

North Crescent
Chenies Street, London WC1

Townscape, Heritage and Visual Impact Assessment

July 2021

Consultancy for the
Historic Built Environment

KMHHeritage

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1 Introduction

Background

- 1.1 This Townscape, Heritage and Visual Impact Assessment has been prepared by KMHeritage on behalf of Schroders UK Real Estate Fund ('the Applicant'), to support planning and listed building consent applications submitted to the London Borough of Camden for proposed works at the Minerva House and Telephone Exchange buildings, North Crescent Chenies Street London WC1 (the 'site').

- 1.2 The present application seeks full planning permission for:

"Refurbishment and reconfiguration of the existing buildings; including a one storey extension, plus plant, minor demolition works associated with internal and external alterations to provide additional office accommodation and associated works."

Purpose

- 1.3 The purpose of the report is to assess the proposed development against national and local policies and guidance relating to the historic built environment and for architectural and urban design.
- 1.4 This report should be read in conjunction with the drawings and Design & Access Statement prepared by Morris + Company Architects, and other application documents, in particular the Planning Statement prepared by DP9.

Organisation

- 1.5 This introduction is followed by a description of the history of the site. Section 3 analyses the heritage and townscape significance of the site and its context. Section 4 sets out the national and local policy and guidance relating to the built environment that is relevant to this matter. An analysis is provided in Section 5 of the proposed development and its effect in heritage and

townscape terms. Section 6 contains a Visual Impact Assessment in respect of the proposed development. Section 7 examines the proposal in terms of policy and guidance, and Section 8 is a summary and conclusion.

Authorship and contributors

- 1.6 The author of this report is Kevin Murphy B.Arch MUBC RIBA IHBC. Kevin 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.
- 1.7 Drafting and initial assessment was undertaken by Anne Roache MA MSc. Anne is an experienced heritage professional who has worked for leading commercial organizations in the fields of property, planning and law. She has a specialisation in the archaeology, architectural and social history of London.
- 1.8 Historical research was carried out by Jonathan Clarke BA (Hons), MSocSci. Jonathan is experienced historic environment professional, with more than 25 years' experience working in the historic built environment sector including for English Heritage and the Royal Commission on the Historic Monuments of England.
- 1.9 The photomontage views used in Section 6 were prepared by AVR London. Small scale reference imagery is contained within this document, and larger imagery is provided in a separate A3 document that forms part of the application material.

2 The site and its surroundings

Introduction

- 2.1 This section of the report describes the history and development of the site and its surroundings. The next section will describe the heritage and townscape significance of the site and its context.

The site

- 2.2 The site consists of two buildings that form part of North Crescent on Chenies Street, originally built in 1912-13. The buildings have lower ground, ground and three upper levels. Minerva House (west) is a Grade II listed building designed by George Vernon. Telephone Exchange is not listed. The Eisenhower Centre, a deep level bomb shelter built in 1942, is located directly south of the site.

Early urban development

- 2.3 The origins of North Crescent, Alfred Place and South Crescent, immediately east of Tottenham Court Road, date to the early 19th century and the interventions of George Dance the Younger (1768 – 1814). The son of George Dance, the Elder (1700 – 1768), Clerk of the City Works to the Corporation of London from 1734 to 1768, it was this illustrious father-son duo (particularly George, the Younger) that ‘were largely responsible for changing the predominantly mediaeval character of London to Georgian’.¹ George, the Younger, carried out redevelopments in the City estates at Conduit Meade (between today’s Marylebone and Mayfair) and Tottenham Court Road. Both lay outside the City of London, in northwest London, and the claims of the City of London Corporation to the latter date to at least 1574, when a five-acre close was transferred to Sir Nicholas

¹ Michael Hugo-Brunt, ‘George Dance, the Younger, as Town Planner (1868 – 1814)’, *Journal of the Society of Architectural Historians*, v14 (December 1955), 13

Bacon.² This estate, on the east side of Tottenham Court Road, remained largely unbuilt on until the early 19th century. Richard Horwood's map of 1792 – 1799 shows it as Cox's Garden, with a number of outbuildings, including longer ranges along Tottenham Court Road (Figure 1). Chenies Street stopped abruptly at the entrance to this garden, ending approximately where the present-day North Crescent begins, and not connecting with Tottenham Court Road.

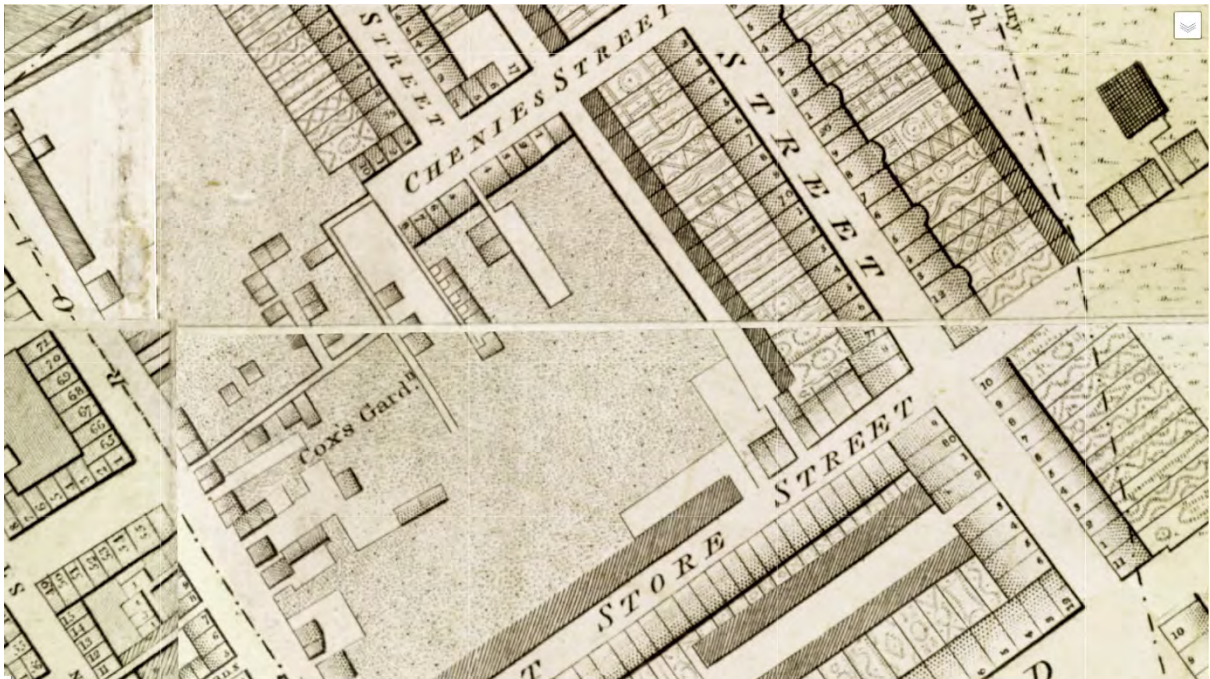


Figure 1: Horwood's map of 1792-1799 showing the area shortly before George Dance the Younger developed it as North Crescent, Alfred Place and South Crescent

² *Survey of London*, v5, St Giles-in-the-Fields, Pt II (LCC, 1914), p, 186

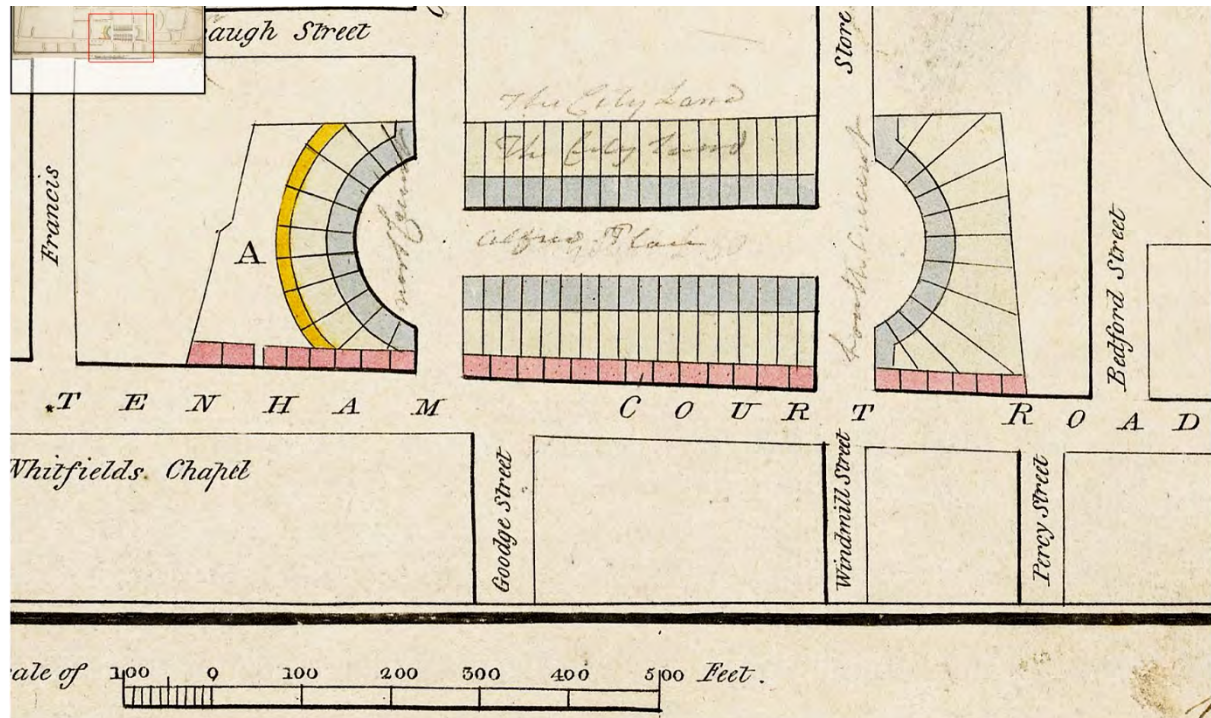


Figure 2: 'A plan of the City's estate in Tottenham Court Road in the vicinity of Bedford Square &c.' engraved by Robert Metcalf, 1802. British Library Crace Collection of maps of London.

- 2.4 In c.1802 George Dance, the Younger, prepared plans for the redevelopment of this land, still owned by the City of London. His scheme, shown in an engraving by Robert Metcalf (Figure 2), shows Alfred Place running parallel with Tottenham Court Road, with a connecting cross road at either end, with crescents opposite the north and south ends of Alfred Place. It was colour-coded, with 'Gentlemen's houses' shown in red, gardens in green, and shopkeepers' houses in red. The shops had frontages opening on to Tottenham Court Road, and their rear walls deliberately had no lights or other openings, 'presumably so as not to overlook the gardens of the gentlemen'.³
- 2.5 Some of the brick houses, including No. 1 North Crescent, had been erected by 1803 on 99-year building leases.⁴ In

³

<http://www.bl.uk/onlinegallery/onlineex/crace/other/007zzz000000015u00017000.html>

⁴ Described as an 'elegant Leasehold House', No. 1, North Crescent was put up for sale in 1807, the advertisement noting it was 'in the occupation of James

1807, the Paving Committee of St Giles in the Fields oversaw the paving of the new streets in squared granite,⁵ although not all of the houses had been built then: for example in 1809 three lots in North Crescent were leased to James Smith on a 99-year lease, with a concession of a peppercorn rent for the first year providing he roofed his buildings within a year.⁶ Some or all of the houses had drawing-rooms, attics, coach-houses and stables.⁷ The Survey of London, in 1914, described the houses ‘of no architectural merit’ (Figure 4), albeit noting that the plan of the North and South Crescents estate ‘is by no means uninteresting’.⁸ It also noted that it was the experience gained on this scheme that occasioned Dance the Younger to modify his ideas for the improvement of the Port of London.⁹ Hugo-Brunt, in his study of Dance’s role as town planner, noted ‘He developed Alfred Place as a type of monumental shopping centre for the north-western estates and it ultimately became the heart of the shopping area still existing there today’.¹⁰ However, this historian also cautioned ‘His contribution to estate development in north-western London should not be overemphasized, however, but merely regarded as an indication that he was actively aware of the planning developments of his contemporaries and that he attempted, wherever possible, to integrate them into the broader planning conception’.¹¹

2.6 Over the course of the 19th century, the character of the area gradually began changing in character from

Bailey, Esq.’, and that 95 years of the lease remained unexpired. *The Morning Advertiser*, 23 June 1807, 4.

⁵ *The Morning Advertiser*, 3 April 1807, 2.

⁶ Michael Hugo-Brunt, ‘George Dance, the Younger, as Town Planner (1868 – 1814)’, *Journal of the Society of Architectural Historians*, v14 (December 1955), 22, note 43.

⁷ *The Morning Post*, 8 April 1809, 1

⁸ *Survey of London*, v5, St Giles-in-the-Fields, Pt II (LCC, 1914), p, 186

⁹ *Ibid*

¹⁰ Michael Hugo-Brunt, ‘George Dance, the Younger, as Town Planner (1868 – 1814)’, *Journal of the Society of Architectural Historians*, v14 (December 1955), 16

¹¹ *Ibid*.

residential to commercial; the property at the corner of North Crescent and Chenies Street for example described in 1870 as having a shop and parlour.¹² By the late 1880s, when the Goad map was surveyed (Figure 3), the rear gardens of some of the houses had been built-over, presumably as workshops, and the two centre properties of North Crescent (Nos 7 and 8) had been raised to four stories. By 1895, Nos 3 and 4 North Crescent had been demolished, as had some of the shops facing Tottenham Court Road.

