



Donald Insall Associates
Chartered Architects and Historic Building Consultants

12 Waterloo Place, London SW1

Heritage Statement for The Crown Estate

November 2023



THE LONDON ASSURANCE CORPORATION A.B. 1720

THE NATIONAL CITY BANK NEW YORK

PHENIX ASSURANCE COMPANY

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Contents

1.0	Summary of Heritage Statement	1
2.0	Historical Background	3
3.0	Site Survey Descriptions	10
4.0	Assessment of Significance	22
5.0	Commentary on the Proposals	24
	Appendix I - Statutory List Description	26
	Appendix II - Planning Policy and Guidance	28

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1.0 Summary of Heritage Statement

1.1 Introduction

Donald Insall Associates was commissioned by The Crown Estate in October 2023 to assist them with proposals for repairs and internal alterations at 12 Waterloo Place, SW1. The proposed works are minor in nature, but will nonetheless require listed building consent (LBC); this heritage statement accompanies an application for such consent, and offers a sufficient account of the building, its history, and its significance for the impact of the works to be understood.

The investigation builds on Donald Insall Associate's previous reports on the building, which included historical research, using both archival and secondary material, and a site inspection. A brief illustrated history of the site and building, with sources of reference and bibliography, is in Section 2; the site survey findings are in Section 3. The investigation has established the significance of the building, which is set out in Section 4.

This report has been drafted to inform the design of proposals for the building by CBRE; section 5 provides a justification of the proposals according to the relevant legislation, planning policy and guidance.

1.2 The Building, its Legal Status and Policy Context

12 Waterloo Place is a Grade II-listed building located in the St James' Conservation Area in the City of Westminster. It is in the setting of the many other listed buildings surrounding Waterloo Place and the listed monuments within it. Alterations to a listed building generally require listed building consent; development in conservation areas or within the setting of a listed building or conservation area requires local authorities to assess the implications of proposals on built heritage. In this case, as the proposals are for internal works only neither the conservation area nor the surrounding listed buildings will be further discussed.

The statutory list description of the listed building is included in Appendix I, along with extracts from the relevant legislation and planning policy documents.

The Planning (Listed Buildings and Conservation Areas) Act 1990 is the legislative basis for decision-making on applications that relate to the historic environment. Sections 16 and 66 of the Act impose a statutory duty upon local planning authorities with regard to listed buildings, which requires the planning authority to have *'special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses'*.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan applicable to the Site comprises the Westminster City Plan 2019–2040 (April 2021) and The London Plan (March 2021).

The courts have held that following the approach set out in the policies on the historic environment in the National Planning Policy Framework 2023 will effectively result in a decision-maker complying with its statutory duties. The Framework forms a material consideration for the purposes of section 38(6). The key message of the NPPF is the concept of 'sustainable development' which for the historic environment means that heritage assets 'should be conserved in a manner appropriate to their significance'.

The NPPF recognises that, in some cases, the significance of a designated heritage asset can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. The NPPF therefore states that any harm or loss to a designated heritage asset 'should require clear and convincing justification' and that any 'less than substantial' harm caused to the significance of a designated heritage asset should be weighed against the benefits of the proposal including, where appropriate, securing its optimum viable use.

2.0 Historical Background

The following brief account of the historical background to the existing building is intended to aid understanding of both its special architectural and historic interest, and its current arrangements (layout, surface finishes, decorative features). It provides sufficient information to support the brief assessment of significance given in section 4 and the discussion of the proposals in section 5.

2.1 Development of Waterloo Place

Waterloo Place was designed by John Nash in 1813 as part of his wider ambitions to re-plan central London and stemmed from the need to connect Regent's Park to Westminster and the City of London — the twin centres of Britain's government and commerce respectively.

Nash's plan was for a grand Roman inspired ceremonial route, or 'royal mile', which stretched from Carlton House to Regent's Park and swept away earlier streets to create a grand promenade beginning at Waterloo Place, then proceeding north via Regent Street and Portland Place, with focal points at the Duke of York Column, Oxford and Piccadilly Circuses, All Soul's Langham Place and Park Crescent. This dramatic intervention in town planning, predicated on classical ideals, also had a commercial aim: to divide the salubrious terraces and squares of Mayfair, to the west, from the more cramped and down-at-heel district of Soho, to the east. Regent Street became the frontier between these two areas, which consequently developed in strikingly different ways.

2.1.2 The Edwardian rebuilding of Waterloo Place

Nash's Waterloo Place survived in large part into the early years of the twentieth century. Historic photographs from 1899 and 1904 provide a detailed view of Waterloo Place at this time, and show various buildings with polychromatic façades where the pilasters and portico are faced in contrast with the rest of the building [plates 1 and 2]. Soon after these photographs were taken the large scale rebuilding of his processional route began.

The buildings at the north end of Waterloo Place (including no. 12) were rebuilt between 1910 and 1915 to designs by the architect Sir William Emerson. A direct comparison of photographs taken in 1910 and in 1915 makes clear the tendency of the changes [plates 3 and 4]. The new building, like Nash's, was classical, but bigger and a great deal less chaste; it has similar porticos to Nash's design, but with pediments above an additional attic storey. The ground floor has grown in height and prominence, and is fully rusticated with extremely elaborate baroque projecting doorcases. These changes reflected the changed character of the area, with prestigious commercial offices having displaced the originally-intended residential use. Indeed, like the other Edwardian buildings along Regent's Street, the buildings at Waterloo Place were designed as an early form of 'shell and core'; with an elaborately detailed stone facade to the street and a robust steel frame to the interior designed to be 'fitted-out' by commercial tenants. Development of the area continued in the twentieth century, with the piecemeal replacement of individual buildings, although the Regency plan of the area remained largely unaltered.



