier main eastern window of the chancel that

was designed by Pugin. Though the St Anne's development proposes greater height, it very obviously does not completely reduce the light through the 1931 glass. The more significant window - to the chancel – is located opposite the terrace of houses to the north of the St Anne's site and thus will continue to enjoy a substantial amount of natural daylight from the east. The window to the north aisle will not be materially affected by the proposed development, as it is set back from Laxton Place.

- 4.8 While the proposed scheme may marginally reduce the amount of light reaching the stained glass window to the southern aisle of the church facing Laxton Place, it will not do so by such an amount that the stained glass will no longer be appreciable or such that its significance is substantially harmed or lost. The glass will continue to be capable of appreciation and enjoyment, and will continue to play its part in the overall significance of the church.
- 4.9 The stained glass windows at St Mary Magdalene do not fundamentally require a situation where no building can be present in their vicinity for them to be appreciated – this is never a requirement for stained glass to be appreciated. There are many instances, such as in City churches, where stained glass is present in walls with other large buildings immediately adjacent, but where the significance of the glass remains appreciable. Sufficient light from the east will continue to pass through the window to the southern aisle to allow it to be appreciated and its significance to be understood and enjoyed. The proposed scheme therefore does not cause any significant harm to the heritage significance of the stained glass windows.

### **Conclusion**

- 4.10 The relationship between the St Anne's site and St Mary Magdalene is indirect and oblique; the St Anne's site overlaps only the southern aisle of St Mary Magdalene in

a north-south direction. Views of the two sites together, in each other's backdrop, are difficult to obtain.

- 4.11 While greater height is proposed by the new development for the St Anne's site, this will not necessarily cause any significant effect on the setting of St Mary Magdalene or its stained glass. The offset of height in the proposed scheme to a position furthest from the church allows the remaining lower part of the development to relate well across Laxton Place.
- 4.12 For the reasons given above, we conclude that the proposed scheme for St Anne's will, at the very least, preserve the setting of St Mary Magdalene. In our view, the scheme goes beyond this - it will enhance the setting of the listed church with a high quality development that replaces a mundane and generic post-war church building with a new housing that achieves an exemplary standard of architectural design.

## **5 Compliance with legislation, policy and guidance**

- 5.1 This report has provided a detailed description and analysis of the significance of St Mary Magdalene and its heritage context, as required by Paragraph 128 of the National Planning Policy Framework. In addition, the report also describes (in Section 4 'the proposed development and its effect') how the proposed scheme will affect that heritage significance. The effect is positive, and for that reason, the scheme complies with policy and guidance. This section should be read with Section 4.

### **The Planning (Listed Buildings and Conservation Areas) Act 1990**

- 5.2 The conclusion of our assessment, contained in the previous section of this report, is that the proposed scheme for St Anne's preserves and enhances the setting of St Mary Magdalene (i.e. the *designated* heritage asset that is the subject of the Act). The proposed development thus complies with S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It does not lead to 'substantial' harm or any meaningful level of 'less than substantial' harm to St Mary Magdalene as a listed building.

### **The level of 'harm' caused by the proposed scheme**

- 5.3 As outlined in Section 4, the NPPF identifies two levels of potential 'harm' that might be caused to a heritage asset by a development: 'substantial harm...or total loss of significance' or 'less than substantial'. Both levels of harm must be caused to a *designated* heritage asset – in this instance the setting of St Mary Magdalene
- 5.4 The proposed scheme would clearly not lead to 'substantial' harm or any meaningful level of 'less than substantial' harm to St Mary Magdalene. The only potential for 'substantial' harm would be if the proposed

scheme for St Anne's caused the loss of a significant component of the special interest of St Mary Magdalene as a listed building. There is nothing about the proposal that would give rise to this level of harm. The appearance and setting of these heritage assets is certainly changed, but that change is positive. In our view, and for the reasons given earlier, no meaningful level of 'less than substantial harm' can be assessed as being caused to St Mary Magdalene by the St Anne's development. Given the nature of its surroundings and the relatively minor effect the development has on the setting of the church and its stained glass, a proper assessment can only conclude that any harmful effect is negligible.

