

# **Heritage Statement**

Seymour Leisure Centre, Seymour Place,  
London W1H 5TJ

June 2022



**Turley**

# Issue and Revision Record

Revision	Date	Description
D01	21/03/2022	Draft Issue
D02	06/06/2022	Revision following updated drawing pack
F01	15/06/2022	Final

# Contents

1.	Introduction	1
2.	Heritage Assets	3
3.	Heritage Significance	5
4.	Application Proposals and Heritage Impact Assessment	9
5.	Summary and Conclusions	15
Appendix 1: Historic England List Entry		16
Appendix 2: Planning Legislation and Policy		20

**Client**

Vital Energi

**Our reference**

VITH3000

June 2022

# 1. Introduction

- 1.1 This Heritage Statement has been prepared by Turley Heritage on behalf of Vital Energi ('the applicant') to provide relevant and proportionate information to the local planning authority with regard to the heritage impacts associated with the installation of a pool cover on the main pool at the Seymour Leisure Centre, Seymour Place, London W1H 5TJ ('the Site'), which is statutorily listed at Grade II.
- 1.2 This Heritage Statement should be read in conjunction with the Design and Access Statement and drawings prepared by Vital Energi included within this application.

## Legislative and Policy Context

- 1.3 The requirement for this report derives first from the Planning (Listed Buildings and Conservation Areas) Act 1990 that places a duty upon the local planning authority in determining applications for development affecting listed buildings to have special regard to the desirability of preserving the building or its setting.<sup>1</sup>
- 1.4 The National Planning Policy Framework (NPPF or 'the Framework') 2021 provides the Government's national planning policy on the conservation of the historic environment. In respect of information requirements for applications, it sets out that:

*"In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."*<sup>2</sup>

- 1.5 Paragraph 195 then sets out that local planning authorities should also identify and assess the particular significance of heritage assets that may be affected by proposals. They should take this assessment into account when considering the impact of proposals in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

## Structure of this Report

- 1.6 In accordance with these legislative and policy requirements, **Section 2** of this report firstly identifies the relevant heritage assets that would be affected by the development proposals.

---

<sup>1</sup> HMSO, Planning (Listed Buildings and Conservation Areas) Act 1990.

<sup>2</sup> National Planning Policy Framework (NPPF) 2021 – paragraph 194.

- 1.7 To establish a shared understanding of the historic context of the Site, **Section 3** then provides a description of the special interest of the Grade II Seymour Leisure Centre, consistent with relevant best practice<sup>3</sup>.
- 1.8 **Section 4** describes the application proposals and assesses the heritage impacts of the scheme design. This is undertaken in light of the assessment of the significance of the listed building, as well as in compliance with the relevant heritage legislation and national and local policy context regarding development affecting heritage assets.
- 1.9 **Section 5** completes this report with a summary of the findings of this heritage impact assessment of the proposed scheme design, and also its conclusions.
- 1.10 The details of the list entry for the Seymour Leisure Centre are reproduced in **Appendix 1. Appendix 2** provides a full review of relevant legislative and policy context.

---

<sup>3</sup> Historic England: Advice Note 12: Statements of Heritage Significance 2019

## 2. Heritage Assets

### Introduction

- 2.1 The National Planning Policy Framework (NPPF) updated 2021 defines a heritage asset as:

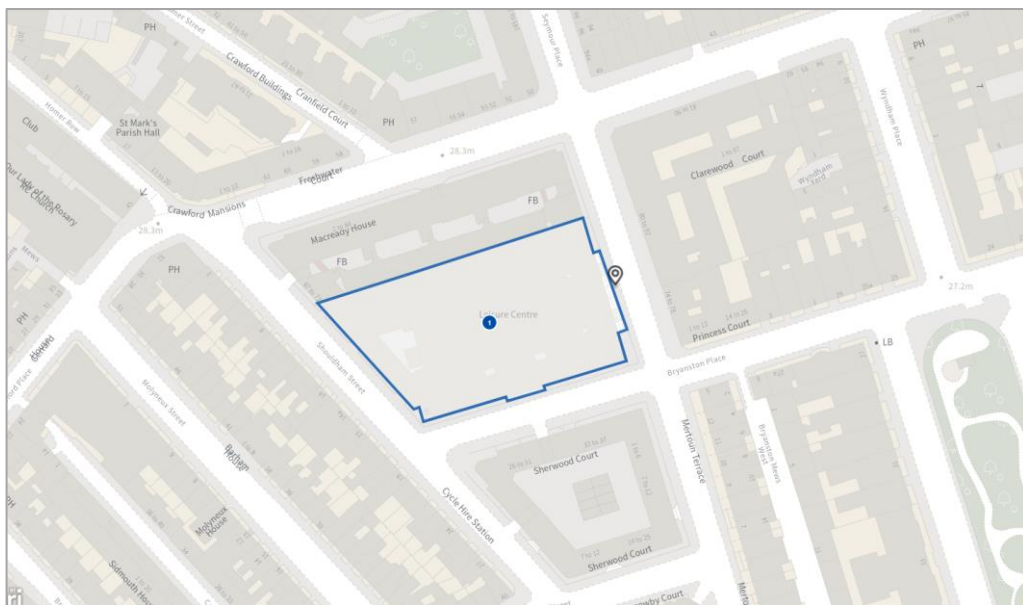
*“A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).”<sup>4</sup>*

### Designated Heritage Assets

- 2.2 Designated heritage assets are those which possess a level of heritage interest that justifies designation under relevant legislation and are then subject to particular procedures in planning decisions that involve them.

