

Built Heritage Statement

172 and 173 Piccadilly, St James's W1J 9EJ

On behalf of Harnbury Holdings Ltd

Date: November 2023 | Pegasus Ref: P23-2257





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1. Introduction

- 1.1. Pegasus Group have been commissioned by Harnbury Holdings Ltd to prepare a Built Heritage Statement to consider the proposed external and internal alterations at 172 and 173 Piccadilly, St James’s WIJ 9EJ, as shown on the Site Location Plan provided at Plate 1.

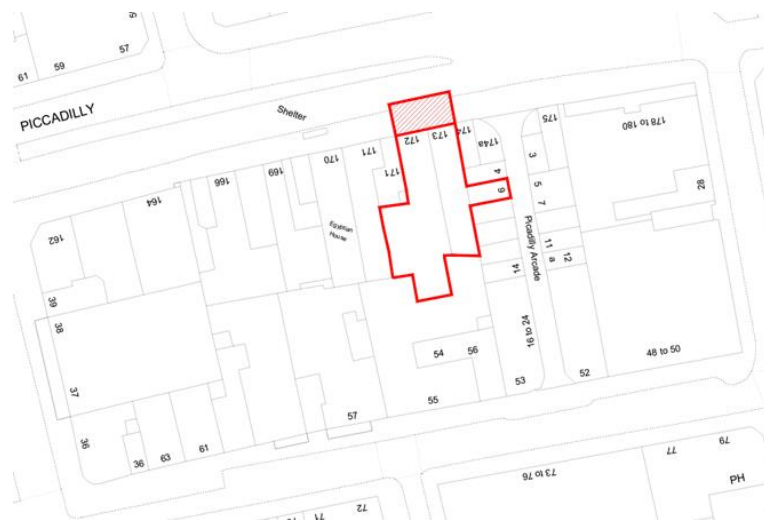


Plate 1: Site Location Plan.

- 1.2. The application site comprises the retail units at the ground floor and basement level of nos. 172 and 173 Piccadilly, which form part of the wider Grade II Listed Dudley House. The site and wider Listed Building both

lie within the boundaries of the St James’s Conservation Area.

- 1.3. This Assessment provides information with regards to the significance of the historic environment to fulfil the requirement given in paragraph 194 of the Government’s *National Planning Policy Framework* (the *NPPF*) which requires:

“...an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting”.¹

- 1.4. In order to inform an assessment of the acceptability of the scheme in relation to impacts on the historic environment, following paragraphs 199 to 203 of the *NPPF*, any harm to the historic environment resulting from the proposed development is also described, including impacts on significance through changes to setting.

- 1.5. As required by paragraph 194 of the *NPPF*, the detail and assessment in this Report is considered to be *“proportionate to the assets’ importance”*.²

- 1.6. The units were recently the subject of Planning Permission and Listed Building Consent to combine the two units through a number of openings in the party wall, as well as strip out the interior associated with the

¹ Department for Levelling Up, Housing and Communities (DLUHC), *National Planning Policy Framework (NPPF)* (London, September 2023), para. 194.

² DLUHC, *NPPF*, para. 194.



previous occupiers (23/O3865/FULL and
23/O3866/LBC).

2. Proposed Development

2.1. The application seeks Full Planning Permission and Listed Building Consent for the '*Proposed Shopfront alterations and internal fit out works.*' at Nos. 172 and 173 Piccadilly.

2.2. The full schedule of works is listed below:

Exterior

- Complete removal of both shopfronts and installation of new shopfront (portrayed as two), this includes the following works:
 - Removal of existing signage (fascia and projecting)
 - Removal of existing light fixtures;
 - Strip back of existing paintwork on the stone fascia;
 - Installation of new external lighting; and
 - Make good existing stonework.

Interior

Ground Floor

- Installation of new fit-out relating to the restaurant-use, including:
 - Fixed banquette seating across the rear and side walls;

- Bar and service area to the side;
- Range of new lighting to the ceilings and walls;
- Range of new flooring and wall finishes throughout unit; and
- Other fixed furnishings, e.g. waiter stations.

- Create structural opening between the ground and basement level for the installation of 2no. catering lifts;
- Line and square the existing frame of the unit;
- Make revisions to existing FOH staircase structure to remove previous alterations and additional angled revisor and make good;
- Remove existing service equipment at the rear of the unit;
- Remove existing FOH staircase structure to allow for installation of new staircase;
- Remove existing staircase and enclose/infill;
- Installation of new partition walls to create additional space, including the Entrance Lobby, Cloakroom, Back-of-House (BOH) Kitchen, and Stills Room; and
- Remove/relocate structural columns.

Basement

- Infill existing fire escape between unit and neighbouring unit;
- Remove existing internal partitions;
- Installation of new floor plan to create additional space associated with the restaurant use, e.g. WCs, storage, office, staff rooms and private dining area;
- Remove existing service equipment formerly associated with previous occupant;
- Create new opening in floor and install new staircase between the basement and sub-basement;
- Create new door opening into vaults;
- Divide vault basement into two separate spaces with additional infill;
- Create opening in floor between basement and sub-basement and install new structural support for the 2no. catering lifts;

- Installation of new lighting into the ceilings and walls;
- Range of new flooring and wall finishes throughout unit;
- Line and square the existing frame; and
- Tank and line existing vaults.

Sub-Basement

- Installation of new structural support for the 2no. catering lifts; and
- Installation of new staircase to basement level.

2.3. **Section 7** of this Report presents an analysis of the impact of the proposed development on identified heritage assets discussed in **Section 6**.

3. Site Description and Planning History

Site Description

- 3.1. The application site comprises the recently reconfigured retail unit at the ground floor and basement level of nos. 172 and 173 Piccadilly. The unit forms part of the wider Egyptian House, which is a 7-storey, 3-bay attached building, hosting residential and office space at the upper floors. Egyptian House forms part of a wider group of buildings, including Foxglove House and Dudley House.
- 3.2. Up until recently, the site formed two separate retail units and included Unit 6 Piccadilly Arcade. No. 172 was occupied by the restaurant *Richoux*, and no. 173 and Unit 6 by *Paul*. Following Planning Permission and Listed Building Consent (refs. 23/O3865 FULL and 23/O3866/LBC), the two units have been stripped out and combined internally whilst Unit 6 has been re-established as a standalone unit. Further information on the above and previous planning history for the site is discussed below.
- 3.3. Currently, the exterior of the site comprises the 20th-century shopfronts of the previous retail occupants. Whilst the interior has been stripped out and reduced to its shell and notable historic features.



Plate 2: Nos. 172 and 173 Piccadilly, the application site.



Plate 3: Ground floor of no. 172 Piccadilly.