#### **The balance of 'harm' versus benefit**

- 5.5 In any event, the scheme provides tangible public and heritage benefits in architectural, economic and regeneration terms. The scheme will reinvigorate the St Anne's site with a new residential building of high architectural quality that is appropriate in scale and appearance to its context, replacing an indifferent church building that does not contribute positively to the setting of St Mary Magdalene. This is a specific heritage and townscape-related public benefit; the scheme will also provide 100% affordable housing, and this is a public benefit.
- 5.6 These factors more than outweighs what low level of 'harm' - if any - that *might* be asserted regarding the scheme. The core special architectural and historic interest of St Mary Magdalene as a listed building is preserved as a result of the proposed scheme for St Anne's.

#### **The National Planning Policy Framework**

- 5.7 In respect of Paragraph 131 of the NPPF, the proposed scheme can certainly be described as 'sustaining and enhancing the significance of heritage assets'. It preserves the special architectural and historic interest of the Grade II\* St Mary Magdalene.

- 5.8 The proposed scheme complies with Paragraph 133 of the NPPF - it certainly does not lead to 'substantial harm to or total loss of significance of a designated heritage asset'. It also complies with Paragraph 134 for the reasons given in detail earlier in this report – the scheme cannot be considered to harm the setting of St Mary Magdalene, but rather alters that setting in a positive way, that preserves its overall heritage significance. Any 'less than substantial harm to the significance of a designated heritage asset' (Paragraph 134) - if any - that can be ascribed to the scheme is outweighed by the explicit heritage benefit of a scheme that demonstrably improves the setting of St Anne's over the present situation and which provides the public benefit of affordable housing.
- 5.9 It is our view that the proposed scheme cannot reasonably be considered to cause harm to St Mary Magdalene when considered against the existing situation. The scheme very definitely strikes the balance suggested by Paragraph 134 of the NPPF – it intervenes in the setting of St Mary Magdalene in a manner commensurate to its significance as a listed building.

### **The London Plan**

- 5.10 The proposed scheme for St Anne's is exactly what the London Plan envisages when it talks (in Policy 7.4) about developments having 'regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings'. As described in the Design & Access Statement, the design of the proposed scheme for St Anne's is inherently responsive to the setting of the listed church. The proposed scheme is of 'the highest architectural quality' and includes 'details and materials that complement... the local architectural character'. The scheme thus complies with Policies 7.4. The proposed scheme adds life and vitality to the setting of St Mary Magdalene - the 'desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping' has been taken into account, as the

Design & Access Statement shows, and as pre-application discussions achieved. The scheme clearly 'conserve[s the significance of heritage assets], by being sympathetic to their form, scale, materials and architectural detail'. For these reasons, the scheme is consistent with Policy 7.8 of the London Plan.

- 5.11 It is also consistent with Policy 7.9 of the Plan – the 'significance' of the heritage assets in its context has been 'assessed' and the scheme is 'designed so that the heritage significance is recognised both in [its] own right and as [a] catalyst for regeneration'.