Plate 1 Waterloo Place, 1899 (Westminster Archives, D138 Waterloo Place 07)



Plate 2 View from Waterloo Place, 1904 (Westminster Archives, D138 Pall Mall 49)



Plate 3 11-12 Waterloo Place, Westminster, 1910, front elevations (Collage, London Metropolitan Archive)



Plate 4 11-12 Waterloo Place, 1915 (Historic England Archive)

2.1.3 Architect: Sir William Emerson

Practicing at the height of Britain's imperial power and influence, Sir William Emerson had a successful career in India and Britain. The most prestigious structure in India of his design was the Victoria Memorial, Calcutta (1903–21), Emerson's works in London include the Clarence Wing of St Mary's Hospital, Paddington (1896), Hamilton House, Victoria Embankment (1898–1901) as well as the rebuilding of John Nash's Waterloo Place. Emerson was an active member of the council and committees of the Royal Institute of British Architects from 1885, serving as its honorary secretary (1893–9) and president (1899–1902). During his presidency he was an advisor to the government on the competition for improvements to Buckingham Palace and St James's Park. He was knighted in 1902.

2.2 The Building: 12 Waterloo Place

2.2.1 Outline history

The building encompassing what is currently 12 Waterloo Place was constructed between 1910 and 1915 as a commercial office building (known originally as Trafalgar House, 11–12 Waterloo Place), to designs supervised by notable Edwardian architect Sir William Emerson.¹ The building was essentially designed as an elegant shell, the interiors of which could be fitted out and adapted to suit the needs of their occupants. When the building was first completed these occupants were mostly banks and insurance companies, and the interiors were correspondingly opulent.

The architect Claude Waterlow Ferrier (1879–1935), who had been articled to Aston Webb, then head of England's largest and most successful practice, was responsible for the original interior design of nos. 11 and 12.

The original (1912) plans show the original layouts, along with some of the first occupants. The basement, ground floor and mezzanine plans are directly relevant here, and are reproduced below **[plates 5–7]**. These plans make it clear that the current space known as 12 Waterloo Place was originally divided by a partition which ran from the basement to the mezzanine: the southern part of the space was occupied by the London office of the Italian State Railways, and formed an almost entirely separate demise; the northern part was part of the space occupied by the Planet Insurance Company. Other partitions are visible on the plans, drawn in pencil. These partitions may have been later alterations, or may not have been executed; their presence on the plans, however, suggests strongly that the interior was designed to be flexible in terms of how the space was divided.

1 Bradley and Pevsner, *The Buildings of England, London 6: Westminster*, Yale University Press, New Haven and London (2003), p. 449