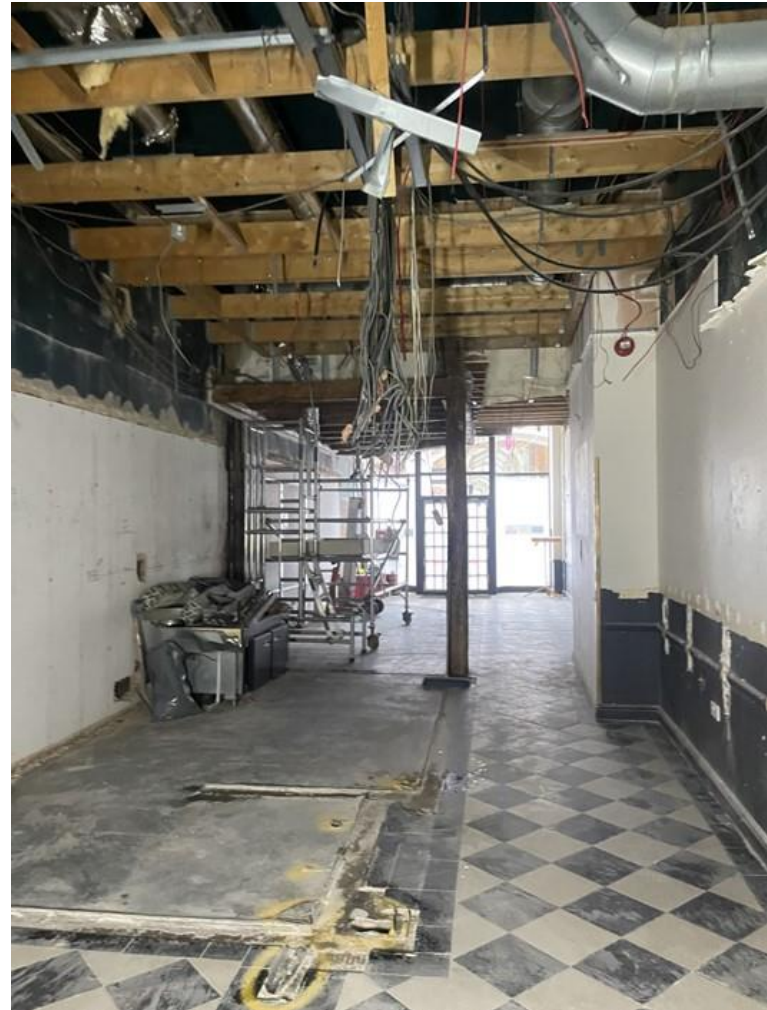


Plate 4: Interior of no. 173, facing towards shopfront.

Site Development

- 3.4. Development on the site was established in the 17th century, with mapping by the end of the 18th century showing demarcated plots. In the early 19th century, Egyptian Hall occupied the site. The Egyptian Hall was built in 1812 to the design of Peter Frederick Robinson. The lease for Egyptian House and the neighbouring houses and shops (no. 166–173) expired in 1905, prompting demolition and re-development of the site and surrounding area.



Plate 5: An early 20th-century photograph of Egyptian Hall.



Plate 6: The 1885 Ordnance Survey Map, approximate outline of the Listed Building highlighted.

- 3.5. William Woodward was appointed as the architect to design the new building which included the site and was constructed between 1905–8. The building was designed as multi-use, with shops to the ground floor, some offices at first-floor level, but mostly residential chambers and serviced flats on the upper floors.
- 3.6. The two units were designed as similar sized bays within the overall William Woodward designed frontage of 1905. An early photograph (not reproduced due to copyright) from 1907 shows how the frontages were either built out or adapted shortly after construction including the shopfronts to the two units within the site. The variation between the frontages is notable with neither matching today's appearance.

- 3.7. *Robert Jackson & Co* (aka *Jacksons of Piccadilly*) occupied No. 172, expanding into No.171 (to the west of the main door of *Egyptian House*) in the 1930s by joining the two units together internally around the rear of the *Egyptian House* stairwell. It is thought that a version of the current frontage was put in place during this period, comprising the chinoiserie style related to the tea provisions of the shop. *Jacksons of Piccadilly* closed as a business in 1979 and the two units that previously formed the shop were separated back into two. The street frontage has been modified during *Richoux's* time of occupation, including an early change of doors when *Richoux* took over the unit in 1979. It is unclear exactly what is replacement fabric vs 1930s fabric on this shopfront, but it is clear that the essential chinoiserie style appears the same.
- 3.8. The shopfront at No. 171 Piccadilly use to match the chinoiserie design of No. 172, however the frontage at the former retail unit was replaced in c.2016 and now has a modern glass shopfront (App. refs. 16/O1810/LBC & 16/O1809/FULL).
- 3.9. No. 173 was occupied by the retailer *Wedgwood* as a showroom and shop in the 1970s, which extended across no. 174 Piccadilly and 4, 6, 8 and 10 Piccadilly Arcade. The units were believed to have been divided later in the 20th century, and the shopfront of no. 173 altered to its existing modern glazed frontage during this century.
- 3.10. The overall form and footprint of *Egyptian House* and wider Listed Building has experienced very little change.

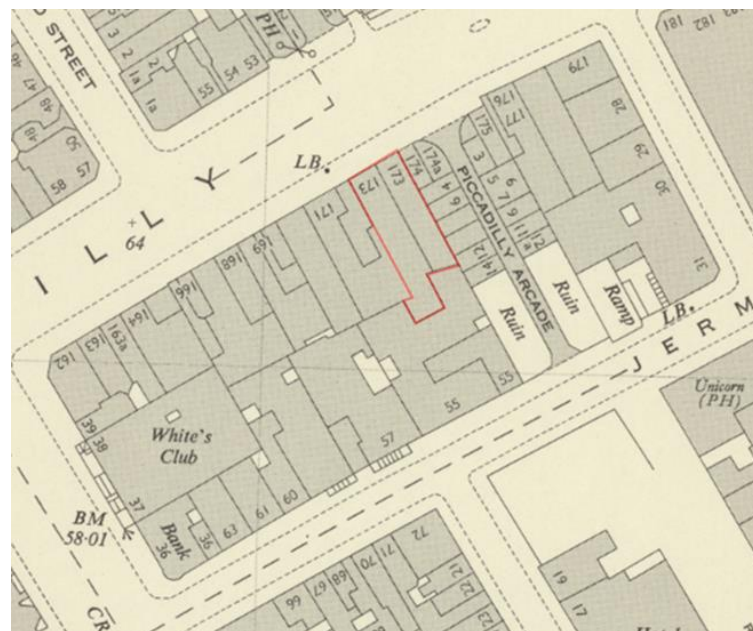


Plate 7: 1944 Ordnance Survey Map.



Plate 8: 2008 Google Steet View, featuring Nos. 171-173 Piccadilly.