#### **Camden's Local Development Framework**

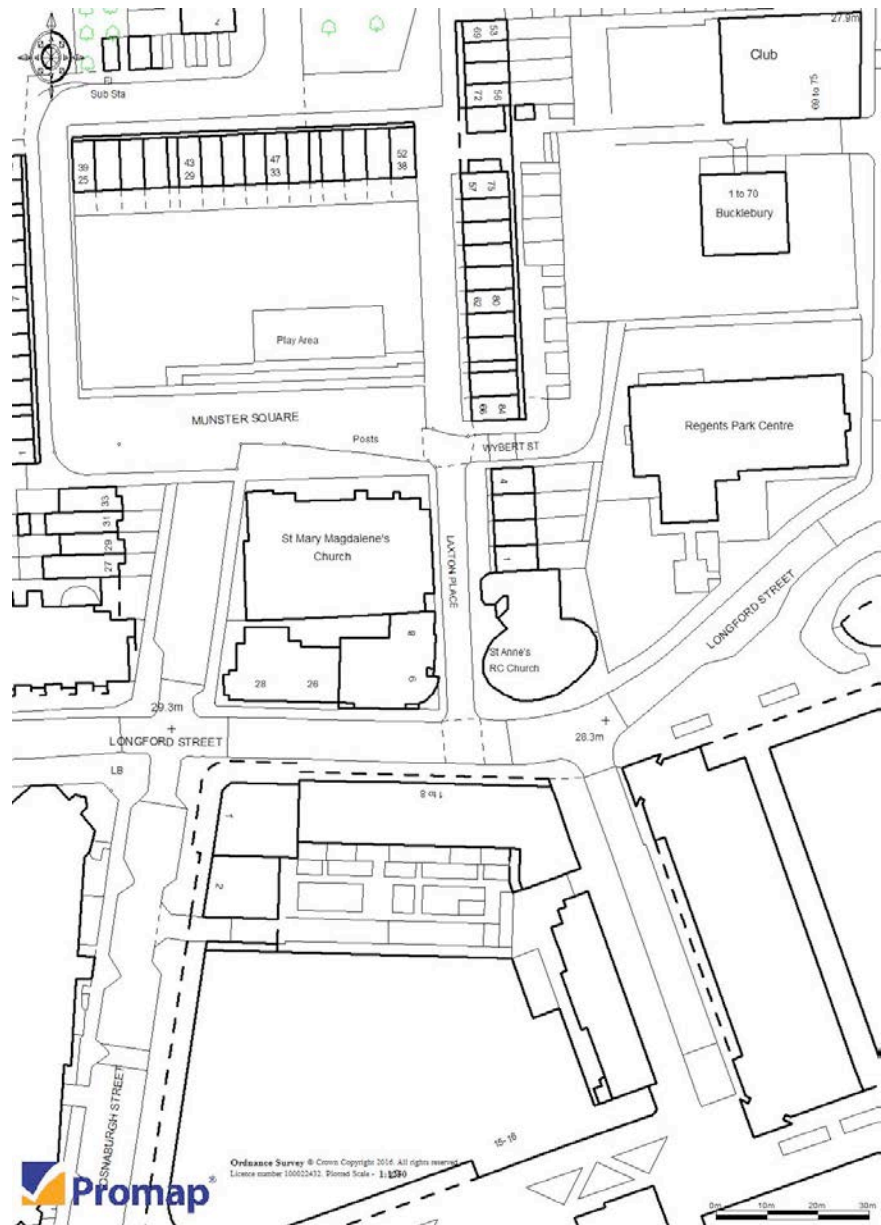
- 5.12 As has been shown, and for the same reasons that are given in respect of the NPPF, the proposed scheme would preserve *and* enhance the setting of St Mary Magdalene,.
- 5.13 For these reasons, and those given earlier, the proposed development is consistent with Camden's Local Development Framework policies, and specifically in relation to Policy DP25(g) concerning the setting of listed buildings.



## **6 Summary and conclusions**

- 6.1 The proposed scheme for the site of St Anne's Church will enhance the setting of the Grade II\* St Mary Magdalene Church with a well-designed new development, replacing an indifferent modern church building that fails to properly respond to the church. This is a specific heritage and townscape-related public benefit; the scheme will also provide 100% affordable housing, and this is a clear public benefit.
- 6.2 The proposed scheme will therefore preserve the setting of St Mary Magdalene. In our view, the scheme goes beyond this - it will enhance that setting with an excellent new building that, though contemporary in style, provides a suitably respectful counterpoint to the Gothic revival architecture of the listed church.
- 6.3 For these reasons, discussed at greater length in the report, the proposed scheme will comply with the law, and national and local policies and guidance for urban design and the historic built environment.