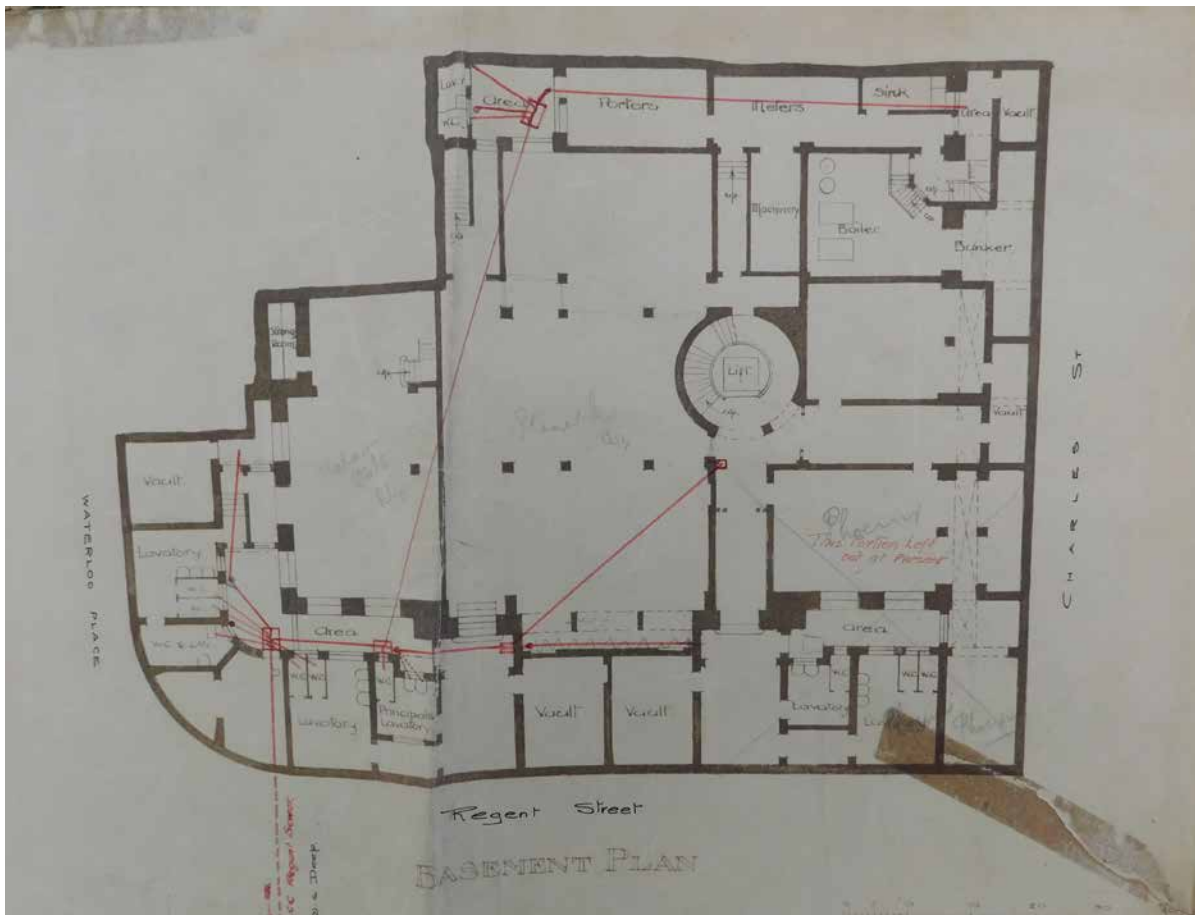


Plate 5 1912 Basement floor plan of 12 Waterloo Place, WPA

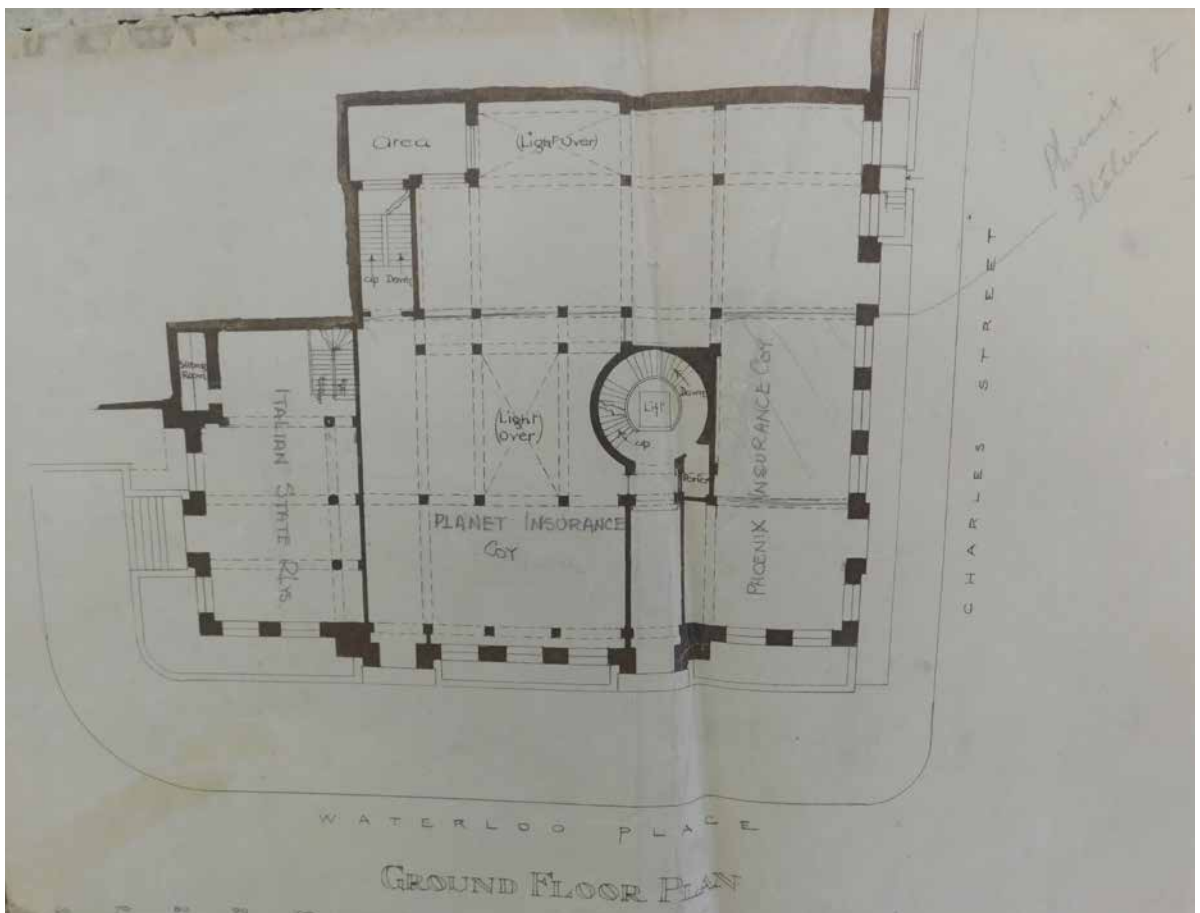


Plate 6 1912 Ground floor plan of 12 Waterloo Place, WPA

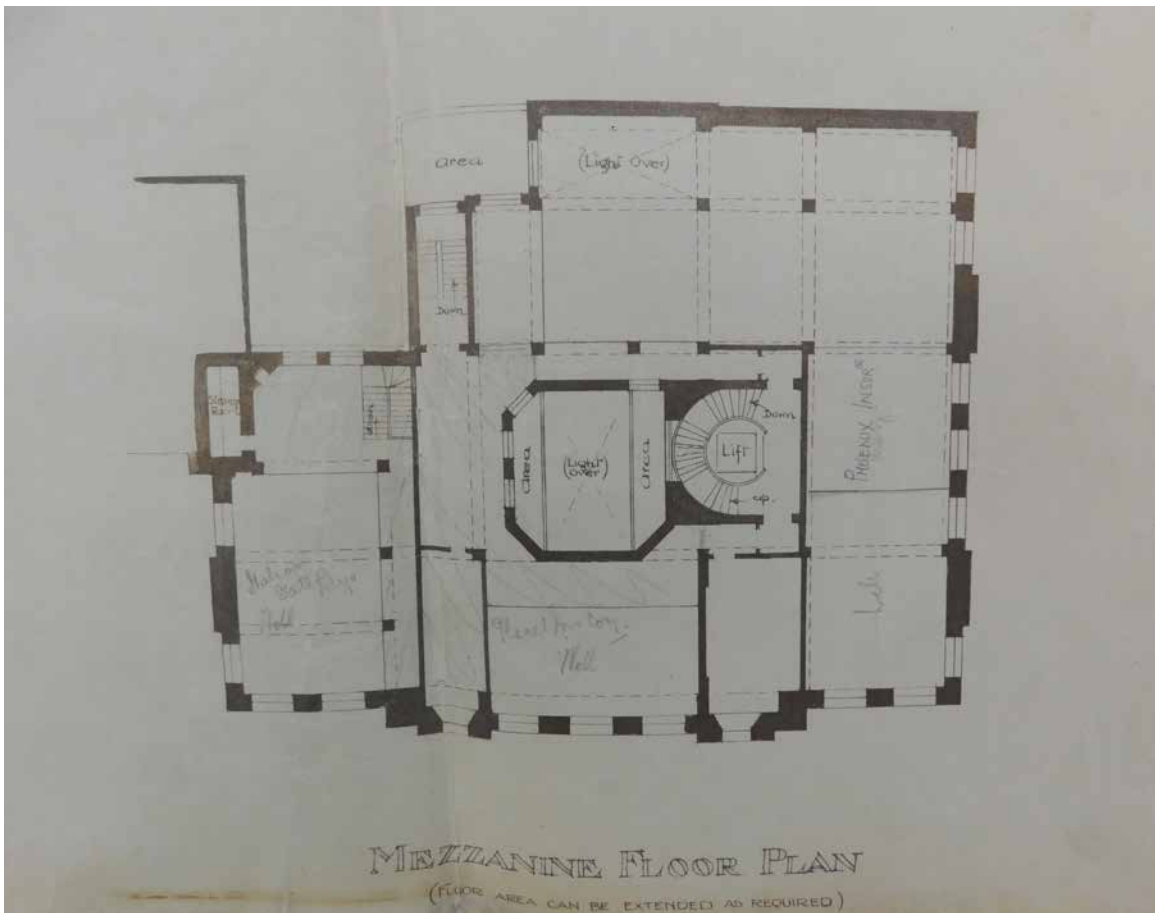


Plate 7 1912 Mezzanine floor plan of 12 Waterloo Place, WPA

After 1916, the occupancy records for the building show a marked increase in the number of commercial tenants; from three in 1913 to twenty two in 1916. These first 1916 tenants included insurance companies, auctioneers and financial brokers.

It remains unclear with respect to this occupancy history when 12 Waterloo Place assumed its present layout. What is clear is that at some point the partition between the former offices of the Italian State Railways and the Planet Insurance Company was removed, and the space remodelled as one unit with two entrances, once facing south towards Pall Mall, the other facing east across Waterloo Place. This arrangement was certainly in place by 1980, when the Crafts Council Gallery occupied the unit.

2.2.2 Twentieth- and Twenty First-century alterations

The building was first listed in 1972; before this date records of alterations to the interiors are therefore lacking. More information is available from the 1980s onwards in the form of planning records held in the Westminster City Council Archives. These suggest that until the mid-1980s only minor alterations were made to the layout of the building, and that most changes were made to the part occupied by the Bank of Egypt (the upper floors of the building and the northern part of the lower floors). There are, however, records of several key alterations to the current basement, ground, and mezzanine floors of 12 Waterloo Place which are relevant to an assessment of the contributions made to significance by the current interiors.

- In 1981 the space was occupied by the Craft Council Gallery, and alterations were made by the Terry Farrell Partnership to lower part of the floor level of the northern part of the ground floor. These alterations involved the removal of the historic steps to the left-hand door of the Waterloo Place elevation, the lowering of the floor beyond to match the level of the floor in the southern part of the unit, and the installation of a ramp to the west to allow level access to the rear rooms at the higher level. The alterations to the floor level entailed the adaptation of the existing external iron doors to the form they present today. The mezzanine plans show that at this point, the mezzanine did not extend as far east as it currently does in the northern part of the unit.
- By 1998 the Craft Council Gallery had left the building, and proposals were put forward for the strip-out of the gallery fittings. This included the removal of boxing around the mezzanine balustrades, the removal of corrugated plastic covering the ground-floor rooflight, as well as the stripping off of much of the boxing around the structural columns. The basement was proposed to be thoroughly stripped out, with later partitions, floor coverings and suspended ceilings all being disposed of. At this point the entire ground floor had wooden flooring.
