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12th May 2015

Dear Mr Clark,

Request for call in of planning applications 14/12215/FULL and 14/12116/LBC to City of Westminster Council

We sent the attached letter to the previous Secretary of State for Communities and Local Government, Eric Pickles MP. We now refer the case to you.

Over the last three weeks there has been significant public interest in this case, underlining further the case for a public inquiry to resolve the issues that have arisen from these controversial proposals.

On 28th April we launched a petition, which over 2 weeks picked up 7,782 signatures, with the number rising daily. I attach a pdf of that petition.

The case has received unusually high coverage. The following is a sample of this coverage: Country Life published a piece on 18th March, The Times featured it on May 9th as an article and as a Leader, with a letter published on May 10th, further letters published on May 11th and a further article on the same day. The Evening Standard covered it on 5th May, with letters

published on 7th May. The Architectural Journal and Building Design are both following the story closely and have published two articles each. BBC television covered it on May 11th, BBC online covered it on May 10th, London Live TV covered it on May 11th.

Links and evidence of this coverage are attached.

SAVE has been inundated with emails and calls from members of the public showing an unusual level of concern and interest in these buildings.

Historic England's position also contributes to the growing controversy. They have almost doubled back on their original letter to Westminster Council in a statement on May 11th. In it they state:

"We recognise that some people place great value on these buildings. We have treated these buildings with great respect in arriving at our advice. Our advice is that losing these buildings causes harm to the Conservation Area and that harm can only be justified if it is absolutely necessary to deliver the wider public benefits that the University has identified."

However, in their original letter, as we outline below, they say:

"Whilst the loss of the unlisted buildings is regrettable their demolition, allied to the physical changes they have already undergone, does not strike at the heart of the significance of the Conservation Area, why it was designated. Their loss would therefore be considered "less than substantial harm" and when weighted against the public benefits. I consider that these benefits outweigh the harm."

Crucially, in their original letter, they came to the conclusion that the benefits outweigh the harm and that the harm is not substantial. Now they are saying that there is harm.

Rather than simply advise the local authority to take this into consideration when determining the application, they had taken it on themselves to conclude that the benefits outweigh the harm. SAVE challenges this strongly, and challenges whether Historic England has the expertise to weigh up some of these benefits. We consider that their expertise to be in assessing significance and harm to the historic environment, rather than the economic soundness of a university's expansion plans. As we outline below, they have not applied the correct tests to National Planning Policy.

Bearing all these factors in mind, we request you, with redoubled conviction, to call in the applications for planning permission 14/12215/FULL and listed building consent 14/12216/LBC to the City of Westminster Council for your own determination so that the applications may be considered by an Inspector appointed by the Secretary of State at a public inquiry pursuant to s77(1) of the Town and Country Planning Act 1990 and s12 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

We further request that you immediately issue directions under Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 and section 12(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 restricting the City of Westminster Council from granting planning permission and listed building consent until you have considered this request for call-in.

The applications in question are made by Kings College, London, and concern the complete demolition of a group of four buildings in the Strand conservation area and the retention of the façade of a fifth Grade II listed building. They are to be replaced by a new building.

14/12215/FULL and 14/12116/LBC | Redevelopment of 154-158 Strand to form a new academic building including facade retention of 152-153 Strand, alterations to the Strand building including an extension to the rear and alterations to the entrance. Redevelopment of the Quadrangle building including the creation of a new quadrangle courtyard to the King's Building and a new link to Somerset House East Wing. Alterations to the embankment entrance and associated works. | Kings College 160 Strand London WC2R 1JA

On 21st April the City of Westminster Council Planning Committee resolved to grant planning permission and listed building consent by a majority of 3-1.

The proposal is part of wider plans for Kings College to expand and open up the campus. We consider that one part of the proposal does not hinge upon the other and it is possible to improve and modernize the campus without demolishing these distinctive and characterful buildings.

These are buildings of great charm on one of London's most historic and central thoroughfares: the procession route from St Paul's Cathedral to Buckingham Palace. The existing buildings also provide the setting for the Grade 1 listed Somerset House and St Mary Le Strand.