## Appendix A: Location



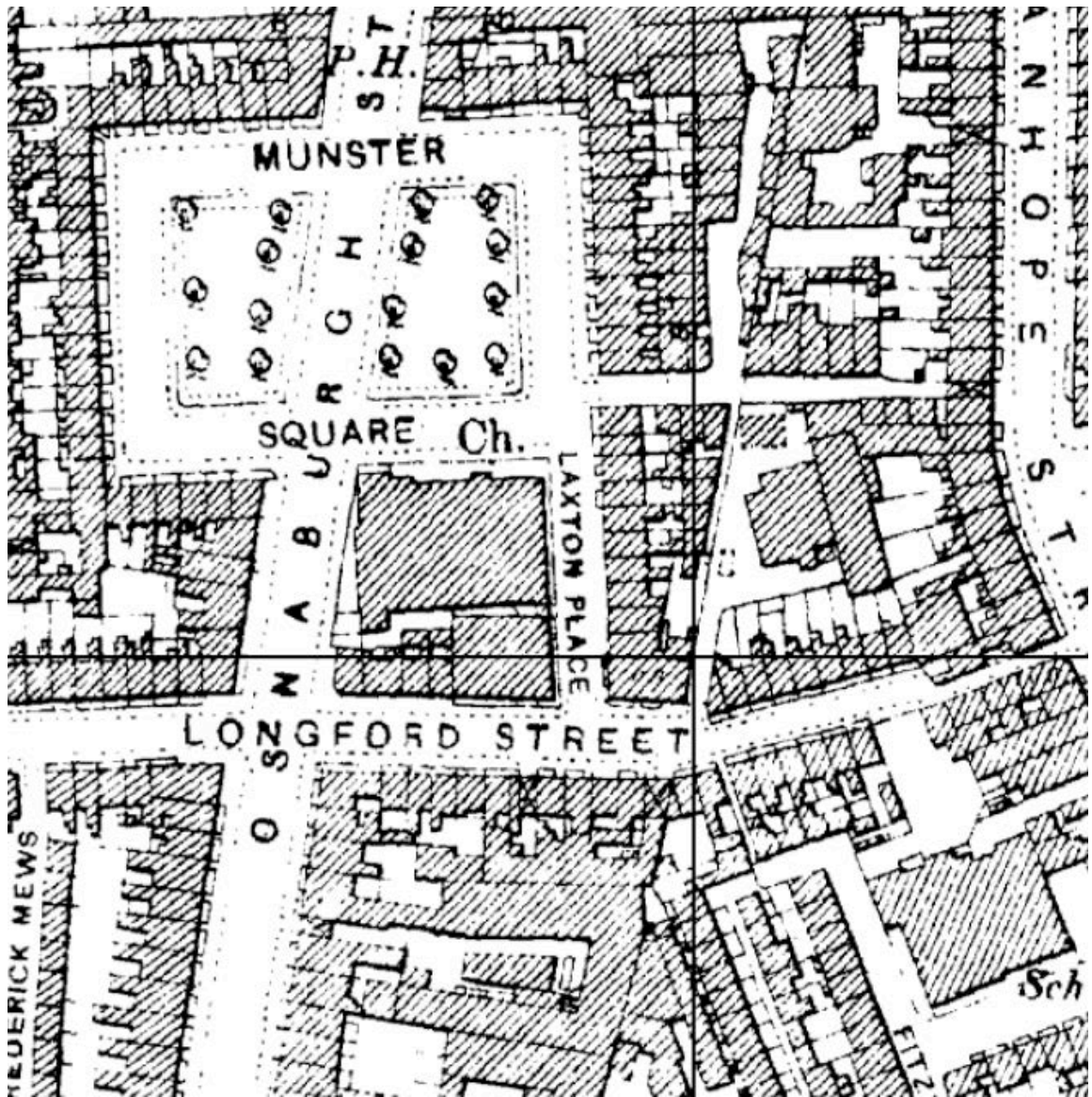
Current OS mapping; not to scale

## Appendix B: Historical mapping

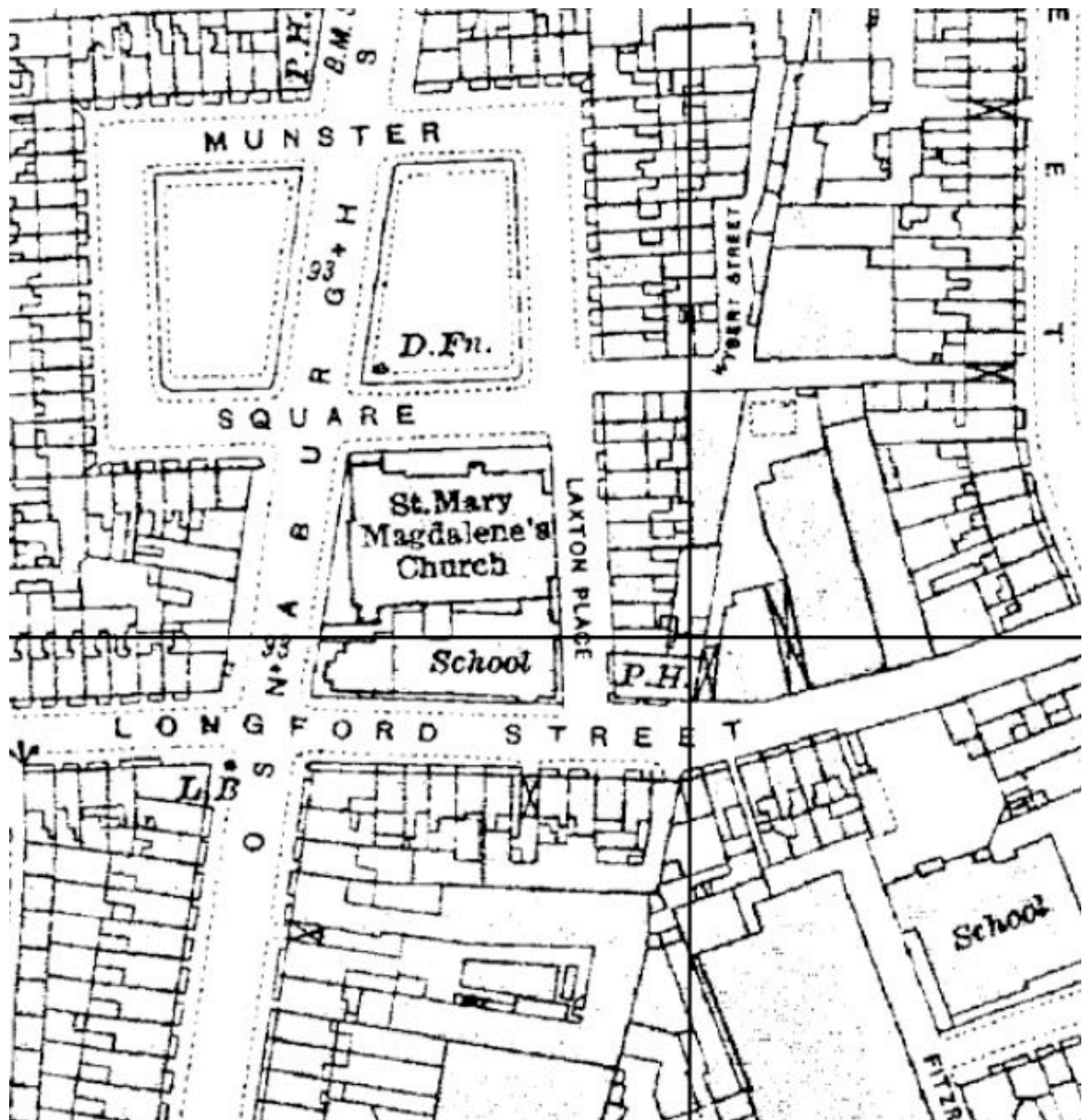
Not to scale



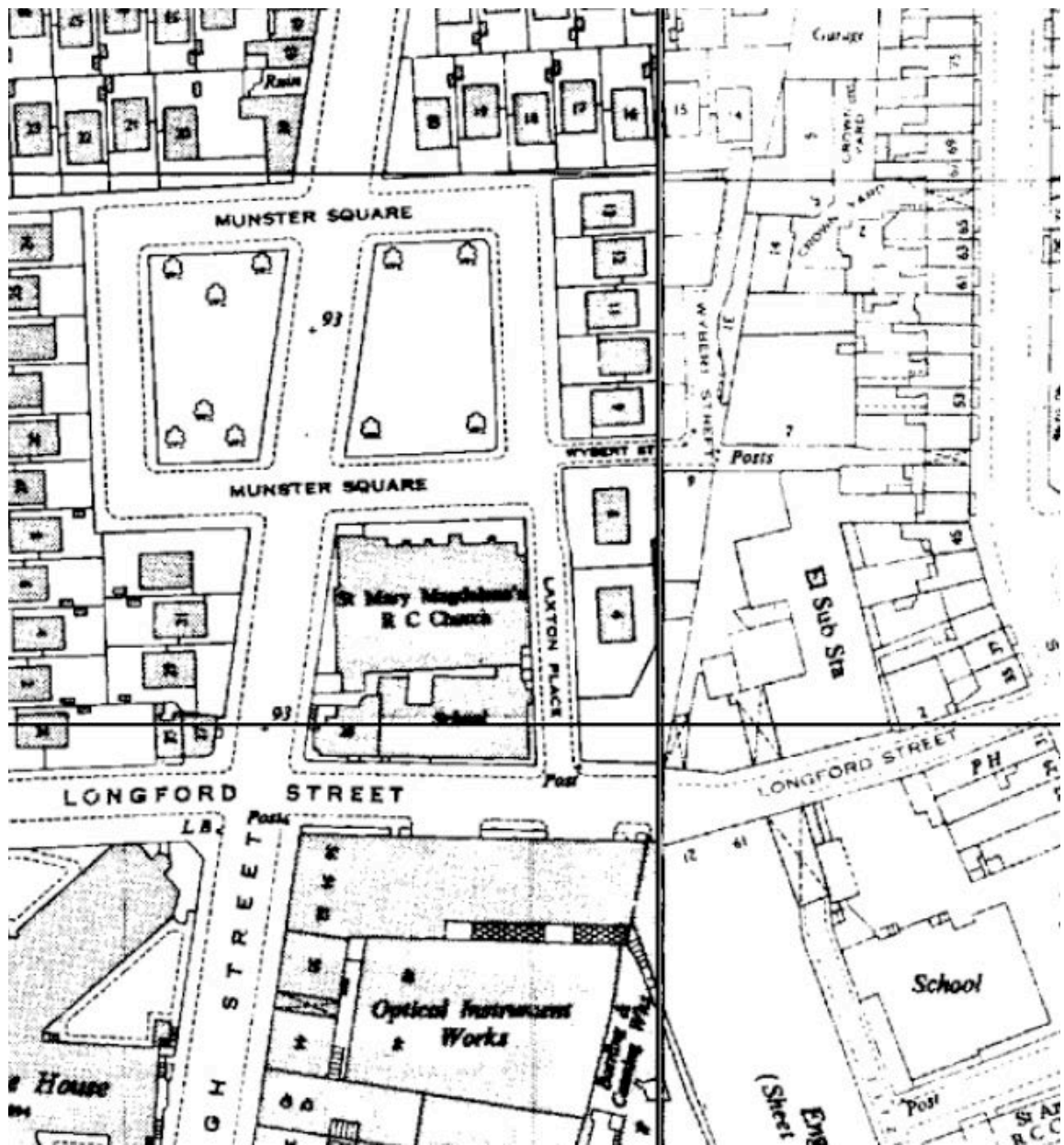
1875-76



1896

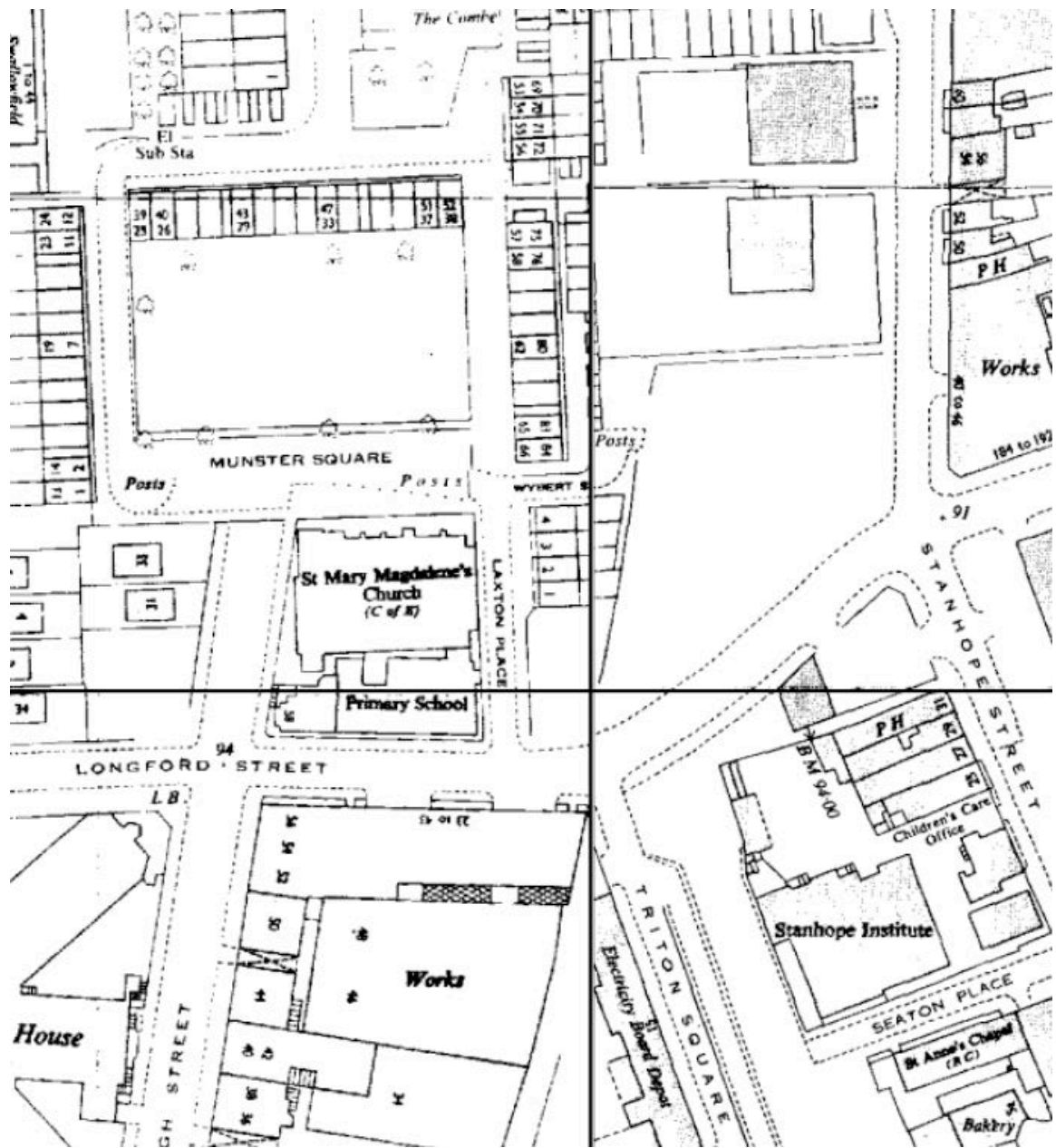


1916



1954





1968-70

## Appendix C: St Mary Magdalene list description

CAMDEN

TQ2882SE MUNSTER SQUARE 798-1/92/1170 Church of St Mary Magdalene 10/06/54

GV II\*

Church. 