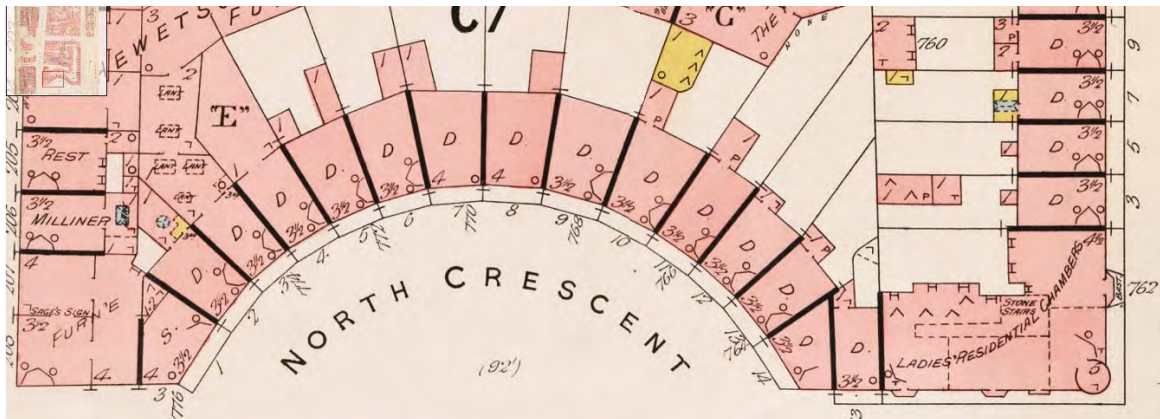


Figure 3: Goad Fire Insurance Plan of 1889. At this date, the tallest buildings were Nos 7 and 8 North Crescent, at four storeys.

¹² *Clerkenwell News*, 11 February 1870, 3

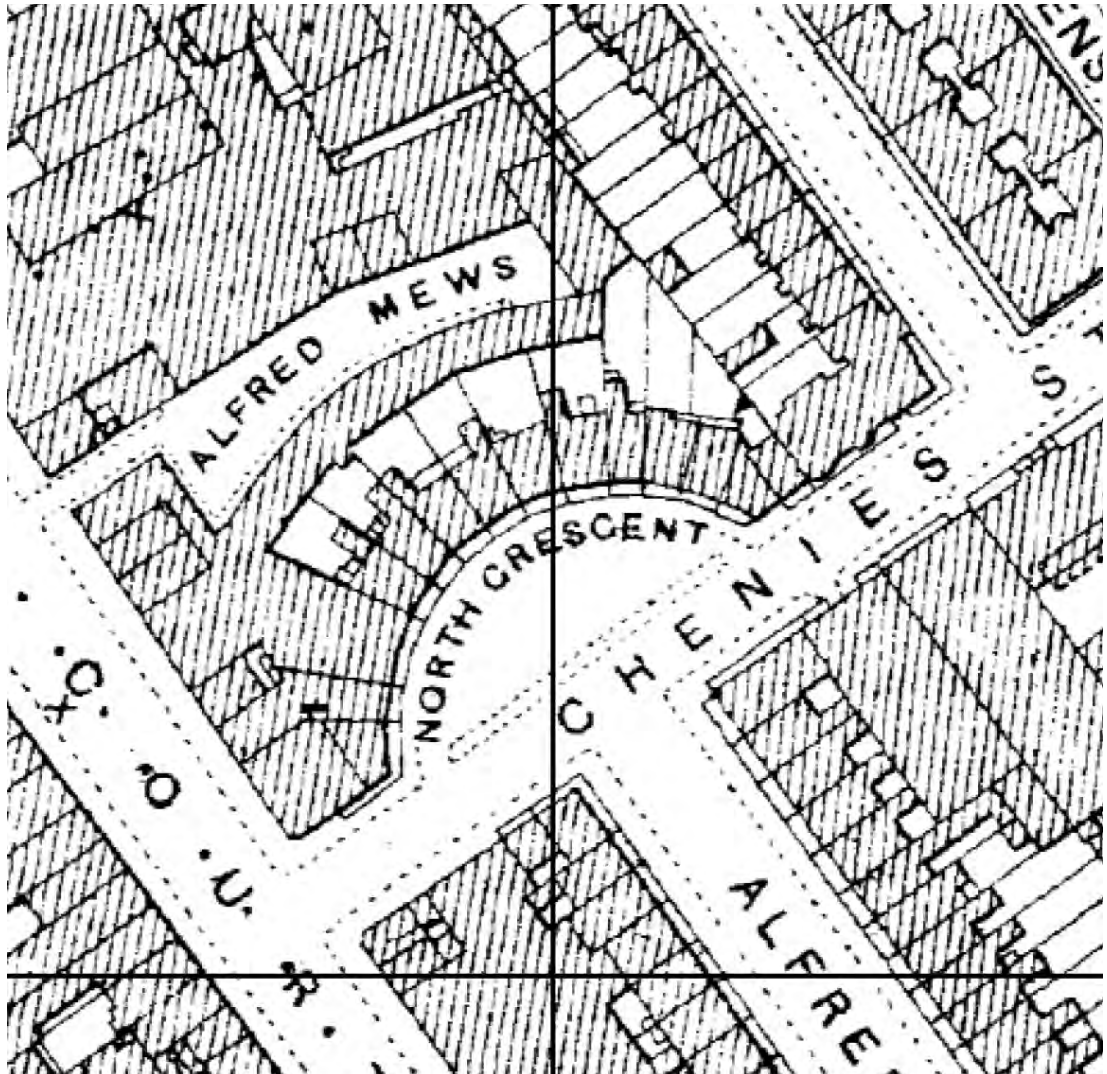


Figure 4: North Crescent in 1896

Edwardian redevelopment

- 2.7 By the turn of the 20th century, with the prospect of most of the leases expiring on Lady Day (25 March) 1902, the City Lands Committee advanced plans to redevelop Dance's street plan and the century-old properties. *The British Architect* reported:

Such planning was quite out of date and was to be deprecated for many reasons. The abolition of these crescents was, after some negotiation, approved by the late St. Giles District Board of Works, and the formation of

two new streets 50 ft. wide had now received the sanction of the London County Council. Alfred Place is to be prolonged northward – and southward – on the north to meet Alfred Mews (to be widened to 50 ft.) and on the south to meet a new street which runs into Tottenham Court Road, also 50 ft. wide.¹³



Figure 5: View of North Crescent from Chenies Street, captured in 1911, shortly before the houses were demolished. (LMA Collage, record no. 73858).

¹³ 'Improvements in Tottenham Court Road', *The British Architect*, 25 January 1901, 70



Figure 6: North Crescent in 1911



Figure 7: North Crescent in 1916

- 2.8 However, for reasons unknown, this plan was not carried out, even though ‘the Corporation wish it, and the St. Giles’s Board of Works agree to it’, and the LCC had sanctioned it.¹⁴ The *Daily Telegraph* was opposed to it, noting ‘There can be no doubt that it will be much less pleasing’ than Dance’s scheme which ‘gives character and a touch of picturesqueness to the neighbourhood’.¹⁵ It seems unlikely that any of the planning bodies were swayed by the ‘several petitions from the tenants on the estate, notably one from Messrs. Hewetson, Milner, and Thexton, house furnishers, who occupied a considerable site in the northern end of the property’.¹⁶

Minerva House

- 2.9 The second decade of the 20th century saw enormous changes to the locality, as many of the properties whose leases had fallen in were redeveloped as larger, commercial or institutional buildings. In 1912-13, Nos 1-4 North Crescent were rebuilt as ‘Minerva House’, the headquarters office and showrooms of Minerva Motors, Ltd. This five-bayed, four-storey Neo-Mannerist building was designed by George Vernon (1870-1942), a rising West End architect who later designed No. 60 Portland Place (1927) and Burwood House, Caxton Street (1929). The building was probably erected on a steel frame, and was ‘of fire-resisting construction throughout’; special sanction was obtained from the LCC for 12ft-wide doorways in the division walls which employed double steel roller shutters. The building featured electric lights and lifts, and a mahogany-panelled showroom, with a staircase to the administrative offices and stores. Vernon’s

¹⁴ ‘Vanishing London. More Changes at Bloomsbury’, *The Daily Telegraph*, 13 August 1900, 6.

¹⁵ Ibid.

¹⁶ ‘Improvements in Tottenham Court Road’, *The British Architect*, 25 January 1901, 70

elevational drawing was exhibited at the Royal Academy in 1912 (Figure 8).¹⁷

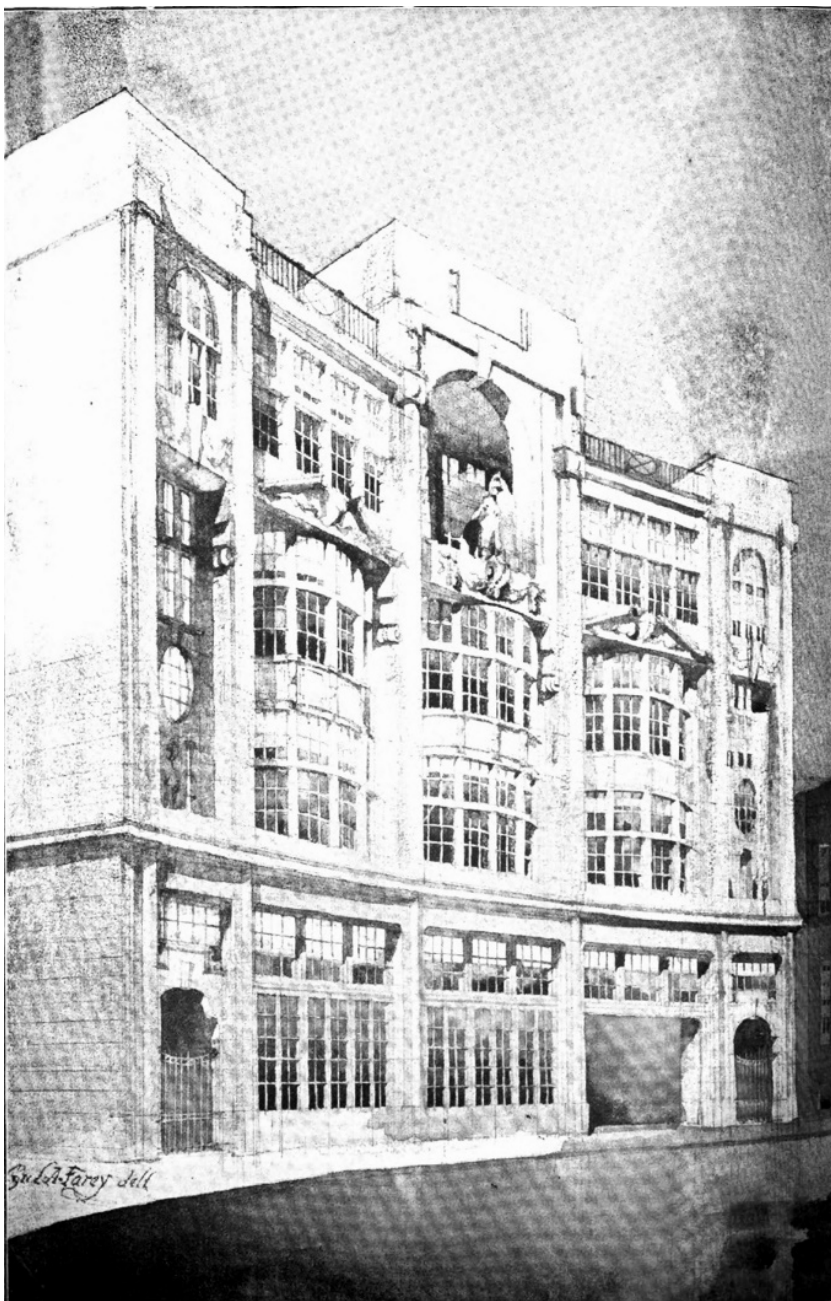


Figure 8: George Vernon's drawing of Minerva House was exhibited at the Royal Academy in 1912. (The Building News, 20 September 1912).

¹⁷ *The Building News*, 20 September 1912, 398; *LCC Minutes of Proceedings Pt. 1* (July to December 1912), p. 1297.

Museum Telephone Exchange

- 2.10 Overlapping the construction of Minerva House was the adjoining (to the east) Museum Telephone Exchange, erected in 1912-13 to designs by John Rutherford of H.M. Office of Works.¹⁸ Rutherford designed many post offices and telephone exchanges throughout England.¹⁹ Some of these purpose-built buildings enjoy statutory protection, including the former telephone exchange in Kingston upon Thames (1907 – 1908)²⁰ and Taunton Head Post Office (1911).²¹

Fitzroy House

- 2.11 Next to the Telephone Exchange building, workshops and showrooms for furniture manufacturers D. Bianco & Sons Ltd were built, opening in 1913. Described (erroneously) as ‘London’s first steel and concrete five storey factory’,²² it was known originally as the Fitzroy Works.²³ Its architect or builder is not known. During the two wars the factory made aeroplane wings, propellers and munition boxes, and in peacetime it made furniture for interior decorators and designers, for architects including Edwin

¹⁸ *The Builder*, 12 July 1912, 60. For a description of this building, see Electrical Engineering, v10 (1914), 543; for original contract drawings, see TNA Work 13/538.

