

**PROOF OF EVIDENCE BY ALEC FORSHAW
ON BEHALF OF SAVE BRITAIN'S HERITAGE**

TOWN AND COUNTRY PLANNING ACT 1990

**PLANNING APPLICATION CALLED IN BY SECRETARY
OF STATE**

456-472 OXFORD STREET, LONDON W1C 1AP

APPLICATION REF: 21/04502/FUL

APPEAL REF: APP/X5990/V/22/3301508

27th September 2022

CONTENTS

1.	INTRODUCTION	3
2.	THE PROPOSAL	3
3.	POLICY AND GUIDANCE FOR THE HISTORIC ENVIRONMENT	4
4.	ASSESSMENT OF HERITAGE ASSETS AND THEIR SIGNIFICANCE	4
5.	IMPACT OF THE PROPOSAL ON HERITAGE ASSETS	11
6.	COMPLIANCE WITH NATIONAL AND LOCAL POLICY AND GUIDANCE	18
7.	BALANCING HARM AGAINST PUBLIC BENEFITS	20
8.	ALTERNATIVE OPTIONS FOR THE SITE	23
9.	SUSTAINABILITY	26
10.	OVERALL PLANNING BALANCE AND CONCLUSIONS	29
11.	LETTER OF APPOINTMENT	31

1. INTRODUCTION

- 1.1 My name is Alec Forshaw. I am a member of the Institute of Historic Building Conservation and the Royal Town Planning Institute. I worked in the Planning Department of the London Borough of Islington from 1975-2007, initially as an Urban Design Officer, and from 1988 until my retirement in 2007 as Principal Conservation and Design Officer. I sit on Islington's Design Review Panel. Since 2007 I have been involved in various major public inquiries, including Smithfield Market, the Liverpool Welsh Streets, Anglia Square, and Custom House, as a heritage and planning witness.
- 1.2 I am acting on behalf of SAVE Britain's Heritage which has registered as a Rule 6 Party at this Public Inquiry, and I understand my duties as an independent expert witness. This evidence has been prepared in accordance with the guidance of my professional institutions and the opinions expressed are my true professional opinions.
- 1.3 SAVE Britain's Heritage submitted written objections to the planning application for the demolition and redevelopment of the Nos 456-472 Oxford Street. It urged the City of Westminster to refuse planning permission for the proposed development on the grounds of unacceptable harm to heritage assets and inconsistency with policies and guidance with respect to climate change and achieving a net zero economy. SAVE regretted the Council's resolution on 23rd November 2021 to grant planning permission, but welcomes the Secretary of State's decision to call in the matter for Public Inquiry.
- 1.4 SAVE has a long track-record of campaigning to protect Britain's historic environment. SAVE is non-statutory organisation and receives no government funding. Given its limited resources, SAVE selects very carefully the cases it chooses to comment on, and even more so those it decides to pursue at public inquiry. However, such is the national as well as local importance of this case that SAVE has applied for, and been granted, Rule 6 status so that it can put its case in full to the Inquiry.
- 1.5 The Secretary of State indicated in his letter of 20th June 2022 that he wished to consider various aspects at the Inquiry, namely:
 - The extent to which the proposed development is consistent with Government policies for conserving and enhancing the historic environment in NPPF
 - The extent to which the proposed development is consistent with the development plan for the area
 - Any other matters the Inspector considers relevant
- 1.6 My Proof of Evidence covers heritage and townscape issues, as well as the overall planning balance. In the latter, I will draw upon the evidence of Mr Simon Sturgis and Ms Julie Godefroy in relation to sustainability and climate change.

2. THE PROPOSAL

- 2.1 The proposal comprises the demolition of all the existing buildings on the site and the construction of a ground plus nine storey mixed use building containing retail, café/restaurant, office and gym, new pedestrian arcade, public realm and associated works at Nos 456-472 Oxford Street. The development also includes a two-storey basement across the whole of the site. The existing premises contains 34,837 square metres of retail and 754 square metres night

club, totalling 35,591 square metres. The proposal has 13,653 square metres retail, 45,621 square metres of office, 1,216 square metres of gym and 287 square metres of café/restaurant, giving a total of 60,777 square metres of accommodation.

- 2.2 Overall the proposal results in an increase of 25,186 square metres over the existing, an increase of 71%. In volumetric terms the increase is greater owing to the higher floor-to-floor heights within the proposed new building compared to the existing.

3. POLICY AND GUIDANCE FOR THE HISTORIC ENVIRONMENT

- 3.1 The following sources are relevant to the consideration of this case:

- Planning (Listed Buildings and Conservation Areas) Act 1990
- National Planning Policy Framework 2021; Section 12 deals with ‘Achieving well-designed place’: Section 16 deals with ‘Conserving and enhancing the historic environment’.
- National Planning policy Guidance July 2019 provides advice and guidance on conserving and enhancing the historic environment relating to NPPF
- Historic England: Managing Significance in Decision-Taking in the Historic Environment (Good Practice in Planning Advice Note 2, 2015)
- Historic England: The Setting of Heritage Assets (Good Practice Advice in Planning Note 3, 2nd Edition 2017)
- English Heritage Conservation Principles, Policies and guidance 2008, reissued by Historic England 2015
- The London Plan 2021, particularly Chapter 3, Design, and Chapter 7, Heritage and Culture
- Westminster City Plan April 2021, particularly Policies 38, 39 and 40
- Westminster City Council Supplementary Planning Guidance:
 - Stratford Place Conservation Area Audit June 2008
 - Mayfair Conservation Area Directory 1998
 - Portman Estate Conservation Area Audit March 2003

4. ASSESSMENT OF HERITAGE ASSETS AND THEIR SIGNIFICANCE

- 4.1. A number of designated and non-designated heritage assets are directly or indirectly affected by the proposals, including their setting. Those heritage assets most affected are considered below, and their significance is assessed in line with the criteria identified in Annex 2 of NPPF, namely archaeological, architectural, artistic and historic interest. These categories broadly accord with those set out previously in Historic England’s Conservation Principles, namely evidential, historical, aesthetic and communal. Annex 2 also notes that significance derives not only from a heritage asset’s physical presence, but also from its setting.

Orchard House

- 4.2. Orchard House does not lie within a conservation area, nor is it a statutorily listed building, but nevertheless is agreed by all parties to be a non-designated heritage asset. What is not agreed is the value of its significance.
- 4.3. Orchard House is a speculative commercial building designed in 1929 by Trehearne & Norman, well-established architects already credited with a string of prestigious developments in London. When completed in 1930, Marks & Spencer leased the ground floor retail space, keen to gain a foothold in London’s West End. The upper floors were originally occupied by J.

Lyons & Company as their training centre. The success of M&S saw them open their Pantheon store in eastern Oxford Street in 1938, and subsequently expand into the whole of Orchard House when Lyons vacated. Further extensions to the north (23-24 Orchard Street 1968-70) and west (Neale House 1986) saw expansion of the Marble Arch branch to eclipse the size of the Pantheon store. The Marble Arch branch became M&S's flagship store.

- 4.4 The architectural merits of Orchard House have been very thoroughly researched and set out by several sources of expertise in architectural history, including the Survey of London, the 20th Century Society and Alan Powers, who is a leading authority on this period.
- 4.5 The Survey of London Volume 53, published in 2020, provides an unrivalled authoritative and factual history of the development and occupation of the site and its context (CD 6.43 – 6.49). As described on Page 3 of the Introduction Chapter of Volume 53 (CD 6.43), Orchard House falls within the period “lasting approximately up to the Second World War.... when leading shopkeepers believed they could use architecture to combine self-advertisement with a certain ideal of civic duty.”

Attention is drawn to the comments made by Andrew Saint, who was the main author and editor in charge of the authorship and production of Volume 53 of the Survey, in his letter to the Planning Inspectorate dated 11th August 2022 (see APPENDIX AF1 Page 26).

- 4.6 The 20th Century Society applied for listing, and its application letter provides a detailed assessment of the merits of Orchard House, as does its letter date 10th August 2022 to the Secretary of State (see CD 5.11 or APPENDIX AF1 pages 29-31).

Both the Survey of London and the 20th Century Society helpfully place Orchard House in its London-wide context, particularly that of its contribution to the ‘boulevard’ from Marble Arch along Oxford Street and High Holborn to the City. It is notable that in its long and distinguished history, Volume 53 of the Survey of London is the only one to focus on a single street, recognising the unusual importance of Oxford Street as an entity with a distinctive topography and character.

- 4.7 Alan Powers provided a very scholarly assessment of the architectural credentials of the building and its place in the development of the neo-Grec movement, as a transition between Classicism and Art Deco. It is a compelling essay and analysis of the significance of Orchard House in its context (see CD 5.12).
- 4.8 Based on these assessments I suggest that Orchard House possesses considerable architectural and historic interest, both in its own right and perhaps equally importantly to its heritage significance, because of its relationship with Selfridge's Building immediately to its east. While Orchard House might lack rarity, technical innovation, or spectacular architectural flamboyance, its location next to Selfridge's is a unique point of interest. The obvious visual interplay between the magnificence of one of London's greatest Beaux Arts buildings and the comparative deference and dignified austerity Orchard House is of considerable interest and importance.
- 4.9 In its letter of 26th October 2021, commenting on the planning application (APPENDIX AF2), Historic England states that ‘Orchard House contributes positively to the setting of Selfridge's, with which it has strong group value, owing to their stylistic similarities. Although Orchard House does not have the same flair or quality, it is essentially an evolved version of the same design principles, following the trend of simplifying classical detailing in favour of the steel frame behind.’