### Listed Buildings

- 2.3 Seymour Leisure Centre (**Figure 2.1**) was added to the statutory list of buildings of special architectural and historic interest on 22<sup>nd</sup> March 1989. The list entry is reproduced in **Appendix 1**.



**Figure 2.1: Map illustrating the location of Grade II Seymour Leisure Centre**

- 2.4 There are a number of listed buildings in the wider townscape surrounding Seymour Leisure Centre, however, it is our assessment that because the proposals are internal and will not change the external appearance of the building, they would not affect the significance of any surrounding listed buildings and, as such, they will not be assessed further as part of this report.

<sup>4</sup> National Planning Policy Framework (NPPF) 2021 - Annex 2: Glossary

### **Conservation Area**

- 2.5 Seymour Leisure Centre is not located within a conservation area however it is located immediately adjacent to the Portman Estate Conservation Area, the boundary of which runs along Crawford Street and Seymour Place, and the Molyneux Street Conservation Area, the boundary of which runs along Shouldham Street. Given that the proposals only include internal works, which will not be externally visible, there will be no impact on either conservation areas' overall character or appearance arising from the proposals. Therefore, the Portman Estate Conservation Area and the Molyneux Street Conservation Area have been scoped out of the following assessment.

### **Non-Designated Heritage Assets**

- 2.6 The NPPF<sup>5</sup> identifies that heritage assets include both designated heritage assets and assets identified by the local planning authority (including local listing). Westminster City Council does not maintain a register of unlisted buildings of local architectural or historic interest or "local list", and, as such, non-designated heritage assets are not considered further in this report.

---

<sup>5</sup> National Planning Policy Framework (NPPF) 2021 – Annex 2: Glossary

## 3. Heritage Significance

### Introduction

- 3.1 The NPPF 2021 defines the significance of a heritage asset as:

*“The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.”<sup>6</sup>*

- 3.2 Historic England has published general guidance with regard to the preparation of statements of heritage significance, and how the proper analysis of the significance of heritage assets should be used to inform an assessment of impacts on that significance as a result of proposed change / applications.<sup>7</sup>
- 3.3 Historic England has also has provided further guidance in the past for their staff (and others) on their approach to making decisions and offering guidance about all aspects of England’s historic environment.<sup>8</sup> This provides advice on how to assess the contribution of elements of a heritage asset, or within its setting, to its significance in terms of its “heritage values”. These include: evidential, historical, aesthetic and communal. This supplements the established definitions of heritage significance and special interest set out in founding legislation and more recent national planning policy and guidance / advice.

### Listed Buildings

- 3.4 Listed buildings are designated heritage assets that have special architectural or historic interest that are, for the time being, included in a list compiled or approved by the Secretary of State under Section 1 of the Planning (Listed Buildings & Conservation Areas) Act 1990; for the purposes of that Act. The principles of selection for listed buildings are published by the Department of Culture, Media and Sport and supported by Historic England’s Listing Selection Guides for each building type.<sup>9</sup>

### Assessment

- 3.5 The following section provides a proportionate statement of significance for the Seymour Leisure Centre, the significance of which would be affected by the proposals. That assessment of heritage significance is undertaken on the basis of published information, targeted historical research and on-site visual survey. The assessment is proportionate to the importance of the identified heritage assets and sufficient to inform the decision-making process.

---

<sup>6</sup> National Planning Policy Framework (NPPF) 2021 – Annex 2: Glossary

<sup>7</sup> Historic England: Advice Note 12: Statements of Heritage Significance 2019

<sup>8</sup> English Heritage (now Historic England) Conservation Principles: Policies and Guidance, 2008

<sup>9</sup> DCMS. Principles of Selection for Designating Buildings, 2018



## Seymour Leisure Centre

### Summary of Special Interest

- 3.6 Seymour Leisure Centre was constructed 1935–37, as a public baths and laundry complex, to designs by Kenneth Cross for St Marylebone Borough Council. It has historic interest as part of the inter-war civic provision in Westminster. Its architectural interest is primarily embodied in both its plan form and external elevations as well as the main (former) swimming pool. The building is organised around a ‘courtyard plan’ with the main (first-class) swimming pool at its centre (now a sports hall). The exterior elevations – purple brick with red window architraves and Portland stone dressings – have architectural interest due to their Renaissance ‘palazzo’ style.
- 3.7 Internally, the main (former) swimming pool is roofed over with reinforced concrete elliptical arches, supporting windows of stepped section. The list entry<sup>10</sup> states that this was “*directly derived from The Royal Horticultural Hall of 1927–28 but ultimately from European prototypes such as Freyssinet’s Orly Airport Hangers, 1921–3.*” The pool was also built so as to allow conversion into a cinema, sport or meeting hall and is surrounded by spectator galleries and a proscenium feature to one end.
- 3.8 The main swimming pool was converted into a sports hall and is no longer functions as a swimming pool. This change appears to have occurred in the early 1990s (after the list entry was written in 1989) and this is supported by a listed building consent application (ref. 94/07706/LBC) from 1994 for “*internal alterations at basement, ground & first floor to accommodate re-arrangement of sports facilities.*”<sup>11</sup> A subsequent planning application<sup>12</sup> (ref. 95/08323/COFUL) for the following year describes “*internal alterations to main hall*” suggesting this space was, by this time, in use as a sports hall rather than swimming pool. Although altered, the sports hall retains many of its principal historic elements including the vaulted structure, raised seating and former stage, which contribute to the heritage significance of the building (**Figure 3.1**).