1849-52 by RC Carpenter for Rev Edward Stuart, alterations 1866-7 by Slater and Carpenter; north aisle & crypt added 1883-4 by RH Carpenter and B Ingelow. Snecked Kentish ragstone with Bath stone dressings. Tiled pitched roofs with ornamental ridge tiles. STYLE: Decorated. EXTERIOR: large sanctuary, 6-bay nave with 2 aisles of almost equal widths and height under separate roofs. No clerestory. Uncompleted south-west tower. North-west facade with octagonal bell turret terminating in gabled louvres under a conical roof with finial. Gabled entrance porch at north-west corner with hoodmould and ballflower decoration to pointed arch moulding; cast and wrought-iron gates with scrolled decoration. In the gable, a relief cross added 1921 with quatrefoil enrichment on a patterned background. Aisles buttressed between traceried windows. East end has 7-light window with reticulated tracery and wheel; west end has 6-light window with quatrefoils and quatrefoil rose window. INTERIOR: arch-braced collar-truss type roof of Baltic fir with cross windbraces. Pointed aisle arcades on piers of 4 clustered columns; moulded chancel arch on clustered columns. White plastered walls. Nave floored in red tiles from the first, and always with movable free seating. Arcaded chancel with shafts and spandrels of St Ann's marble. Sedilia and roof coloured by Mssrs. Crace. Piscina 1895 by Norman Shaw and made by Farmer and Brindley. Chancel floored in encaustic tiles when raised in 1866 by Slater and Carpenter and frescoes added by Bell, Redfern and Almond 1867. Memorial to Edward Stuart on lowest step. High altar lengthened 1912 by MCC Durston. Crucifix 1884 moved to south aisle. Reredos 1929 by Sir Charles Nicholson; his