- 4.10 The decision not to add Orchard House to the statutory list, set out by Historic England in its Listed Advice Report dated 15th November 2021(CD 5.02), was based on established criteria which require a very high degree of selectivity when considering buildings dating from 1914 to the present day. The SAVE report *Departing Stores* published in April 2022 (APPENDIX AF3) highlights a number of inter-war department stores in provincial towns and cities that have high architectural and historic significance but are not statutorily listed. These include Stafford's, British Home Stores, the Co-operative Building and Wade's in Brighton, Shirers & Lances in Cheltenham, TJ Hughes in Eastbourne, Bon Marché and Owen Owen in Liverpool, the Mansfield & Sutton Co-operative Building, Griffin & Spalding in Nottingham, Debenham's in Taunton, and Beatties in Wolverhampton. Orchard House is in good company. The failure to meet Historic England's exacting criteria does not mean that Orchard House is not of considerable heritage interest and heritage significance. Indeed, I would venture to suggest that Orchard House has greater heritage significance than some statutorily listed buildings.
- 4.11 From a purely architectural and artistic point of view, the various items of decoration and embellishment, such as balconies and sculpture, that have been removed from the front elevation of Orchard House, and which apparently has detracted from its eligibility for listing, could quite easily be reinstated. Similarly, the arcaded ground floor on Orchard Street, which involved setting back the original ground floor frontage to protect pedestrians from road widening in the late 1960s, could be reinstated as original, particularly given that the vehicle highway is now to be reduced in width (something that the new development relies upon). New shopfronts which better reflect those of the originals could be put back.
- 4.12 In any event I would suggest that these details are something of a minor matter and should not distract from the fundamental merits of the building including its overall legibility, the strength of its architectural composition, its place in the transition of architectural style at the end of the 1920s, its deference to Selfridge's next door, its contribution to the townscape of Oxford Street as a whole, and to its value as a familiar landmark, long associated with a famous brand well-known to the wider community.
- 4.13 I strongly disagree with the planning officer's statement in the committee report (page 15) that alterations to the facades of Orchard House 'reduces any aesthetic benefit of their retention'.
- 4.14 Even allowing for the various embellishments that have been lost, the facades of Orchard House facing both Oxford Street and Orchard Street produce a handsome piece of urban architecture, made with high quality durable materials comprising Portland stone and metal windows and spandrels. The buildings appear to be in a reasonable and sound condition and has been well maintained.
- 4.15 In terms of historic significance, the splayed north-east corner of Orchard House, clearly visible on Orchard Street, marks the original entrance to Granville Place which ran right through from Portman Street to Orchard Street. The aerial photograph taken in 1937 shown in the applicant's DAS (CD 1.07A Page 31) clearly shows the original street layout and the surviving exposure of north-east corner of Orchard House is thus of historic as well as architectural interest.
- 4.16 The fact that the building construction was speculative, and that M&S did not originally occupy the whole building, but shared the premises with Lyons & Company, does not intrinsically reduce its historic interest. Indeed, this complexity possibly increases its interest to students of Oxford Street's retail history. To the less academically minded public, the whole building has a very long association with M&S, and thus a strong cultural significance. The early impact that M&S's occupation of the building had is evidenced by the visit of Queen Mary on 18th March 1932, described in charming detail in APPENDIX AF12.

- 4.17 It is curious that Orchard House does not lie within a conservation area, given the proximity of both the Stratford Place and Portman Estate Conservation Areas to the site. When the Stratford Place Conservation was extended in 1990 to include Selfridge's, almost as an outlier (see map at APPENDIX AF4), the officer committee report (CD 6.11 pages 53-59) makes no mention of Orchard House, or any consideration of its possible inclusion. Similarly, the extension of the Portman Estate Conservation Area in 1990 to include parts of Oxford Street/Marble Arch (CD 6.08 pages 53-65) makes no mention of any consideration of Orchard House as part of the process of assessing revised boundaries. Those pieces of work were, of course, done over thirty years ago, when Orchard House was only 60 years old and its extensions even newer. Westminster does not appear to have reviewed the boundaries since then.
- 4.18 Paragraph 5 of Historic England's Good Practice in Planning 2 (CD 6.39) notes that non-designated heritage assets include those that have been identified in a Historic Environment Record (HER), in a local plan, through local listing or during the process of considering the application. Orchard House has been considered by Westminster City Council only through the last circumstance. Paragraph 22 of GPA2 notes that an effective HER is likely to contain information on designated heritage assets, locally designated heritage assets, and other heritage assets with historic, architectural and artistic interest that are of local significance (including undesignated historic buildings, parks and gardens and historic places commemorating events and people).
- 4.19 WCC does not have a local list. I suggest that Orchard House would be a good candidate for inclusion were there to be one. WCC does, in its conservation area audits, identify unlisted buildings within conservation areas that contribute positively to their character and appearance, and such buildings may thus justifiably be counted as non-designated heritage assets. Outside CAs, as is the case with Orchard House, WCC has no apparent mechanism for identifying or evaluating the significance of non-designated assets.
- 4.20 Paragraph 39.28 of the WCC City Plan 2021 (CD 6.03) does state that 'we will work with our local communities and stakeholders to improve understanding of local heritage of interest and develop criteria to ensure a consistent approach is taken to the future identification and conservation of our local heritage'. It is not clear how far this has progressed, if at all. (As a comparison I cite the London Borough of Islington which has a long-established local list, with an inventory whereby entries are described in detail and graded A, B and C for architectural, historic and communal interest, and S for shopfronts).
- 4.21 Oxford Street itself is not a conservation area, a point perhaps of some regret that is made by Historic England in its letter of 26th October 2021 commenting on the planning application (APPENDIX AF2):
- "Oxford Street does not benefit from a continuous linear conservation area designation, which might have allowed for greater protection of this historic retail character".
- Nevertheless, Oxford Street, in its long stretch from Tottenham Court Road to Marble Arch, is greatly distinguished by its succession of fine 20th century multi-storey department stores, mostly clad in stone, mostly in a neo-classical style, most of five or six storeys, which act as regular landmarks along both sides of the street. They combine, in the words of Pevsner, to produce the effect of a flotilla, sailing majestically along the street (APPENDIX AF5). Orchard House is one of those great galleons.
- 4.22 In summary, I consider that although Orchard House has not met the criteria for statutory listing it nevertheless has a **HIGH** degree of significance as a heritage asset deriving from its historical and communal value. Architecturally and artistically, given the compromises that

have constrained its listed status, it is perhaps of **MODERATE** value, taken in isolation. However, its relationship and group value with Selfridge's adds greatly to its architectural presence and thus to its significance, as well as its contribution to the whole of Oxford Street.

Selfridge's Building, Nos 398-454 Oxford Street

- 4.23 Built in 1908, with various later alterations and extension, Selfridge's Department Store, was the height of technical innovation in its day, and remains one of London's grandest Beaux Arts buildings. Page 3 of the Introduction Chapter of the Survey of London (CD 6.43) describes it as "the grandest masonry shop frontispiece anywhere in the world". It is a Grade II* listed building, and of **HIGH** significance architecturally, historically, artistically, and also in terms of cultural or communal value. With its steel frame supporting a 21-bay giant order colonnade and its elaborate stone-cladding detail it is arguably the most iconic building in the whole of Oxford Street. As the dominant building in its immediate townscape, its setting is an important component of its significance, including its architectural relationship with its neighbours. Of all its neighbours, its relationship with Orchard House is the most intimate and striking.

Stratford Place Conservation Area

- 4.24 Stratford Place Conservation Area was first designated in 1968 and was extended in 1990 to include Selfridge's on Oxford Street. It is a designated asset of **HIGH** archaeological, architectural, historic and artistic significance. The Stratford Place Conservation Area Audit notes that Selfridge's is a major landmark building owing to its prominence and dominance in Oxford Street, that it is a key element in local views and that its setting needs to be respected. The view along Oxford Street towards Selfridge's from the east is identified as a key Local View in paragraph 4.68 and Figure 31 of the Audit (CD 6.11). Orchard House contributes to the background of this Local View.

Mayfair Conservation Area

- 4.25 Designated in 1968, and extended in 1974, 1979 and 1990, the Mayfair Conservation is of outstandingly **HIGH** heritage significance, in all respects under the NPPF criteria. It contains a remarkably high number of statutorily listed buildings (over 700).
- 4.26 The Mayfair CA Directory (CD 6.14) notes that the boundary of the Mayfair CA immediately adjoins other conservation areas in all directions except for a few very small areas north and south of Oxford Street. These exceptions, which include the application site, potentially need very special care to ensure that the setting of the Mayfair Conservation Area is protected.
- 4.27 The north part of the conservation area is characterised by a regular layout of grid-plan streets, where despite the variety of architectural styles, the building heights are generally uniform and related to the width of the street. Section 2 of the Directory notes the Key Features of the Mayfair Conservation Area, namely the consistency of height and plot widths, relationship to street widths and a harmonious palette of materials. The late-Victorian red-brick and terracotta buildings of Mount Street were noted in the 1968 designation report as being a distinctive element of the character of the conservation area. The same argument applies to the similar buildings on the west side of North Audley Street which were included in the 1979 extension to the conservation area.

Nos. 24-29 North Audley Street

- 4.28 Statutorily listed Grade II, this five-storey block of ground floor commercial premises, including the Marlborough Head pub at No.24, with flats above, was built in 1891-93. It was designed by Thomas and F.T. Verity for the Grosvenor Estate, in asymmetric Flemish style, with red brick and terracotta, but displaying elements of Arts and Crafts. The block has **HIGH** architectural significance, as an outstanding example of the genre. The roof form with turrets, gables and prominent chimneys is a key element of its architectural interest (see PHOTO 1). Nos 24-29 have group value with Nos 2-11 Green Street, multi-gabled red brick houses dating from 1891-95, designed by Maurice Hulbert and Balfour & Turner. South of Green Street, Nos. 30-42 North Audley Street are in similarly flamboyant style, by H.S. Legg, 1896-1906, but not listed.

Portman Estate Conservation Area

- 4.29 The Portman Estate Conservation Area was designated in 1967 and extended in 1979, 1983 and 1990, to include parts of Oxford Street.

The 1983 extension comprised the street block bounded by Portman Street, Portman Mews South and Granville Place, and was designated following redevelopment proposals to demolish Nos. 6-10 Portman Street.