¹⁹ See examples in Jonathan Clarke, ‘Purpose-Built Post Offices: A Rapid Assessment and Suggestions for Future Work’, English Heritage 2008; Robert Thorne, Anthony Hoyte and Robert Hradsky, ‘Post Offices of England 1840-1980: Prepared for English Heritage’ (Alan Baxter & Associates, 2010); Robert Hradsky, ‘The Stamp of Official Architecture: English Post Offices’, in Geoff Brandwood (ed.), *Living, Leisure, Law: Eight Building Types in England 1800-1914*, Spire, Reading, 2010, pp. 153-68; Julian Osley, *Built for Service: Post Office Architecture, British Postal Museum and Archive*, London, 2010; www.britishpostofficearchitects.weebly.com.

²⁰ Grade II, listed 26 February 1992; List Entry Number 1080059

²¹ Grade II, listed 5 November 1994; List Entry Number 1051982

²² Elizabeth Lomas, *Guide to the Archive of Art and Design, Victoria & Albert Museum* (Routledge, 2001), 25

²³ <https://www.gracesguide.co.uk/File:Im19110319CabM-DBiancoSons.jpg>

and Robert Lutyens, and for London department stores including Heal & Son Ltd.²⁴

204 – 208 Tottenham Court Road

- 2.12 In 1914-16 Nos 204 – 208 Tottenham Court Road was rebuilt as the headquarters of the Bosch-Magneto Co. Built to the designs of Hobden & Porri, this was only the first half of the intended building, the war presumably interrupting the work. The matching second half (Nos 200 – 203) was not completed until c.1923, in facsimile to designs by Ernest Souster.²⁵ The building brought a new scale to Tottenham Court Road, and to North Crescent, on which it had a 35ft elevation at the rear (Figure 9). It was acquired by the North British Rubber Company, before being vacated and auctioned by Knight, Frank and Rutley in 1930, which noted the building housed 49,380 ft² of floor space.²⁶

²⁴ Elizabeth Lomas, *Guide to the Archive of Art and Design, Victoria & Albert Museum* (Routledge, 2001), 25

²⁵ List description for Glen House, Nos 200-208, Tottenham Court Road (#1379030).

²⁶ 'The Estate Market', *The Times*, 28 July 1930, 7



Figure 9: New premises for the Bosch-Magneto Co., Ltd, Tottenham Court Road, by Hobden & Porri. The Museum Telephone Exchange and Fitzroy Works are also visible in the right of the image. (Architects' & Builders Journal, June 1914).

The inter-war period and after

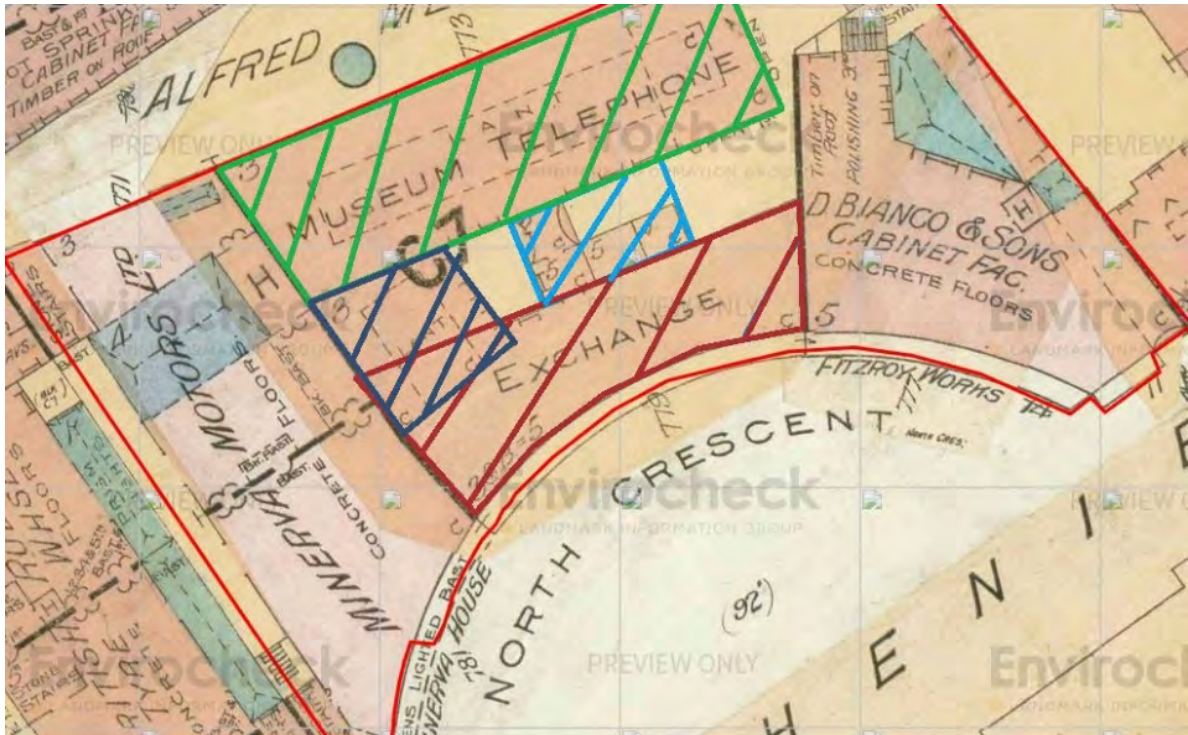


Figure 10: Goad Fire Insurance Plan revision of 1927

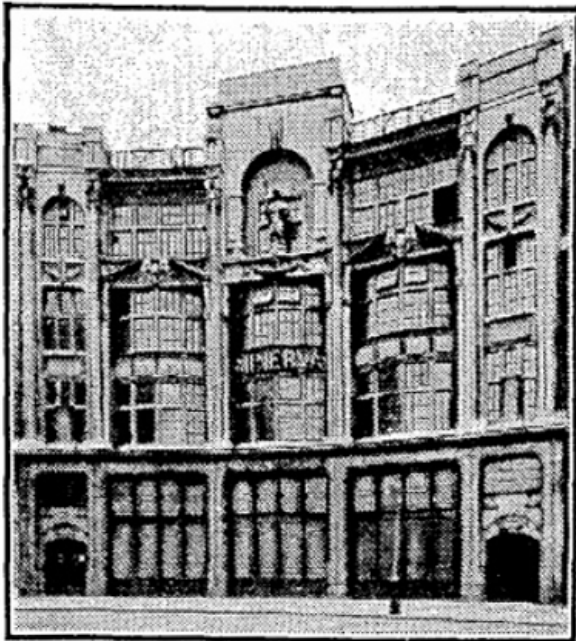
- 2.13 In 1932, Minerva House was auctioned by Order of the Liquidator, the advertisement noting that the total net floor space was 24,000 ft² on four floors and a basement, and that 78 years were left of the 99 years' lease.²⁷ By 1940, it was occupied by a firm of motor car repairers, and the London Automobile Finance Company Ltd.²⁸

²⁷ *The Times*, 15 October 1932, 20

²⁸ 1940 Post Office Directory.

HENRY BUTCHER & CO.
AUCTIONEERS, SURVEYORS & VALUERS.
SPECIALISING IN THE SALE & VALUATION OF
FACTORIES, PLANT & MACHINERY.

By Order of the Liquidator, J. C. Pidgeon, Esq., F.C.A.
FOR SALE BY AUCTION.
"MINERVA HOUSE,"
1-4, NORTH CRESCENT, CHENIES STREET
TOTTENHAM COURT ROAD, W.C.1.



CAR
PARKING
ACCOM-
MODATION.

REAR
ENTRANCE.

FULL SIZE
CAR
LIFT.

CENTRAL
HEATING.

AN IMPOSING
SHOWROOM AND OFFICE BUILDING
with accommodation in rear for SERVICE STATION, WAREHOUSE or FACTORY,
having a total net FLOOR SPACE of 24,000 SQ. FT. on FOUR FLOORS AND BASEMENT.
THE VALUABLE 99 YEARS' LEASE
from the 24th June, 1911, at a Ground Rent of £318 per annum, will be offered for Sale by Auction
(unless previously sold) by Messrs.
HENRY BUTCHER & CO.,
at the LONDON AUCTION MART, 155, QUEEN VICTORIA STREET, LONDON, E.C.4.
on TUESDAY, 15th NOVEMBER, 1932, at 2.30 p.m.
Orders to View of the Auctioneers and Particulars, Plans and Conditions of Sale of Messrs. Maurice
Jenks, Percival and Co., Chartered Accountants, 6, Old Jewry, E.C.2; of Messrs. Morley, Shirreff and Co.,
Solicitors, 174, Gresham House, E.C.2; or of Messrs. HENRY BUTCHER and Co., Industrial Property
Specialists, 63 and 64, Chancery Lane, W.C.2, Holborn 5474.

Figure 11: Advertisement from The Times, 15 October 1932.



Figure 12: Entrance to Goodge Street deep-level shelter, as photographed in 1956.
Historic England Archives, P/G06210/001

- 2.14 In 1941-2, concrete-lined deep-level shelters were constructed in front of North Crescent, for the use of government personnel. Undertaken by the engineering firm Halcrow & Partners, the blocky top of the lift shafts formed a conspicuous mass that all-but obscured close views of the facades of North Crescent (Figure 12). The linking office block between the two shafts (used as a headquarters for General Eisenhower) skirted around the pre-existing war memorial of c.1920, a Portland stone pylon with a regimental cap badge in bronze on its front face. Listed in 2002 'this memorial underscores the axial monumentality of this part of Bloomsbury, as well as being an eloquent reminder of the regiment's losses and war records'.²⁹

²⁹ List entry number 1061383

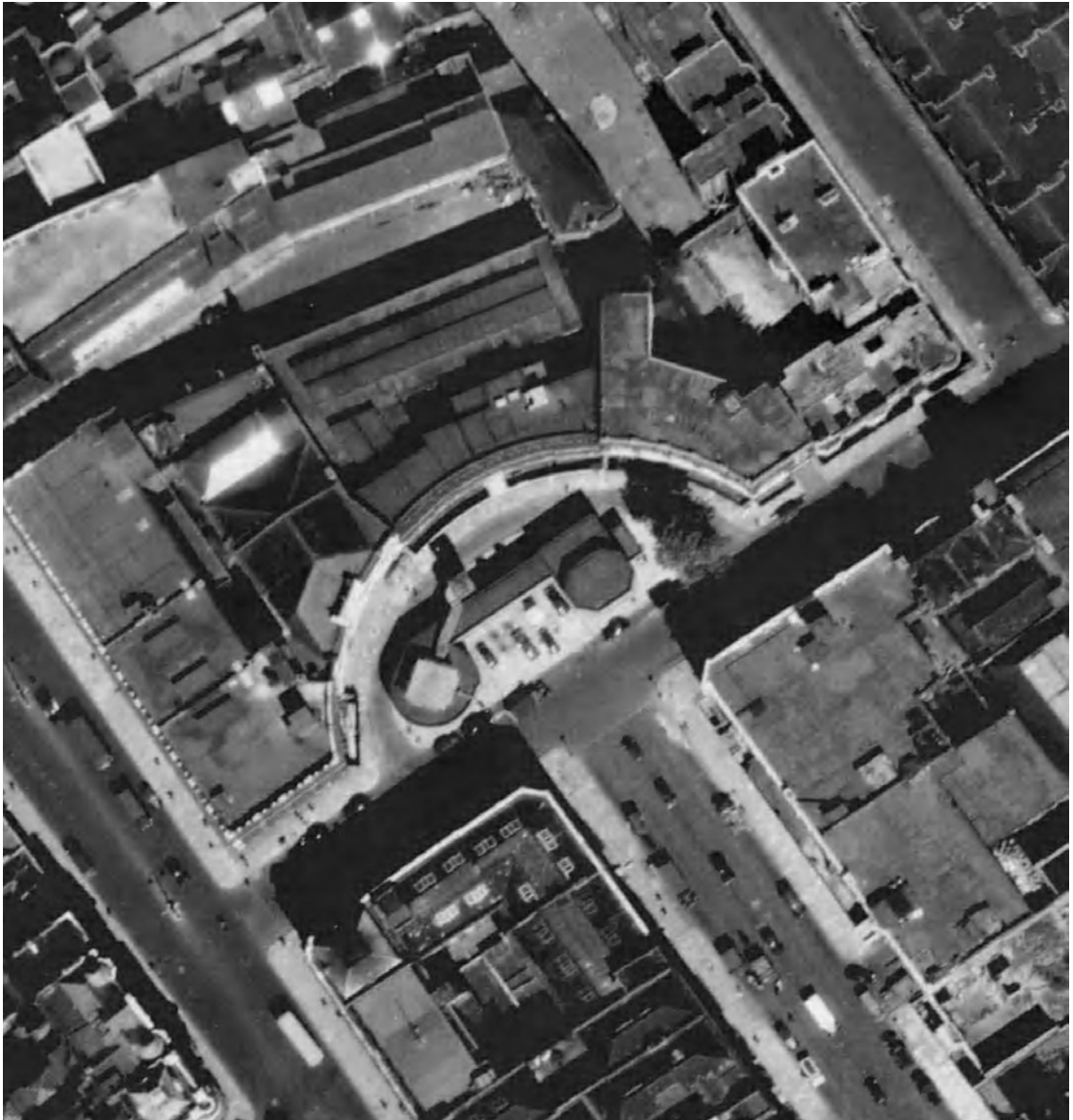


Figure 13: North Crescent in the late 1940s



Figure 14: Bomb damage map, 1940s



Figure 15: North Crescent in 1946-48

2.15 After the Second World War, D. Bianco & Sons moved its factory to Camden Town,³⁰ and it was probably in the later 20th century that the Fitzroy Works became offices known as Fitzroy House. It seems likely that in this period, the former Minerva House changed from manufacturing and showroom to office use.³¹ The Museum Telephone

³⁰ Elizabeth Lomas, *Guide to the Archive of Art and Design, Victoria & Albert Museum* (Routledge, 2001), 25

³¹ Camden Planning Application Number PS9704463 (1997) relates to 'Change of use of the whole building from Class D1 (health authority/educational use) to use for office purposes (Class B1)'. However, it seems likely that either or both of these uses prevailed earlier, albeit predating (and hence unrecorded by) Camden Planning's computerised indexing.