---

<sup>10</sup> <https://historicengland.org.uk/listing/the-list/list-entry/1264003?section=official-listing>

<sup>11</sup> <https://idoxpa.westminster.gov.uk/online-applications/applicationDetails.do?keyVal=9407706LBC&activeTab=summary>

<sup>12</sup> <https://idoxpa.westminster.gov.uk/online-applications/applicationDetails.do?keyVal=9508323COFUL&activeTab=summary>



**Figure 3.1: Former main swimming pool at Seymour Leisure Centre**

#### **Significance of the Existing Swimming Pool**

- 3.9 The existing swimming pool is not located within the same space as the historic, main swimming pool, which is now a sports hall, as described above.
- 3.10 The existing swimming pool is both smaller than the converted sports hall and also much less architecturally ambitious (**Figure 3.2**). Although it shares some of the design features of the main hall – a curved, presumed reinforced concrete roof, a viewing corridor along one side – the space is more enclosed compared to the historic pool. The space has minimal architectural details and has been the subject of alterations, most notably the introduction of plant along the length of the space. In some areas the attractive terrazzo wall panels are cracked and generally in poor condition (**Figure 3.3**). Overall, this space, whilst being part of the original civic complex, has limited architectural interest in the context of the building as a whole.



**Figure 3.2: Existing swimming pool at Seymour Leisure Centre**



**Figure 3.3: Cracked terrazzo panel**



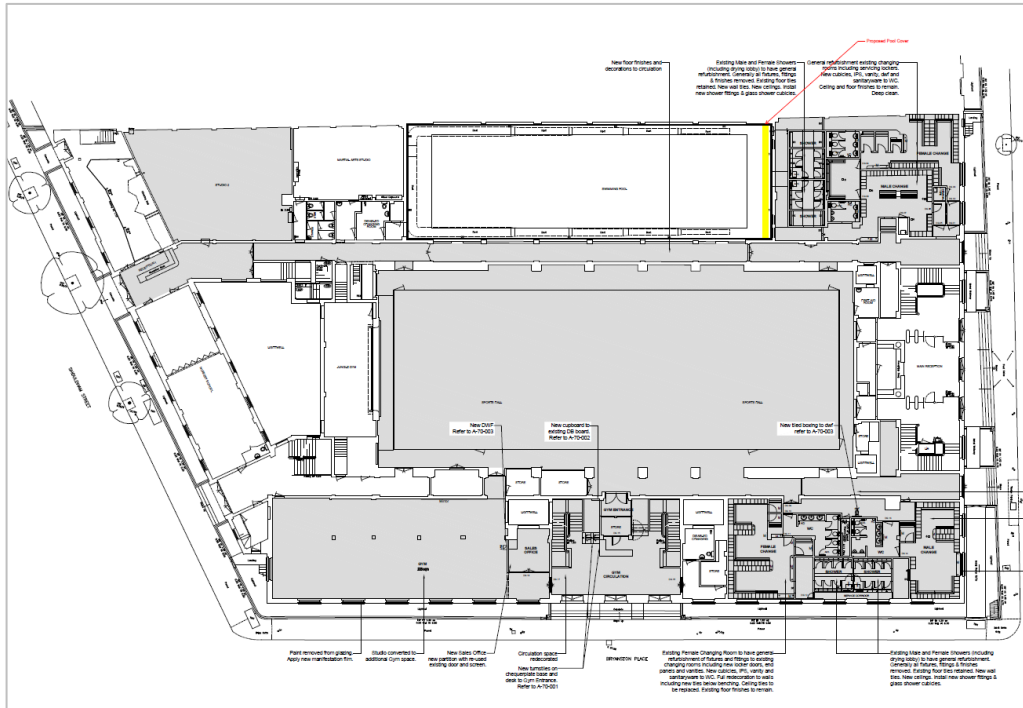
## 4. Application Proposals and Heritage Impact Assessment

### Introduction

- 4.1 In accordance with the requirements of the NPPF 2021, the significance of the identified heritage assets (**Section 2**), has been proportionately described in **Section 3**. This has been based on a review of published sources, desktop research and a site visit.
- 4.2 The relevant heritage legislative, policy and guidance is also set out in full at **Appendix 3**. This includes the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990, national policy set out in the NPPF 2021 and supported by the NPPG, and other local policy and guidance for development within the historic environment.
- 4.3 Together, these sections and appendices provide the appropriate context for consideration of the application proposals, and potential heritage impacts, by the local planning authority.