- 4.30 The Portman Square Conservation Area Audit (CD 6.08) is an important document in assessing its significance as a designated heritage asset. Paragraph 2.9 stresses the highly disciplined hierarchical grid of streets, squares and mews that were laid out in the 18th century and paragraphs 3.5-3.11 explain how this hierarchy of plan form remains very important to the significance of the conservation area. Figure 3 of the Audit (APPENDIX AF6) shows the hierarchy of routes and spaces, indicating that Portman Mews South and Granville Place are secondary routes, coloured green.
- 4.31 The Audit also describes the architectural and historic characteristics of buildings within the area, and in Paragraph 3.20 notes the importance of mews within the area, with a lower scale of development, originally service roads supporting the activities in the principal properties. Paragraphs 3.38 and 3.39 note the importance of larger scale commercial development on Oxford Street and Portman Square, particularly the 1920s blocks by Messrs Joseph (including Hesketh House) with their stone detailing and giant classical columns, as well as the Mount Royal Hotel on Oxford Street (west of Portman Street) designed by Sir John Burnett, Tait and Partners in 1932-3. Paragraphs 3.43- 3.45 identify un-listed buildings of merit, shown on the map (APPENDIX AF7). These include Nos 1-7 Portman Mews South, Nos 11-25 Granville Place, Nos 7-10 Portman Street and Hesketh House, Portman Square (considered in greater detail in paragraphs 4.35-4.38 below).
- 4.32 Paragraph 3.52 of the Audit discusses the importance of Local Views. It notes that “due to the formal layout of the estate there are views along the principal north-south and east-west routes which are characteristic of the grid pattern. The relative openness of these contrasts with the many glimpsed views into the smaller scaled mews.”
- 4.33 Overall, the Portman Estate Conservation Area is a designated heritage asset of **HIGH** significance on all the basis of all four criteria set out in NPPF. It is considered that all those elements described above contribute to that significance.

No.10 Portman Street

- 4.34 Built in 1760, it survives as one of the few 18th century houses south of Portman Square to escape WW2 bombing and post-war development and retaining its original plan, staircase, internal fittings and joinery. It forms a cohesive group with Nos 7, 8 and 9 which are of the same date but rebuilt behind facades, and so unlisted. It has **HIGH** architectural and historic significance. It contributes, with its neighbours, to the significance of the Portman Estate Conservation Area.

Hesketh House, 43-45 Portman Square

- 4.35 Built in 1929 and designed by Messrs Joseph for the Portman Estate, Hesketh House 43-45 Portman Square is an impressive neo-classical block, forming a strong architectural corner to Portman Square and Orchard Street (see PHOTO 2). It also abuts the application site on Portman Mews South. With its harmonious combination of red brick and Portland stone it is the best preserved of the various blocks designed by Messrs Joseph in the vicinity. I would venture to suggest that, as with Orchard House, the massing, design and materials of Hesketh House is sympathetic to Selfridge's Building nearby. Hesketh House has **MODERATE/HIGH** architectural significance and **MODERATE** historic significance as a non-designated heritage asset.

Nos 11-25 Granville Place

- 4.36 The north side of Granville Place comprises a mid-19th century residential terrace, unlisted, but nevertheless an undesignated heritage asset that contributes positively to the character and appearance of this part of the CA. These eight houses, Nos 11-25, and now the Sussex Hotel (see PHOTO 3), were once part of a longer terrace running through to Orchard Street, part demolished for the extension of M&S and the construction of Nos 23-24 Orchard Street. The scar of demolition is still clearly visible on the truncated eastern flank elevation (see PHOTO 4). The terrace is specifically noted in Pevsner's *Buildings of England* for its projecting stuccoed porches (APPENDIX AF8). The roofs and prominent chimney stacks and square pots are also an important part of their character and appearance. The terrace has **MODERATE/HIGH** architectural significance as a non-designated heritage asset.

Nos. 7-9 Portman Street

- 4.37 Part of a group with No.10 of four 18th century houses, but unlisted because of substantial rebuilding behind their facades, these four-storey plus basement and mansard brick-faced buildings have **MODERATE/HIGH** architectural value and **MODERATE/HIGH** historic significance (see PHOTO 5).

Nos.1-7 Portman Mews South

- 4.38 No. 1 Portman Mews South, the Three Tuns public house, is a long-established mews hostelry whose existing building dates from the early 19th century. Three storeys plus mansard, it is architecturally plain, but the scale is entirely appropriate for the street (see PHOTO 6). As a traditional mews tavern it is an important survivor, noted in Pevsner's *Buildings of England* (APPENDIX AF8), as is a plaque to 'Rodney's Patent Concave Shoe', once the home of the Duke of Wellington's farrier. East of the pub, the recent rebuilding of No.7 Portman Mews South by Garnett Architecture for the Portman Estate in 2006, is a sensitively designed and scaled development which contributes positively to the character of the street (see PHOTO 7). The buildings are of **MODERATE** architectural interest, and the Three Tuns pub has **MODERATE/HIGH** historical and communal significance.

5. IMPACT OF THE PROPOSAL ON HERITAGE ASSETS

Demolition of existing buildings on the site

- 5.1 The application site comprises three buildings:
- Orchard House, built in 1929, designed by Trehearne & Norman
 - 23-24 Orchard Street and 10 Portman Mews South, built circa 1968-70
 - Neale House, built c.1986, designed by Seymour Harris Partnership
- 5.2 The demolition of Orchard House is strongly opposed by SAVE on heritage and townscape grounds (as well as sustainability grounds dealt with by other witnesses). As stated above, I consider that this non-designated heritage asset has a high level of significance in its own right, which will be totally lost in demolition.
- 5.3 As a minor detail it is noted that WCC's recommendation in November 2021 placed a condition requiring the salvage and reinstatement of the clock on the new building, but it is not clear how successful this might appear on the sharp right-angled corner as opposed to the existing splay.
- 5.4 Orchard House lies very close to three conservation areas and several statutorily listed buildings with which it has a long-standing relationship, in visual, architectural, historical and communal terms. Orchard House does not lie within a conservation area, somewhat oddly in my opinion given its obvious relationship with Selfridge's. However, that does not diminish its intrinsic architectural and historic interest, and its proximity to the Mayfair, Portman Estate and Stratford Place Conservation Areas almost inevitably means that its loss will affect their setting.
- 5.5 Orchard House, aside from its own individual architectural and historic interest, has an important and highly sympathetic relationship with Selfridge's immediately to its east. Both buildings benefit from the presence of the other. The loss of Orchard House will be a loss to the setting and hence to the significance of Selfridge's.
- 5.6 The demolition of Orchard House will also be a loss to the character and appearance of Oxford Street as a whole. Like several of its great department stores, Orchard House is a familiar landmark to the millions of people who visit the street every year, many of whom perhaps know little about architectural or historical details but who regard the building as part of the 'cherished local scene' (to use Historic England's phrase).

Many devoted customers of the M&S brand possibly regard it as iconic.

- 5.7 The splayed corner to Orchard Street, with its projecting clock and MICHAEL HOUSE sign, is a distinctive, elegant and unusual feature along the north side of Oxford Street. The similarly chamfered corner on the north-east corner of Orchard House marks the original junction of Granville Place with Orchard Street and is a significant clue to the incremental expansion of the M&S site (see PHOTOS 8 and 9). It is almost exactly opposite the original north corner and return of the Selfridge Building on the east side of Orchard Street.
- 5.8 I accept that there is no heritage case per se for retention of Neale House, which dates from the 1980s and was designed by Seymour Harris, although its scale and modelling fits comfortably into the existing townscape along the north side of Oxford Street. Architecturally it is undistinguished, a neutral foil to the grander presence of Orchard House next door and Portman House to its west.

- 5.9 Nos 23-24 Orchard Street was built in 1968-70 and designed by Lewis & Hickey, who were M&S's consultant architects. The planning officer's report is curiously inconsistent in its views about the merits of 23-24 Orchard Street. On Page 15 it states that "the architectural quality of 23-24 Orchard Street and 10 Portman Mews South is poor" while on Page 14 it is states that they are "of some visual and historic interest. The Orchard Street façade is simple and carefully detailed, and it typifies designs of its period".
- 5.10 I agree with the latter statement, and indeed would suggest that its podium and slab form is a sensitive and considered design. The upper floors are set back from the two-storey street frontage podium (providing space for the external seating area to the existing second floor café) and significantly cut back at the north and south ends to mark Portman Mews South and the original line of Granville Place (see PHOTOS 10 and 11), consequently exposing the north-east splayed corner and northern return elevation of Orchard House (PHOTO 12). The main Orchard Street elevation is largely stone, which is highly sympathetic in its context, occupying the gap between two non-designated heritage assets comprising Orchard House to the south and Hesketh House to the north (PHOTO 13), and with the designated heritage asset of Selfridge's diagonally opposite.
- 5.11 I would accept that the single storey extension of the podium across Portman Mews South is a somewhat heavy feature (although archway entrances to mews are not uncommon in London), but it gives the whole composition symmetry. The rear elevations are utilitarian dark brick and largely unrelieved by windows, but these are matters that could be remedied. The scale of the existing buildings on all their elevations is appropriate to their context.

Impact of the new building

- 5.12 The open letter of 18th May 2022 to the Communities Secretary, signed by leading figures in the world of architecture, property, heritage and the arts, was no doubt instrumental in triggering this public inquiry (APPENDIX AF9). The letter objects not only to the destruction of an elegant and important interwar building, and to the environmentally wasteful consequences of that, but also suggests that the new building will have a negative effect on Oxford Street and its wider West End neighbourhoods. This matter has also been raised by the Marylebone Association in its newsletter reports in December 2021 (APPENDIX AF10).
- 5.13 The Design and Access Statement of the applicant claims that the new building has been designed to be subservient yet complimentary with its neighbours. In my opinion it will be quite the opposite – highly competitive with its neighbours and very dominant in the townscape.
- 5.14 The proposal is considerably larger than the existing buildings on the site. It is noted from comments made to WCC during consultation on the planning application that SAVE is not alone in criticising the scale, bulk, massing and design of the proposed new building. To quote from the planning officer's committee report when summarising five individual consultation respondents (page 7):

"The proposal replacement is of middling quality and bland design. It does not make a positive contribution to the character of the area".

"The increase in height creates a bulky monolithic block radically disturbing the homogeneous line of sight on the northern side of Oxford Street".