Planning History

- 3.11. A review of recent planning history records held online by the City of Westminster, has revealed several applications for the site, those of relevance are as follows:
- **23/O3865/FULL & 23/O3866/LBC** | Internal and external refurbishment works including minor works of demolition including installation of plant, in order to combine no.172 and 173, two existing Class E units, for use of part ground floor and basement of 172-173 Piccadilly within a Class E a/b use, and to reestablish Unit 6 Piccadilly Arcade as a standalone Class E unit. | Permitted 29th August 2023.
- 3.12. The above proposals established the baseline in which the current proposals should be assessed. With respect to the design of the proposals, the Delegated Report stated:
- “The proposals involve partial demolition of an existing original wall that divides two of the ground floor retail units. The extent of demolition proposed has been reduced to openings within the wall rather than complete demolition. Following negotiations with officers, the number of openings has been reduced and the scheme now shows a longer unbroken stretch of retained wall to the front of the units, which will more clearly define the original location. Whilst the proposals will still cause some minor harm to legibility of the historic circulation routes and plan form, as well as loss of historic fabric, this is a much altered part of the building. Furthermore, the benefits of reintroducing the historic plan form to 6 Piccadilly Arcade, by infilling the existing opening to Egyptian*

House, will outweigh this harm. The imposition of a condition to ensure this heritage benefit is undertaken is recommended.

Elsewhere, fabric to be demolished is not of interest and its removal will cause no harm to the significance of the listed building.

New plant is proposed to the rear of the site, which is totally enclosed and has very limited visibility. The proposed plant will cause no harm to the setting of the listed building or the character and appearance of Item No. the conservation area.

A new dry riser is proposed to the front elevation requiring demolition of some fabric to the existing 1930s shopfront. No details have been submitted to demonstrate how this will appear or how it will be integrated with existing fabric. The imposition of a condition to secure this is recommended in order to protect the significance of the shopfront and its contribution to the conservation area.

The staircase between ground and basement levels in no. 173 is of high significance and is shown retained. The imposition of a condition to protect this is recommended.

Overall, the proposals are compliant with Policies 38, 39 and 40 of the City Plan 2019 – 2040 and are recommended for conditional approval.”

- 3.13. The Delegated Report can be found in **Appendix 1**.

3.14. The rest of the applications below demonstrate the significant number of alterations that have occurred to the Listed Building, both internally and externally.

- **23/O3115/LBC** | Internal alterations and external alterations including refurbishment of the existing windows and the introduction of slimline double-glazed units into the existing frames; limited window replacement on rear elevation; extension to rear mansard roof slope; replacement of roof level plant and installation of plant screen; infill of redundant lightwells to all office floors; façade refurbishment works; and improvements at basement level to provide end of Trip facilities including showers and bike storage, introduction of a dry riser to the façade of 172 Piccadilly; replacement of five windows and doors to the rear elevation so they align with the terrace works approved under RN 23/O1521/LBC and RN 23/O1520/FULL (Site includes 169 Piccadilly) | Egyptian House, Dudley House And Foxglove House 166 – 174 Piccadilly London W1J 9EJ | Permitted 18th August 2023.
- **17/O5923/ADV** | Display of externally illuminated fascia sign measuring 0.3m x 5.3m, and externally illuminated projecting sign measuring 0.42m x 0.92m. | 172 Piccadilly London W1J 9EJ | Permitted 24th July 2017.
- **17/O3886/LBC** | Internal alterations at ground floor and basement levels | Basement And Ground Floor 172 Piccadilly London W1J 9EJ | Permitted 29th June 2017.
- **14/11297/LBC** | Minor external alterations and repairs to shopfront and internal alterations at ground floor

level. Installation of externally illuminated fascia sign measuring 0.38m x 1.2m and non-illuminated hanging sign measuring 0.54m x 0.54m x 0.06m. | Ground Floor Left Egyptian House 170–173 Piccadilly London W1J 9EJ | Approved 16th January 2015.

- **11/O1161/LBC** | Internal alterations at ground and basement level. | Egyptian House 170–173 Piccadilly London W1J 9EJ | Permitted | 15th March 2011.
- **10/O7629/LBC** | Internal alterations at basement, ground and first floor levels. Installation of six air conditioning units at first floor roof level in the rear lightwell. Installation of new fascia and projecting signs with vinyl applied internally to glazing on the Piccadilly and Piccadilly Arcade elevations. | 2 Piccadilly Arcade London SW1Y 6NH | Permitted 8th November 2010.

Other Planning History

3.15. One previous application which does not include the site but is of relevance to the current proposals comprises app. ref. 16/O1810/LBC & 16/O1809/FULL. This sought Planning Permission and Listed Building Consent for the installation of a new shopfront at the neighbouring 171 Piccadilly (Permitted 9th June 2016). The previous shopfront matched the existing shopfront of 173 Piccadilly, and a new contemporary glazed shopfront was permitted to replace it. In the associated Delegated Report, the Case Officer stated the following:

“The existing Chinese style shopfronts is modern. It is a good shopfront but the proposal is an acceptable replacement, based on historic photographs of a



previous shopfronts. No objections received. It is acceptable in design terms."

4. Methodology

4.1. The aims of this Report are to assess the significance of the heritage resource within the site/study area, to assess any contribution that the site makes to the heritage significance of the identified heritage assets, and to identify any harm or benefit to them which may result from the implementation of the development proposals, along with the level of any harm caused, if relevant.

4.2. This assessment considers built heritage.

Sources

4.3. The following key sources have been consulted as part of this assessment:

- The National Heritage List for England for information on designated heritage assets;
- Historic maps available online;
- Google Earth satellite imagery; and
- The St James's Conservation Area Audit.

Site Visit

4.4. A site visit was undertaken by a Heritage Consultant from Pegasus Group on the 26th October 2023, during which the site and its surrounds were assessed.

Photographs

4.5. Photographs included in the body text of this Report are for illustrative purposes only to assist in the discussions of heritage assets, their settings, and views, where relevant. Unless explicitly stated, they are not accurate visual representations of the site or development proposals, nor do they conform to any standard or guidance i.e., the Landscape Institute Technical Guidance Note O6/19. However, the photographs included are intended to be an honest representation and are taken without the use of a zoom lens or edited, unless stated in the description or caption.

Assessment Methodology

4.6. Full details of the assessment methodology used in the preparation of this Report are provided within **Appendix 2**. However, for clarity, this methodology has been informed by the following:

- *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-*

Taking in the Historic Environment (hereafter GPA:2);³

- *Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) – The Setting of Heritage Assets*, the key guidance of assessing setting (hereafter GPA:3);⁴
- *Historic England Advice Note 1 (Second Edition) – Conservation Area Appraisal, Designation and Management* (hereafter HEAN:1).⁵
- *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (hereafter HEAN:12);⁶ and
- *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*.⁷

³ Historic England, *Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment* (GPA:2) (2nd edition, Swindon, July 2015).