Exchange underwent this change in the 1980s and 1990s.³²

³² Camden Planning Application Numbers 8601794 (1986), 9401720 (1994) and

3 The heritage and townscape significance of the site and its context

Introduction

- 3.1 This section of the report describes the heritage and townscape significance of the site and its surroundings.

Heritage assets

- 3.2 The Greater London Historic Environment Record (GLHER) has been consulted.
- 3.3 The two buildings that comprise the site are located in Sub-area 4 of the Bloomsbury Conservation Area. The adopted conservation area appraisal (2011) identifies 5 North Crescent, 11 Chenies Street and the Eisenhower Centre as making a positive contribution to the conservation area. The boundary of the Bloomsbury Conservation Area runs along Tottenham Court Road; the Charlotte Street Conservation Area lies to the west of Tottenham Court Road.
- 3.4 Minerva House at 1-4 North Crescent is a statutorily listed building (Grade II), as is 204-208 Tottenham Court Road immediately to the west. On the northern side of Alfred Mews, the Heals Building (including Habitat) is listed Grade II*. A Grade II war memorial is positioned in front of the Eisenhower Centre. The Drill Hall Arts Centre and its railings on further east on the south side of Chenies Street are listed Grade II.
- 3.5 There are no locally listed buildings in the vicinity of the site.

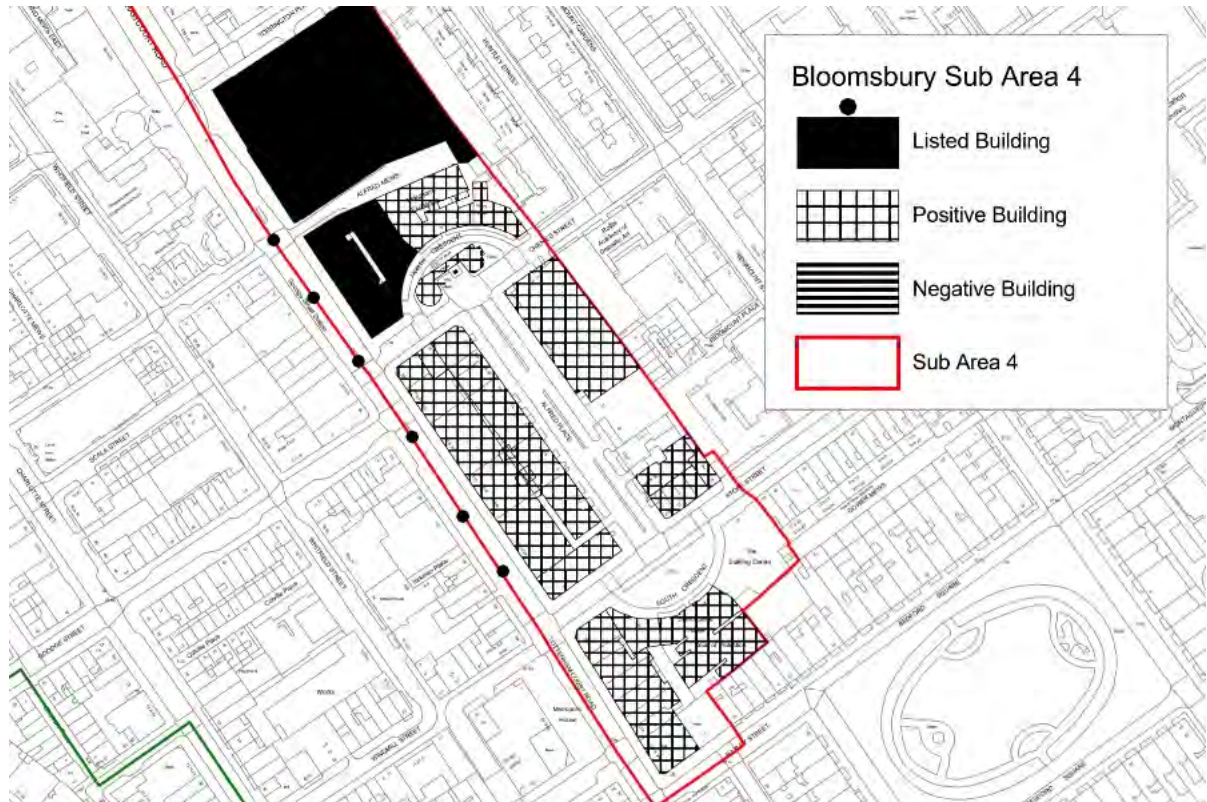


Figure 16: Alfred Place/Tottenham Court Road sub area of Bloomsbury Conservation Area.

Heritage significance: concepts and terminology

- 3.6 Minerva House, the listed buildings/structures in the vicinity and the Bloomsbury Conservation Area are 'designated heritage assets', as defined by the National Planning Policy Framework (NPPF). Locally listed buildings are 'non-designated heritage assets'.
- 3.7 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'.
- 3.8 'Conservation Principles, Policies and Guidance for the sustainable management of the historic environment' (English Heritage, April 2008) describes a number of

‘heritage values’ that may be present in a ‘significant place’. These are evidential, historical, aesthetic and communal value.

Heritage and townscape significance

- 3.9 The exterior form, massing and appearance of the buildings now are essentially as they were in the immediate post-war period, with the exception of the rear part of Minerva House where a flat roof has replaced a previously pitched roof. Various other alterations and changes have been made across the three properties, but their general appearance to the street has not changed significantly.
- 3.10 The special architectural or historic interest architectural and historic interest of Minerva House, Nos 200 – 208 Tottenham Court Road and the First World War memorial is reflected in their statutory listings. That special interest lies of Minerva House lies in its external appearance to North Crescent and in its original fabric where it survives. However, very little of any note at all survives beyond the main façade – internally, it is very clear that the listed building has been very substantially altered and very little of any original character remains. The pre-application report includes photographs of the original interior; only the columns remain at ground floor. The rear parts of Minerva House, facing Alfred Mews, though original, are of inherently lesser interest; they are utilitarian and generic elevations. The appearance of the uppermost floor on Alfred Place, above the cornice, when considered with brickwork on the east-facing flank wall suggests that it could have been added later.
- 3.11 The ‘Museum’ Telephone Exchange (Fig. 14) is similar to Minerva House in that it retains very little by way of original interior arrangements or furnishings; there is certainly no internal equipment relating to the original communications use of the building. In architectural terms the building is relatively prosaic in its typical Edwardian Queen Anne style, and clearly lacks the

ingenuity of the listed building next to it. As with Minerva House, its rear elevations to Alfred Mews is generic and unremarkable.

- 3.12 The former Fitzroy Works of D. Bianco & Sons Ltd (Fig. 14) is a less accomplished, more utilitarian design that lacks obvious architectural or constructional interest. However, it possesses historic interest, as the purpose-built premises of one of London's higher-end furniture manufacturers of the first half of the twentieth century.



Figure 17: The North Crescent elevation of the former Telephone Exchange by John Rutherford (left) and the former Fitzroy Works of D. Bianco & Sons Ltd, erected in 1913 by an unknown architect (Google Streetview/ Oselarchitecture.co.uk)

- 3.13 All the other buildings and structures within North Crescent, and indeed the majority in Alfred Place and South Crescent, are seen as making a positive contribution to the character and appearance of the Alfred Place/Tottenham Court Road sub area of Bloomsbury Conservation Area (Sub Area 4) (Figure 16). These mostly date from the late 19th and early 20th centuries (and excludes the early 1970s black granite-faced Whittington House by R. Seifert and Partners), having been designed for retail, warehouse and light industrial uses. Whilst ostensibly no fabric of early 19th century date survives – at least externally – all the buildings (with the exception of the Eisenhower Centre) within the sub area respect the original frontage lines, and street pattern of George Dance's original scheme featuring a boulevard and two terminating crescents.

- 3.14 Therein lies the key townscape significance of the site and its surroundings – the surviving Dance arrangement of the north and south crescents and the broad connecting avenue between them creates a specific urban character, and the views in both directions along Alfred Place are important. To the north of the site, Alfred Mews is – notwithstanding the presence of the rear of Minerva House and the side of the Heals building – is an inherently secondary urban space, both in terms of historical significance and townscape character. It is spatially irregular and is very mixed in terms of architectural appearance. The three listed buildings (Heals, 204-208 Tottenham Court Road and Minerva House) present secondary elevations to that space. Alfred Mews is glimpsed in passing from Tottenham Court Road and its size and proportions permit only oblique views of the site, in contrast to the frontal, liner view from Alfred Place. The symmetrical (around a loading bay) building at the end of Alfred Mews is a focal point and draws the eye.

4 The legislative, policy and guidance context

Introduction

- 4.1 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.
- 4.2 Section 6 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 6: 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

- 4.3 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'.

Case law

Assessing levels of harm

- 4.4 Of relevance to this matter is a judgement in the case of *Palmer v Herefordshire Council & Anr [2016]* (04 November 2016). The case concerned the effect of development on the setting of a designated heritage asset, a Grade II listed building. In his judgment, Lord Justice Lewison stated:

It seems to me that the clear thrust of the reports to the planning committee, and the views of the specialist officers that underlay and were summarised in those reports, was that if the mitigation measures were put in place there would be no adverse effect on the setting of the listed building. I would accept Mr Reed's submission for the Council that where proposed development would affect a listed building or its settings in different ways, some positive and some negative, the decision maker may legitimately conclude that although each of the effects has an impact, taken together there is no overall adverse effect on the listed building or its setting. That is what the officers concluded in this case³³.

- 4.5 This balancing out within the statutory duty has been known as 'the internal heritage balance' by practitioners. Practically this has meant that paragraphs 195 or 196 of the NPPF would only be engaged if there was "net" harm after the internal heritage balance.
- 4.6 In the 'Bramshill' case³⁴, the Court of Appeal held that section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 did not require a decision-maker to undertake a "net" or "internal" balance of heritage-related benefits and harm as a self-contained exercise preceding a wider assessment of the kind envisaged in the NPPF. However, while Lindblom LJ concluded there is nothing in section 66 (1) that requires the decision maker to apply the Palmer principle of an "internal heritage balance", there is nothing to prevent the decision maker from using such an approach.
- 4.7 The 'Palmer' judgement is referred to in an appeal decision concerning development at 43/45 Notting Hill Gate, 39/41 Notting Hill Gate and 161-237 Kensington Church Street (odd), London W11 3LQ, involving a tall building that would affect the setting of

³³ CD 11.2: Palmer v Herefordshire Council [2016] EWCA Civ 106, Paragraph 29

³⁴ City & Country Bramshill Ltd v Secretary of State for Housing, Communities And Local Government & Ors [2021] EWCA Civ 320 (09 March 2021)

various designated heritage assets³⁵. In his decision, the Inspector held that

‘The proposed tower would stand above the regular rows of houses, with vertical emphasis, so that each view of it would be at odds with both the character of Hillgate Village and most of the CA. Equally, given its potentially attractive appearance, the effect of the proposed tower on the setting of the CA would be an improvement compared with views where Newcombe House can currently be seen. On balance, the effect on the significance of the setting of the Kensington CA as a whole would be neutral’³⁶.

- 4.8 He goes on to weigh the harm caused by the existing condition of the site against the effect of the proposal and finds that, by virtue of the quality of the proposal, ‘the balance of the effects would be neutral’. He concludes:

With regard to the settings of the listed buildings, the test in the Planning (Listed Buildings & Conservation Areas) Act (the LB&CA Act) is one of preserving not enhancing. For similar reasons to those for the various CAs, I find that for the majority of these listed buildings any harm would generally be offset by the removal of Newcombe House. With reference to Judgments in South Lakeland³⁷ and Palmer³⁸, on balance there would then be no harm to the settings of these listed buildings and their significance would therefore be preserved. In the few settings where Newcombe House is not easily visible, including those of Kensington Palace and Kensington Gardens, there would be some minor or very slight harm to the settings of the heritage assets.

- 4.9 The clear message from the Palmer judgement and the appeal decision is existing harm to heritage significance should be considered alongside the effect of the proposed

³⁵ APP/K5600/W/16/3149585, decision dated 12 June 2017

³⁶ *Ibid*, Paragraph 34

³⁷ *South Lakeland DC v Secretary of State for the Environment* [1992] 2 AC 141

³⁸ *Ibid*

development, as part of a holistic assessment that takes account of the existing circumstances of the heritage asset affected – and the effect of those circumstances on heritage significance – when considering the net level of harm caused by the proposed development. This is not contradicted in the Bramshill decision.

*Substantial harm*³⁹

- 4.10 Another significant case, also referred to in an appeal decision, is *Bedford BC v SoS for Communities and Local Government [2013] EWHC 2847 (Admin)*. It played an important part in the Inspector's judgement as to substantial harm in his report to the Secretary of State for Housing, Communities and Local Government concerning development affecting land at Chiswick Roundabout, Junction of Gunnersbury Avenue and Great West Road, London W4⁴⁰.
- 4.11 The Inspector notes that the Judge in *Bedford* (our emphasis):

...set out his understanding of what the Inspector had been looking for when applying a test of 'something approaching demolition or destruction'. The judge was not giving his own view of what 'substantial harm' meant: "Plainly in the context of physical harm, this would apply in the case of demolition or destruction, being a case of total loss. It would also apply to a case of serious damage to the structure of the building. In the context of non-physical or indirect harm, the yardstick was effectively the same. One was looking for an impact which would have such a serious impact on the

³⁹ In order for 'substantial' or 'less than substantial harm' as defined in the NPPF to be caused, both levels of harm must be caused to a designated heritage asset – in this case, the Thames Barrier & Bowater Road Conservation Area and 37 Bowater Road. Harm to non-designated heritage assets is not allocated a level.