"Any redevelopment should be within the height of the existing buildings. Additional storeys are not required to provide a retail environment that retains M&S presence as an anchor tenant on site".

- 5.15 It is my opinion that the proposed scale, bulk and massing is excessive for its context, not only greatly exceeding what is currently on site but rising considerably above its immediate neighbours and the surrounding area. While the increase in floorspace is from 35,591 square metres to 60,777 square metres the volumetric increase is even greater due to more generous floor-to-floor heights. As is pointed out by objectors, this additional floorspace is nothing to do with creating a better retail environment but is a result of new office content of 45,621 square metres on a site where none currently exists. There is, in fact, a very substantial reduction in existing retail space.
- 5.16 While detail design is partly a subjective matter, there are fundamental elements of the proposed design that appear incongruous.

The overall approach is to replace three separate buildings with one monolithic design, thus changing considerably the existing grain of the site. While it might be argued that Selfridge's building is equally large in terms of its frontage facing Oxford Street, its complex hierarchy of architectural composition, together with its abundant richness of detail convey something very different to the current proposal. Furthermore, the Selfridge's frontage to Orchard Street is much shorter than the proposed development. The combined frontages of the proposal to Oxford Street and Orchard Street reveal the true scale of the development, occupying a larger footprint than the original Selfridge's building. While Park House opposite is also a large footprint building with a long frontage to Oxford Street, it is also considerably shallower in depth than the proposed development. The long continuous frontage proposed to Orchard Street is without precedent. If Park House is being taken by WCC as a new standard for what is acceptable, or even desirable, in this part of Oxford Street, then it is worth recalling that Park House replaced a post-war development that contained a 16-storey tower, built 1962-69 and designed by Fitzroy Robinson (see CD 6.49 Page 6 of Chapter 22 of the Survey of London Volume 53). Nor is Park House universally welcomed; Page 57 of the Introduction to the Survey of London (CD 6.43) notes that "new buildings are brasher and glassier than ever and pay even less heed to their ambience, to judge by the elephantine Park House".

- 5.17 The oversailing projecting canopy or cornice of the proposal on the south and east elevations will be an extremely bold and prominent element of the design, far more forceful than the elaborately articulated cornices of Selfridge's. The canopy is also a whole storey higher than the main cornice of Selfridge's. The sharp corner proposed by the new design is also very different to the existing splay of Orchard House.
- 5.18 The repetitive rhythm of vertical brick piers also threatens to give the long street frontages a monotonous and overbearing presence.

There is a danger that the uniformity of the proposal on such a monumental scale will overwhelm its neighbours in all directions, including Selfridge's. In terms of materials and design there is little in the proposal that picks up on the local distinctiveness of Oxford Street, or indeed anywhere else in the immediate vicinity. The proposal is something that could equally well sit in Frankfurt, Berlin, Milan or Madrid.

- 5.19 While the projecting canopy is clearly a device, albeit a rather crude one, to limit the apparent height of the building, this only succeeds close-up. From views of any distance, including oblique views along Oxford Street, the four upper floors, piled in a ziggurat above the rest, will be extremely visible and form an alien feature in the townscape. There appear to be few precedents for this scale of development in buildings fronting directly onto Oxford Street. Whatever the merits of applying large amounts of high-level high-maintenance landscape planting to these upper floors, it will not reduce the widespread visual impact of this volume of development.

- 5.20 As a direct comparison between the existing Orchard House and the proposed new design I strongly disagree with the planning officer's statement on Page 15 of the committee report that "the architectural merit of the proposal is sufficient on its own to outweigh the loss of Orchard House".

This point will be further examined when considering public benefits.

Impact on the setting of Selfridge's and the Stratford Place Conservation Area

- 5.21 Selfridge's is probably the grandest and most famous building in the whole of Oxford Street. Whereas the existing Orchard House is comparatively modest, and deferential in its detail and articulation, the proposed new development threatens to out-compete Selfridge's, and in so doing to diminish the outstanding significance of the Grade II* building. Selfridge's also faces modestly scaled buildings opposite on the south side of Oxford Street, between Duke Street and North Audley Street, and on the east side of Duke Street, north of Oxford Street.
- 5.22 As stated above the scale of the proposed building is considerably bigger than Selfridge's. The prominent projecting canopy, for example, is significantly higher than the Selfridge's main cornice, as shown on the south elevation drawing 1827-PP-ZZ-XX-DR-A-11-0002, effectively a whole storey, or 4 metres, higher. Although the top four storeys of the proposal are set back behind the 6th storey projecting canopy, they will be clearly visible in a continuum of oblique views along Oxford Street from the west and the east and from North Audley Street where both Selfridge's and the new development can be seen together. These upper floors will rise above the existing cornice and parapets of Selfridge's which at present are seen against clear sky. It will have a harmful impact on the setting of the listed building.
- 5.23 These concerns are shared by Historic England who state in its letter:
"The new development is of an uncharacteristic scale and materiality, and of a particularly bold design. The strident cornice and three (in fact four) levels above present a cluttered roofline and would be visible in key views of Selfridge's. This would cause the proposals to distract from and diminish the latter's pre-eminence in the townscape, causing harm to its significance."
- 5.24 In my opinion the harm caused to the Grade II* Selfridge's building is less than substantial, but because the architectural significance of Selfridge's lies so much in its street presence, I consider that the degree of less-than-substantial harm is considerable, towards the middle-to-upper end of the scale.
- 5.25 Selfridge's lies within the Stratford Place Conservation Area, and the view along Oxford Street from the east is identified as a key Local View in its SPG (see para. 5.25 above), although the Planning Officer's Committee Report fails to mention this. I consider the proposal will harm this view, and thus harm the character and appearance of the conservation area.

This harm is less than substantial, towards the lower end of the scale.

Impact on the Mayfair Conservation Area and Nos 24-29 North Audley Street

- 5.26 There is a continuum of views from Grosvenor Square northwards up North Audley Street, from the pavements on both sides of the road and the carriageway. The fixed 'before' and 'after' views provided in the applicant's Heritage, Townscape and Visual Impact Assessment (HTVIA) go only a small way to demonstrating this. They also use a wide-angle camera lens that makes everything seem very distant, giving a different impression to what the human eye

perceives. I would urge the Inspector to look most carefully at this on a site visit. Even the close position shown in View10 of the HTVIA make the proposal seem distant, compared even with Pilbrow's own images of the scheme.

- 5.27 It should be noted that potential long views from the south and west side of Grosvenor Square are currently severely restricted by the multi-storey construction portacabins on the public highway associated with the conversion of the former American Embassy. It should also be noted that the scaffold and protective sheeting around Nos 22-23 Grosvenor Square on the west corner of Grosvenor Square and North Audley Street that were a particularly distracting feature in Views 11 and 12 of the applicant's HTVIA has now been removed. The consistent and harmonious nature of the scale of buildings on the west side of North Audley Street is now obvious. More up-to-date photographs are attached (see PHOTOS 14-20) to illustrate the continuum of views moving north from Grosvenor Square. PHOTO 21 shows the east side of North Audley Street looking north where Selfridge's appears as an entirely harmonious part of the townscape in the background. PHOTO 22 shows the existing consistent heights of Orchard House and Selfridge's, with Hesketh House beyond on the left.
- 5.28 North Audley Street is lined on both sides with fine historic buildings, all of a generally modest and consistent height. The west side possesses groups of distinctive late Victorian chambers of flats or offices over shops, designed for the Grosvenor Estate by T. & E. T. Verity in 1891-3, and by H.S.Legg 1896-1906. The red brick and pink terracotta elevations culminate in a picturesque array of gables, turrets, garrets and chimneys. These are currently silhouetted against the sky. The recent Park House development on south side of Oxford Street on the west corner of the junction with North Audley Street has a shallow curved roof which is deliberately swept back so as not to impinge on this delicate skyline.
- 5.29 The existing Orchard House, and the buildings to the north, including Hesketh House running up to Portman Square, terminate this view at an entirely appropriate and recessive scale. The proposed new building will, by contrast, form a highly dominant backdrop, considerably higher than Park House and Hesketh House, and will adversely change the character and appearance of North Audley Street for its full length. The suggestion on page 16 of the planning officer's report that the upper floors of the proposal will have little impact, because other nearby buildings are already as high, is completely misleading. The proposal is considerably higher than anything else in the immediate vicinity. There are in fact no equivalent tall buildings forming a backdrop to views from any of the streets running northwards out of the Mayfair Conservation Area towards the north side of Oxford Street and beyond. These streets include Swallow Passage, Harewood Place, Dering Street, New Bond Street, Woodstock Street, Sedley Place, South Molton Street, Davies Street, Gilbert Street, Binney Street, Duke Street, Lumley Street, Balderton Street, Park Street and Dunraven Street, along as well as North Audley Street. The proposal is atypical and will harm the character and appearance of the Conservation Area and the setting of the Grade II listed buildings within it.
- 5.30 This matter has been specifically referred to in Historic England's letter of objection:
- “There would be some harm to the Mayfair Conservation Area, particularly along North Audley Street, where the uncharacteristic scale and design of the new building would terminate views out of the conservation area, undermining its consistent historic character and scale.”
- 5.31 I consider this harm to be less than substantial, but because of the importance of North Audley Street and the continuum of views it affords out of the conservation area, I consider that it comprises a moderate-to-high degree of harm.

Impact on Portman Estate Conservation Area

- 5.32 Portman Mews South still retains a sense of its original function as a service street, even if the grand houses it once served on the south side of Portman Square have long disappeared. The group of three and four storey buildings on the south side, including the Three Tuns public house, contribute to the historic mews character (see PHOTO 6).
- 5.33 This group connects directly with No.10 Portman Street, which is statutorily listed Grade II, forming the south-east corner of the junction between Portman Mews South and Portman Street. No.10 Portman Street in turn is part of the group of four 18th century terraced houses comprising Nos 7-10 Portman Street.
- 5.34 The recent development of No.7 Portman Mews South has been designed to respect the scale of the street and its neighbours.

While the north side of Portman Mews South, including Hesketh House, comprise taller buildings, their upper floors, above four or five storeys, are set back so as to reduce their impact from street level.