⁴ Historic England, *Historic Environment Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets* (GPA:3) (2nd edition, Swindon, December 2017).

⁵ Historic England, *Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management* (HEAN:1) (2nd edition, Swindon, February 2019).

⁶ Historic England, *Historic England Advice Note 12 – Statements of Heritage Significance: Analysing Significance in Heritage Assets* (HEAN:12) (Swindon, October 2019).

⁷ English Heritage, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008).

5. Policy Framework

Legislation

- 5.1. Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and their settings and Conservation Areas.⁸
- 5.2. In addition to the statutory obligations set out within the aforementioned Act, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent, are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁹
- 5.3. Full details of the relevant legislation are provided in **Appendix 3**.

National Planning Policy Guidance

- 5.4. National Planning Policy guidance relating to the historic environment is provided within Section 16 of the Government's *National Planning Policy Framework (NPPF)*, an updated version of which was published in

September 2023. The *NPPF* is also supplemented by the national *Planning Policy Guidance (PPG)* which comprises a full and consolidated review of planning practice guidance documents to be read alongside the *NPPF* and which contains a section related to the Historic Environment.¹⁰ The *PPG* also contains the *National Design Guide*.¹¹

- 5.5. Full details of the relevant national policy guidance is provided within **Appendix 4**.

The Development Plan

- 5.6. Applications for Planning Permission and Listed Building Consent are currently considered against the policy and guidance set out within the Westminster City Plan (adopted April 2021) and The London Plan (adopted March 2021).
- 5.7. Details of the policy specific relevant to the application proposals are provided within **Appendix 5**.

⁸ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁹ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

¹⁰ Department for Levelling Up, Housing and Communities (DLUHC), *Planning Practice Guidance: Historic Environment (PPG)* (revised edition, 23rd July 2019), <https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment>.

¹¹ Department for Levelling Up, Housing and Communities (DLUHC), *National Design Guide* (London, January 2021).

6. The Historic Environment

- 6.1. The following Section provides an assessment of elements of the historic environment that have the potential to be impacted upon by the proposed development.
- 6.2. As set out in **Section 1**, the site forms part of the Grade II Listed Dudley House which falls within the St James's Conservation Area.
- 6.3. With regards to other heritage assets within the surrounds of the site, Step 1 of the methodology recommended by *GPA3* (see methodology), is to identify which heritage assets might be affected by a proposed development.¹²
- 6.4. Development proposals may adversely impact heritage assets where they remove a feature which contributes to the significance of a heritage asset, or where they interfere with an element of a heritage asset's setting which contributes to its significance, such as interrupting a key relationship or a designed view.
- 6.5. It is however widely accepted (paragraph 207 of the *NPPF*) that not all parts of a heritage asset will necessarily be of equal significance.¹³ In some cases, certain elements of a heritage asset can accommodate substantial changes whilst preserving the significance of the asset.
- 6.6. Significance can be derived from many elements, including the historic fabric of a building or elements of its surrounds.
- 6.7. Consideration, based upon professional judgement and on-site analysis, was therefore made as to whether any of the heritage assets present within the surrounding area may include the site as part of their setting, whether the site contributes to their overall heritage significance, and whether the assets may potentially be affected by the proposed scheme as a result.
- 6.8. It has been observed that the following heritage assets have the potential to be sensitive to the development proposals and thus these have been taken forward for further assessment below:
- Grade II Listed Dudley House, W1; and
 - The St James's Conservation Area.
- 6.9. With regard to other heritage assets in the vicinity of the site, assessment has concluded that the site does not form any part of setting that positively contributes to overall heritage significance due the nature of the asset and a lack of visual connections, spatial relationships or historic connections. Accordingly, the proposed development is not anticipated to result in a change that would impact upon the overall heritage significance of these assets. Other heritage assets have

¹² Historic England, *GPA:3*, p. 4.

¹³ *DLUHC, NPPF*, para. 207.

therefore been excluded from further assessment within this Report.

Grade II Listed Dudley House

- 6.10. Dudley House was added to the National List at Grade II on 30th May 1972 (NHLE 1226586). The List Entry describes the building as follows:

"TQ 2980 SW CITY OF WESTMINSTER PICCADILLY WI 81/69 (south side) 30-5-72 Nos 166 to 173 consec. (Dudley House) GV II Offices and shops. 1905 by William Woodward. Portland stone faced, slate roof. Classical detailing. 5 main storeys, with attic storey and dormered mansard, 11 major bays (3+5+3). Mid to late C20 shop fronts to ground floor under entablature but retaining 2 stone entrances: No 166 having shaped hood and No 172 pedimented. The central 5 bays of upper floors have engaged Ionic columns. The outer bays have canted oriels through 2nd and 3rd floors. Main entablature below attic storey with crowning cornice and blocking course. Survey of London; vol XXIX"

- 6.11. A full copy of the List Entry is included at **Appendix 5**.

Statement of Significance

- 6.12. The Grade II Listing of the building highlights it is a heritage asset of less than the highest significance as defined by the *NPPF*.¹⁴ This significance is consolidated

by its inclusion within the boundaries of the St James's Conservation Area.

- 6.13. The heritage significance of Dudley House is principally embodied in its physical fabric which derives historic and architectural interest as a fine example of Edwardian Baroque styled architecture and early-20th century town planning. This is best exemplified at the Piccadilly frontage whereby the surviving upper stories reflect the special interests of the building.

- 6.14. The ground floor does not retain any historic shopfronts and is therefore considered to be neutral with respect to the significance of the rest of the Listed Building.

- 6.15. The two shopfronts to nos. 172 and 173 Piccadilly are different in style to each other, neither dating to the original William Woodward design. The frontage at no. 173 Piccadilly (formerly *Paul*) appears to take its design from the units along Piccadilly Arcade with the considerable amount of glazing and a centrally positioned entrance. The design is unobtrusive, but of no significance.

- 6.16. The frontage to no. 172 Piccadilly is contrary with the wider elevation, of a chinoiserie style design, but holds some visual interest. It is of a characterful and pleasing visual composition, and although elements have been altered and replaced over time, the general aesthetic character of the shopfront has been a feature of the building over time. Nonetheless, this is a modern addition, and whilst traditionally-designed, it is

¹⁴ DLUHC, *NPPF*, para. 200.

considered to make a neutral contribution to the heritage significance of the Listed Building.

- 6.17. The interior of the two units has been mostly stripped back to the structural elements. Prior to this, the interior was mostly made up of modern fabric and finishes associated with the previous occupants. Historic fabric and features within the site are limited, notably the timber staircase at the rear of no. 172 and basement vaults, which both, whilst experiencing modern alterations derive some historic and architectural interest.

