

Our ref: T3452.4



14 June 2022

Kate Henry
Planning and Development Team
Camden Council
5 Pancras Square
London
N1C 4AG

Dear Ms Henry,

**Former Middlesex Hospital Annex, 44 Cleveland Street, W1T 4JT
Listed building consent for minor changes to staircase window in the former
Workhouse to incorporate Automatic Opening Vents (“AOV”) for smoke extraction**

We act on behalf of the Applicant, University College London Hospitals Charity (“the Charity”) in relation to the redevelopment of the former Middlesex Hospital Annex at 44 Cleveland Street (“the Site”).

A planning application (“the refused S73 Application”) (ref. 2021/3087/P), made under Section 73 of the Town and Country Planning Act, was refused on 17 December 2021 to vary conditions attached to the planning permission ref. 2018/1584/P (“the 2019 Permission”).

Though at the time of the S73 Application, works to the listed building were proposed, an application for listed building consent was not explicit. For completeness, the Charity is seeking listed building consent for these works though they are the same in respect of the listed building as they are in the refused S73 Application.

The Application

The proposed Description of Development for this Application is:

*Listed building consent for minor changes to staircase window in the former
Workhouse to incorporate Automatic Opening Vents (“AOV”) for smoke extraction*

The changes to the listed building relate specifically to the staircase window on the second floor of the former workhouse building.

The proposed minor change to the staircase window comprises a change from the existing window design to incorporate Automatic Opening Vents (“AOV”) to allow for smoke extraction. The original part of the window will remain and only non-original elements will change.

The Development Plan

The Development Plan for the Application comprises:

- London Plan (2021);
- Camden Local Plan (2017); and
- Fitzrovia Area Action Plan (“FAAP”) (2014).

In addition to the above, the following documents are considered to be material consideration in the determination of this Application:

- The National Planning Policy Framework (“NPPF”) (2021).

Pre-application Engagement

Prior to the submission of the refused S73 application, the proposed design was presented to the Officers of the Council. Officers, on behalf of the Council, accepted in writing, that the proposed design was a functional requirement resulting from the Fire Strategy and that it was acceptable in principle. The relevant email correspondence from the Council and associated documentation of June 2020 is included in **Appendix A** to this letter.

Planning and Heritage Assessment

In respect of listed buildings, Part C of London Plan **Policy HC1** (Heritage Conservation and Growth) states:

“Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the asset’s significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their setting should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.”

Relevant parts of Camden Local Plan **Policy D2** (Heritage) state that *“the Council will:*

- i. Resist the total or substantial demolition of a listed building;*
- ii. Resist proposals for 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*
- iii. Resist development that would cause harm to significance of a listed building through an effect on its setting.”*

The NPPF (Paragraph 202) says that where a proposal leads to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of

the scheme, including where appropriate, the optimum viable use of the heritage asset.

Minor changes are proposed to the Listed Workhouse to incorporate Automatic Opening Vents for smoke detection, on the northern elevation, as part of the Fire Strategy. Changes to the approved scheme are in direct response to changes to Building and Fire Regulations and thus are a functional requirement.

In the related, but separate refused s73 application, the Council purports harm to the listed building by inclusion of the AOV window because the sash window it replaces was considered to be of special interest and value to the significance of the building. It also confirmed that the harm is less than substantial harm. Within the Officer's Report to the refused S73 Application, the Officer notes:

"The proposed glass louvred AOV window would be fully compliant with the relevant standards; however, because it is a pre-tested unit, the design cannot be amended and the proposed window does not match the traditional sash windows elsewhere on the host building. It is considered that the proposed glass louvred AOV window would cause harm to the listed building as the traditional sash windows are considered to be of special interest and value to the significance of the building. Furthermore, the window in question is at 2nd floor level on an elevation that is visible in the public realm (e.g. in views from Cleveland Street and the space to the front of the former workhouse and North House) and it is considered that the proposed glass louvred AOV window would appear at odds with the other traditional sash windows on the former workhouse. The harm caused is considered to be less than substantial, and therefore, in line with the requirements of Policy D2 and the NPPF, it must be weighed against the public benefits of the proposal (see paragraph 6.61)."

The window is barely visible, and not noticeable, in public views from Cleveland Street so the replacement will have no material effect on the character of the Conservation Area. Any residual harm caused by the AOV will be to the aesthetic heritage value of the former workhouse. This was designed as a generally symmetrical entity in the late eighteenth century, with neoclassical proportions and built-in brick with stone dressings as typical of the time. The fenestration was generally symmetrical with timber sash windows set within deep reveals in accordance with London building regulations introduced to reduce the risk of fire spread.

The original window opening will be retained unaltered, and the existing window frame is not original. There would thus be no loss of evidential value. The original window lit the north staircase of the workhouse, and as this historical purpose will be retained, there is no loss of illustrative or associative heritage value. The original arrangement of elevations to which this window contributed has been modified many times subsequently. The equivalent south staircase was completely rebuilt and relocated, and other windows on the north elevation have been replaced. One opening has been widened.

The proposed arrangement is required by present-day fire regulations, compliance with which is necessary to allow the reuse of the listed building. Any future use of the building is likely to require similar alterations to meet current regulations. As continued use is generally accepted as the best way to preserve the historic significance of buildings, this should not be considered an unreasonable requirement and the installation of the AOV is an essential component of the repurposing the building that will secure the future of its historic significance overall. Equally, as the Council had accepted its inclusion in principle and the reasons for that, the Charity made the reasonable assumption, based on the formal written confirmation received, that the AOV was appropriate and included it within the refused now s73 proposals.

In the light of the explanation presented above, any harm to the aesthetic heritage value of the listed building through the installation of the AOV must be considered marginal, and the overall impact of the restoration and reuse of the building a net positive. Therefore, the proposals do not require a balancing public benefit. Were, though, the degree of harm to be balanced against the benefits, then the Council has confirmed (in the refused S73 Application), in its view, the harm is less than substantial and in line with Policy D2 of the Local Plan and Paragraph 202 of the NPPF, the benefits of the scheme far outweigh that harm.

To that end, in the Charity's view, the installation of the AOV is a functional requirement that is essential part of the Fire Strategy. It also forms part of the building repurposing works which will secure the longevity of the building which, overall, form part of the positive changes within the scheme.

Supporting Documents

In addition to this covering letter, the following documents are submitted in support of the Application:

1. Completed Application Form;
2. Planning and Heritage Assessment (i.e. this covering letter);
3. Design and Access Statement; and
4. Application Drawings:
 - a. Site Location Plan (Drawing Ref. SP_0)
 - b. Listed Building Proposed Elevation 03 & 04 (Drawing Ref. E_LB_03-04 Rev G)
 - c. AOV Window Detail (Drawing Ref. BPD-LDW-WH-ZZ-DR-A-253012)

The Application has been submitted via the Planning Portal (ref. PP-11325985).

Yours sincerely,

Temple, on behalf of The Charity

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Appendix A – Correspondence with LB Camden



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