- 5.35 The existing three storey flank north elevation of 23-24 Orchard Street, while of no architectural merit, is an appropriate scale for Portman Mews South. Similarly, the bridge across the street connecting with Hesketh House is only a single storey and subservient structure.
- 5.36 By contrast the ten-storey height proposed by the new development will represent a massive change of scale, resulting in a canyon effect at the east end of the street. While the top floor storeys of the proposed development step back from the street frontages on to Oxford Street and Orchard Street, attempting to show some deference to Selfridge's, this does not happen on the north or west facing elevations where nine storeys rise sheer from the street frontages, with only a very minor set-back for the tenth floor. The proposal makes no significant attempt to step back on upper floors and makes no concession to the scale of the mews streets to the rear.
- 5.37 The ground floor frontage of the proposed development on Portman Mews South is taken up almost entirely by a blank frontage of the new loading bay, presenting a hostile environment to the pedestrian.
- 5.38 As with North Audley Street, there is a continuum of views along Portman Mews South and Bryanston Street from the west that the images portrayed in the HTVIA fail to capture adequately. From the long view taken from Bryanston Street, west of Portman Street, looking down the full length of Portman Mews South, and including the statutorily listed No.10 Portman Street on the south corner with the Mews, the proposed development will form an incongruously high backdrop to the townscape.

The views illustrated by PHOTOS 23 and 24, taken from the pavement on the north side of Portman Mews South looking eastwards will be radically altered by the proposals. The setting of the listed building and the conservation area will be harmed by the scale of the proposed development. In my opinion this harm will be less than substantial, but nevertheless of very noticeable and unfortunate nature, of moderate-to-high importance.

- 5.39 South of Portman Mews South, the short street of Granville Place will also be adversely affected by the scale of the new building. The north side of Granville Place contributes very positively to the character and appearance of the CA. The roofs with their distinctive square chimneys and pots are visible against the sky. On the south side of Granville Place the upper

floors of Portman House are stepped back to reduce their impact and to respect the scale of the old houses opposite and the scale of the street.

- 5.40 While it is accepted that the architectural merits of the existing elevations of the application site fronting the end of Granville Place and its return to Portman Mews South are undistinguished, the three-storey scale at least does not compete with their neighbours. The sheer height of the proposal will be overwhelming.
- 5.41 The wide-angle lens used in View 14 of the HTVIA ‘before’ and ‘after’ views from Portman Street make the proposed development appear very distant, as if Granville Street were a very long street. The human eye will, I think, experience something very different (see PHOTO 25 taken with a 36mm lens). The HTVIA’s proposition in paragraph 9.167 that the greater massing of the proposal does not change the composition of the view is hard to comprehend. I consider that the new development will be highly dominant, and harm the setting of Granville Street. The less-than-substantial harm to this part of the conservation area will be towards the higher end of the scale.
- 5.42 Such is the scale of the proposed development that View 15 in the HTVIA, taken halfway down Granville Street, is unable to show the full height of the new building. View 16 focuses on the change in materials on the public highway and omits to show on the left any indication of the proposed new loading bay along the south side of Portman Mews South which will serve the whole development.
- 5.43 The planning officer’s brief conclusion on page 16 of the committee report that there will be no harm in heritage asset terms because it is happening in the context of similarly large-scale developments is completely unspecific and unjustified, and lacking any detailed analysis of the existing situation or reference to the Council’s SPG for the Portman Square Conservation Area.
- 5.44 There are important townscape views from the east side of Portman Square, looking south, from as far north as Baker Street, in a continuum down to Oxford Street itself, all unconsidered in the committee report. The interwar blocks on south and east side of Portman Square by Messrs Joseph contain elements of bold and impressive classical architecture. Built in 1929 these blocks are exactly contemporary with Orchard House and display considerable architectural and historical synergy. As shown on the applicant’s ‘existing elevation’ of Orchard Street, the existing main cornice of Orchard House precisely aligns with that of Hesketh House. Hesketh House forms the north side of Portman Mews South and directly adjoins the application site with its bridge across the Mews.
- 5.45 The existing eastern elevation of Orchard House relates well to the neo-classical language and scale of Hesketh House, separated by the subordinate massing of 23-24 Orchard Street. By contrast, the height and design of the proposed new building will be completely at odds with this existing harmonious townscape. While View 7 in the HTVIA has been positioned to minimise the visibility of the top four floors, I suggest that they will be clearly seen from most of this stretch of Orchard Street and Portman Square, rising above Hesketh House. I consider that the proposal will cause a moderate degree of less-than-substantial harm to this part of the Portman Estate Conservation Area.
- 5.46 Cumulatively I consider that, overall, the proposals cause a moderate degree of less-than-substantial harm to the Portman Estate Conservation Area.

6. COMPLIANCE WITH NATIONAL AND LOCAL POLICY AND GUIDANCE

- 6.1 Section 12 of NPPF considers how development should achieve well-designed places. Paragraph 130 sets out various criteria. I consider that the proposed development does not meet the requirements of the first four of these:
- It will not add to the overall quality of the area
 - It is not visually attractive as the result of good architecture
 - It is not sympathetic to local character and history, including the surrounding built environment
 - It does not maintain a strong sense of place
- 6.2 Section 16 of NPPF considers conservation of the historic environment. Paragraph 189 notes that “Heritage assets range from sites and buildings of local historic value to those of the highest significance... These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life for existing and future generations”.
- 6.3 Paragraph 192 requires local planning authorities to maintain or have access to a historic environment record (HER) which should contain up-to-date evidence about the historic environment in their area and be used to assess the significance of heritage assets and the contribution they make to the environment. The weakness of Westminster’s HER has been explained in paragraphs 4.18-4.20 above. In my opinion the significance of Orchard House as a heritage asset has been underestimated by WCC, partly because it has not focussed on undesignated heritage assets as part of its established HER.
- 6.4 Paragraph 197 asks local planning authorities to take into account, when determining applications:
- 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
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- I consider that WCC has not considered these requirements adequately.
- 6.5 Paragraph 199 requires, when considering the impact of a proposal on the significance of a designated heritage asset, that great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be).
- 6.6 Paragraph 200 states that any harm to, or loss of, significance of a designated heritage asset (...from a development within its setting) should require clear and convincing justification.
- 6.7 Paragraphs 202 and 203 deal with the planning balance (see below)
- 6.8 The London Plan 2021 contains policies on design and heritage. Policy D1A3 requires an understanding of urban form and structure, including townscape, block pattern, urban grain, extent of frontages, building heights and density. Policy D3 requires (page 111) development to ‘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.’

In my opinion, for the reasons given above, the proposed development does not meet the intentions of these policies.

- 6.9 The London Plan 2021 also contains policies on heritage and culture. Policy HC1C states 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 impact 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 in the design process’.

In my opinion the proposals fail to comply with this policy.

- 6.10 The Westminster City Plan contains policies on Design and Heritage
- Policy 38 B1 states that all development will have regard to ‘the character and appearance of the existing area, adjacent buildings and heritage assets, the spaces around and between them and the pattern and grain of existing streets, squares, mews and passageways.’
 - Policy 39 B1 states that development must
 - ensure heritage assets and their settings are conserved and enhanced in a manner appropriate to their significance
 - secure the conservation and continued beneficial use of heritage assets through their retention and sensitive adaptation which will avoid harm to their significance while allowing them to meet changing needs and mitigate and adapt to climate change
 - place heritage at the heart of place making and good growth maintaining the unique character of our heritage assets and delivering high quality new buildings and spaces which enhance their settings.
 - Policy 39 K states that development will preserve or enhance the character and appearance of Westminster’s conservation areas.
 - Policy 39 R states that ‘Non-designated heritage assets (including local buildings of merit, archaeology and open spaces of interest within and outside conservation areas) will be conserved. When assessing proposals affecting non-designated heritage assets a balanced judgement will be made regarding the scale of the harm or loss of the asset and the benefit of the proposed development’.
 - Policy 40 A states that ‘Development will be sensitively designed, having regard to the prevailing scale, heights, character, building lines and plot widths, materials, architectural quality and degree of uniformity in the surrounding townscape’.

- 6.11 In my opinion the proposed development does not comply with these policies, because it involves
- a) the complete loss of a building possessing considerable heritage significance without clear and convincing justification
 - b) harm to the setting of nearby heritage assets by reason of the excessive scale, footprint, frontage, height, character, materials and architectural quality of the proposed replacement building.

- 6.12 WCC also has Supplementary Planning Guidance for its conservation areas. In my opinion the Planning Officer’s report to Planning Committee failed to consider in sufficient detail the adopted SPG for the Stratford Place, Mayfair and Portman Estate Conservation Areas. In my opinion the proposal harms the Local View of Selfridge’s Building from the east along Oxford Street. It harms the setting and context of the Mayfair Conservation. It harms the views down the secondary mews streets of Granville Place and Portman Mews South, all by reason of the loss of the existing building and by the scale, mass, height and bulk of the proposed new building.

7. BALANCING HARM AGAINST PUBLIC BENEFITS

- 7.1 In my opinion the proposals cause less than substantial harm to the significance of designated heritage assets, as detailed above for each of the assets. Overall I consider that cumulatively the degree of less-than-substantial harm is towards the upper end of the scale. Paragraph 202 of NPPF requires that this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. I am not convinced that the full range of alternatives have been explored for the development that would do less harm to the designated heritage assets whilst also providing the majority of the public benefits proposed.
- 7.2 Paragraph 203 of NPPF provides that, when considering the effect of an application on a non-designated heritage asset, a balanced judgement is required, having regard to the scale of any harm or loss, and the significance of the heritage asset.
- 7.3 A number of public benefits, including heritage benefits, are proposed by the applicant and the planning officer, which I assess below:

Heritage Benefits

- 7.4 It is accepted that there might be a modest heritage benefit in reinstating the original south elevation of Hesketh House where the bridge structure of Nos 23-24 Orchard Street spans across Portman Mews South. Something, of course, would have to be done if the bridge is demolished, and no doubt there are party wall matters at play here. Furthermore, any heritage benefit derived from improvement to the south elevation of Hesketh House will be offset by the canyon effect created by the scale of the proposed development opposite on the south side of Portman Mews, taller than Hesketh House. I do not consider that such repair or reinstatement work would in any way compensate for the heritage harm caused by the scheme as a whole or reduce the degree of less-than-substantial harm that I have identified above.
- 7.5 It is worth noting, that despite stated intentions to improve the environment of Granville Place no offer is being made to improve the truncated east flank of the Victorian terrace, an ugly feature that was created in the first place by the extension of the M&S store in the late 1960s.
- 7.6 I utterly refute any suggestion that the new development enhances the setting, and thus the significance of Selfridge's, and that by implication there is a heritage benefit from demolishing Orchard House.