### Application Scheme

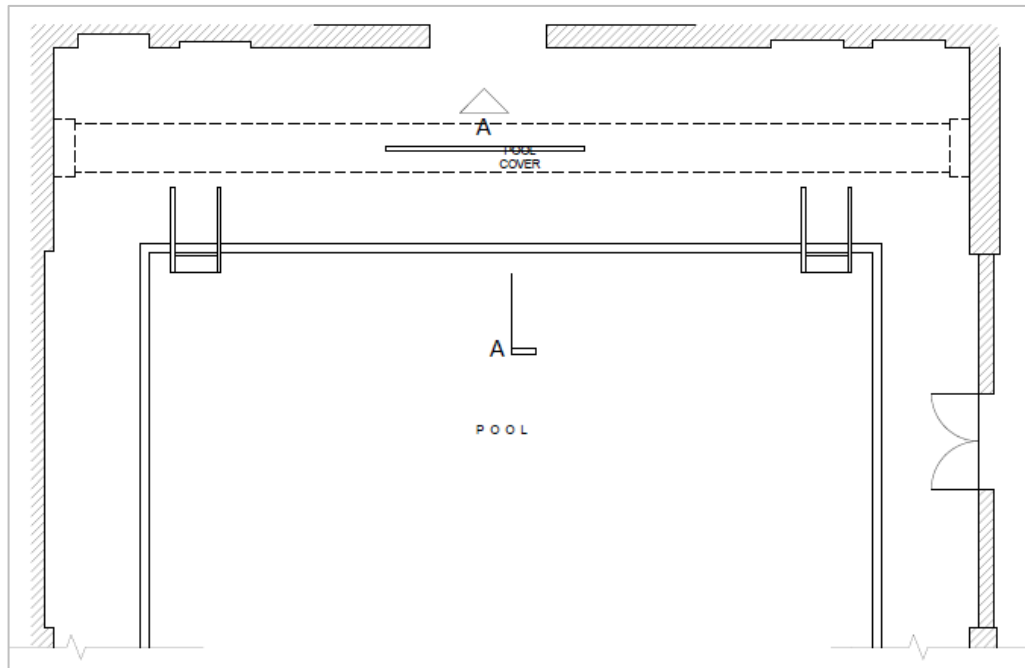
- 4.4 The full application pack provided by Vital Energi provides a comprehensive account of the proposals and should be read in conjunction with this Heritage Statement.
- 4.5 In summary, the application proposals comprise the installation of a wall-mounted, fixed pool cover to the existing swimming pool at the Seymour Leisure Centre (**Figure 4.1**). The pool cover will be located at the eastern (deep) end of the pool and will be elevated above the ground (**Figure 4.2**). This has been carefully designed following an assessment of feasible options within the pool.
- 4.6 This application is one of a number of measures being undertaken by Vital Energi as part of the Re:fit Partner bid framework agreement with Westminster City Council. The aim is to optimise the energy efficiency of selected premises and sites, improve the energy performance of its assets through measured and verified energy efficiency improvements and/or energy generation, reduce emissions and save money through cost avoidance associated with guaranteed kWh savings and/or income generation.
- 4.7 Westminster City Council have declared a Climate Emergency and are responding with vigour and pace to drive forward a comprehensive and robust programme of positive change in everything they do. Over the next decade and beyond, Westminster are determined to develop a comprehensive programme of activity to achieve their vision, so future generations are proud to call Westminster their home. The City Council has set out its aspiration to lead the way in tackling climate change within the 'Greener and Cleaner' priority of Westminster's 'City for All' vision, and has established an internal Climate Action Group, chaired by the Leader of the council, to provide oversight on the council's progress in responding to the climate emergency. It is our vision that Westminster become a carbon neutral Council by 2030 and a carbon neutral city by 2040.



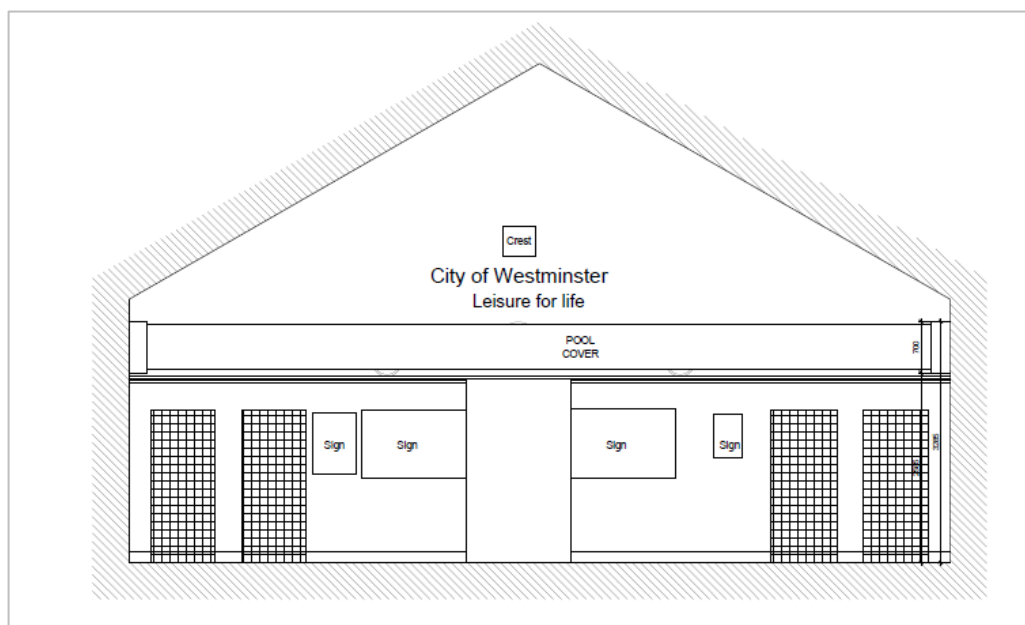
**Figure 4.1: Indicative plan of pool cover location (in yellow)**



**Figure 4.2: Visualisation of proposed pool cover at Seymour Leisure Centre**



**Figure 4.3: Proposed plan**



**Figure 4.4: Proposed elevation**

## Assessment of Built Heritage Impacts

### Grade II listed Seymour Leisure Centre

- 4.8 The proposals seek to install a wall mounted pool cover at the deep end of the swimming pool, located to the east. This will be fixed into the wall surface and there is potential that this will require fixings into the terrazzo panels (**Figure 4.5**). As noted in the assessment of significance (**Section 3**), this pool is secondary, of later date, and is of

limited heritage significance to the building as a whole. The intervention to install the pool cover will only affect a very small area of historic fabric and, due to the small scale, it is not considered to have an impact on its heritage interest.