⁴⁰ Appeal refs APP/F5540/W/17/3180962 & APP/F5540/Z/17/3173208. The Inspector's Report to the Secretary of State for Housing, Communities and Local Government was dated 10 December 2018. The development is known as the 'Chiswick Curve'.

*significance of the asset that its significance was **either vitiated altogether or very much reduced**".*

4.12 The Inspector continues:

In terms of physical harm, the Judge considered that 'demolition or destruction' was a case of 'total loss' and 'substantial harm' would occur if there was a lower level of impact namely 'serious damage to the structure'. Applying the same approach to non-physical harm, 'total loss' equates to significance being 'vitiated altogether', and substantial harm would occur if significance was 'very much reduced'

4.13 Elsewhere the Inspector notes that the Judge also considered that substantial harm would be caused if 'very much if not all of the significance of the asset was drained away'.

4.14 At Paragraph 9.164 of his report, the Inspector was explicit. In his opinion,

On the present state of the law, the position in relation to the distinction between substantial harm to, or total destruction of, significance, and less than substantial harm, is very, very clear. Those who seek to make it more complex do so because it suits them. They are wrong. There is in law only one way forward and that is to follow Bedford.

4.15 The Inspector makes reference throughout his report to Planning Practice Guidance, addressed below.

4.16 While the Secretary of State chose to disagree with the Inspector's overall recommendations (to allow the appeals), the Secretary of State agreed with the Inspector concerning the level of harm that he assessed as being caused.

The National Planning Policy Framework

4.17 The National Planning Policy Framework was revised on 20 July 2021 and sets out the government's planning policies for England and how these are expected to be

applied. The revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019.

⁴¹.

Design

- 4.18 Chapter 12. of the National Planning Policy Framework deals with design: Achieving well-designed places. It begins:

‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process’ (paragraph 126).’

- 4.19 Paragraph 130 sets out a series of expectations regarding design quality:

‘Planning policies and decisions should ensure that developments:

‘a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging

⁴¹ Ministry of Housing, Communities & Local Government (2019). Available at: <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

Proposals affecting heritage assets

4.20 Chapter 16 of the National Planning Policy Framework: 'Conserving and enhancing the historic environment' deals with Heritage Assets describing them as 'an irreplaceable resource' that 'should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations'.⁴²

4.21 Paragraph 194 brings the NPPF in line with statute and case law on listed buildings and conservation areas. It says 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

⁴² The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'

- 4.22 In terms of the local authority, paragraph 195 requires that they

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

- 4.23 Paragraph 197 says that

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

'a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and

c) the desirability of new development making a positive contribution to local character and distinctiveness.'

Considering potential impacts

- 4.24 Paragraph 199 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 (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.'

- 4.25 Paragraph 200 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.’*

4.26 Paragraph 201 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, where appropriate, securing its optimum viable use’.

4.27 In taking into account the effect of an application on the significance of a non-designated heritage asset the local authority should employ a *‘a balanced judgement’* in regard to the scale of any harm or loss and the significance of the heritage asset (paragraph 203).

4.28 The NPPF introduces the requirement that ‘Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred’ (paragraph 204).

4.29 Where a heritage asset is to be lost, the developer will be required to ‘record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and

the impact, and to make this evidence (and any archive generated) publicly accessible' (paragraph 205).⁴³

- 4.30 In terms of enhancing the setting of heritage assets the NPPF states that 'local planning authorities should 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 the asset (or which better reveal its significance) should be treated favourably' (paragraph 206).
- 4.31 It goes on however that '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 195 or less than substantial harm under paragraph 196, 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' (paragraph 207).
- 4.32 Finally, paragraph 208 requires that the onus will be on local planning authorities to 'assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies'.
- 4.33 The setting of a heritage asset is defined in the NPPF as:

The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an

⁴³ Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

*asset, may affect the ability to appreciate that significance or may be neutral*⁴⁴.

Planning Practice Guidance

- 4.34 Planning Practice Guidance⁴⁵ provides streamlined 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:
- Overview: historic environment
 - Plan making: historic environment
 - Decision-taking: historic environment
 - Designated heritage assets
 - Non-designated heritage assets
 - Heritage Consent Processes and
 - Consultation and notification requirements for heritage related applications.
- 4.35 The Government published an updated Historic Environment section of PPG on 23 July 2019 to reflect the changes made to the National Planning Policy Framework (NPPF) since the 2012 edition.
- 4.36 PPG provides specific guidance on conservation areas and locally listed buildings. In response to the question 'Should the deteriorated state of a heritage asset be taken into account in reaching a decision on an application?' it says that 'Disrepair and damage and their impact on viability can be a material consideration in deciding an application'⁴⁶.
- 4.37 In respect of a 'viable use for a heritage asset', PPG says:

⁴⁴ <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary>

⁴⁵ Ministry of Housing, Communities and Local Government, Online: www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment

⁴⁶ Paragraph: 014 Reference ID: 18a-014-20140306

The vast majority of heritage assets are in private hands. Thus, sustaining heritage assets in the long term often requires an incentive for their active conservation. Putting heritage assets to a viable use is likely to lead to the investment in their maintenance necessary for their long-term conservation⁴⁷.

4.38 It continues:

It is important that any use is viable, not just for the owner, but also the future conservation of the asset. It is obviously desirable to avoid successive harmful changes carried out in the interests of repeated speculative and failed uses.

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

The optimum viable use may not necessarily be the most profitable one. It might be the original use, but that may no longer be economically viable or even the most compatible with the long-term conservation of the asset. However, if from a conservation point of view there is no real difference between viable uses, then the choice of use is a decision for the owner.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused provided the harm is minimised. The policy in addressing substantial and less than substantial harm is set out in paragraphs 193 [sic] of the National Planning Policy Framework⁴⁸.

⁴⁷ Paragraph: 015 Reference ID: 18a-015-20140306

⁴⁸ *Ibid.* Reference to the NPPF paragraph is assumed to mean 'paragraph 193 onwards'.

4.39 In respect of substantial harm, PPG says very clearly that:

In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

While the impact of total destruction is obvious, partial destruction is likely to have a considerable impact but, depending on the circumstances, it may still be less than substantial harm or conceivably not harmful at all, for example, when removing later inappropriate additions to historic buildings which harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.

Policy on substantial harm to designated heritage assets is set out in paragraphs 194 and 195 to the National Planning Policy Framework⁴⁹.

4.40 In respect of harm to conservation areas, PPG says:

An unlisted building that makes a positive contribution to a conservation area is individually of lesser importance than a listed building (paragraph 194 of the National Planning Policy Framework). If the building is important or integral to the character or appearance of the conservation area then its demolition is more likely to amount to substantial harm to the conservation area, engaging the tests in paragraph 195 of the National Planning Policy Framework. However, the justification for

⁴⁹ Paragraph: 017 Reference ID: 18a-017-20140306

its demolition will still be proportionate to the relative significance of the building and its contribution to the significance of the conservation area as a whole⁵⁰.

4.41 PPG continues:

A clear understanding of the significance of a heritage asset and its setting is necessary to develop proposals which avoid or minimise harm. Early appraisals, a conservation plan or targeted specialist investigation can help to identify constraints and opportunities arising from the asset at an early stage. Such studies can reveal alternative development options, for example more sensitive designs or different orientations, that will deliver public benefits in a more sustainable and appropriate way⁵¹

Historic England's Planning Advice⁵²

Good Practice Advice (GPA)

4.42 Historic England provide guidance regarding the setting of heritage assets and how to assess the effect of change on that setting. Historic England provide guidance regarding the setting of heritage assets and how to assess the effect of change on that setting. They provide 'information on good practice to assist local authorities, planning and other consultants, owners, applicants and other interested parties in implementing historic environment policy in the National Planning Policy Framework (NPPF) and the related guidance given in the national Planning Practice Guide (PPG)'.

4.43 These notes are:

- GPA 1: The Historic Environment in Local Plans (2015);

⁵⁰ Paragraph: 018 Reference ID: 18a-018-20140306

⁵¹ Paragraph: 019 Reference ID: 18a-019-20140306

⁵² Historic England, *The Planning System*, Online: historicengland.org.uk/advice/planning/planning-system

- GPA 2: Managing Significance in Decision-Taking in the Historic Environment (2015);
- GPA 3: The Setting of Heritage Assets (2nd ed., 2017);
- GPA 4: Enabling development and heritage assets (2020).

GPA 3: The Setting of Heritage Assets

- 4.44 This provides guidance regarding the setting of heritage assets and how to assess the effect of change on that setting. The guidance echoes the definition of ‘setting’ in the NPPF as ‘the surroundings in which [the asset] is experienced’ and continues: ‘its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral’.
- 4.45 The guidance provides, at Paragraph 12, a step-by-step methodology for identifying setting, its contribution to the significance of a heritage asset, and the assessment of the effect of proposed development on that significance. The document then sets out how the step-by-step methodology is used and considers each step in more detail.

Historic England Advice Notes (HEAN)

- 4.46 These advice notes covering various planning topics in more detail and at a more practical level. They have been prepared by Historic England following public consultation.
- 4.47 The document most relevant to the proposed development is HEAN 1 - Conservation Areas.

Conservation Principles, Policies and Guidance for the sustainable management of the historic environment

- 4.48 This document⁵³ has been referred to in Section 2 of this report. It describes a number of ‘heritage values’ that may be present in a ‘significant place’. These are evidential, historical, aesthetic and communal value. The conservation area, listed buildings and locally listed buildings have evident special architectural and historic interest. Any proposals for the site must have regard for the preservation of this special interest.

The London Plan

- 4.49 The new London Plan 2021 was adopted in March 2021. It is the overall strategic plan for London, and sets out an integrated economic, environmental, transport and social framework for the development of the city over the next 20-25 years.
- 4.50 Chapter 3 ‘Design’ deals with overarching themes in relation to design in the built environment and provides a range of policies concerning the design of new development in London.
- 4.51 Policy D3 ‘Optimising site capacity through the design-led approach’ requires that development proposals should ‘enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.’ Further that proposals should ‘respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.’ Policy D4 ‘Delivering good design’ expounds upon the procedures which will be used to oversee this ambition.
- 4.52 Policy D9 deals with ‘Tall Buildings’ and how their impacts should be assessed and addressed.

⁵³ English Heritage (2008) *Conservation principles, policies and guidance for the sustainable management of the historic environment*.

4.53 Section C (1) requires that development proposals address 'Visual Impacts' as follows:

a) the views of buildings from different distances:

i. long-range views – these require attention to be paid to the design of the top of the building. It should make a positive contribution to the existing and emerging skyline and not adversely affect local or strategic views

ii. mid-range views from the surrounding neighbourhood – particular attention should be paid to the form and proportions of the building. It should make a positive contribution to the local townscape in terms of legibility, proportions and materiality

iii. immediate views from the surrounding streets – attention should be paid to the base of the building. It should have a direct relationship with the street, maintaining the pedestrian scale, character and vitality of the street. Where the edges of the site are adjacent to buildings of significantly lower height or parks and other open spaces there should be an appropriate transition in scale between the tall building and its surrounding context to protect amenity or privacy.

b) whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding

c) architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan

d) proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public

benefits that outweigh that harm. The buildings should positively contribute to the character of the area

e) buildings in the setting of a World Heritage Site must preserve, and not harm, the Outstanding Universal Value of the World Heritage Site, and the ability to appreciate it

f) buildings near the River Thames, particularly in the Thames Policy Area, should protect and enhance the open quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river g) buildings should not cause adverse reflected glare

h) buildings should be designed to minimise light pollution from internal and external lighting.

- 4.54 Chapter 7 'Heritage and Culture' defines 'Heritage significance' (para 7.1.7) as:

'the archaeological, architectural, artistic or historic interest of a heritage asset. This may can be represented in many ways, in an asset's visual attributes, such as - form, scale, materials, and architectural detail, design and setting, as well as through historic associations between people and a place, and, where relevant, the historic relationships between heritage assets.' It goes on to say that 'development that affects heritage assets and their settings should respond positively to the assets' significance, local context and character to protect the contribution that settings make to the assets' significance. In particular, consideration will need to be given to mitigating impacts from development that is not sympathetic in terms of scale, materials, details and form'.

- 4.55 In terms of development proposals, Policy HC1 'Heritage conservation and growth', says that:

"Development proposals affecting heritage assets, and their settings, should conserve their significance, by being

sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process."

- 4.56 Policy HC3 'Strategic and Local Views' and Policy HC4 'London View Management Framework' describe how The Mayor has designated a list of Strategic Views that will be kept under review and requires that development proposals must be assessed for their impact on a designated view if they fall within the foreground, middle ground or background of that view.