Architectural Merits of the Proposal

- 7.7 The planning officer states on page 15 of the committee report that, notwithstanding the feasibility of retaining the existing facades of Orchard House, the architectural merit of the proposal is sufficient on its own to outweigh their loss. It implies that architectural design has been part of the officer's balancing exercise of weighing harm against benefits.

I would suggest that good design is a requirement of all developments and is not in itself a public benefit. It also suggests an inconsistency of approach in WCC between non-designated heritage assets within a conservation area, protected by Policy 39 L, and those outside a conservation area. Both appear to be covered by Policy 39 R. Good design on its own, I suggest, would not be a sufficient reason for replacing a non-listed building within a conservation area that contributes positively to its character and appearance. Under Policy 39 L only buildings of neutral or negative quality can be replaced by high quality new buildings.

The Regeneration of Oxford Street

- 7.8. In the wake of the Covid pandemic there is considerable debate about the future of the nation's retail high streets, not least Oxford Street. Having said that, the future face of Oxford Street has been a topic for discussion for rather longer, not least the different views about and options for constraining traffic and reducing pollution to make it a more attractive pedestrian environment. In terms of retail strategy, in the face of increased online sales, it seems clear that most of the long-established department stores require less retail floorspace on Oxford Street. This can release upper floors for other uses, but also raises questions about the need for a greater variety of uses at or near street level, to encourage more footfall and a wider range of visitors.
- 7.9 The application site is an unusually large one, even for Oxford Street. It is far from clear that the predominantly commercial office use proposed will provide the range of uses that might help to regenerate or future-proof Oxford Street. Will a very large new office use on the upper floors provide the seven-day-a-week injection of activity that Oxford Street probably needs? Would not some additional food/drink/leisure uses and perhaps some residential content on the top floors be a more desirable and flexible stimulus? The impact of the opening of the Elizabeth Line and its station at Bond Street is still uncertain but will surely improve the attraction of Oxford Street as a 'destination'.
- 7.10 It has been said that the western end of Oxford Street faces greater difficulties of regeneration than further east. M&S have stated that its Pantheon Store in east Oxford Street is now more successful than the Marble Arch flagship store. Without wishing to dwell on WCC's ill-fated adventure of the Marble Arch Mound, I would suggest this is largely a result of the very high traffic volumes that throttle and choke the section from Marble Arch to Orchard Street. It is only east of Orchard Street that there are traffic restrictions (buses, taxis and bicycles only, 7a.m. to 7p.m. Mondays to Saturdays) and where the vehicle carriageway width is generally narrower. Comprehensive redevelopment of the application site will not solve the existing situation on its own. Indeed, a long period of demolition and construction may further reduce the attraction of this part of Oxford Street. Without a serious reduction in pollution and traffic congestion there is little prospect of long-term improvement.
- 7.11 It is notable that several other former department stores along Oxford Street are being considered for retention and deep retrofit, rather than demolition and redevelopment. These include the following:
- 7.12 The John Lewis Building at Nos 278-306 Oxford Street has received planning permission to convert about half of its existing floorspace to offices, retaining just three floors of retail use. The proposal involves retention and adaptation of the existing unlisted building.
- 7.13 The flagship store of House of Fraser at No. 318 Oxford Street, built in 1937, formerly D H Evans, closed in November 2021, but consent has been granted for conversion into a mix of retail, offices, gym and roof top restaurant. The scheme will see £ 100 million investment by the new owners, Publica Properties Establishment, supervised by Andrew Davidson of PRP Architects, who describes the proposal as a 'once-in-a-hundred-year' transformation.
- 7.14 The former Debenhams' flagship store at No.334 Oxford Street is also to be refurbished and re-purposed by its new owner, Ramsbury Oxford Ltd. and architects AHMM, to provide a mix of uses.
- 7.15 Retaining and exploiting its heritage will surely be an important part in the strategy for increasing the attraction of Oxford Street to a local, national and international audience. I

would argue that the survival of Oxford Street's iconic retail buildings from the 20th century is crucial to its successful regeneration. It is what millions of visitors to London come to see. Orchard House is one of those. This sentiment is eloquently summarised in HOK's submission to Planning Inspectorate on 10th August 2022 (APPENDIX AF1 pages 17-18)

“Ridding Oxford Street of another prominent historic building would contribute to the wider erosion of the architectural language and distinct built heritage that helps make London so desirable”.

Retail provision

- 7.16 Given the limited amount of retail floorspace now required by M&S it is not clear how the proposed redevelopment, as opposed to the equivalent retention, refurbishment and refitting of the ground floor and basement for shopping, makes any real difference to the potential retail offer. M&S have indicated that were the development to go ahead they would relocate to another site for a period of about five years. Given that the alternative location for M&S will need to be a good one, for its business to survive, there must be a possibility that a further move back to the existing site will prove irksome, and thus will not happen. A carefully phased retrofit scheme might even enable M&S to retain a continuous presence on the site.

Office floorspace

- 7.17 The office element of the proposed development is speculative, with no stated pre-let. Its size has not, therefore been tailored to any particular requirement, but rather to seek the maximum amount that the applicant thinks can be achieved on the site. While it will undoubtedly contribute to Westminster's targets for office growth in the West End, this site is not critical to meeting that. A comprehensive retrofit scheme could also provide office accommodation on those floors no longer required for retail which, together with similar schemes elsewhere in Oxford Street described above, would contribute to WCC's targets.

Public realm

- 7.18 I accept that the proposal provides desirable improvements to the public realm but consider that equivalent improvements could equally be created in a retrofit scheme, including a new way through E-W from Orchard Street, and indeed a north-south route through from Oxford Street at the western end of the Oxford Street frontage to provide a pedestrian link to Granville Place at the rear, as well as improvements to Granville Place itself.
- 7.19 The original line of Granville Street from Orchard Street is already clearly apparent in the surviving splayed corner of Orchard House and its original north elevation, and the creation of an east-west route could enable the celebration of these original architectural features. If the whole of the existing ground floor footprint on Orchard Street is no longer required for retail, as in the proposed scheme, then a new east-west route through the existing building could serve to mark this separation.
- 7.20 In terms of other improvements on Orchard Street it is noted that regardless of the development WCC is proposing to remove one existing traffic lane on the west side of Orchard Street so that the pavement can be widened. It would therefore be possible to infill the existing arcade of the existing Orchard House if ground floor retail space was at a premium. Nevertheless, the arcade itself, if attractively lit and paved, is not an intrinsically undesirable feature. It provides shade from the sun and a degree of protection from the incessant traffic on the street. The worst

aspect at present of the arcade is the blank frontage and uninspiring shop window displays, entirely of M&S's own making.

- 7.21 Given the much higher pedestrian flows on Oxford Street, rather than Orchard Street, improved connection with Granville Place is likely to be most successful with the proposed north-south arcade at the western end of the site. This similarly could equally easily be created through the existing Neale House building as through a redevelopment.
- 7.22. In terms of improvements to Granville Place itself the replacement of existing tarmac with granite setts or cobbles could be done in a retrofit scheme, particularly as this is public highway. Nothing, incidentally, is being done to repair the ugly scar of the eastern flank elevation of the 19th century terrace, demolished in the late 1960s. Moreover, the potential for major improvements is perhaps limited given that the majority of the south side of Granville Place is taken up by the loading bays and ventilation plant of the rear of Portman House, which significantly detracts from the environment of the street. Amelioration of this is beyond the scope of the application, but failure to do so may compromise the attractiveness of the proposals.
- 7.23 The applicant places considerable emphasis on the merits of the small pocket park at the eastern end of Granville Place. I would suggest that its attractiveness might be compromised by the overwhelming scale of the new development directly abutting it. There is no reason why a retrofit scheme could not provide an equivalent area of public open space if it is deemed by WCC to be desirable in this location, and with a more modest and human scale of building enclosing it.
- 7.24 If the loading requirement for the retail are being relocated away from Granville Place in redevelopment, so too they could be in retrofit. The appearance of the existing building with its blank facades and roller shutters onto Granville Place could be improved. One imagines that a much-reduced retail elements may have less loading requirements than existing, although it is accepted that other new uses on the site such as offices will have their own loading requirements.
- 7.25 The existing Portman Mews bridge could also be removed if desired as part of a refurbishment scheme, with the modest loss in floorspace replaced by extensions elsewhere.
- 7.26 Street tree planting or other greening of the pavements and public highway is within the ambit of WCC, and such improvements could equally be provided in a retrofit scheme as a redevelopment. The greenery proposed to the upper four levels of the proposal is high-level and high maintenance and while it will be visible it will have little ecological impact on the pedestrian environment in Oxford Street or Orchard Street.

8. ALTERNATIVE OPTIONS FOR THE SITE

- 8.1 Paragraph 26 on page 8 of Historic England's Good Practice in Planning 2 states that, in assessing proposals:
- “Successful sustainable development achieves economic, social and environment gains jointly and simultaneously through planning decisions. If there is an apparent conflict between the proposed development and the conservation of a heritage asset then the decision-maker might need to consider whether alternative means of delivering the development benefits could achieve a more sustainable result, before proceeding to weigh benefits against harm.”