St James's Conservation Area

- 6.18. The St James's Conservation Area was first designated on 27th March 1969 and extended in 1974 and 1987. A Conservation Area Audit was prepared by Westminster City Council and adopted on 27th November 2002.
- 6.19. The St James's Conservation Area is bounded to the north by Piccadilly, to the south by The Mall, to the west by Green Park and Trafalgar Square to the east. Located in the heart of the City, this area has a strong relationship with many of the adjoining Conservation Areas, which together form some of the best-known townscapes in London.
- 6.20. The area retains important elements of some early development: most notably, the Tudor palace of St. James's. St James's Square and the surrounding 17th century grid-pattern of streets contribute significantly to the character of the area. Within this overall framework are many buildings of note dating from the 18th and early-19th centuries, including surviving mews

developments tucked away behind the larger-scale residential terraces.

- 6.21. In contrast to the hard urban form at its core, are the soft green edges provided by Green Park and St James's Park, as well as important landscaped gardens and squares. The area today is known for club life, specialist shopping and services and aristocratic housing.
- 6.22. The existing hierarchy of the street pattern and its relationship with the open space network has defined the development of the Conservation Area. This has led to a network of contrasting wide dramatic avenues, commercial frontages, residential streets and mews and alleys. The Conservation Area Audit report defined three categories of routes or spaces, they are:
- Primary Routes and Spaces, including routes of 'national significance' Waterloo Place and The Mall;
 - Secondary Routes and Spaces; and
 - Intimate Routes and Spaces.
- 6.23. The overall height of the existing townscape is fairly consistent at five to six storeys, providing an imposing character to many of the major routes. The height drops slightly towards the centre of the Conservation Area, where a more domestic scale remains with the 4-storey terraced properties.
- 6.24. Building types vary across the Conservation Area, comprising historic palaces, grand town houses, residential terraces, mews and alleys, commercial schemes, arcades and later 20th century infill. These are

predominantly influenced by architectural styles from Georgian to Neo-Classical and Neo-Baroque to Victorian Italianate. Portland stone dominates as the principal material across these buildings, especially along the principal routes with brick used in more ancillary areas or as a secondary material.

6.25. In reference to the site and the proposed scheme, the Audit states the following:

"Shopfronts, including non-original ones of an appropriate design, can be of great importance in contributing to the character and appearance of both individual buildings and the conservation area and can be of historic and architectural interest in their own right. Where it is found that replacement shopfronts are acceptable in principle traditional designs, proportions, materials and finishes are likely to be the most appropriate approach. The quality and style of the design will be judged in each case to ensure that they do not detract from the character of the conservation area.

...

Piccadilly is characterised by a mixture of shopfront designs from the traditional examples, to the progressive design by Emberton for Simpson's in 1936, and more recent modern interpretations"

6.26. The Conservation Area Audit report identifies local views in the Conservation Area and provides a preliminary list of views which are considered to be of Metropolitan importance. These views are detailed to in the report and on the Conservation Area map, included at **Appendix 6**.

Statement of significance

6.27. The significance of the St James's Conservation Area is principally derived from the following key elements:

- The 17th century grid pattern and the hierarchy of streets and spaces which have resulted from this layout;
- The eclectic variety of architecture, with many buildings being designated in their own right, which contributes to the historic, architectural and artistic interest of the Conservation Area; and
- The key views identified above which enable the historic, architectural and artistic interest of the Conservation Area to be appreciated.

The contribution of the site

6.28. The application site forms part of the Grade II Listed Dudley House, Piccadilly W1. As a building of architectural and historical interest and as an example of Edwardian Baroque styled architecture and early-20th century town planning, the Listed Building makes a positive contribution to the character and appearance of the St James's Conservation Area. This is further reinforced by the building's appearance in local views, including those along Piccadilly and the view into the entrance of Piccadilly Arcade.

6.29. The two shopfronts to 172 and 173 Piccadilly are different in style to each other, neither dating to the original William Woodward design. The frontage at no. 173 Piccadilly (formerly *Paul*) appears to take its design from the units along Piccadilly Arcade rather than the

historic form of Dudley House. This design makes a neutral contribution to the character and appearance of the Conservation Area.

- 6.30. The frontage to no. 172 Piccadilly is contrary with the wider elevation, of a chinoiserie style design, but holds some visual interest. It is of a characterful and pleasing visual composition, and although elements have been altered and replaced over time, the general aesthetic character of the shopfront has been a feature of the building over time. Nonetheless, this is a modern addition, and whilst traditionally-designed, it is considered to make a neutral contribution to the heritage significance of the Conservation Area.

7. Assessment of Impacts

- 7.1. This Section addresses the heritage planning issues that warrant consideration in the determination of the application for Full Planning Permission and Listed Building Consent in line with the proposals set out within **Section 3** of this Report.
- 7.2. As detailed above, the *Planning and Compulsory Purchase Act (2004)* requires that applications for Planning Permission, including those for Listed Building Consent are determined in accordance with the Development Plan, unless material considerations indicate otherwise. The policy guidance set out within the *NPPF* is considered to be a material consideration which attracts significant weight in the decision-making process.
- 7.3. The statutory requirement set out in Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* confirms that special regard should be given to the preservation of the special historic and architectural interest of Listed Buildings and their settings. Section 72(1) of the Act confirms that special attention should be paid to the desirability of preserving or enhancing the character or appearance of the asset, as well as the protection of the character and appearance of a Conservation Area.
- 7.4. In addition, the *NPPF* states that the impact of development proposals should be considered against

the particular significance of heritage assets, such as Listed Buildings and Conservation Areas, and this needs to be the primary consideration when determining the acceptability of the proposals.

- 7.5. It is also important to consider whether the proposals cause harm. If they do, then one must consider whether the harm represents "*substantial harm*" or "*less than substantial harm*" to the identified designated heritage assets, in the context of paragraphs 201 and 202 of the *NPPF*.¹⁵ With regard to non-designated heritage assets, potential harm should be considered within the context of paragraph 203 of the *NPPF*.¹⁶
- 7.6. The *PPG* clarifies that within each category of harm ("*less than substantial*" or "*substantial*"), the extent of the harm may vary and should be clearly articulated.¹⁷
- 7.7. The guidance set out within the *PPG* also clarifies that "*substantial harm*" is a high test, and that it may not arise in many cases. It makes it clear that it is the degree of harm to the significance of the asset, rather than the scale of development, which is to be assessed.¹⁸ In addition, it has been clarified in a High Court Judgement of 2013 that substantial harm would be harm that would:

¹⁵ DLUHC, *NPPF*, paras. 201 and 202.

¹⁶ DLUHC, *NPPF*, para. 203.

¹⁷ DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

¹⁸ DLUHC, *PPG*, Paragraph: 018 (ID: 18a-018-20190723 Revision date: 23.07.2019).

"...have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced."¹⁹

7.8. This Section will consider each of the heritage assets detailed above and assess the impact of the proposed development, whether that be harmful or beneficial to the significance identified above.