Camden Local Plan

- 4.57 The London Borough of Camden adopted its Local Plan in July 2017. The Plan sets out the Council's planning policies. It replaces Camden's Core Strategy and Development Policies planning documents (adopted in 2010).
- 4.58 Section 7 of the Plan deals with Design and Heritage saying that 'the Council places great importance on preserving the historic environment'.
- 4.59 Policy D1 Design says that:

'The Council will seek to secure high quality design in development. The Council will require that development:

a. respects local context and character;

b. preserves or enhances the historic environment and heritage assets in accordance with "Policy D2 Heritage";

c. is sustainable in design and construction, incorporating best practice in resource management and climate change mitigation and adaptation;

d. is of sustainable and durable construction and adaptable to different activities and land uses;

e. comprises details and materials that are of high quality and complement the local character;

f. integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage;

g. is inclusive and accessible for all;

h. promotes health;

i. is secure and designed to minimise crime and antisocial behaviour;

j. responds to natural features and preserves gardens and other open space;

k. incorporates high quality landscape design (including public art, where appropriate) and maximises opportunities for greening for example through planting of trees and other soft landscaping,

l. incorporates outdoor amenity space; m. preserves strategic and local views;

n. for housing, provides a high standard of accommodation; and

o. carefully integrates building services equipment. The Council will resist development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'

4.60 Policy D1 also addresses Tall Buildings, Public Art and Excellence in Design.

- 4.61 Policy D2 Heritage deals with Camden's heritage assets. The policy says that:

'The Council will preserve and, where appropriate, enhance 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 and locally listed heritage assets.'

- 4.62 In relation to designated heritage assets generally the policy says:

'The Council will not permit the loss of or substantial harm to a designated heritage asset, including conservation areas and Listed Buildings, 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:

a. the nature of the heritage asset prevents all reasonable uses of the site;

b. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;

c. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and

d. the harm or loss is outweighed by the benefit of bringing the site back into use.'

- 4.63 The Council will not permit development that results in harm that is less than substantial to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm'.

- 4.64 In relation to Conservation Areas the policy says:

'In order to maintain the character of Camden's conservation areas, the Council will take account of conservation area statements, appraisals and management strategies when assessing applications within conservation areas. The Council will:

e. require that development within conservation areas preserves or, where possible, enhances the character or appearance of the area;

f. resist the total or substantial demolition of an unlisted building that makes a positive contribution to the character or appearance of a conservation area;

g. resist development outside of a conservation area that causes harm to the character or appearance of that conservation area; and

h. preserve trees and garden spaces which contribute to the character and appearance of a conservation area or which provide a setting for Camden's architectural heritage.'

4.65 In relation to Listed Buildings the policy says:

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

i. resist the total or substantial demolition of a listed building;

j. resist proposals for a change of use or alterations and extensions to a listed building where this would cause harm to the special architectural and historic interest of the building; and

k. resist development that would cause harm to significance of a listed building through an effect on its setting.'

4.66 In relation to Archaeology:

'The Council will protect remains of archaeological importance by ensuring acceptable measures are taken proportionate to the significance of the heritage asset to preserve them and their setting, including physical preservation, where appropriate.'

- 4.67 In relation to other heritage assets and non-designated heritage assets including those on and off the local list, Registered Parks and Gardens and London Squares the policy states:

'The effect of a proposal on the significance of a non-designated heritage asset will be weighed against the public benefits of the proposal, balancing the scale of any harm or loss and the significance of the heritage asset.'

- 4.68 The Council has recently consulted (July-October 2020) on updated Camden Planning Guidance (CPG) relating to 'Design'. Design CPG has been amended in relation to telephone kiosks. Otherwise guidance concerning 'Design Excellence', 'Heritage' and other topics remains as previously.

5 The proposed development and its effect

Introduction

- 5.1 This section of the report assesses the proposed development and its effect on the heritage and townscape significance described earlier in this report. The proposed development is illustrated in the drawings and Design & Access Statement prepared by Morris + Company Architects.
- 5.2 A detailed assessment of the townscape and heritage effects of the proposed development in a series of twenty one townscape views is provided in Section 6 of this report.
- 5.3 The proposed development has been the subject of detailed pre-application discussions with the London Borough of Camden in respect of the proposals, and the design of the proposal has evolved accordingly; this is set out in the Design & Access Statement.
- 5.4 A general conclusion regarding heritage and townscape effects is provided at the end of the next section.

The proposed development

- 5.5 The proposed scheme respects the main profile and elevation of Minerva House, and confines additional accommodation to the flat roofed area to the rear of the building on Alfred Mews, behind the retained pitched roof on the crescent. The principal location for new accommodation is Telephone Exchange. The architectural proposal addresses the existing building in a confident, contemporary manner. It replaces the existing almost-vertical 3rd floor mansard with a distinctly new floor whose vertical face extends to form a solid balustrade to a new set back 4th floor above. The top of the balustrade sits below the top of the adjacent parapet to Minerva House.
- 5.6 The architectural treatment of the proposed new upper floors draws on the proportions and articulation of the building below. As the pre-application report shows, the

host building has informed the consideration of aperture position and size, and features such as lintels and cornices. The bay rhythm is that of the existing elevation. Crucially, the proposed scheme deliberately avoids attempting to provide additional accommodation by distorting the language and proportions of the host building by pastiche means – by adding a double or triple mansard, or set-back attic floors in a faux-‘Edwardian’ style. Instead, it treats the host building as a robust, heavy, muscular base on which to place new built form that nonetheless connects to the base by means of form and proportion. The carved, sculpted, moulded articulation of the new floors replaces the mansard with a new ‘crown’ to Telephone Exchange whose abstraction and contemporary nature will directly address the task of placing new height on the building – the approach of expressing the additional floors in this way is highly preferable to the stacked, ‘wedding cake’, ‘minimal glass box’ approach that is familiar from other situations.

- 5.7 A similarly imaginative approach is taken in respect of Alfred Mews, with additional floors blended into a retained base. Again, the proposal works with the fenestration and proportions of that base, and the design of the new floors is informed by what exists.

Effect on heritage and townscape significance

- 5.8 The design of the proposed development is, in our opinion, very firmly grounded in a comprehensive and rigorous assessment by the architects of the site, its component buildings, their setting, surrounding townscape character, and the character and appearance of the conservation area.
- 5.9 The proposed scheme represents a key step in the life of the buildings and townscape of this part of Bloomsbury. The scheme is clearly far less radical than the wholesale change that occurred in the Edwardian era, but will be important in enabling the buildings built at that time to continue to contribute to the character and appearance of

the conservation area, and to the life and economy of the local area. In order to do this, change is necessary, and the scheme proposes the optimisation of the rear parts of the site facing Alfred Mews by increasing height in that location, and adding floors to Telephone Exchange.

- 5.10 The development, as well as extending the buildings to provide more and better employment space, will see the repair and enhancement of building fabric where required. The proposed scheme will combine Minerva House and Telephone Exchange in a minimal and sensitive way to create a single, accessible building with a more commercially efficient quantum of floorspace. The scheme will preserve the identity of the two buildings as they face the crescent; additional accommodation will be provided above and behind that frontage.
- 5.11 There is a *prima facie* case for the nature and scale of intervention in the site that is proposed. The heritage significance of older buildings and areas can only be sustained by investment to repair and maintain those buildings. That implies a beneficial use that will secure them for the long term. This, in turn, frequently implies alteration and conversion to accommodate those uses. This, in turn, implies alteration and conversion that serves a demonstrable need, in a location and in a sufficient quantum, that is worth investing in. The proposed redevelopment of the buildings at North Crescent very plainly achieves these objectives.
- 5.12 Furthermore, alteration and extension of significant historic buildings – perhaps to a considerable degree – is not inherently inimical to their heritage significance or its enhancement. Change – even substantial change – does not, in any way shape or form, automatically equate to harm to that heritage significance. As numerous successful architectural projects demonstrate, very significant alteration and extension of historic buildings can be successful and positive if the architectural design of the proposals is of the highest quality. Crucially, a successful architectural intervention in a historic building

must balance a concern for heritage significance against a creative architectural response, the kind of creativity without which architecture of any kind is worthless. Historic buildings deserve imaginative and creative responses to secure their future as much as they require deference to their past.

- 5.13 This balance is demonstrably achieved in the proposed scheme, and the excellence of the design approach is evident. The architects examined a clear and rational set of options that build upon pre-application discussions with the Council and represent an acute understanding of how to add to existing historic buildings. The options presented for the Telephone Exchange building point to the balanced approach of a 'historical integration' option. The Council sought a reconsideration of the 'contemporary' option. The architects examined a historical 'copy' option which simply serves to illustrate the difficulty and inauthenticity of such an approach. It makes clear that, rather than distort the host building's original design with something the original designer chose not to do, the preferable approach lies in respecting the host building while providing it with a discernible new phase. This approach responds in a highly sensitive way to the Telephone Exchange building both vertically and horizontally (for instance, in the echoing of the triptych feature at either end).

The pre-application process and the evolution of the proposed scheme

- 5.14 Repeated amendments to the scale, massing and appearance of the proposed scheme were undertaken during the pre-application process. The design team has clearly responded carefully and thoroughly at each stage to comments made by the Council while at the same time endeavouring to design a development that is worth pursuing. The visual effect of the proposed scheme from both North Crescent and Alfred Mews has been revised and reduced. In addition there has been very thorough

consideration of layout, structural and housing matters; detailed consideration of the specific effect of proposals on the features of interest that contribute to the special architectural or historic interest of Minerva House, and a host of other matters that taken together help ensure the highest quality outcome for the site in every sense.

6 Townscape, heritage and visual impact assessment

Introductions

- 6.1 This section of the report assesses nine townscape views of the site, analysing the as-existing situation and what is proposed.
- 6.2 Photography and visualisation work were undertaken by AVR London. An explanation of the methodology for the production of an Accurate Visual Representation (AVR) is provided with the application, along with larger-scale images. The photographs included here are at a small scale; this section of the report should be read with the larger images that accompany the application. These are contained a separate A3 format document, containing large scale versions of the imagery along with information concerning the visualisation methodology.

The townscape views

- 6.3 A combination of desktop study and fieldwork has been used to determine the significant views of the proposed development. These views have been discussed and agreed with the London Borough of Camden.
- 6.4 Nine townscape views have been identified in which the effect of the development will be tested. Figure 18 shows the view point locations. For each view, the existing situation is described and the proposed and cumulative effect of the development is then shown and assessed.
- 6.5 The text below should be read in conjunction with the analysis contained in the previous and succeeding sections of this report. The commentary should be read as a whole. Certain descriptions are not repeated where the same townscape or heritage characteristics or features appear more than once in the views, and the text cross-refers to other views.

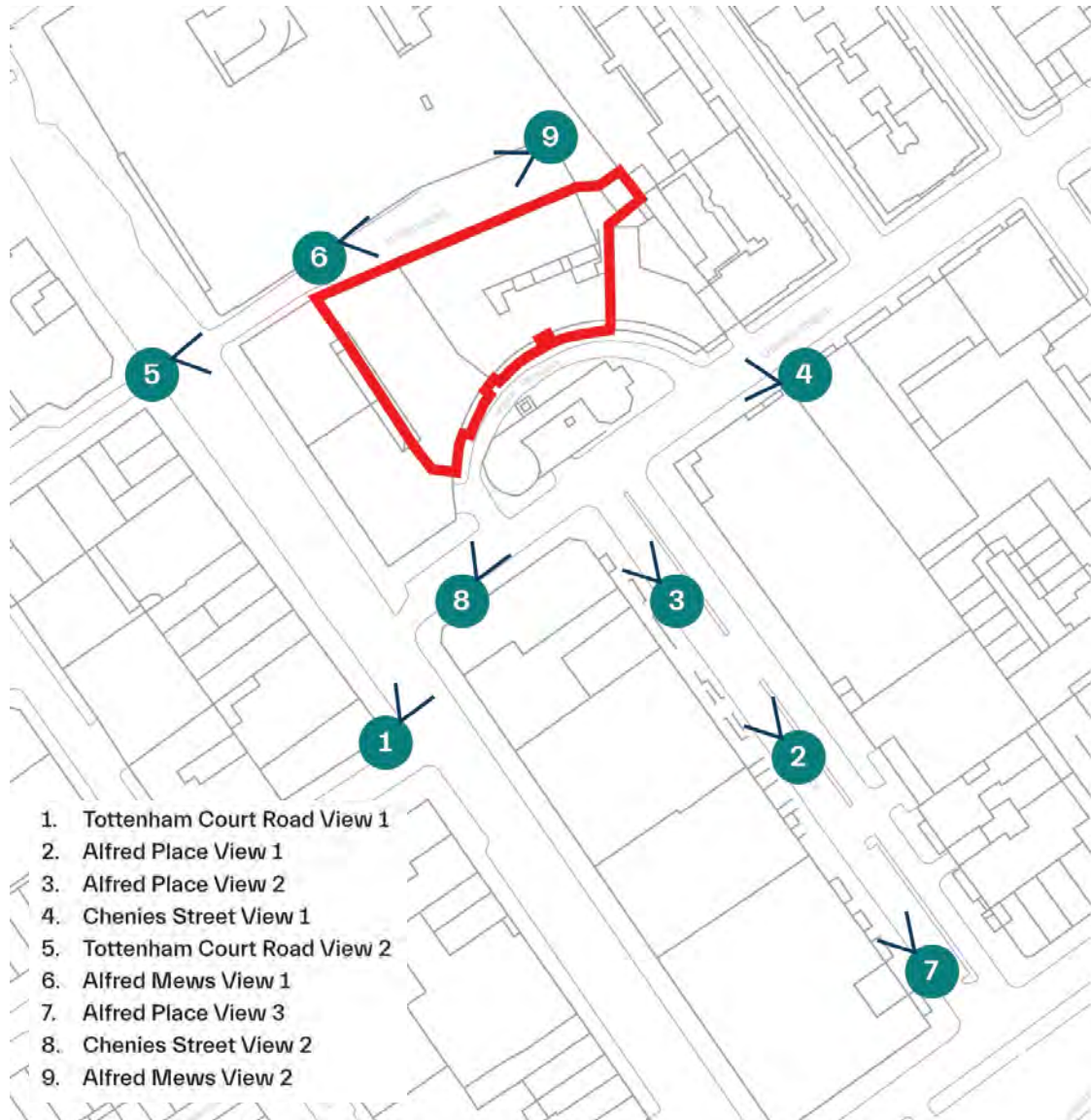


Figure18: View locations (mapping © Morris + Company)

Assessment methodology

- 6.6 An analysis of the area around the site has been undertaken to understand the impact the development is likely to have on key townscape features and heritage assets. This includes: urban form, character and architectural quality, the presence of heritage assets, scale and massing, public realm, permeability and linkages, continuity and enclosure.