- 4.9 The servicing will be installed along a short run below to an electricity cupboard in the adjacent corridor. This will be similar to existing servicing already located in the pool and corridor and is not considered to have an impact on any fabric of heritage interest.
- 4.10 Visually the pool cover will introduce a modern element into the swimming pool, however, the design and appearance of the pool is largely modern in character, dating from the late 20<sup>th</sup> century, which includes modern fittings, including the large air ducting surrounding the pool. The simple design is considered to be non-intrusive and has been design to integrate into the existing space. This has been achieved by setting the bar height in line with the datum of the terrazzo panels to the rear elevation (**Figure 4.2**). There will be some visual obstruction to the rear elevation, however, the pool cover will leave a clear circulation space surrounding it and will be separate from the main elements of architectural interest.
- 4.11 For the reasons outlined above, it is our opinion that the proposals will preserve the heritage interests, and significance of the listed Marshall Street Leisure Centre.



**Figure 4.5: Detail of existing wall location for wall mounted pool cover**

## Review of Heritage Legislation, Policy and Guidance

### Statutory Duties

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

- 4.12 In light of the relevant statutory duty of the Planning Act (s.66(1)), considerable weight and importance has been given to the requirement to pay special regard to the desirability of preserving the special interest and setting of a listed buildings as part of any application determination.
- 4.13 The installation of the proposed pool cover will only require a small scale physical intervention, being in a raised location, fixed to the wall. It has a considered design that visually integrates into the existing space. The location is within secondary pool that is considered to be of limited heritage interest to the building. As such, it is considered that the proposals preserve the special interest of the listed building as a whole.

#### ***NPPF 2021 (and NPPG 2019)***

- 4.14 In accordance with the requirements of paragraphs 194–195 of the NPPF, the significance (and also, where relevant, any contribution of setting to that significance) of the identified designated heritage assets has been described proportionately in **Sections 2 and 3** of this report.
- 4.15 The scheme proposals have taken account of the key principles set out in paragraph 197, which encourages the desirability of sustaining and also enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. It is demonstrated within this report that the proposals have been designed to sustain the listed buildings heritage significance whilst also improving its energy efficiency to maintain its long term viability. It is therefore considered that the proposals would have no impact on the heritage significance of the listed building.
- 4.16 Paragraph 199 requires that great weight should be given to conservation of designated heritage assets, where conservation is defined in Annex 2 of the NPPF as the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance. The application proposals will sustain the significance of the listed building, while delivering a substantial carbon saving. Accordingly, the proposals are in compliance with the requirements of paragraphs 197, 199 and 206 of the NPPF.
- 4.17 The NPPF sets out at paragraph 200 that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. However, it is our assessment of heritage impacts in this section that harm would not arise as a result of the scheme development overall. The further policy provisions or tests with regard to heritage harm (as set out in paragraphs 201-202) would therefore not apply.
- 4.18 Should it still be alleged by officers that the proposed development could result in a degree of harm to significance to a designated heritage asset or assets, it is our assessment that any such harm could only reasonably minor in the context of the particular heritage interests of the designated heritage assets identified. Any such alleged heritage harm would be ‘less than substantial’ as defined by the NPPF, and towards the very lower end of that spectrum or scale.



- 4.19 Paragraph 202 of the NPPF states that for cases of 'less than substantial' harm this should be weighed against the wider 'public benefits' of the development proposals. The term public benefit is defined in NPPG as anything that delivers economic, social and environmental progress as described in the NPPF. The proposals form part of a wider strategy to provide improved energy efficiency and enable more sustainably sourced energy usage on the site. This is in keeping with the wider planning objectives and ensures the continued viability of the building. In supporting the continued operation of the leisure centre the proposals present a clear benefit.
- 4.20 In terms of the NPPF as read as a whole, the benefits would need to out weight any alleged harm. As weighed in the planning balance, the benefits identified are considered to weigh favourably against any limited degree of perceived less than substantial harm, should it be identified.

***London Plan 2021***

- 4.21 In accordance with Policy HC1, this Heritage Statement and full application material demonstrate that the proposed scheme has sought to appropriately value and conserve the affected heritage asset. The application proposals have been developed to provide essential upgrades, to improve the sustainable energy provision and continued use of the listed building, while minimising removal of existing fabric and sustaining its overall significance.

***Westminster's City Plan 2019-2040 (Adopted April 2021)***

- 4.22 It is demonstrated in this report that the application proposals would sustain the heritage significance of the listed building. This is in accordance with Policies 38, 39 and 40 of the adopted Westminster City Plan 2019–2040.

## 5. Summary and Conclusions

- 5.1 This Heritage Statement has been prepared by Turley Heritage on behalf of the applicant to provide relevant and proportionate information to the local planning authority with regard to heritage impacts associated with the installation of a fixed pool cover to the swimming pool at the Seymour Leisure Centre, Seymour Place, London, a Grade II listed building.
- 5.2 In accordance with the requirements of the NPPF, the significance of the Grade II listed Seymour Leisure Centre has been described in this report (**Section 3**). Accordingly, the proposals has been informed by a clear understanding and appreciation of the significance and sensitivity of the listed building.
- 5.3 The installation of the proposed pool cover will only require a small scale physical intervention, being in a raised location, fixed to the wall. It has a considered design that visually integrates into the existing space. The location is within secondary pool that is considered to be of limited heritage interest to the building. As such, it is considered that the proposals preserve the special interest of the listed building as a whole.
- 5.4 The application proposals would preserve the special architectural or historic interest of the Grade II listed Seymour Leisure Centre (i.e. its significance would be sustained) and, therefore, meet the tests at Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; national policy set out in the NPPF 2021 (paragraphs 194, 195, 197, 199 and 206) and supported by the NPPG; and, local policy and guidance, including the London Plan 2021 (policy HC1) and the Westminster City Plan 2019-2040 (Policies 38, 39 and 40).

## **Appendix 1: Historic England List Entry**

## Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1264003

Date first listed: 22-Mar-1989

Statutory Address 1: Seymour Leisure Centre, Bryanston Place

Statutory Address 2: Seymour Leisure Centre, Seymour Place

The scope of legal protection for listed buildings

This List entry helps identify the building designated at this address for its special architectural or historic interest.