This streetscape has already been damaged by King's College's Brutalist building to the east of Somerset House, a building about which the planning committee expressed regret. A number of similar buildings on narrow plots were destroyed to build that. No further encroachment of this kind should be allowed. The character of central London depends on a balance between large institutional and commercial buildings and smaller scale buildings on narrow plots.

The entire group of threatened buildings are in the Strand Conservation Area, while one of them is listed Grade II. The ones condemned for demolition are singled out in the Conservation Area Audit as Unlisted Buildings of Merit, which contribute to the character and appearance of the Conservation Area. This should, according to local planning policy, safeguard them from this kind of proposal.

SAVE is in no doubt that the demolition of 154-158 will have a visibly adverse effect on the area's recognised special character and appearance. Views up and down the Strand will be adversely affected.

The proposed design does not respect Westminster's heritage and local distinctiveness - it demolishes a group of buildings with distinctive façades and replaces them with a building of great blandness.

SAVE Britain's Heritage objected to the application along with the following: the Ancient Monuments Society, the Victorian Society, the London and Middlesex Archeological Society, the Council for British Archeology, the Somerset House Trust, the Courtauld Institute, and over 64 others. The Somerset House Trust and Courtauld Institute's objections centre on the proposed new tower extension to the Kings Strand building and the impact it will have on the setting of Somerset House. Their objections also flag up what they see as major flaws in the consultation process.

There has been considerable interest in the press in the story and since permission was granted SAVE has been contacted by an unusually high number of concerned people, including students of Kings College London and members of the public.

Historic Significance and the Setting of Somerset House

These proposals will erode an important element of Somerset House's glory (Grade I listed), and affect the setting of Grade I listed St Mary le Strand. Many people walking along the Strand are not aware that such a palatial courtyard awaits them, set back from the busy street. This is because Sir William Chambers had a very restricted street frontage along the Strand and was obliged to design a compact entrance façade between the narrow frontages of the Strand (and Fleet Street) which survive in very considerable numbers to this day and contribute greatly to the character of the Aldwych through their contrast to the monumental character of the buildings across the road.

Sir William Chambers brilliantly resolved the lack of a grand entrance front by creating the finest arched entrance passage in London with three parallel arched vaults supported on clusters of columns. This provides a breathtaking view into the main courtyard where the splendour of the architecture is there for all to see. This contrast between the narrow jostling fronts of commercial premises and grander public buildings represents the very essence of London.

SAVE considers that wherever these narrow frontages survive, in the City or streets leading up to it such as the Strand, it is vital that they are preserved. In this case they provide the frame for the picture within and form an essential part of the townscape of one of London's best known streets. This is one of the most historic streets in the City of Westminster and must be safeguarded.

Please see attached the letter of objection from the Ancient Monuments Society setting out the historical significance of the conservation area and this group of buildings.

Please see attached archive photograph showing the series of buildings on narrow plots that existed before the Kings Strand building was constructed in the late 1960s.

It is also important to note that Somerset House is balanced to the west by a similar group of narrow frontages terminating in a slightly taller building, just as it presently is to the east. Despite the intrusion of the Kings Strand building, this is a pleasing symmetry that provides a harmonious setting for Somerset House.

The protection of conservation areas: recent precedents.

We consider that the recent Public Inquiry into the Western Market Buildings in Smithfield General Market is relevant to this case as it underlines the protection afforded to buildings in a conservation area.

Both you as Secretary of State, and the Planning Inspector concluded that demolition of the built fabric of the interior of the buildings was not justified, let alone the exterior.

Both you and the Planning Inspector were emphatic about the importance of the historic environment and historic character of the area. Even though the Western Market Buildings are not listed, the fact that they are part of the Smithfield Conservation Area was enough to secure their retention.

SAVE considers that this part of the Strand Conservation Area would be substantially harmed by the total loss of four buildings of acknowledged merit, and the retention of only the façade of a fifth, on one of London's main thoroughfares.