- 6.7 This assessment has taken into account the existing physical fabric of the area, the character and settings of conservation areas and listed buildings in the vicinity, the appropriateness of the site for the proposed development, and the character of the proposed design. The assessment of townscape and visual impacts describes how the proposed development will affect the elements that make up the townscape, the aesthetic and perceptual aspects of the townscape and its distinctive character and describes how the content and character of views may be affected.
- 6.8 Structured, informed and reasoned professional judgement has been used to take account of quantitative and qualitative factors. This is widely accepted as best practice and is based on an analysis of desk research and field assessment. It is recognised that the character of London is one of contrasts, of historic and modern buildings, and that modern buildings of high design quality do not necessarily harm the settings of historic assets.
- 6.9 The available guidance for assessing the impacts on townscape, heritage assets and visual amenity of a development is as follows:
- Guidelines for Landscape and Visual Impact Assessment (GLVIA) Third Edition (2013) produced jointly by the Landscape Institute and the Institute of Environmental Management and Assessment;
 - London View Management Framework Supplementary Planning Guidance (LVMF SPG) (2012); and
 - Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (2015) produced by Historic England.
- 6.10 The GLVIA provides advice on good practice and is equally applicable to all forms of 'landscape', including urban townscape. The methodology employed for this assessment is based on approaches recommended in the

GLVIA. However, the guidance states that it's methodology is not prescriptive in that it does not provide a detailed universal methodology that can be followed in every situation (Paragraph 1.20); the assessment should be tailored to the particular circumstances in each case with an approach that is in proportion to the scale of the project that is being assessed and the nature of its likely impacts. The guidance recognises that much of the assessment must rely on professional judgement (Paragraph 2.23-2.26). The GLVIA states that an assessment should in most cases clearly address both how the proposal will affect the elements that make up the aesthetic and perceptual aspects of the townscape and its distinctive character, and the content and character of views. In a dense urban setting the landscape and visual assessments are intrinsically linked and impacts are primarily direct and visual; the modelling of representative verified views demonstrates the likely impacts on the local townscape character as well as on the composition and character of specific views. In this assessment the representative views have been used to consider:

- The impacts of the proposed development on the quality and character of the local townscape; and
- The visual impacts of the proposed development on the content and character of representative views.

Sensitivity criteria

6.11 Existing townscape and heritage sensitivity is measured as follows:

Value	Criteria	Sensitivity to change
Exceptional	Strong townscape or landscape structure with distinctive features, exhibiting unity, richness and harmony, no	Very high

Value	Criteria	Sensitivity to change
	detracting features, and a strong sense of place. Likely to be internationally or nationally recognised, e.g. a World Heritage Site, a group of Grade I listed buildings or a Grade I registered historic park or garden.	
High	Strong townscape structure with distinctive features, strong sense of place, only occasional detracting features. The townscape is likely to be of importance at the county, borough or district level and contain features of national importance, e.g. a Grade II* or Grade II Registered historic park or garden, a conservation area containing a high proportion of listed buildings.	High
Good	Recognisable townscape structure, some positive features, some detracting features, recognisable sense of place. May be a locally valued townscape, conservation area or contain groups of Grade II listed or locally listed buildings.	Medium
Average	Distinguishable townscape structure, some positive features, prominent detracting features.	Low
Low	Weak or disjointed townscape structure, frequent discordant and detracting features.	Very low

Table 2

Effect criteria

- 6.12 The magnitude of change to townscape and heritage receptors is measured as follows:

None	No effect
Negligible	Imperceptible effect
Minor	Changes that only make a small difference to the ability to understand and appreciate the historic context or townscape setting. A minor impact may also be defined as involving receptors of low sensitivity exposed to intrusion, obstruction or change of a low to medium magnitudes for short periods of time.
Moderate	A change that makes an appreciable difference to the ability to understand the historic context or townscape setting. A moderate impact may also be defined as the result of moderately sensitive receptors exposed to intrusion, obstruction or change of a medium magnitude, or highly sensitive receptors exposed to intrusion or change of a low magnitude.
Major	A fundamental change in the appreciation of the resource and historic context or townscape setting. A substantial impact may also be defined as the result of highly sensitive receptors exposed to intrusion, obstruction or change of a high or medium magnitude for prolonged periods

Table 3

- 6.13 The quality of the effect of proposals on townscape and heritage receptors is measured as follows:

Neutral	There is negligible or no impact
Beneficial	The impact of the development is to improve the condition or circumstances of the townscape receptor

Adverse	The impact of the development is to harm the condition or circumstances of the townscape receptor
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Table 4

View 1: Tottenham Court Road View 1

Existing



- 6.14 This view looks east across Tottenham Court Road towards North Crescent. The Grade II Glen House is in the left foreground, and the buildings in the right foreground are identified as positive contributors to the Bloomsbury Conservation Area. Telephone Exchange is seen behind the Eisenhower Centre, though the listed war memorial is not seen. Minerva House is concealed behind Glen House
- 6.15 Heritage and townscape sensitivity in the view is assessed to be High.

Proposed



- 6.16 The opportunity to obtain this view of the proposed development is limited to a brief moment as one crosses Tottenham Court Road or Goodge Street, in a highly active environment in visual and aural terms. The site is at some distance and, as observed above, partially obscured by the Eisenhower Centre. To the extent that the building is visually experienced, it can be discerned that the proposal respects the vertical hierarchy of Telephone Exchange, with built form that is clearly an addition but one that draws on the rhythm and proportions of the host building.
- 6.17 The magnitude of change to townscape and heritage receptors is assessed as Moderate and the effect is assessed as Beneficial.

View 2: Alfred Place View 1

Existing



- 6.18 This view looks north along Alfred Place towards North Crescent, and the viewing position is within the Bloomsbury Conservation Area. The buildings on the right and left (the latter unseen due to foliage) are identified as positive contributors to the Bloomsbury Conservation Area. In the centre of the view, a portion of Minerva House is seen on the left, with Telephone Exchange occupying most of the view. The Eisenhower Centre obscures the lower levels of both buildings.
- 6.19 Townscape sensitivity in the view is assessed to be High

Proposed



- 6.20 As with the previous view, the proposed development is seen at a distance. Notable in this view is the clear distinction between Minerva House and Telephone Exchange, with no alteration made to the profile or overall appearance of the listed building. The positive relationship of the extension to Telephone Exchange to the host building can be seen in terms of the careful, graded use of colour and the modulation of the fenestration.
- 6.21 The magnitude of change to townscape and heritage receptors is assessed as Moderate and the effect is assessed as Beneficial.

View 3: Alfred Place View 2

Existing



- 6.22 This viewing position is situated further north, and closer to, the site than the previous view. Again, the building on the right is identified as positive contributors to the Bloomsbury Conservation Area. Minerva House is seen on the left, with Telephone Exchange the right hand side of the view. This view demonstrates the prominence of the Eisenhower Centre, and also the incongruous rooftop structure on Telephone Exchange.
- 6.23 Townscape sensitivity in the view is assessed to be High.

Proposed



- 6.24 The greater proximity of the viewer to the proposed development in this view emphasises the points made in respect of View 3 – the proposal preserves the appearance and primacy of Minerva House and the extension to Telephone Exchange respects both the setting of Minerva House and the host building. This viewing position reveals how, in addition to the layering of the proposed scheme vertically using colour, depth is created using the upper floor set-back along with modelling of the façade itself to assist in placing the extension in the correct hierarchical relationship to the main elevation of Telephone Exchange.
- 6.25 The magnitude of change to townscape and heritage receptors is assessed as Moderate and the effect is assessed as Beneficial.

View 4: Chenies Street View 1

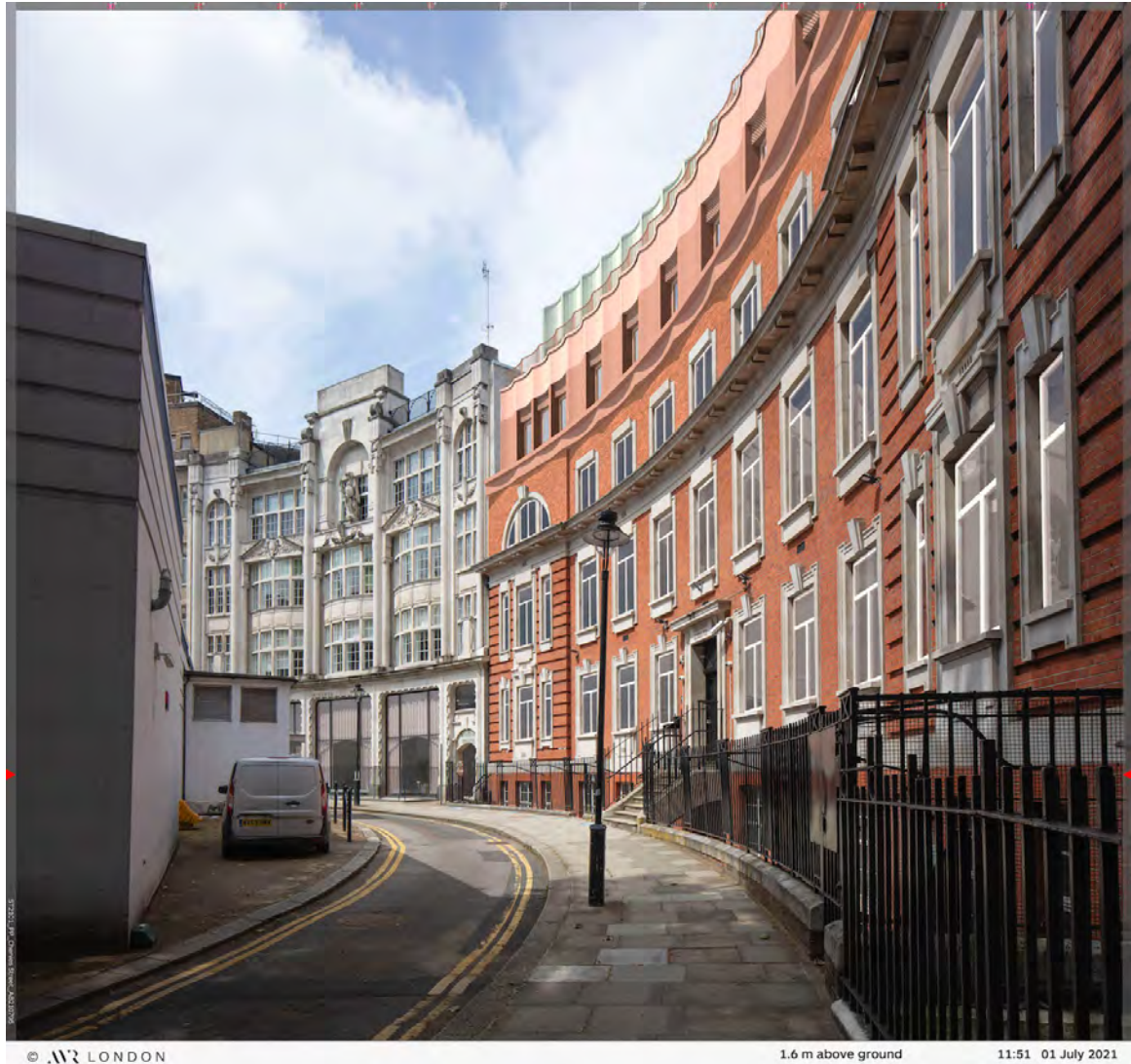
Existing



- 6.26 This view illustrates the curve of North Crescent, and the degree to which the setting of both Minerva House and Telephone Exchange is affected by the Eisenhower Centre. Also clear in this view is the difference in ground floor levels between the two buildings. Even without the Eisenhower Centre, the pavement experience of the architecture of both buildings is inherently oblique and affected by perspective. Roof level structures on Glen House are seen above the Eisenhower Centre.

6.27 Townscape sensitivity in the view is assessed to be High.

Proposed



- 6.28 This view emphasises the fact that the upper floor extension to Telephone Exchange will be less appreciable in views from immediately adjacent to the building. That is not to say that the proposals will not be seen, and this view clearly demonstrates how the proposed scheme responds carefully and respectfully to Telephone Exchange. The angle of the view permits the modelling (such as the scallop effect) of the façade design. The setting of Minerva House is clearly seen as being wholly preserved by the proposed development.

- 6.29 The magnitude of change to townscape and heritage receptors is assessed as Moderate and the effect is assessed as Beneficial.

View 5: Tottenham Court Road View 2

Existing



- 6.30 In this view, from the western pavement of Tottenham Court Road, the entrance to Alfred Mews is seen between two listed buildings – the Grade II* Heals Building on the left and the Grade II on the right. Very little of Alfred Mews can be seen, even when considered as a static view.
- 6.31 Townscape sensitivity in the view is assessed to be High.