Unless the List entry states otherwise, it includes both the structure itself and any object or structure fixed to it (whether inside or outside) as well as any object or structure within the curtilage of the building.

For these purposes, to be included within the curtilage of the building, the object or structure must have formed part of the land since before 1st July 1948.

Location

Statutory Address: Seymour Leisure Centre, Bryanston Place

Statutory Address: Seymour Leisure Centre, Seymour Place

The building or site itself may lie within the boundary of more than one authority.

County: Greater London Authority

District: City of Westminster (London Borough)

Parish: Non Civil Parish

National Grid Reference: TQ 27481 81557

Details

TQ 2781 NW, NE 42/118 & 43/118 .

Bryanston Place Seymour Leisure Centre (includes Seymour Leisure Centre, Seymour Place)

GV II Public baths and laundry, now leisure centre. 1935-37, by Kenneth Cross for St Marylebone Borough Council. Purple brick with red brick window architraves and Portland stone dressings; gabled Spanish tile roofs; brick ridge stacks. "Courtyard plan" with first-class swimming pool to centre. Renaissance "palazzo" style.

Two storey, fifteen-bay elevation to Bryanston Place. Revealed metal doors, in Art Deco style, set in three semi-circular arched stone architraves to centre; carved stone medallions to spandrels. Metal glazing bars in Art Deco style to all windows: semi-circular arched architraves to full-height ground floor windows, and square-headed rectangular first-floor windows, with three moulded stone architraves to centre. Modillioned stone cornice; bell cupola.

Similar eleven-bay elevation to Seymour Place; twelve-bay elevation to Shouldham Street has sashes set in square-headed architraves with sunk aprons; moulded stone door architrave to left and two similar but wider door architraves each surmounted by sash set in raised architrave with ramped sides and open stone pediment.

Interior: metal balustrades to staircases in entrance halls. Main (large) swimming pool is roofed over with reinforced concrete elliptical arches supporting windows of stepped section, directly derived from The Royal Horticultural Hall of 1927-8 but ultimately from European prototypes such as Freyssinet's Orly Airport Hangers, 1921-3.

The pool, built so as to convert into cinema, sports or meeting hall as desired, is surrounded by spectator galleries with metal balustrades and has proscenium feature to one end.

Listing NGR: TQ2748181557

#### Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 428856

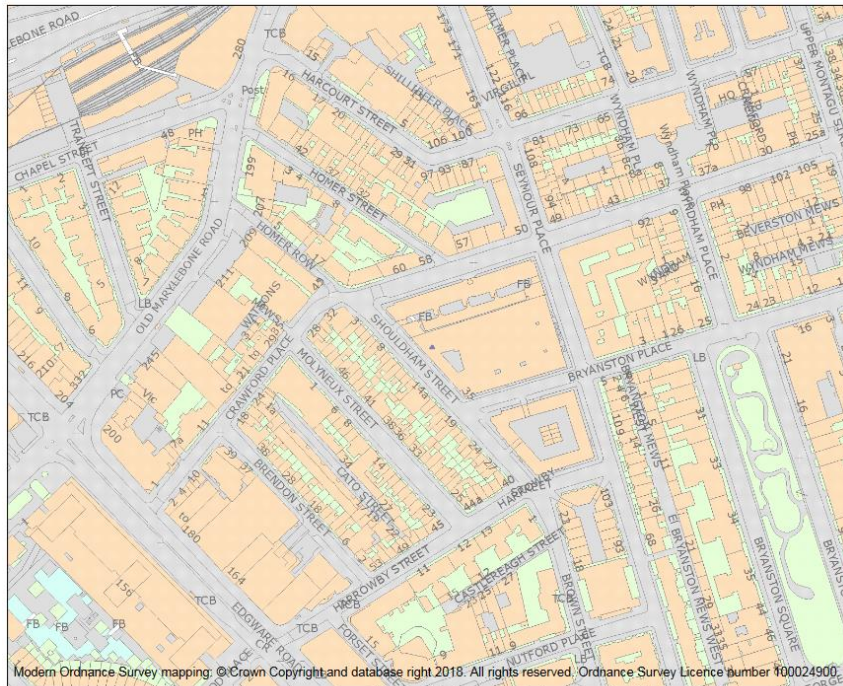
Legacy System: LBS

#### Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

Ordnance survey map of Seymour Leisure Centre

#### Map



Name: Seymour Leisure Centre

This is an A4 sized map and should be printed full size at A4 with no page scaling set.

**Heritage Category:** Listing  
**List Entry No :** 1264003  
**Grade:** II

**County:** Greater London Authority  
**District:** City of Westminster  
**Parish:** Non Civil Parish

For all entries pre-dating 4 April 2011 maps and national grid references do not form part of the official record of a listed building. In such cases the map here and the national grid reference are generated from the list entry in the official record and added later to aid identification of the principal listed building or buildings.

For all list entries made on or after 4 April 2011 the map here and the national grid reference do form part of the official record. In such cases the map and the national grid reference are to aid identification of the principal listed building or buildings only and must be read in conjunction with other information in the record.

Any object or structure fixed to the principal building or buildings and any object or structure within the curtilage of the building, which, although not fixed to the building, forms part of the land and has done so since before 1st July, 1948 is by law to be treated as part of the listed building.

This map was delivered electronically and when printed may not be to scale and may be subject to distortions.

**List Entry NGR:** TQ 27481 81557  
**Map Scale:** 1:2500  
**Print Date:** 20 December 2021

 Historic England  
HistoricEngland.org.uk

This map is for quick reference purposes only and may not be to scale. This copy shows the entry on 20-Dec-2021 at 14:15:59.