- In 2004 proposals were approved for the fit-out of the unit for restaurant use. The basement was fitted out as kitchen space, and the ground and mezzanine floors for dining. At this point new arrangements of partitions were proposed between the existing structural columns on the ground floor, and the void at the mezzanine level in the northern part of the unit was mostly filled in, with consequent alterations to the balustrade. Exactly what the state was at this time of the wall panelling or floor coverings on the ground floor is unclear: written details in the LBC application suggest that the floor was covered in carpet or vinyl, and that the panelling to the structural columns had been damaged. The proposed drawings strongly suggest proposals for a stone floor to the lower part of the ground floor and a wooden floor to the upper part, which matches the existing arrangement.
- In 2007 plans were approved for the replacement of the southern main entrance doors with new timber and glass doors (07/06169/LBC).
- In 2012 proposals were permitted for alterations to the restaurant fit out (12/11478/FULL and 12/11479/LBC). These proposals involved the removal of many insensitive but superficial elements of the 2004 decorative scheme including much boxing-in on the walls and the ceilings, mostly with the intention of better displaying the surviving historic finishes.
- In 2019 the strip out of all the former restaurant furnishings and fittings was completed, and the basement partially refitted in preparation for a new tenant.

3.0 Site Survey Descriptions

3.1 The Building Internally

As the proposals affect only a small part of the building (part of the area within the lightwell at first floor and part of the ground floor interiors below), in this heritage statement only the lightwell and the existing interiors are discussed.

3.1.1 Basement

The planning history of the basement has shown that this level has undergone extensive changes. Whilst the layout of the principal structural walls and columns has not changed, the space has been partitioned and re-partitioned many times. Works have recently been completed to remove the disused kitchen fittings, and to return the space to a more open plan, at least in the centre. Apart from the bottom of the western staircase, nothing of historic or architectural value remains visible at this level [plate 8].



Plate 8 Basement, showing recent part-fit out works (DIA)

3.1.2 Ground floor

The current ground floor is essentially one large open space, on two levels, punctuated by structural columns. To the south is a double-height space, lit from both south and east by full-height windows [plate 9]. This area has an elaborate fibrous plasterwork ceiling [plate 10]. A mezzanine runs around the north and west sides between columns with moulded panels; the downstand beams have a continuously fluted frieze under a cornice decorated with ovolo and astragal mouldings [plate 11]. Under the mezzanine to the west there is a small area with canted corners; under the mezzanine to the north is a kind of open corridor running from the east doorway to the stairway at the back (west of the building). Beyond this is a raised area under the extended mezzanine, which covers the whole space but the small cut out to the eastern double-height windows. This area has a shallow barrel-vaulted laylight to the west, set above an opening decorated richly with classical mouldings [plate 12]. The floor covering to the lower part is of large stone flags, black and white, arranged in a chequerboard pattern. To the raised area it is modern timber [plate 13].