The Grade II Listed Dudley House, Piccadilly, W1

7.9. The proposals seek to remove the two existing shopfronts (including signage and lighting) and replace them with a new shopfront which serves the reconfigured single retail unit (as approved in 23/O3865/FULL & 23/O3866/LBC). The two shopfronts to nos. 172 and 173 Piccadilly are different in style to each other, neither dating to the original William Woodward design. The removal of the modern shopfronts will have no impact on historic fabric or the appreciation for the significance of the wider building. Whilst the shopfront to No. 172 is visually pleasing, it is also noted that the shopfront historically matched with the neighbouring no. 171 Piccadilly. This unit's shopfront was replaced with a contemporary glazed style following permission in 2016 (refs. 16/O1809/FULL & 16/O1810/LBC). The Case Officer found the removal of the shopfront acceptable based on the appropriate design of the replacement shopfront.

7.10. The new shopfront will retain the appearance of two individual shopfronts. Whilst the new branding and signage will indicate otherwise to the singularity of the

unit, it will not impair the historic appearance of the former two units. The new shopfront will adopt a traditional style, using appropriate materials (timber) and features (i.e. stall risers, fascias, and transom lights) which coincide with the wider historic form of Dudley House. The consistency between the two frontages will strengthen the overall group value with the wider Listed Building.

7.11. As part of the above works, all existing stonework which forms the frame of the shopfronts will be restored and made good. Overall, the proposed works to the exterior of the site are expected to have a neutral impact to the heritage significance of the Listed Building.

7.12. The interior of the site has been significantly stripped and altered following the permissions granted in August 2023 (refs. 23/O3865/FULL & 23/O3866/LBC). The current proposals seek to continue these works and prepare the site for its accepted restaurant use. With the interior mostly exposed to its outer frame, the subsequent lining, squaring and associated finishes proposed are not expected to cause any physical impacts to the building's historic fabric. The installation and re-routing of new electrics and plumbing is expected to have a very low impact on the building's fabric. Subsequently, the installation of the new restaurant fit-out across the ground and basement level is not expected to have any negative impacts to the historic and architectural interests of the building.

¹⁹ EWHC 2847, R DCLG and Nuon UK Ltd v. Bedford Borough Council.

7.13. The proposals seek to create several additional new spaces across all levels to facilitate the unit's use as a restaurant. This will involve the removal of several remaining modern partitions and columns, and the installation of new partitions. Such work will mainly focus within the basement level which will host associated spaces including WCs, storage, offices, staff rooms and a private dining area. The floorplans across all levels have been significantly altered through time, most notably following the recently approved strip-out works. As such, the continued reconfiguration of the site will not have any negative impacts on the heritage significance of Dudley House, and the proposals will ensure that the retail uses at ground floor (and basement) level are maintained.

7.14. In order to facilitate a new modern restaurant, the proposals seek to install 2no. catering lifts which function between the ground floor, basement and sub-basement. This will require new openings and associated structure in the floor and ceiling across the three levels. The new feature will be situated within the rear space of what was the no. 173 Piccadilly unit. As a result of the 20th century origins of the buildings, the floors and ceilings across the levels do not comprise any notable fabric of historic or architectural interest, and as such, the localised loss in the creation of the new openings will have no negative impact to the wider significance of the Listed Building. Furthermore, the catering lifts are not expected to conceal any notable building features.

7.15. There are two modern staircases located within the rear extent of no. 172 Piccadilly which provide access down into the basement. One is to be replaced, and the other removed completely and infilled to provide additional

floor space for the restaurant. Such proposals are not expected to cause any negative impact to the heritage significance of the building.

7.16. The existing staircase within no. 173 Piccadilly, which is considered a feature of some historic and architectural interest, is to be partially altered to remove insensitive modern additions and alterations. This includes the angled revisor whilst also making good any existing damages. The staircase was unutilised by the previous occupant, but the current proposals will bring it back into use as a principal back of house staircase. There will be no negative impacts resulting from such works and in fact, the proposals will comprise a heritage benefit through the re-use of the historic vertical circulation.



Plate 9: Historic staircase.

- 7.17. In the basement, adjacent to the historic staircase, a new structural opening will be created to provide a new staircase between the basement and sub-basement level. Such an opening is not expected to have any negative impacts, as the fabric within this area of the building is not considered to be of any historic or architectural interest. As such, the opening and

staircase will have no impact on the heritage significance of the Listed Building.

- 7.18. The basement vault within the site is one of the few remaining elements of the building's original footprint. It comprises three brick-lined chambers which are currently not in use. In order to maintain their functionality as a suitable storage space, the proposals seek to tank and line the vaults, divide the vault into two separate spaces by infilling one of the links, and create a new door opening. Such proposals are expected to have some negative impact to the historic and architectural interests of the Listed Building, as potential historic fabric will either be lost in localised positions or concealed. However, the intelligibility of the three vaults will still be read whilst an active use will be attributed to them. Moreover, such works are considered necessary to keep the space in use and meet modern building/restaurant standards. As such, impacts to the heritage significance of the Listed Building are considered neutral.

- 7.19. Other additional works, include the removal of existing plant and services which were previously associated with the former occupants of the site, and the infill of a fire escape located between the basements of the site and neighbouring unit. These works are not expected to have any impact on the heritage significance of Dudley House.

St James's Conservation Area

- 7.20. When considering potential impacts on the Conservation Area, it is important to note that the site forms only one small part of the asset.

7.21. Paragraph 207 of the *NPPF* states that it is necessary to consider the relevant significance of the element of the Conservation Area which has the potential to be affected and its contribution to the significance of the designation as a whole, i.e., would the application proposals undermine the significance of the Conservation Area as a whole?²⁰

7.22. This approach, and its compliance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, is supported by Case Law, with a 2020 High Court Judgement confirming that:

“Section 72 requires an overall assessment of the likely impact of a proposed development on the conservation area, and not just that part of it where the development site is located”.²¹ (my emphasis)

7.23. As established, the site retains two shopfronts, neither of which form part of the original Dudley House or match the wider ground floor shopfronts along Piccadilly. However, the Conservation Area is noted to comprise a wide mix of shopfront styles and appearances including wholly contemporary shopfronts, even on the same host building. As such, the exterior of the site is considered to have a limited positive contribution to the character and appearance of the St James’s Conservation Area. This positive contribution is

mainly through the intelligibility of retail uses within the site, which have historically been found across the building at ground floor level.

7.24. The proposals include a shopfront design which is wholly traditional, incorporating styles and materials which are appropriate for the historic character and appearance of the Conservation Area. The proposals will maintain the appearance of two separate shopfronts, which would be consistent with each other, and with the historic form of the wider Dudley House.