also the clergy and choir stalls, the latter moved to back of nave in 1971. Reordered 1990. Roodbeam (1903) and screens (1906) by JT Micklethwaite and Somers Clarke. South or calvary chapel with altar and communion rails by Nicholson (also glass, see below). Altar in the north or Blessed Sacrament chapel from Christ Church Albany Street, its lamps are Spanish, donated in 1895. Font restored 1886, cover 1930 by Nicholson. Attractive settle in children's corner dated 1929. Stained glass: east window of special interest as being one of Augustus Welby Northmore Pugin's last designs, made by Hardman. One chancel window the only other Hardman glass to survive. South aisle from east: east window replacing Hardman's designed by Nicholson in 1931-2 and made by Scharlieb; two memorial windows to Sir Edward Hall Anderson, 1857 by Clayton and Bell under the supervision of William Butterfield. Nativity window 1862 by Lavers and Barraud; west aisle window 1884 by Clayton and Bell. North aisle from east: east window and one next to it by Clayton and Bell, Last Supper 1891; two windows of 1884 by Heaton, Butler and Bayne; memorial to George J Palmer dated 1892 by Heaton, Butler and Bayne; west aisle window 1891 by Clayton and Bell. West nave window by AA Orr replacing memorial window to RC Carpenter 1857 designed by John Clayton and made by Hardman, destroyed in Second World War. Painting on south aisle wall over former schools entrance by Clayton and Bell. Stations of the Cross given in 1895. Windows in north aisle of crypt filled by 1975 with delightful stained glass from St Augustine's Haggerston, of 1930-2 by Margaret Rope. HISTORICAL NOTE: the plan of the church with its nearly equal nave and aisles and intended tall tower, together with its wholly English style, demonstrate the influence of Augustus Welby Northmore Pugin. The design was based, however, on the Austin Friars Church in the City. It was a leading centre of Tractarian worship from its foundation. On its consecration in 1852 the Ecclesiologist described it as "the most artistically correct new church yet consecrated in London". Norman Shaw worshipped here for 42 years and described it as "the beau ideal of a town church". (The Builder: 11 August 1855: 372; The Builder: 28 July 1858: 354-5; The Builder: 3 November 1866: 818; The Builder: 1 March 1884: 322; Thomas E Sedgwick, with J T Micklethwaite, R Norman Shaw et al.: Description and

History of the Church of St Mary Magdalene: London: -1902;  
Survey of London: Vol. XXI, Tottenham Court Road and  
Neighbourhood, St Pancras III: London: -1949: 140).

Listing NGR: TQ2895782422

## **Appendix D: Approach to the statutory tests in sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990**

We set out as follows the approach that we take to section 66(1) and section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 in the light of the *Barnwell Manor* Court of Appeal judgment and subsequent decision in the High Court in *Forge Field*.

Section 66(1) of the Act requires decision makers to "have special regard<sup>[1]</sup> to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses" when determining applications which affect a listed building or its setting.

Section 72(1) of the Act requires decision makers with respect to any buildings or other land in a conservation area to pay "*special attention*<sup>[2]</sup> [...] to the desirability of preserving or enhancing the character or appearance of that area".

The necessary stages for the decision maker in fulfilling its duties under these sections (and therefore the approach to be taken in any analysis) are as follows:

Identify whether any harm is likely to be caused to a listed building or its setting or to a conservation area or its character or appearance and, if so, the likely nature of that harm. The assessment of as to whether there is likely to be harm is a matter for the decision-maker's own judgment. The decision-maker can still rationally conclude that there is no harm where any adverse implications for the listed building or conservation area are de minimis, considering the overall impact of the proposal on the heritage asset as a whole.

Identify all other material planning considerations, including national and local policies (compliance with the statutory development plan to be given particular weight because of the presumption in section 38(6) of the Planning and Compulsory Purchase Act 2004 that determination must be in accordance with the plan unless material considerations indicate otherwise).

If there is likely to be harm (whether substantial or not), the decision-maker must balance that harm against any countervailing planning benefits, but in so doing must give “considerable importance and weight” to the finding of harm. Another way to describe giving “considerable importance and weight” to the finding of harm is to say (as the court did in *Forge Field*) that there is a “strong presumption ... against granting planning permission for any development which would fail to preserve the setting of a listed building or the character or appearance of a conservation area”, which presumption “can be outweighed by material considerations powerful enough to do so”.

Where “substantial harm” is found, the advice in paragraph 133 of the NPPF should additionally be taken into account, namely that consent should be refused “unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss” or at least one of four specified criteria are met.

Where there is found to be harm which is less than substantial, care is needed that the decision-maker expresses and applies the test correctly. Paragraph 134 of the NPPF states: ““Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.” However, this now needs to be applied in the light of *Barnwell Manor* and *Forge Field*. As set out above, even where “a development proposal will lead to less than substantial harm to the significance of a designated heritage asset”, in weighing that harm “against the public benefits of the proposal, including securing its optimum viable use”, it is clear that “considerable importance and weight” should be given to that finding of harm.

If both section 66 (any listed building and/or its setting) and section 72 (any conservation area) are engaged, this analysis needs to be carried out separately under each section.

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