Plate 9 South and east windows to double height space (DIA)



Plate 10 Fibrous plasterwork ceiling to double height space (DIA)



Plate 11 Ground floor showing mezzanine to double height space (DIA)



Plate 12 Rooflight illuminating the north part of the ground floor (DIA)



Plate 13 Detail showing raised timber floor to north side of ground floor (DIA)

3.1.3 Mezzanine

The mezzanine has three distinct parts. First, in a line between the west stairs and the *oeil-de-boeuf* window at the front (east) above the door, another quasi-corridor open to either side. Two halves, separated at ceiling-level by a downstand beam; each ceiling is above a deep cavetto-moulded cornice **[plate 14]**. The long openings to the double-height space are enclosed with a metal balustrade with a wooden handrail and bands of Vitruvian Scroll motifs **[plate 15]**. Second, to the south, above the ground-floor alcove, an area previously set aside for private dining, separated from the double height space by a plain panelled modern timber partition with glazing above. This space has few features of historic or architectural interest. Third, the space to the north-east. This space has a similar handrail around the shallow cutout to the east windows **[plate 16, and see plate 17]**. Above there is a flat ceiling above an elaborately moulded coving: fluted cavetto moulding surrounded by a reeded torus moulding **[plates 17–19]**. To the east above the void to the ground floor is a large downstand beam supported by shallow consoles **[plate 20]**.



Plate 14 Mezzanine, looking west (DIA)



Plate 15 Mezzanine railing to double height space (DIA)



Plate 16 Mezzanine handrail detail (DIA)



Plate 18 Cornice detail (DIA)



Plate 17 Ceiling to mezzanine (north part) (DIA)



Plate 19 Cornice corner detail (DIA)



Plate 20 Shallow console on mezzanine (DIA)

3.1.4 West staircase

This staircase is a staircase with a narrow open-well and half landings (no winders), running from basement to mezzanine. It is clad in marble, and the landings have square marble tiles with a thin black marble border **[plate 21]**. The wrought metal balustrade features a Vitruvian scroll motif under a polished brass handrail **[plate 22]**.

3.1.5 General

At ground floor and mezzanine level much joinery survives, not just in the window and door surrounds but also in the skirtings and the panelling that covers the structural columns and the walls below the windows **[plate 23]**. There is some variation in the treatment of the mouldings and in the depth and profile of the skirtings, but in general the joinery forms a coherent ensemble.



Plate 21 Staircase (DIA)



Plate 22 Staircase balustrade with Vitruvian scroll motif and brass handrail (DIA)



Plate 23 Panelling under ground-floor window (DIA)

3.2 The Building Externally: Lightwell

Directly above the ground-floor barrel-vaulted rooflight (see 3.1.2 above) is a lightwell that rises the full height of the building [plate 24]; It is rectangular in plan, with canted corners to the south-east and south-west, and is lined with white glazed bricks. At the base of the lightwell is a dual-pitched patent-glazed roof with its ridge running east-west [plate 25]. To the south there is a small trapezoidal area of flat roof; to the north is a rectangular covered area with ductwork and service runs (sheltered under the body of the building above). Both areas are independently accessible through hatches in the wall bounding the north-east part of the mezzanine area to the west (see 3.1.3 above). The pitched roof is drained on both sides ultimately by waste water pipes which are routed through the interior of the building below. To the north, there is a gutter behind a concrete parapet, and to the south the trapezoidal area of flat roof drains into a large hole at the east end [plates 26 and 27].

The structural metal frame of the glazed roof is probably original, but the frames for the glazing have been at least partly renewed in aluminium, and the glazing itself has been renewed with Georgian wired glass. The space under the pitched roof is accessible, and the timber frame for the glazed barrel-vaulted laylight is visible within [plate 28].