7.25. Removing the two shopfronts for the newly repurposed site is not expected to cause any negative impacts on the character and appearance of the Conservation Area, particularly as the replacement shopfront will create a far more traditional and appropriate installation which reflects the special interests of the Conservation Area.

Summary

7.26. With reference to the levels of harm in the *NPPF*, the proposals will result in 'no harm' to the significance of the Grade II Listed Dudley House or the St James’s Conservation Area. The proposals will satisfy the requirements set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. They will also satisfy relevant local policy.

²⁰ DLUHC, *NPPF*, para. 207.

²¹ *Spitfire Bespoke Homes Ltd v Secretary of State for Housing Communities And Local Government* [2020] EWHC 958 (Admin).

8. Conclusions

- 8.1. Pegasus Group have been commissioned by Harnbury Holdings Limited to prepare a Built Heritage Statement to consider the external and internal alterations at 172 and 173 Piccadilly, St James's.
- 8.2. The application site comprises a recently reconfigured retail unit at the ground floor and basement level of nos. 172 and 173 Piccadilly, which form part of the wider Grade II Listed Dudley House. The site and wider Listed Building both lie within the boundaries of the St James's Conservation Area.
- 8.3. The heritage significance of Dudley House is principally embodied in its physical fabric which derives historic and architectural interest as a fine example of Edwardian Baroque styled architecture and early-20th century town planning. This is best exemplified at the Piccadilly frontage whereby the surviving upper stories reflect the special interests of the building. By virtue of its designation as a Listed Building and the retention of retail at ground floor level, the site is also considered to make a limited positive contribution to the significance of the Conservation Area.
- 8.4. The application seeks Full Planning Permission and Listed Building Consent for the '*Proposed Shopfront alterations and internal fit out works.*' at Nos. 172 and 173 Piccadilly.
- 8.5. With reference to the levels of harm in the NPPF, the proposals will result in 'no harm' to the significance of the Grade II Listed Dudley House or the St James's Conservation Area. The proposals will satisfy the requirements set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. They will also satisfy relevant local policy.



Appendix 1: 23/03865 FULL and 23/03866/LBC Delegated Report

Delegated Report	Town Planning & Building Control
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Address:	Egyptian House, 170-173 Picadilly, London, W1J 9EJ
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Case No.:	23/03865/FULL	TP:	PP-11977761
Date Received:	09.06.2023	Date Valid:	09.06.2023
Date amended/ completed:	09.06.2023	8 Wk Date:	04.08.2023
		EoT date:	
Agent:	Mr Jack Playford / DP9	On behalf of:	
Development Plan Context:	– London Plan (March 2021) – City Plan 2019 - 2040 (April 2021)		

LB:	II	CA:	St James's
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Proposal:

Internal and external refurbishment works including minor works of demolition including installation of plant, in order to combine no.172 and 173, two existing Class E units, for use of part ground floor and basement of 172-173 Piccadilly within a Class E a/b use, and to reestablish Unit 6 Piccadilly Arcade as a standalone Class E unit. (Linked with 23/03866/LBC)

Consultations:

AMENITY SOCIETY (St. James's Conservation Trust):
No objection. Request that the lettering "Egyptian House" is retained as a historical marker.

AMENITY SOCIETY (Residents Society Of Mayfair & St. James's):
No response

HIGHWAYS PLANNING MANAGER:
No objection, subject to conditions

ADJOINING OWNERS / OCCUPIERS
No. Consulted: 28
No. Responses: 0

SITE & PRESS NOTICE
Yes

Relevant Planning History:

23/03866/LBC

Internal and external refurbishment works including minor works of demolition including installation of plant, in order to combine no.172 and 173, two existing Class E units, for use of part ground floor and basement of 172-173 Piccadilly within a Class E a/b use, and to reestablish Unit 6 Piccadilly Arcade as a standalone Class E unit. (Linked with 23/03865/FULL)
Application Permitted

Planning permission was granted on 5/1/95 for the "use of the basement and ground floors of 172 and the rear ground floor of 171 as a Class A3 restaurant; continued use of the front ground floor and whole basement of 171 as Class A1 retail." (94/05218/FULL)

Considerations:**SITE & PROPOSAL**

The application site is Egyptian House, 170-173 Piccadilly, London, W1J 9EJ, which is a grade II listed building located in the St James's Conservation Area.

The application proposes: 'Internal and external refurbishment works including minor works of demolition including installation of plant, in order to combine no.172 and 173, two existing Class E units, for use of part ground floor and basement of 172-173 Piccadilly within a Class E a/b use. (Linked with 23/03866/LBC)'

LAND USE

The site is comprised of three units. 172 and 173 Piccadilly, and Unit 6 Piccadilly Arcade. Unit 6 is currently linked to 173 Piccadilly which operates as Class E (bakery/coffee shop). Whilst both units currently operate within Class E, the unit at 172, currently a restaurant, had a condition imposed under permission 94/05218/FULL, which reverted the use to a nil use when the occupier (Richoux) vacated.

The application seeks to amalgamate 172 and 173 in use as Class E(a/b) and establish Unit 6 as its own separate retail unit within piccadilly arcade. With the operator Richoux departing from the premises, the application is seeking a change of use for unit 172 from 'nil use' to 'Class E'. There will be no change in the amount of floor space available for the units.

City Plan Policy 14(A) supports the intensification of the CAZ to provide additional floorspace for main town centre uses. Both retail and restaurant (Class E) uses sought are town centre uses (as defined within the NPPF and London Plan) and both are considered to provide uses that serve visiting members of the public as required by Policy 14(B).

Retail use of Unit 6 as well as the combined units of 172 and 173 is acceptable in policy terms given that Policy 14 states that uses that provide active frontages and supports the growth of retail within the West End Retail and Leisure Special Policy Area. There are no objections in policy terms to the amalgamation of the two units.

Policy 16 states that proposals for food and drink and entertainment uses will be of a type and size appropriate to their location. The over-concentration of those uses will be further prevented where this could harm residential amenity, the vitality and character of the local area or the diversity that defines the role and function of the town centre. Taking into account the long-standing restaurant use at 172, and the variety of uses in the local area, including restaurants and cafes in close proximity to the site, it is considered that a restaurant use over the combined units is appropriate to the location and would not lead to an over concentration of restaurants in the local area.

DESIGN

The proposals involve partial demolition of an existing original wall that divides two of the ground floor retail units. The extent of demolition proposed has been reduced to openings within the wall rather than complete demolition. Following negotiations with officers, the number of openings has been reduced and the scheme now shows a longer unbroken stretch of retained wall to the front of the units, which will more clearly define the original location. Whilst the proposals will still cause some minor harm to legibility of the historic circulation routes and plan form, as well as loss of historic fabric, this is a much altered part of the building. Furthermore, the benefits of reintroducing the historic plan form to 6 Piccadilly Arcade, by infilling the existing opening to Egyptian House, will outweigh this harm. The imposition of a condition to ensure this heritage benefit is undertaken is recommended.