Public Benefits versus Substantial Harm

The National Planning Policy Framework paragraphs 133 and 134 state:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

SAVE considers that harm outweighs public benefit in the proposed scheme. It is important that the university doesn't use the obvious public benefits of certain other aspects of the scheme, for example the opening up of an entrance on to the Embankment, to justify demolition of these buildings. In addition they must remember that the view of the Strand is shared by everyone who passes by - this decision will have an impact way beyond the confines of the university.

In 2013, SAVE Britain's Heritage challenged Sheffield University in a Judicial Review regarding the proposed demolition of a designated heritage asset – Jessops Hospital, Grade II listed. SAVE lost the case but, crucially, the judge agreed with our interpretation of para 134, which consisted of asking whether the council had considered if demolition was necessary in order to achieve public benefit. Did they ask the question – what is the public benefit to be had from the non-demolition options versus the demolition option?

SAVE does not consider that these questions have been asked in this case. There has not been adequate demonstration of other options, and therefore this course of action is not justified in planning law.

In addition, the replacement building will give rise to a mere 1,600 new square metres of new space. SAVE does not consider that this is sufficient justification for this level of harm to a conservation area. In addition, many of the other improvements to the campus could still be delivered.

SAVE challenges the very idea that these buildings need to be demolished and has called on the planning application to be refused. SAVE considers that in the light of their own policies for the site, and of national policies for the protection of designated heritage assets, there are strong grounds for challenge now that the council are minded to grant planning permission.

The position of Historic England (formerly English Heritage)

Historic England (formerly English Heritage) has not objected, stating that the loss of the buildings would cause 'less than substantial harm.' SAVE strongly disagrees with their assessment of the planning application.

SAVE considers that this case is of sufficient importance to have been considered by the London Advisory Committee – the Historic England letter makes no reference to the case being referred to the committee as would be expected if it had been.

In a letter to Westminster Council from HE Principal Inspector of Historic Buildings and Areas Timothy Jones writes that the internal condition of the unlisted and listed buildings "is disappointing."

Mr Jones writes: "I am clear that the unlisted buildings, particularly by virtue of their scale and diversity make a contribution to the Conservation Area but this contribution has been diminished by the substantial alterations they have undergone internally behind the Strand elevation and by some erosion of detail and unsympathetic alterations externally."

Conservation areas are defined in law as: “an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance”. Conservation Principles (EH).

Traditionally therefore it is the external appearance of the conservation area, ie the street frontages, that are protected. In the case of Smithfield General Market, English Heritage argued that because the market was in a conservation area, it was only important to preserve its external appearance and therefore it wasn't important what happened to its interior. Here they are justifying total demolition on the basis of the altered interior. However, it is important to underline that conservation areas are not designated for their interiors and works to interiors do not require permission. Therefore it is erroneous to condemn a section of a conservation area on the grounds that its interiors are not intact.

Mr Jones also in our view incorrectly uses text from the draft BETA version of the NPPG regarding the assessment of 'substantial harm'. He uses the phrase: 'at the heart of the significance'.

The draft NPPG included the paragraph:

'A key factor in determining whether the works constitute substantial (ie serious) harm is if the adverse impact goes to the heart of why the place is worthy of designation – why it is important enough to justify special protection.'

This phrase was deliberately omitted from the final published (N)PPG. It is understood that this was due to the consultation responses which argued that such phrasology would be too open to abuse and misdirection. Mr Jones writes: “I feel that whilst the loss of the unlisted buildings is regrettable their demolition, allied to the physical changes they have already undergone, does not strike at the heart of the significance of the Conservation Area, why it was designated.

The final published PPG states with regards to conservation areas:

'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.'

Mr Jones goes on to say: “Their loss would therefore be considered 'less than substantial harm' when weighted against the public benefits. I consider that these benefits outweigh the harm.”

The corollary of this position is therefore that any new development can cause any degree of harm as long as it falls short of what HE considers to be substantial harm. In this case SAVE strongly disagrees with HE's assessment of harm. We consider that the total demolition of a group of buildings that form the setting of two listed buildings on a major historic thoroughfare, causes substantial harm to the conservation area in which they are situated.