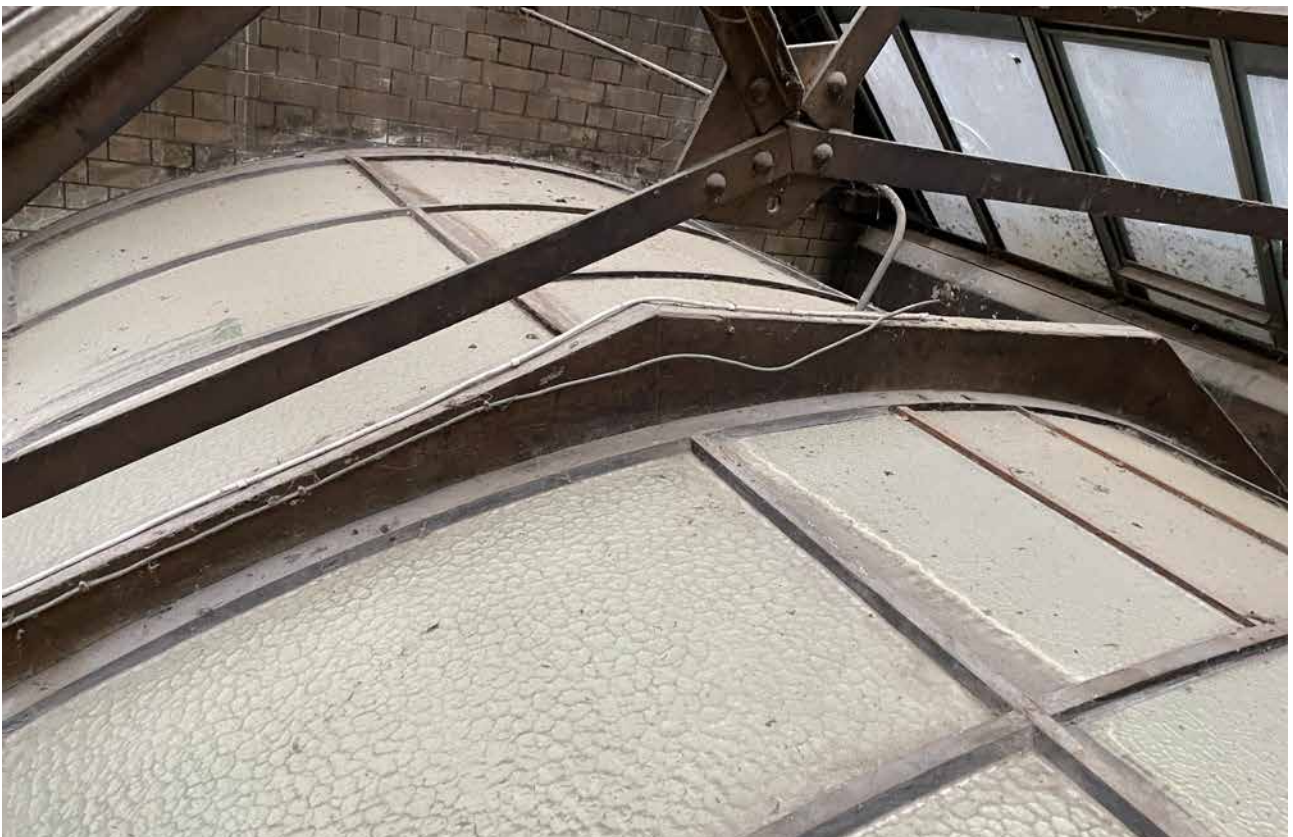


Plate 28 Interior of glazed roof, showing barrel-vaulted laylight from above (DIA)



Plate 24 Lightwell (DIA)



Plate 25 Glazed roof in lightwell (south side) (DIA)



Plate 26 Glazed roof (north side) with gutter behind concrete parapet (DIA)



Plate 27 Lightwell drain, south side (DIA)

4.0 Assessment of Significance

4.1 Introduction

The purpose of this section is to provide an assessment of significance of 12 Waterloo Place so that the proposals for change to the building are fully informed as to its significance and so that the effect of the proposals on that significance can be evaluated.

This assessment responds to the requirement of the National Planning Policy Framework to 'recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance'. The NPPF defines significance as;

'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological (potential to yield evidence about the past), architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting'.

Although the proposals are only for minor alterations and repair works to a small part of the building (see section 5 below), the following assessment includes all elements of the building so that the works and their impact can be seen in the broader context.

4.2 Assessment of Significance

With respect to the fabric of the building in general, the following hierarchy of significance should be considered.

Of the **Highest Significance** are:

- the architectural interest of the street-facing Edwardian Baroque Portland stone elevations; and
- the contribution the building makes to the formal planning of the important townscape of Waterloo Place.

Of **High Significance** are:

- surviving early twentieth-century joinery, including wall panelling to structural columns and moulded cornice below the mezzanine, doors and some windows (those to the ground floor appear to be original timber single-glazed);
- surviving original decorative plasterwork;
- surviving ironwork to principal (street-facing) doors;
- the barrel-vaulted laylight at ground floor level;

- the surviving marble staircase to the rear (west) of the building, its landings, and its iron handrail;
- iron handrails with Vitruvian motif scroll at mezzanine level; and
- the surviving original plan form.

Of **Neutral Significance** are:

- the modern timber and glass double doors to Waterloo Place (south side of the building); and
- the chequerboard stone flags on the lower part of the ground floor.

5.0 Commentary on the Proposals

5.1 Water Damage and Need for Remedial Works

As described in **Section 3** above, the trapezoidal area of flat roof drains to the east, into a waste-water pipe (presumed original) which is routed through the first-floor structure and down one of the panelled columns on the ground floor into the basement below. This pipe has failed, and the plaster ceiling at the south-east corner of the ground-floor roof-light has been damaged by water ingress. Investigative works to discover the route of the pipe have entailed removing further plaster from the ground floor ceiling and columns, almost all of it modern plasterboard on metal laths. Repair works to the damaged plaster are necessary, as is the replacement of the roof drainage to prevent recurrence.

5.2 Description of the Proposals and their Impact on the Listed Building

The proposals are outlined in the accompanying documents by CBRE. They include the creation of a new drain to the trapezoidal part of the lightwell roof, with a new internal waste-water pipe routed through the first-floor slab and down into the basement behind the panelling surrounding one of the columns supporting the mezzanine at ground floor level. They also include repairs to the water-damaged decorative plaster in the south-east corner of the historic roof-light, as well as repairs to the more extensively damaged modern plaster in the surrounding area.

The works to create a new drainage route for the lightwell roof would involve a small amount of removal of the historic clay-pot floor slab at first-floor level and the concrete slab at ground-floor level for the insertion of the new drainpipe. This material is of no historic or architectural interest and the works will cause no harm to significance.

The original drain from the roof will be sealed off and left in situ, a new opening formed, and the roof re-covered with a waterproof membrane. The covering of the roof has been renewed before and makes no contribution to the significance of the building; these works will cause no harm to significance, and will ensure the safe drainage of water from this area of the building.

Most of the damaged plasterwork is modern plasterboard over metal laths, installed as part of the various alterations described in **Section 2** above. The repair of this plasterwork, like for like, will restore the existing aesthetic coherence of the space and cause no harm to the significance of the building.

A little of the original decorative plasterwork surrounding the barrel-vaulted laylight has been damaged, both by water ingress and by the investigative works. It is proposed to prepare this plaster like for like (lime plaster over expanded metal laths), which will result in no harm to the significance of the building.

Overall, the works will ensure the ongoing preservation of the historic fabric of the building by providing a new drainage route for the lightwell. The repair works to the plaster will return the interiors to a lettable state, promoting the building's viable use as a retail space; they will also help to preserve the historic decorative plasterwork, which makes a positive contribution to the significance of the listed building.

5.3 Justification of the Proposals and Conclusion

The proposals are minor in nature and relate to the installation of a new waste-water drain from the internal lightwell, as well as works to repair damage from water damage. The proposals have been sensitively designed and it is considered that they would not cause harm to the significance of the listed building (12 Waterloo Place) while offering some benefits. The proposals would sustain the significance of the listed buildings in accordance with paragraph 197 of the National Planning Policy Framework.