© Crown Copyright and database right 2021. All rights reserved. Ordnance Survey Licence number 100024900. © British Crown and SeaZone Solutions Limited 2021. All rights reserved. Licence number 102006.006.

Use of this data is subject to Terms and Conditions.

End of official list entry

## **Appendix 2: Planning Legislation and Policy**

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

The Planning (Listed Buildings and Conservation Areas) Act 1990 provides that listed building consent is required for;

*“(s.7) ... any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest ...”*

In determining such applications the following duty is placed upon the decision maker:

*“s.16(2) In considering whether to grant listed building consent for any works the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”*

It has been confirmed<sup>13</sup> that Parliament’s intention in enacting section 66(1) of the 1990 Act was that decision-makers should give “considerable importance and weight” to the desirability of preserving the setting of listed buildings, where “preserve” means to “to do no harm” This duty must be borne in mind when considering any harm that may accrue and the balancing of such harm against public benefits as required by national planning policy. It has also been confirmed that this weight can also be applied to the statutory tests in respect of conservation areas<sup>14</sup>. The Secretary of State has confirmed<sup>15</sup> that ‘considerable importance and weight’ is not synonymous with ‘overriding importance and weight’.

Importantly, the meaning of preservation in this context, as informed by case law, is taken to be the avoidance of harm.

### **National Planning Policy**

#### **National Planning Policy Framework, 2021**

The National Planning Policy Framework (NPPF) is the full statement of Government planning policies. Chapter 16 outlines the Government’s guidance regarding the conservation and enhancement of the historic environment.

Paragraph 194 of the NPPF outlines the information required to support planning applications affecting heritage assets, stating that applicants should describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

Paragraph 197 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the

---

<sup>13</sup> Barnwell Manor Wind Energy Limited and (1) East Northamptonshire District Council (2) English Heritage (3) National Trust (4) The Secretary of State for Communities and Local Governments, Case No: C1/2013/0843, 18<sup>th</sup> February 2014

<sup>14</sup> The Forge Field Society v Sevenoaks District Council [2014] EWHC 1895 (Admin); North Norfolk District Council v Secretary of State for Communities and Local Government [2014] EWHC 279 (Admin)

<sup>15</sup> APP/H1705/A/13/2205929



desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Conservation is defined as:

*“The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.”<sup>16</sup>*

Paragraph 200 confirms that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

Paragraph 201 states that where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

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

Paragraph 202 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Paragraph 206 states that local planning authorities should look for opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

## **The Development Plan**

There is no statutory requirement to have regard to the provisions of the development plan in the consideration of applications for listed building consent. However, it is likely that the objectives of national policy and the development plan, with regard to the protection of heritage assets, will be closely aligned. Local authorities should also ensure that aspects of conservation policy that are relevant to development control decisions are included in the local development plan.

---

<sup>16</sup> National Planning Policy Framework (NPPF) 2021 - Annex 2: Glossary

The development plan for the City of Westminster comprises the London Plan 2016 (and revisions), Westminster's City Plan: Strategic Policies 2013, and the "saved" policies of the Unitary Development Plan 2007. These documents provide local guidance with regard to development affecting heritage assets, and should accord with the statutory duties and the general principles outlined in the Framework.

### **The London Plan 2021**

The new London Plan 2021 was recently adopted in March 2021, and replaces the previous London Plan (2016 with alterations since 2011) and relevant policies. Policy HC1 of the new London Plan which states:

#### ***Policy HC1 Heritage conservation and growth:***

*'A. Boroughs should, in consultation with Historic England and other relevant statutory organisations, develop evidence that demonstrates a clear understanding of London's historic environment. This evidence should be used for identifying, understanding, conserving, and enhancing the historic environment and heritage assets, and improving access to the heritage assets, landscapes and archaeology within their area.*

*B. Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage values of sites or areas and their relationship with their surroundings. This knowledge should be used to inform the effective integration of London's heritage in regenerative change by:*

- 1) setting out a clear vision that recognises and embeds the role of heritage in place-making*
- 2) utilising the heritage significance of a site or area in the planning and design process*
- 3) integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place*
- 4) delivering positive benefits that sustain and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing.*

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

*D. Development proposals should identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation. Where applicable, development should make provision for the protection of significant archaeological assets and landscapes. The protection of undesignated heritage assets of archaeological interest equivalent to a scheduled monument should be given equivalent weight to designated heritage assets.*

*E. Where heritage assets have been identified as being At Risk, boroughs should identify specific opportunities for them to contribute to regeneration and place-making, and they should set out strategies for their repair and re-use.'*

#### **Westminster City Plan 2019–2040**

Following an independent examination by the Planning Inspectorate, the council received the Inspectors' Report on the City Plan 2019-2040 on 19 March 2021. This concluded that with the recommended main modifications, the plan was sound and compliant with legal requirements and the council formerly adopted the Westminster City Plan on April 21, 2021.