SAVE considers that HE is not applying the appropriate tests for new development in a conservation area, neither is their position sustainable for a responsible national conservation organisation.

In addition their approach is directly contrary to the statutory test in Section 72 of the 1990 Act, *'that with respect to any buildings or land in a conservation area special attention should be paid to the desirability of preserving or enhancing the character or appearance of that area'*.

SAVE considers that any conservation area is designated for all its historic buildings – not just the listed ones, but the connective tissue that joins them. This conservation area was listed for the diverse range of historic buildings of different ages and styles. In addition, the Conservation Area Audit identifies the buildings at 154-158 Strand as Unlisted Buildings of Merit, which contribute to the character and appearance of the Conservation Area. It is precisely these buildings that create a Conservation Area; without these buildings you no longer have an area to conserve.

The confirmed and final text of the NPPG reads as follows:

“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.”

It is clear from this that far subtler changes than total demolition are often considered to constitute substantial harm. Mr Jones does not justify why the total destruction of these buildings does not constitute substantial harm.

In addition, HE does not consider any local policy, even though it is referenced extensively in the planning application and is relevant to the correct assessment of the case. Nowhere does Mr Jones mention for example, that these buildings are identified in the Conservation Area Audit as Unlisted Buildings of Merit, which contribute to the character and appearance of the Conservation Area.

Of the Saved UDP Policies referenced in the planning application - *Policy DES 9: Conservation Areas*

“(B) Planning applications involving demolition in conservation areas

Buildings identified as of local architectural, historical or topographical interest in adopted conservation area audits will enjoy a general presumption against demolition.”

SAVE therefore considers in this case that the buildings should '*enjoy a general presumption against demolition,*' and does not understand why HE does not refer to either the correct status of these buildings nor this policy.

The position of Westminster Council

Westminster Council Planning Committee consider that "the degree of harm caused is slight and ... is outweighed by the public benefits of maintaining the world class status of Kings which has been on this site for the last 185 years, by the quality of the replacement Strand buildings and the restored façade to the listed 1520153 Strand."

SAVE does not agree with this assessment of harm.

The WCPC also says that "In the final assessment, it was felt that the proposal for a new building on this part of the site resulted in a better overall design solution and brought significant benefits to this part of the Strand." This is stated, not demonstrated, as the NPPF requires. SAVE fails to understand why at least the façades cannot be retained. This is nowhere sufficiently explained.

Design

The proposed new academic building is of poor quality: it is bland in contrast to the group of existing buildings that display great variety and character, and serve as a charming and appropriate setting for the Grade I listed St Mary le Strand and Somerset House.

Conclusion

SAVE therefore considers that there are sufficient grounds to merit the Secretary of State calling in these applications for planning permission and listed building consent to the City of Westminster Council for his own determination so that a public inquiry can be held to determine the future of this group of buildings. Most pointedly, there is a conflict with national policy on the protection of heritage assets. These buildings make up the background of a listed building in a historically important part of London, visited by many thousands of visitors on a daily basis. As part of one of London's most historic thoroughfares, the buildings are of national significance. The conclusions drawn by HE could have negative repercussions on a national scale if not challenged. In addition the proposed new design for the replacement building is of extremely low quality.

We request that you therefore immediately issue an Article 31 Direction, staying the issue of the planning permission and listed building consent. We further request that you call in the applications for Planning Permission and Listed Building Consent under s77(2) of the Town and Country Planning Act 1990 and section 12(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to the City of Westminster Council for your own determination so that they may be considered by an Inspector appointed by the Secretary of State at a local inquiry.

It is clear that in the time that has passed since this letter was sent to the National Planning Casework Unit and to Eric Pickles on 23rd April 2015, the reaction to the proposals are ample evidence of national public interest in this matter, and elements of controversy that warrant a public inquiry where these important issues can be discussed, considered and challenged.

Yours sincerely,



Clementine Cecil
Director