Moreover, it is considered that the proposed works would preserve the special architectural and historic interest of the listed building, in accordance with the statutory duties set out in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposals would also accord with Policy DES 10 of Westminster's Unitary Development Plan, Policy S25 of Westminster's City Plan and Policy 40 of Westminster's City Plan 2019–2040, and would promote the beneficial long-term and optimum viable use of the building as a retail unit.

Appendix I - Statutory List Description

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1239275

Date first listed: 30-May-1972

Statutory Address 1: 11, 12, 14, 16 17, WATERLOO PLACE SW1

Statutory Address 2: 29, CHARLES II STREET

Statutory Address 3: 9-12, PALL MALL SW1

Location

Statutory Address: 11, 12, 14, 16 17, WATERLOO PLACE SW1

Statutory Address: 29, CHARLES II STREET

Statutory Address: 9-12, PALL MALL SW1

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 29652 80374

Details

TQ 2980 SE CITY OF WESTMINSTER WATERLOO PLACE, SW1 82/27
30.5.72 Nos 11, 12, 14, 16 and 17 (including Nos 9 to 12 (consec) Pall Mall and No 29 Charles II Street) G.V. II Large symmetrical block of offices and banks. 1901 - mid 20s, probably by Arthur E. Thompson, but No 16 for example completed by Durward Brown, 1925, as part of the unified design. Portland stone, slate roofs. Palatial scaled pavilion composition in an Edwardian Baroque interpretation of a Palladian style, following in plan Nash's scheme for the north western half of Waterloo Place on his Via Triumphalis, which this block replaces and balancing the similar block of Nos 7 to 9 q. v. opposite. 3 main storeys, attic storeys and mansards, with basements. Nos 11 and 12 form a terminal pavilion at the approach to Regent Street rising above the level of the rest of the composition, the detailing not continuous with the rest but similar. The main west elevation is 9 bays wide arranged 2:5:2 with the central 5 bays advanced. Channelled rustication to ground floor podium with the outermost bays of the advanced centre containing elaborate porches each with an advanced architrave flanked by Doric piers with draped ram's heads supporting a stepped entablature. Above is an odil-de-boeuf decorated with an arched cornice, a garland, reversed volutes and clusters of fruit. Recessed, semicircular arched windows with dropped keystones in ground floor podium above which the advanced bays have a giant Corinthian order

framing the 1st floor Ionic aediculed windows (with blind balustraded aprons and pulvinated friezes) and the 2nd floor windows beneath the main entablature; the attic storey above is articulated by piers with lion-heads, pendants and swags and is crowned by a pediment, the tympanum with a cartouche framed in palm branches. The wings are similar but with giant order implied. Nos 14, 16 and 17 and the Waterloo Place elevation of No 9 Pall Mall are set back with the widening of Waterloo Place proper, 13 bays wide, arranged 4:5:4, with the centre advanced. Central porch with Ionic columns, dossierets and open pediment with elaborate trophy and 2 further porches in outer bays of 5 bay centre break with coupled Ionic columns with blocked shafts and entablature cut back on centre to accommodate stepped keystone, crowned by a broken pediment framing a lunette. Similar fenestration to Nos 11-12 with giant engaged Corinthian order to 1st and 2nd floors and, in addition, on the advanced centre bays, a giant Composite order articulating a 2-storey attic. Balustraded parapets. Chimney stacks with sunken panels and cornice capping. Stone balustraded areas. Nos 9 to 12 Pall Mall (the first phase of the rebuilding), 8 bay elevation arranged 3:3:2, have the same features with 2-storey Composite attic order over the centre break; No 11 has similar porch to the ones in outer bays of centre break to Waterloo Place and secondary entrance in place of window in 3rd bay from west. The ground floor keystones on the front have grotesques. The upper tier of windows in 2 storey attic treated as enriched oeil-de-boeuf. Charles II Street front designed in a lower key, the orders expressed as pilasters and then only in the symmetrical entrance bays; No 29 balances No 28 q. v. framing entrance to Waterloo Place.

Listing NGR: TQ2862080346

Legacy

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

Legacy System number: 207505

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.

Appendix II - Planning Policy and Guidance

Planning (Listed Buildings and Conservation Areas) Act 1990

The Act is legislative basis for decision making on applications that relate to the historic environment.

Sections 16, 66 and 72(l) of the Act impose a statutory duty upon local planning authorities to consider the impact of proposals upon listed buildings and conservation areas.

Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that:

[...] in considering whether to grant listed building consent for any works the local planning authority or 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.

Similarly, section 66 of the above Act states that:

In considering whether to grant permission for development which affects a listed building or its setting, 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.

Local Policy: Westminster City Plan 2019–2040

POLICY 39 WESTMINSTER'S HERITAGE

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 significant detail and historic fabric.

H. Changes of use to listed buildings will be consistent with their long-term conservation and help to restore, retain and maintain buildings, particularly those which have been identified as at risk.

I. Development within the settings or affecting views of listed buildings will take opportunities to enhance or better reveal their significance.

J. Demolition of listed buildings will be regarded as substantial harm and will be resisted in all but exceptional circumstances.

...

Regional Policy

The London Plan (March 2021)

In March 2021 the Mayor adopted The London Plan. This is operative as the Mayor's spatial development strategy and forms part of the development plan for Greater London. Policies pertaining to heritage include the following:

Policy HC1 Heritage Conservation and Growth

(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 avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.

National Planning Policy Framework

Any proposals for consent relating to heritage assets are subject to the policies of the NPPF (September 2023). This sets out the Government's planning policies for England and how these are expected to be applied. With regard to 'Conserving and enhancing the historic environment', the framework requires proposals relating to heritage assets to be justified and an explanation of their effect on the heritage asset's significance provided.

Paragraph 7 of the Framework states that the purpose of the planning system is to 'contribute to the achievement of sustainable development' and that, at a very high level, 'the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs'.

At paragraph 8, the document expands on this as follows:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives:

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

and notes at paragraph 10:

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11).