- 8.2 The Planning Officer's committee report states on page 15 that facade retention of Orchard House is feasible, although the applicant does not wish to follow this course. There does not seem to be any dispute that some form of retrofit might be feasible. While it is contended by the applicant that the existing buildings are no longer suitable for their current purpose, no evidence has been put forward that the existing buildings were constructed with a specific or limited lifespan in mind. There is no suggestion that the existing buildings are in a particularly poor or dangerous condition. The buildings are all in use.
- 8.3 The reasons put up for why façade retention would be unsatisfactory appear feeble. It is implied that any retrofit scheme would not be able to retain the existing floors levels, and that new floors levels would be incompatible with the existing elevations, but no good reason is given for why this is inevitable.
- 8.4 Section 1.10 of the applicant's Design and Access Statement considers the limitation of the existing buildings, matters that are repeated and expanded upon in Mr Pilbrow's response, dated 4th April 2022, to Simon Sturgis's report for SAVE of January 2022. He states that the three existing buildings on the site are poorly interconnected, and that "the existing constrained and discontinuous floor levels will circumscribe the quality and flexibility of refurbished space". It appears, however, that the floors between Orchard House and Neale House align completely on basement, ground, first, second and third floors. Those between Orchard House and the Orchard Street extension also align exactly on basement, ground and first floors. At second floor there is a 350 mm change in level, which is comfortably dealt with by a ramp within the existing retail layout. Mr Pilbrow's assessment that the existing store is "a confusing warren of dense structure and misaligned floors" seems an overstatement.
- 8.5 The applicant's DAS also states that the declining retail sales at Marble Arch contrast with resilient performance at M&S's Pantheon store at No. 173 Oxford Street. While this may be the case, I would suggest that the differing fortunes may be a reflection of location rather than the interior qualities of the two stores (see paragraph 7.10 above). Indeed, on inspection, the Pantheon store appears to have many similarities to the Marble Arch store, and certain disadvantages.
- 8.6 Like the Marble Arch store, the Pantheon is an amalgam of buildings and extensions from various periods (described in detail in CD 6.50 Pages 9-13 of Chapter 17 of the Survey of London Volume 53). Internally there is an equally dense structure of columns and pillars within the retail areas, and arguably a far more confusing layout in terms of the locations of staircases, escalators and lifts than the Marble Arch store. Access to the basement food hall from the right-hand side of the Oxford Street entrance is solely down a flight of stairs. Escalator or lift connection between ground floor and basement is located further back within the ground floor. The secondary entrance to the store from Great Marlborough Street is up a twelve-step staircase to the ground floor, with no direct way into the basement food hall from the pavement entrance. This is rather less conveniently arranged than the Marble Arch store, and yet has not apparently hindered the success of the store. While the Oxford Street frontage remains an impressive architectural statement, the disused eastern entrance now provides a long dead frontage to Poland Street.
- 8.7 In terms of re-purposing the existing buildings on the application site, Simon Sturgis addresses many of the issues raised by the applicant in section 11.4 of his evidence. The cross-section diagrams in 1.10 of the applicant's DAS show a mismatch in floor levels between the existing building and the proposals. However, this does not mean that the existing buildings are unusable; the existing floor-to-floor heights on basement, ground and first floors appear perfectly normal for retail use, while on upper floors they appear adequate for alternative uses. Potential issues such as asbestos removal are commonplace and routinely dealt with, in both refurbishment and redevelopment schemes. Although the existing buildings may currently

perform poorly in terms of energy use, such matters could be radically improved by triple glazing, internal wall insulation and a better roof.

- 8.8 I would suggest that there might be a wide range of options for dealing with the three existing buildings, as an alternative of comprehensive demolition and redevelopment. These might involve retention of existing structure, adaptation and upgrading, partial demolition (for example the bridge across Portman Mews South or the southern element of Nos 23-24 Orchard Street to expose the original north elevation of Orchard House and the reinstatement of Granville Place), coupled with extensions to provide additional accommodation where this will sit comfortably in the townscape and without harming the setting of adjoining heritage assets. On such a large site, with three buildings and a range of street frontages, there are many options for a variety of uses on upper floors, including residential as well as office.
- 8.9 The concept of retrofit is not a new one, but as Ian Ritchie eloquently puts it in his letter to the Planning Inspectorate on 2nd August 2022 (Appendix AF1 pages 24-25):
“At the beginning of this millennium, it became clear that retention of the fabric of buildings was becoming an imperative to reduce energy consumption, reduce material waste and reduce atmospheric carbon. It also serves to keep urban memories, through façades, but also to exploit the structure and internal volumes. Retro-fit, re-use and re-purposing buildings remain a vitally important challenge for architecture, especially the integration of up-to-date energy systems and sustainable performance.”
- 8.10 Similarly, Steve Tomkins, in his letter to the Planning Inspectorate dated 10th August 2022 (APPENDIX AF1 page 28) states that:
“458 Oxford Street is a handsome piece of urban architecture, made with high quality durable materials. It is a successful component of the wider streetscape and a familiar London landmark. For these reasons the building appears to be an entirely suitable candidate for deep retrofitting.”
- 8.11 Just as other redundant or under-used department stores in Oxford Street are being converted, so there are also examples elsewhere in London. The Department Store in Brixton has been admirably converted by Squire + Partners into flexible office, meeting and restaurant space. Also in Brixton, the Art Deco 1930s Ivor House has been transformed by Cartwright Pickard from the Co-op Store into commercial space and high-quality apartments (see APPENDIX AF1 page 18). Arding and Hobbs Store at Lavender Hill, Clapham, largely left empty by the collapse of Debenham’s, is being restored to its 1920s glory by new owners W.RE, with new ground-floor retail and a range of other uses above, including two additional storeys.

Jacob Loftus of General Projects is currently working on the restoration and retrofit of the former Woolworth HQ building on Marylebone Road. His commitment to and confidence in retrofit projects on a variety of sites across London is explained in his letter of 11th August 2022 to the Planning Inspectorate (APPENDIX AF1 page 16)

- 8.12 Across the UK there are many examples of former department stores being refurbished, repurposed, and reinvented, often by schemes involving deep retrofit. Rylands Building in Manchester, dating from 1930s, formerly occupied by Debenhams is being refurbished and extended by the developer AM Alpha (see APPENDIX AF1 page 21). SAVE’s Report *Departing Stores* (APPENDIX AF3) gives several other examples, including Bobby’s in Bournemouth (described in greater detail by the developer in APPENDIX AF1 pages 22-23). Similarly The Twentieth Century Society’s report *One Year On: C20 Department Stores Campaign Revisited* (APPENDIX AF11) details several case studies such as Hammond’s of Hull (formerly House of Fraser, now converted to food hall, bars, offices and roof-top restaurant), Binns of Edinburgh (formerly House of Fraser, acquired and converted by Diageo and reopened in September 2021 as the Jonnie Walker Visitor Experience, also described and

illustrated by Scott Lindsay on pages 14-15 of APPENDIX AF1), and Havens of Southend (converted by Age Concern into a high street hub for a variety of uses).

- 8.13 Given the wide number of precedents in London and elsewhere, and the variety of potential options, it is imperative that options and opportunities for conserving the heritage significance of the existing site of Nos 456-472 Oxford Street, combined with measures to maximise sustainability, are fully explored. I do not consider at this stage that this has been done.

9. SUSTAINABILITY AND CLIMATE CHANGE

- 9.1 Detailed evidence is being given by Simon Sturgis and Julie Godefroy on behalf of SAVE covering the issues of sustainability and climate change. However, as the planning witness I will apply the relevant policies to their evidence and also take into account any conflict with those policies in the overall planning balance.

The London Plan 2021 Policy D3 “Optimising site capacity through the design-led approach”

- 9.2 This policy (CD 6.02) provides that “all development must make the best use of land by following a design-led approach that optimises the capacity of site ... Optimising site capacity means ensuring that development is the most appropriate form and land use for the site”. The “design-led approach” requires “consideration of design options to determine the most appropriate form of development”, which involves considering what “best delivers the requirements set out in Part D”. Part D refers to a number of requirements, including for development to “aim for high sustainability standards (with reference to the policies within London Plan Chapter 8 and 9) and take into account the principles of the circular economy”.
- 9.3 The explanatory text for policy D3 at clause 3.3.12, p114 states: “Figure 3.2 shows a hierarchy for building approaches which maximises use of existing materials. Diminishing returns are gained by moving through the hierarchy outwards, working through refurbishment and re-use through to the least preferable option of recycling materials produced by the building or demolition process. The best use of the land needs to be taken into consideration when deciding whether to retain existing buildings in a development”. Figure 3.2 indicates the ‘Retain, Refit and Refurbish’ are the priority options.
- 9.4 For the reasons set out by Simon Sturgis and Julie Godefroy, the scheme is in breach of the requirements in policy D3 to make the “best use of the land” by failing to accord with the hierarchy of building approaches in figure 3.2. Demolition and re-building are not the “most appropriate form of development” on the site. For the reasons set out in relation to policies S12 and S17, the development does not deliver requirements D3(D)(13), which is to aim for high sustainability standards, taking into account the principles of the circular economy.

The London Plan Policy SI 2 “Minimising greenhouse gas emissions”

- 9.5 Alongside the requirement for major developments to be net zero carbon, part F of the policy requires that “development proposals referable to the Mayor should calculate whole-life cycle carbon emissions through a nationally recognised Whole-Life-Cycle Carbon Assessment and demonstrate actions taken to reduce life-cycle carbon emissions”. This is explained in the supporting text at para. 9.2.11, which provides that information on what assessments should contain will be set out in guidance.

9.6 The guidance is the London Plan Guidance on Whole-Life-Cycle Carbon Assessments (“LPG WLCA”) (March 2022) (CD 6.32). Table 2.1 of the LPG WLCA sets out the “WLC principles”, the first of which is entitled “reuse and retrofit of existing built structures”. The principle requires that the retention of existing built structures for reuse and retrofit should be “prioritised” before considering substantial demolition. Principle 16, named the “circular economy”, similarly focuses on the need to “reuse and retrofit existing buildings”. Section 3 of the LPG WLCA requires that “options for retaining existing buildings and structures have been fully explored before considering substantial demolition, including incorporating the fabric of existing buildings into the new development” (see e.g. paras. 3.2.1 and 3.2.2). Para. 3.1.3 provides (emphasis added):

“If substantial demolition is proposed, applicants will need to demonstrate that the benefits of demolition would clearly outweigh the benefits of retaining the existing building or parts of the structure. Retention should be seen as the starting point; this will usually be the most sustainable option as it can make an immediate contribution toward the Mayoral objective of London becoming a zero carbon city by 2030, as well as reflecting the need to both move towards a low-carbon circular economy (set out in Good Growth objective GG6 – Increasing efficiency and resilience) and to push development up the waste and energy hierarchies (see Policy SI 2 – minimising greenhouse gas emissions; and Policy SI 7 – reducing waste and supporting the circular economy).”