Policy 38 – Design principles states,

*'A. New development will incorporate exemplary standards of high quality, sustainable and inclusive urban design and architecture befitting Westminster's world-class status, environment and heritage and its diverse range of locally distinctive neighbourhoods.*

Policy 39 – Westminster's heritage states,

*'A. Westminster's unique historic environment will be valued and celebrated for its contribution to the quality of life and character of the city. Public enjoyment of, access to and awareness of the city's heritage will be promoted.*

*B. Development must optimise the positive role of the historic environment in Westminster's townscape, economy and sustainability, and will:*

- 1. Ensure heritage assets and their settings are conserved and enhanced, in a manner appropriate to their significance;*
- 2. 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;*
- 3. 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.*

#### **LISTED BUILDINGS**

*G. Works to listed buildings will preserve their special interest, relating sensitively to the period and architectural detail of the building and protecting or, where appropriate, restoring original or significance detail and historic fabric.*

#### **Other Material Considerations**

##### **NPPG: National Planning Policy Guidance 2019**

National Planning Practice Guidance was first issued in 2014 by the Government as a web resource, including a category on conserving and enhancing the historic environment. This is intended to provide more detailed guidance and information with regard to the implementation of national policy set out in the NPPF. It has been updated as a living document and web resource, most recently in July 2019.

## **Department of Culture, Media and Sport Circular: Principles of Selection for Listing Buildings 2018**

The Principles of Selection for listing buildings sets out the general criteria for assessing the special interest of a building in paragraph 16, as below:

*“Architectural Interest. To be of special architectural interest a building must be of importance in its architectural design, decoration or craftsmanship; special interest may also apply to nationally important examples of particular building types and techniques (e.g. buildings displaying technological innovation or virtuosity) and significant plan forms;*

*Historic Interest. To be of special historic interest a building must illustrate important aspects of the nation’s social, economic, cultural, or military history and/or have close historical associations with nationally important people. There should normally be some quality of interest in the physical fabric of the building itself to justify the statutory protection afforded by listing.”*

When making a listing decision, paragraph 17 sets out that the Secretary of State may also take into account:

*“Group value: The extent to which the exterior of the building contributes to the architectural or historic interest of any group of buildings of which it forms part, generally known as group value. The Secretary of State will take this into account particularly where buildings comprise an important architectural or historic unity or a fine example of planning (e.g. squares, terraces or model villages) or where there is a historical functional relationship between the buildings. Sometimes group value will be achieved through a co-location of diverse buildings of different types and dates.*

*Fixtures and features of a building and curtilage buildings: The desirability of preserving, on the grounds of its architectural or historic interest, any feature of the building consisting of a man-made object or structure fixed to the building or forming part of the land and comprised within the curtilage of the building.*

*The character or appearance of conservation areas: In accordance with the terms of section 72 of the 1990 Act, when making listing decisions in respect of a building in a conservation area, the Secretary of State will pay special attention to the desirability of preserving or enhancing the character or appearance of that area.”*

General principles for selection are also set out in this advice, in paragraphs 18-23. These include: Age and rarity; Buildings less than 30 years old; Aesthetic merits; Selectivity; and National interest, although State of repair will not usually be a relevant consideration.

In addition to the criteria and general principles set out in the guidance, a number of Selection Guides for different building types have been published by Historic England, first in 2011 and then later updated. These Selection Guides provide further information regarding each building type, and demonstrate what features are considered significant and likely to make a building of special architectural or historic interest when assessing each building type. The relevant Listing Selection Guide for this property and Site is Domestic 2: Townhouses.

### **Historic England: Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment 2015**

GPA Note 2 provides information to assist in implementing historic environment policy in the National Planning Policy Framework (Framework) and the related guidance given in the National Planning Practice Guidance (NPPG). These include; assessing the significance of heritage assets, using appropriate expertise, historic environment records, recording and furthering understanding, neglect and unauthorised works, marketing and design and distinctiveness.

It provides a suggested staged approach to decision-making where there may be a potential impact on the historic environment:

- 1. " Understand the significance of the affected assets;*
- 2. Understand the impact of the proposal on that significance;*
- 3. Avoid, minimise and mitigate impact in a way that meets the objectives of the Framework;*
- 4. Look for opportunities to better reveal or enhance significance;*
- 5. Justify any harmful impacts in terms of the sustainable development objective of conserving significance and the need for change;*
- 6. Offset negative impacts on aspects of significance by enhancing others through recording, disseminating and archiving archaeological and historical interest of the important elements of the heritage assets affected."*

### **Historic England: Advice Note 2: Making Changes to Heritage Assets 2016**

This document provides general advice according to different categories of intervention in heritage assets, including repair, restoration, addition and alteration, as well as on works for research alone, based on the following types of heritage asset: buildings and other structures; standing remains including earthworks; buried remains and marine sites; and larger heritage assets including conservation areas, landscapes, including parks and gardens, and World Heritage Sites. It is intended to be useful to owners, developers, local planning authorities and others in considering works to all heritage assets.

### **Historic England: Advice Note 12: Statements of Heritage Significance: Analysing Significance in Heritage Assets 2019**

This advice note provides guidance with regard to the NPPF requirement for applicants for heritage and other consents to describe heritage significance, to help local planning authorities make decisions on the impact of proposals for change to heritage assets. It explores the assessment of heritage significance as part of a stage approach to decision-making, in which assessing significance precedes designing the proposals. It also describes the relationship with archaeological desk-based assessments and field evaluations, as well as Design & Access Statements.

## **Supplementary Planning Guidance**

### **Westminster City Council: Repairs and Alterations to Listed Buildings 2004**

This guide expands upon the conservation and urban design policies set out in the then City of Westminster UDP (now superseded). It is intended to help owners, occupiers and potential purchasers of listed buildings in Westminster to understand the system of Listed Building control and the standards applied by the City Council.

### **Westminster City Council: Repairs and Alterations to Listed Buildings 1996 and The Protection of Historic Buildings in Westminster 2000**

These guides are intended to help owners, occupiers and potential purchasers of listed buildings in Westminster to understand the system of Listed Building control and the standards applied by the City Council.

**Turley Office**  
8th Floor  
Lacon House  
84 Theobald's Road  
London.  
WC1X 8NL

T 020 7851 4010