With regard to the significance of a heritage asset, the framework contains the following policies:

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

In determining applications local planning authorities are required to take account of significance, viability, sustainability and local character and distinctiveness. Paragraph 197 of the NPPF identifies the following criteria in relation to this:

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

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

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

With regard to potential 'harm' to the significance designated heritage asset, in paragraph 199 the framework states the following:

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

The Framework goes on to state at paragraph 200 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. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.*

Where a proposed development will lead to 'substantial harm' to or total loss of significance of a designated heritage asset paragraph 201 of the NPPF states that:

...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:

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

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

c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and

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

With regard to 'less than substantial harm' to the significance of a designated heritage asset, paragraph 202 of the NPPF states the following;

202. 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.

National Planning Practice Guidance

The National Planning Practice Guidance (NPPG) was published on 23 July 2019 to support the National Planning Policy Framework (NPPF) and the planning system. It includes particular guidance on matters relating to protecting the historic environment in the section: Conserving and Enhancing the Historic Environment.

The relevant guidance is as follows:

Paragraph 2: What is meant by the conservation and enhancement of the historic environment?

Conservation is an active process of maintenance and managing change. It requires a flexible and thoughtful approach to get the best out of assets as diverse as listed buildings in every day use and as yet undiscovered, undesignated buried remains of archaeological interest.

In the case of buildings, generally the risks of neglect and decay of heritage assets are best addressed through ensuring that they remain in active use that is consistent with their conservation. Ensuring such heritage assets remain used and valued is likely to require sympathetic changes to be made from time to time. In the case of archaeological sites, many have no active use, and so for those kinds of sites, periodic changes may not be necessary, though on-going management remains important.

Where changes are proposed, the National Planning Policy Framework sets out a clear framework for both plan-making and decision-making in respect of applications for planning permission and listed building consent to ensure that heritage assets are conserved, and where appropriate enhanced, in a manner that is consistent with their significance and thereby achieving sustainable development. Heritage assets are either designated heritage assets or non-designated heritage assets.

Part of the public value of heritage assets is the contribution that they can make to understanding and interpreting our past. So where the complete or partial loss of a heritage asset is justified (noting that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted), the aim then is to:

- capture and record the evidence of the asset's significance which is to be lost
- interpret its contribution to the understanding of our past; and
- make that publicly available (National Planning Policy Framework paragraph 199)

Paragraph 6: What is “significance”?

‘Significance’ in terms of heritage-related planning policy is defined in the Glossary of the National Planning Policy Framework as the value of a heritage asset to this and future generations because of its heritage interest. Significance derives not only from a heritage asset’s physical presence, but also from its setting.

The National Planning Policy Framework definition further states that in the planning context heritage interest may be archaeological, architectural, artistic or historic. This can be interpreted as follows:

- **archaeological interest:** As defined in the Glossary to the National Planning Policy Framework, there will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.
- **architectural and artistic interest:** These are interests in the design and general aesthetics of a place. They can arise from conscious design or fortuitously from the way the heritage asset has evolved. More specifically, architectural interest is an interest in the art or science of the design, construction, craftsmanship and decoration of buildings and structures of all types. Artistic interest is an interest in other human creative skill, like sculpture.
- **historic interest:** An interest in past lives and events (including pre-historic). Heritage assets can illustrate or be associated with them. Heritage assets with historic interest not only provide a material record of our nation’s history, but can also provide meaning for communities derived from their collective experience of a place and can symbolise wider values such as faith and cultural identity.

In legislation and designation criteria, the terms ‘special architectural or historic interest’ of a listed building and the ‘national importance’ of a scheduled monument are used to describe all or part of what, in planning terms, is referred to as the identified heritage asset’s significance.

Paragraph 7: Why is ‘significance’ important in decision-taking?

Heritage assets may be affected by direct physical change or by change in their setting. Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals.

Paragraph 15: What is the optimum viable use for a heritage asset and how is it taken into account in planning decisions?

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

By their nature, some heritage assets have limited or even no economic end use. A scheduled monument in a rural area may preclude any use of the land other than as a pasture, whereas a listed building may potentially have a variety of alternative uses such as residential, commercial and leisure.

In a small number of cases a heritage asset may be capable of active use in theory but be so important and sensitive to change that alterations to accommodate a viable use would lead to an unacceptable loss of significance.

It is important that any use is viable, not just for the owner, but also for the future conservation of the asset: a series of failed ventures could result in a number of unnecessary harmful changes being made to the asset.

If there is only one viable use, that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one. Nor need it be the original use. However, if from a conservation point of view there is no real difference between alternative economically viable uses, then the choice of use is a decision for the owner, subject of course to obtaining any necessary consents.

Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised. The policy on addressing substantial and less than substantial harm is set out in paragraphs 199-203 of the National Planning Policy Framework.

Paragraph 18: How can the possibility of harm to a heritage asset be assessed?

What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. As the National Planning Policy Framework makes clear, significance derives not only from a heritage asset's physical presence, but also from its setting.

Proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the heritage asset. Where potential harm to designated heritage assets is identified, it needs to be categorised as either less than substantial harm or substantial harm (which includes total loss) in order to identify which policies in the National Planning Policy Framework (paragraphs 199-203) apply.

Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Whether a proposal causes substantial harm will be a judgment for the decision-maker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases. For example, in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the

adverse impact seriously affects a key element of its special architectural or historic interest. It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting.

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

The National Planning Policy Framework confirms that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). It also makes clear that any harm to a designated heritage asset requires clear and convincing justification and sets out certain assets in respect of which harm should be exceptional/wholly exceptional (see National Planning Policy Framework, paragraph 200).

Paragraph 20: What is meant by the term public benefits?

The National Planning Policy Framework requires any harm to designated heritage assets to be weighed against the public benefits of the proposal.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit.

Examples of heritage benefits may include:

- sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- reducing or removing risks to a heritage asset
- securing the optimum viable use of a heritage asset in support of its long term conservation

Other Relevant Policy Documents

Historic England: Historic Environment Good Practice Advice in Planning (December 2017)

Historic England: Conservation Principles and Assessment (2008)