9.7 In my opinion, having regard to Mr Sturgis and Ms Godefroy’s evidence, M&S have failed to prioritise and fully explore options for retaining and retrofitting the existing buildings, and have failed to demonstrate that the benefits of demolition “clearly outweigh” the benefits of retaining the existing buildings. There has therefore been a breach of LPG WLCA and policy SI 2(F).

The London Plan Policy SI 7 “Reducing waste and supporting the circular economy”

9.8 Part A of this policy provides that “Resource conservation, waste reduction, increases in material re-use and recycling, and reductions in waste going for disposal will be achieved by the Mayor, waste planning authorities and industry working in collaboration to: 1) promote a more circular economy that improves resource efficiency and innovation to keep products and materials at their highest use for as long as possible; 2) encourage waste minimisation and waste prevention through the reuse of materials and using fewer resources in the production and distribution of products”. This represents a clear policy of prioritising reuse and resource conservation and waste reduction.

9.9 Part B of the policy requires referable applications to “promote circular economy outcomes and aim to be net-zero waste”, and the submission of a “Circular Economy statement”. Para. 9.7.1 of the supporting text explains what is meant by a “circular economy” and para. 9.7.3 explains that Mayoral guidance will be published on Circular Economy statements.

9.10 The guidance is the London Plan Guidance on Circular Economy Statements (March 2022) (“LPG Circular Economy”) (CD 6.30). Para. 1.1.3 provides that this document “includes guidance on how... prioritising the reuse and retrofit of existing structures ... can promote CE outcomes”. “Circular Economy design approaches” are introduced in section 2.3, which includes the same “hierarchy for building approaches” that is found in the supporting text to policy D3 of the London Plan 2021 (see above). The use of existing materials must be “maximised”: see para. 2.3.4. Section 2.4 deals with “Circular Economy design approaches for existing buildings”. Figure 4 explains that, if there is an existing building on site, consideration

should be given to whether it is “technically feasible to retain the building(s) in whole or in part”, and whether the “existing building, or parts of the building [is] suited to the requirements for the site”. If so, then retention and retrofit is the correct approach to take.

- 9.11 Para. 2.4.2 provides that “retaining existing built structures totally or partially should be prioritised before considering substantial demolition”. Para. 2.4.3 provides that “proposals that are further down the hierarchy will require more detailed and compelling justification”. Para. 2.4.5 provides that “applications should robustly explore the options for retaining existing buildings (either wholly or in part)”, and that “applicants should set out how the options for retaining and reconstruction existing buildings have been explored and discounted”.
- 9.12 For the reasons given by Mr Sturgis and Ms Godefroy, M&S have failed to “prioritise” retention and have not given the required “detailed and compelling justification” for demolition and re-build. There has been no “robust exploration” of options for retention. Accordingly, there has been a breach of the LPG Circular Economy, and a breach of Policy SI 7(A) & (B).

Westminster City Plan 2021 Policy 36 “Energy”

- 9.13 Policy 36(A) requires the Council to “promote zero carbon development” and “to minimise the effects of climate change”. Policy 36(B) requires all development proposals to “follow the principles of the Mayor of London’s energy hierarchy”. The supporting text to these policies states in para. 36.1 that “it is essential that developments utilise every opportunity to reduce emissions now to limit the extent of future climate change”. Para. 36.2 states that the Council supports “proposals that seek to sensitively refurbish or retrospectively improve the performance of current buildings to reduce their energy use and improve comfort. Interventions to upgrade historic buildings will be undertaken sensitively in recognition of their heritage value”.
- 9.14 For the reasons given by Mr Sturgis and Ms Godefroy, the scheme has not utilised every opportunity to reduce emissions, and has failed to properly consider a proposal for sensitive refurbishment and retrofitting of energy measures. The development therefore also fails to comply with Policy 36(A) & (B) of the WCC Plan.

Westminster City Plan Policy 38 “Design Principles”

- 9.15 Policy 38 sets out a number of “design principles”, requiring that “new developments will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster’s world-class status, environment and heritage ...”. Under part D of the policy, headed “sustainable design”, “development will enable the extended lifetime of buildings and spaces and respond to the likely risks and consequences of climate change by incorporating principles of sustainable design, including ... optimising resource ... efficiency”.
- 9.16 The supporting text to this policy at para. 38.11 states: “As new developments are large consumers of resources and materials, the possibility of sensitively refurbishing or retrofitting buildings should also be considered prior to demolition and proposals for substantial demolition and reconstruction should be fully justified on the basis of whole-life carbon impact, resource and energy use, when compared to the existing building. All development should ensure the reduction, reuse or recycling of resources and materials, including water and waste, and minimise energy use and emissions that contribute to climate change”.

- 9.17 For the reasons given by Mr Sturgis and Ms Godefroy, policy 38D is breached because the development does not adequately incorporate principles of sustainable design, including optimising resource efficiency, because the option of deep retrofit has been inadequately considered.

Westminster City Plan Policy 39 “Westminster’s Heritage”

- 9.18 Policy D39 provides at point B that “development must optimise the positive role of the historic environment in Westminster’s townscape, economy and sustainability”, which includes the need for securing “the conservation and continued beneficial use of heritage assets through their retention and sensitive adaption which will avoid harm to their significance, while allowing them to meet changing needs and mitigate and adapt to climate change”.
- 9.19 In the supporting text to this policy at para. 39.3, it states: “The retention, regeneration and reuse of our historic building stock can help in the fight against climate change by avoiding the higher carbon footprint associated with new construction, but to have a sustainable future, heritage assets also need to adapt to meet changing needs. There will also almost always be scope to find sensitive solutions to improve access to the historic environment and upgrade facilities and environmental performance”.
- 9.20 For the reasons given by Mr Sturgis and Ms Godefroy, policy 39B is breached because the development does not optimise the positive role of the historic environment in Westminster’s sustainability. There has been a failure to retain and sensitively adapt the existing buildings, and there is inadequate mitigation against climate change due to the carbon emissions associated with demolition and a new building, as opposed to pursuing a deep retrofit scheme.

Westminster City Council Environmental SPG (2022)

- 9.21 As explained in the evidence of Mr Sturgis, this document (CD 6.25) similarly contain policy promoting the circular economy and the retention and retrofitting of existing buildings before demolition is chosen as an option. For the reasons given in his evidence and that of Ms Godefroy, the SPD is not complied with due to the inadequate consideration given to the deep retrofit option.

10. OVERALL PLANNING BALANCE AND CONCLUSIONS

- 10.1 Historic England’s summary of its advice in its letter of 26th October 2021 to Westminster City Council stated that “Orchard House is a prominent non-designated heritage asset which contributes positively to the setting of Selfridge’s and the historic retail character of Oxford Street. The proposed redevelopment of the site would result in some harm to the setting of Selfridge’s and the Mayfair Conservation Area, through the loss of the building and the scale of its replacement. Historic England considers the proposed development to be a missed opportunity to retain, reuse and adapt the good quality elements of the site, which could represent a more sustainable form of development.”
- 10.2 I agree entirely with these comments. The demolition of Orchard House involves the total loss a non-designated heritage asset with high heritage significance. I do not consider that this has been afforded sufficient weight under Paragraph 203 of NPPF by Westminster City Council.
- 10.3 In addition, it is considered that the proposals cause harm to the setting of the designated heritage assets of Selfridge’s building and Stratford Place conservation Area, Mayfair Conservation Area and buildings in North Audley Street, Portman Square Conservation Area

and No.10 Portman Street and to the non-designated heritage assets of Hesketh House, Granville Place and Portman Mews South.

- 10.4 I suggest that the cumulative harm to designated heritage assets, whilst less than substantial, is considerable and must be given great weight. In my opinion this harm decisively outweighs the public benefits of the proposal. In addition, I consider that there are no overriding public benefits that could not be achieved by a less harmful scheme, in particular by a retrofit scheme. In my opinion the proposals fail the test posed by paragraph 202 of the NPPF.
- 10.5 I conclude that the proposals fail to comply with the provisions of NPPF and policies within the London Plan and WCC's Local Plan which protect the historic environment.
- 10.6 As summarised in section 9 above, the proposals also fail to comply with policies in the London Plan and WCC Local Plan concerning sustainability and climate change.
- 10.7 Overall, although the scheme complies with a number of development plan policies, the conflicts with policies relating to heritage and climate change/sustainability results in the scheme failing to accord with the development plan as a whole. While there are benefits to the scheme, the planning balance overall weighs against the proposal on account of the harms identified above. I conclude that there are no other material considerations that justify a departure from the development plan, and I therefore urge the Secretary of State to reject the current proposal and to refuse planning permission.

11. LETTER OF APPOINTMENT



Alec Forshaw,
Heritage & Planning Specialist,
49 Great Ormond Street
London
WC1N 3HZ

By email to: alecforshaw@blueyonder.co.uk

1st July 2022

Dear Alec,

M&S Public Inquiry - letter of engagement as a witness

I write to confirm your appointment as a witness on behalf of SAVE Britain's Heritage which is acting as a Rule 6 Party at the upcoming public inquiry into M&S Oxford Street (PINS Ref: APP/XS990/V/22/3301508).

The scope of engagement is focused on evidence pertaining to Heritage and Planning and includes the preparation of pre-inquiry evidence and witness representation and potential cross examination at the inquiry itself, which will run from 25th October until 4th November 2022.

We very much look forward to working with you on this project.

Yours sincerely,

A handwritten signature in black ink that reads "Henrietta Billings".

Henrietta Billings MRTPI
Director, SAVE Britain's Heritage