Proposed



© AR LONDON

1.6 m above ground

17:01 01 July 2021

- 6.32 The proposed development is barely discernible in this view. Even if a static view was to be sought out, the viewer would strain to discern the proposal. There is no meaningful visual effect in this view
- 6.33 The magnitude of change to townscape and heritage receptors is assessed as Negligible and the effect is assessed as Neutral.

View 6: Alfred Mews View 1

Existing



AVR LONDON

1.6 m above ground

17:07 01 July 2021

- 6.34 This view demonstrates the elongated nature of Alfred Mews. The eye is drawn to the white rendered building that forms the end of the mews lane. The rear parts of the site are on the right and are clearly seen, despite the oblique angle, to be wholly lesser in heritage and townscape significance than their principal elevations to North Crescent – their design is plain and utilitarian. The Grade II* Heals Building is on the left.
- 6.35 Regardless of the presence of the Heals Building (and in event, the side of the Heals Building and not its principal elevation), Alfred Mews is inherently lower in townscape significance than the principal streets behind and to the

left of this viewing position. In both heritage and townscape terms, Alfred Mews occupies a place in the hierarchy of urban spaces in the area that is undoubtedly important as part of that hierarchy, but it is not equivalent to the evidently greater significance of explicit pieces of urban and architectural design represented by Tottenham Court Road, Chenies Street, North and Crescents and Alfred Place.

- 6.36 Townscape sensitivity in the view is assessed to be Good.

Proposed



© AVR LONDON

1.6 m above ground

17:07 01 July 2021

- 6.37 Even though this view is from within Alfred Mews, the angle of the view permits only very limited visibility of the new parts of the proposed development. In perspective the proposed scheme, on the right, does not appear higher than the subsidiary parts of the Heals building on the left.
- 6.38 The magnitude of change to townscape and heritage receptors is assessed as Minor and the effect is assessed as Neutral.

View 7: Alfred Place View 3

Existing



- 6.39 This view is from a position further south than View 2 within the Bloomsbury Conservation Area, and Minerva House and Telephone Exchange are just glimpsed in the distance, above the Eisenhower Centre. The buildings on the right are identified as positive contributors to the conservation area, but only some on the right are so designated. The Euston Tower is seen above Minerva House.
- 6.40 Townscape sensitivity in the view is assessed to be Good.

Proposed



- 6.41 Commentary regarding this view are the same as those in respect of View 2. The angle and direction of the view is the same, but the distance of the proposed development from the viewing position is greater. For that reason the visual effects are the same as those identified in respect of View 2 but are inherently lesser and are, indeed, minimal. The view demonstrates the outer geographical extent of potential visual effects from the proposed development.
- 6.42 The magnitude of change to townscape and heritage receptors is assessed as Negligible and the effect is assessed as Neutral.

View 8: Chenies Street View 2

Existing



- 6.43 This view shows Telephone Exchange sitting behind, and mostly obscured by, the Eisenhower Centre, with the Grade II Glen House on the left and the positive contributor to the Bloomsbury Conservation Area on the right (4-10 Chenies Street/200 Tottenham Court Road). Minerva House is not seen. The existing rooftop structure on Telephone Exchange is prominent. The Grade II war memorial is out of view, within the Eisenhower Centre compound.
- 6.44 Townscape sensitivity in the view is assessed to be High.

Proposed



- 6.45 This view emphasises (like View 4) the curved nature of the Telephone Exchange elevation to North Crescent, and, as in View 4, the sensitive and respectful manner in which the proposed extension draws on the host building is seen in the relationship between old and new fenestration, modelling within the façade, and set-backs.
- 6.46 The magnitude of change to townscape and heritage receptors is assessed as Moderate and the effect is assessed as Beneficial.

View 9: Alfred Mews View 2

Existing



- 6.47 Due to the slight widening of the eastern end of Alfred Mews, this view represents the limited opportunity to experience the rear parts of the site in any integrated way, though the view remains an oblique one. Telephone Exchange is in the left foreground with Minerva House beyond. The Heals Building is on the right. The same comments regarding the heritage and townscape significance of Alfred Place that were made regarding View 6 apply here also – the rear parts of both Telephone Exchange and Minerva House do not possess the same levels of heritage significance as their elevations to North

Crescent, nor is Alfred Mews as significant as the urban set-piece to the south (left). The view shows the later upper addition to Minerva House.

6.48 Townscape sensitivity in the view is assessed to be Good.

Proposed



- 6.49 The proposed development is visible obliquely and the successful interaction between retained and new built form is clear. Again, the proposed development remains, as viewed from ground level, commensurate in scale with the side elevation of the Heals Building on the right. Minerva House is seen beyond the rear parts of Telephone Exchange, and the proposal evidently preserves its setting.
- 6.50 The magnitude of change to townscape and heritage receptors is assessed as Minor and the effect is assessed as Beneficial.

The heritage and townscape effects of the proposed development: conclusions

- 6.51 The overall effect of the proposals will be a very successful enhancement of Minerva House and the Telephone Exchange buildings and their surroundings. The buildings will be repurposed and their life extended, enlivening this part of Bloomsbury and contributing to Camden's and London's economy. The proposed scheme will preserve and enhance the special architectural or historic interest of Minerva House, enhance the local townscape and the Bloomsbury Conservation Area over their present condition, as well as the setting of other heritage assets.
- 6.52 Analysis of the townscape views indicates that while the proposed scheme is prominent and will be visible in certain relationships with heritage assets and townscape features, it will also, by virtue of its specific location and relationship to intervening development, be screened in many views.
- 6.53 There will be a clear improvement in the quality of the townscape in and around the application site over the present situation. The proposed development will very considerably enhance the appearance of this key site over its existing condition and it will create a well-designed development that will help to enliven and regenerate this part of Camden.

7 Compliance with policy and guidance

- 7.1 This report has provided a detailed description and analysis of the site and its heritage context, as required by the National Planning Policy Framework. In addition, the report also describes (in Section 5 ‘The proposed development and its effect’) how the proposed development 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 Sections 4 and 6.

The Planning (Listed Buildings and Conservation Areas) Act 1990

- 7.2 The conclusion of our assessment, contained in previous sections in this report, is that the proposed development preserves the special architectural and historic interest of the listed buildings and conservation areas affected by the development. The proposed development thus complies with S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. It does not lead to ‘substantial’ harm or any level of ‘less than substantial’ harm to any designated heritage assets.
- 7.3 It is important to note that the legal requirement regarding satisfying Section 72(1) of the Act was established by *South Lakeland District Council v Secretary of State for the Environment and another* [1992] 1 ALL ER 573 and is met if the proposed development leaves conservation areas unharmed. We believe that the proposed development leave the Bloomsbury Conservation Area unharmed, and indeed goes further and enhances the conservation area.

The NPPF: design

- 7.4 The proposed development is wholly consistent with Chapter 12 of the NPPF. It will clearly ‘function well’ and ‘add to the overall quality of the area’, will be ‘visually attractive’, is certainly related to its context and helps in

place-making and reinforcing the existing urban context. In our opinion, the proposed development will ‘help raise the standard of design more generally in [the] area’ and will ‘fit in with the overall form and layout of [its] surroundings’.

The NPPF: the level and nature of ‘harm’ caused by the proposed development

- 7.5 Having concluded that the proposal will preserve and enhance the relevant designated heritage assets, we now consider whether harm – in the sense used by the National Planning Policy Framework – is caused to these heritage assets.
- 7.6 As outlined in Section 5, 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 case, the listed buildings, conservation areas and registered landscapes whose setting can be considered to be affected by the proposed development.
- 7.7 The only potential for ‘substantial’ harm would be if the proposed development for the site caused the loss of something *central* to the special interest of these heritage assets. The proposal evidently does not give rise to this level of harm.
- 7.8 Similarly, we also do not believe that any ‘less than substantial harm’ to the conservation area is caused by the scheme. Our analysis of the proposed development, when considered in relation to legislation, policy and guidance, concludes that no harm is caused to special interest or significance. Change occurs to and in the setting of the heritage assets in question, but this change is positive and the proposed development will enhance Minerva House, the setting of other has and the character and appearance of the Bloomsbury Conservation Area their setting by virtue of its high quality design.

- 7.9 In any event, the public and heritage benefits of the proposed development more than outweigh any low level of ‘less than substantial harm’ that *might* be asserted as being caused by the proposed development. As well as giving Minerva House and Telephone Exchange a future that will sustain their heritage significance for the long term, it is clear that the proposed scheme represents, for the reasons set out in this report, in the Design & Access Statement and in the Planning Statement the opportunity to create greatly improved commercial space in a highly accessible location in Central London.
- 7.10 For the same reasons we do not believe that harm is caused (as per Paragraph 203 of the NPPF) to the non-designated heritage assets in the vicinity of the site.

Specific requirements of the NPPF

- 7.11 This report has provided a detailed description and analysis of the significance of the site and its heritage context, as required by Paragraph 194 of the National Planning Policy Framework.
- 7.12 The proposal satisfies Paragraph 197, sustaining and enhancing the heritage significance of the of the site and its listed elements, putting it to viable uses consistent with the conservation and enhancement of that significance. The scheme also makes a sustainable and positive contribution to the community and economic vitality of this part of the Bloomsbury Conservation Area.
- 7.13 The proposed development complies with Paragraph 199 and 201 of the NPPF in that it conserves the heritage assets in question. We do not believe that the scheme involves any ‘less than substantial harm to the significance of a designated heritage asset’, but any such ‘less than substantial harm’ that may be ascribed to the scheme is greatly outweighed by the public and heritage benefits generated by the scheme in terms of helping to sustain the site in its ‘optimum viable use’ over the long term, satisfying paragraph 202.

- 7.14 The proposed development certainly ‘enhances and reveals the significance of the heritage asset and preserve those elements of the setting that make a positive contribution to the asset’ as required by paragraph 206.
- 7.15 The scheme very definitely strikes the balance suggested by the NPPF – it intervenes in the heritage context of the site in a manner commensurate to its heritage significance. This balance of intervention versus significance is described in detail earlier.

The London Plan

- 7.16 The proposed scheme is consistent with Policy D3 of the new London Plan, and responds positively to each and all of the requirements concerning ‘Form and layout’, ‘Experience’, and ‘Quality and character’, as well as the requirements of Policy D4. The proposed development will ‘enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through [its] layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions’ and will create the type of public realm envisaged by Policy D8.
- 7.17 The proposed scheme is exactly what the London Plan envisages when it talks (in Policy HC1) about how ‘developments affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets’ significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process’.
- 7.18 The process of arriving at the proposed scheme, in consultation with the London Borough of Camden, has involved amending and developing the scheme to address these matters. The requirements of Policy HC1 are fully satisfied by the proposed development and for the

same reasons, the proposed development also complies with Policy HC3 'Strategic and Local Views'.

Camden Local Plan

- 7.19 In satisfying the NPPF and the London Plan, the proposed development also satisfies Camden's local policies and supplementary planning guidance for architecture, urban design and heritage assets. It will clearly respect 'local context and character', preserve and enhance 'the historic environment and heritage assets in accordance with "Policy D2 Heritage"', and 'integrates well with the surrounding streets and open spaces, improving movement through the site and wider area with direct, accessible and easily recognisable routes and contributes positively to the street frontage'.

Historic England guidance on the setting of heritage assets

- 7.20 The step-by-step methodology provided in Historic England's Historic Environment Good Practice Advice in Planning Note 3 is addressed as follows:
- Step 1: identify which heritage assets and their settings are affected:
This is done in Section 2 and 3 of this report.
 - Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s):
This is discussed in Section 3.
 - Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance:
This is undertaken in Sections 5 and 6 of this report.
 - Step 4: explore the way to maximise enhancement and avoid or minimise harm:

This formed part of the design process and pre-application discussions with the local planning authority, and the design has evolved to respond to pre-application advice.

- Step 5: make and document the decision and monitor outcomes:

The submission documents, in particular the Design & Access Statement, and this report record the scheme as amended following design development prior to and during an application for planning permission being made.

8 Summary and conclusions

- 8.1 The report describes the site and its surroundings as it is found at present. Section 2 sets out the history of the site and its surroundings and the development of the area. Section 3 identifies the heritage and townscape receptors in the vicinity, and assesses townscape and heritage significance. The proposed scheme and its effect is assessed in Sections 5 and 6; Section 6 assesses the effect of the proposed scheme in a series of nine townscape views.
- 8.2 The overall effect of the proposals will be a very successful enhancement of Minerva House and the Telephone Exchange buildings and their surroundings. The buildings will be repurposed and their life extended, enlivening this part of Bloomsbury and contributing to Camden's and London's economy. The proposed scheme will preserve and enhance the special architectural or historic interest of Minerva House, enhance the local townscape and the Bloomsbury Conservation Area over their present condition, as well as the setting of other heritage assets.
- 8.3 The design of the proposed scheme has been developed through pre-application discussions, and both the massing and architectural treatment of the proposed extensions to Telephone Exchange serve to meaningfully mitigate their overall effect when seen in townscape views. The scheme proposes new built form at an appropriate scale which respects the listed building and the positive contributor, and brings with it many architectural, townscape and economic benefits.
- 8.4 Section 7 demonstrates how the proposed development will comply with legislative, policy and guidance. We believe that the development will preserve the setting of designated heritage assets, and it therefore complies with S.66(1) and S.72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. We also believe that the proposed scheme is consistent with the urban design and heritage policies of the National Planning Policy

Framework, the London Plan and the London Borough of Camden's Local Plan.

KMHeritage

72 Pymer's Mead
London SE21 8NJ

mail@kmheritage.com
www.kmheritage.com

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