Elsewhere, fabric to be demolished is not of interest and its removal will cause no harm to the significance of the listed building.

New plant is proposed to the rear of the site, which is totally enclosed and has very limited visibility. The proposed plant will cause no harm to the setting of the listed building or the character and appearance of

the conservation area.

A new dry riser is proposed to the front elevation requiring demolition of some fabric to the existing 1930s shopfront. No details have been submitted to demonstrate how this will appear or how it will be integrated with existing fabric. The imposition of a condition to secure this is recommended in order to protect the significance of the shopfront and its contribution to the conservation area.

The staircase between ground and basement levels in no. 173 is of high significance and is shown retained. The imposition of a condition to protect this is recommended.

Overall, the proposals are compliant with Policies 38, 39 and 40 of the City Plan 2019 - 2040 and are recommended for conditional approval.

AMENITY

The area is predominantly commercial, however residential accommodation is located to the north west across the road from the site at Colette House.

Whilst the existing unit at 172 functions as a restaurant, a larger restaurant unit could impact the amenity of the area through the arrival and departure of customers in large numbers. Therefore, to protect the environment of people in neighbouring properties, it is considered both appropriate and necessary to impose conditions to control the use of the premises in the event that it operates a restaurant. The recommended conditions include restrictive Class E use for restaurant or non-food retail purposes only, to secure compliance with an Operational Management Plan; hours of operation; details of a Servicing Management Plan.

The proposal involves the repositioning of the rear duct. There are no amenity issues in relation to the duct in terms of loss of light or visual intrusion, and a condition will be applied requiring the full height extract duct to be installed prior to any restaurant use to ensure that the restaurant has sufficient ventilation.

The existing restaurant operates with a license which enables the premises to open until 12.30 daily. The applicants have requested opening hours of 01:00 on Mondays to Saturdays, and until 00:00 on Sundays and bank holidays. Given that there are limited residential properties with the exception of the four flats within the 4th and 5th floors of 52-55 Piccadilly located on the opposite site of Piccadilly, it is not considered the slightly extended hours of operation will materially impact local residential amenity. No comments have been received to the application, and it is understood that the former restaurant use operated without complaints being generated to the Council. There are also a number of restaurants nearby, with licenses to operate until a similar time.

Overall the proposals are not likely to cause any significant harm to the amenity of neighbouring properties and is considered to comply with Policies 7, 33 and 38 of the City Plan.

HIGHWAYS

Given that the proposal combines 172 and 173 Piccadilly into one larger restaurant use, to ensure the proposed new use does not have a detrimental impact on the highway network, a condition has been imposed requiring a Servicing Management Plan.

To ensure that the scheme complies with the council's cycle parking requirements, a condition will be included requiring details of cycle parking to be submitted.

PLANT EQUIPMENT

The proposed plant equipment consisting of replacement of external building services equipment will be located to the rear of the site. Environmental Health Officers have assessed the acoustic report that was submitted with the application and consider that the proposed plant is likely to comply with the City Council's noise Policy 33. The proposals will not therefore harm the amenity of neighbouring properties.

WASTE

Item No.

A condition will be added to this decision requiring details of waste storage to be provided.

Recommendation:

Grant conditional planning permission.

Case Officer or Morning Meeting Officer: Tristan Goldsmid	Date: 29 August 2023
Reason (if over 8/13 wk deadline):	

DRAFT DECISION LETTER

Address: Egyptian House, 170-173 Picadilly, London, W1J 9EJ

Proposal: Internal and external refurbishment works including minor works of demolition including installation of plant, in order to combine no.172 and 173, two existing Class E units, for use of part ground floor and basement of 172-173 Piccadilly within a Class E a/b use, and to reestablish Unit 6 Piccadilly Arcade as a standalone Class E unit. (Linked with 23/03866/LBC)

Plan Nos: Acoustic Report, Revision 1, 27 April 2023, reference:
REP_1014016_KJ_5A_20230427_Noise Impact Assessment_172 173
Piccadilly_Rev01

L980 B ; L990 C ; A980 P1 ; A990 P1 ; A1010 P1 ; A1020 P1 ; A1500 P1 ; A1510 P1 ; A2600 P1 ; A2610 P1 ; A780 P1 ; A790 P1 ; A810 P1 ; A802 P1 ; A850 P1 ; A860 P1 ; A870 P1 ; A880 P1 ; SK-800 ; SK-1000

Case Officer: Tristan Goldsmid

Direct Tel. No.

Recommended Condition(s) and Reason(s) or Reason(s) for Refusal:

- 1 The development hereby permitted shall be carried out in accordance with the drawings and other documents listed on this decision letter, and any drawings approved subsequently by the City Council as local planning authority pursuant to any conditions on this decision letter.

Reason:

For the avoidance of doubt and in the interests of proper planning.

- 2 Except for piling, excavation and demolition work, you must carry out any building work which can be heard at the boundary of the site only:
 - o between 08.00 and 18.00 Monday to Friday;
 - o between 08.00 and 13.00 on Saturday; and
 - o not at all on Sundays, bank holidays and public holidays.

You must carry out piling, excavation and demolition work only:

- o between 08.00 and 18.00 Monday to Friday; and
- o not at all on Saturdays, Sundays, bank holidays and public holidays.

Noisy work must not take place outside these hours unless otherwise agreed through a Control of Pollution Act 1974 section 61 prior consent in special circumstances (for example, to meet police traffic restrictions, in an emergency or in the interests of public safety). (C11AB)

Reason:

To protect the environment of neighbouring occupiers. This is as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R11AD)

- 3 All new work to the outside of the building must match existing original work in terms of the choice of materials, method of construction and finished appearance. This applies unless differences are shown on the drawings we have approved or are required by conditions to this permission. (C26AA)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

4 You must apply to us for approval of details of the following parts of the development:

1. Dry riser to front elevation showing integration with existing historic fabric (1:10)

You must not start any work on these parts of the development until we have approved what you have sent us. You must then carry out the work according to these details. (C26DB)

Reason:

To protect the special architectural or historic interest of this listed building and to make sure the development contributes to the character and appearance of the St James's Conservation Area. This is as set out in Policies 38, 39 and 40 of the City Plan 2019 - 2040 (April 2021). (R26FE)

5 You must apply to us for approval of details of how waste is to be stored on site and how materials for recycling will be stored separately. You must not occupy the Class E (a, b) use hereby approved until we have approved what you have sent us. You must then provide the waste and recycling storage prior to occupation of the development and thereafter permanently retain the stores according to these details. You must clearly mark them and make them available at all times to everyone using the premises. You must not use the waste and recycling store for any other purpose. (C14GB)

Reason:

To protect the environment and provide suitable storage for waste and materials for recycling as set out in Policies 7 and 37 of the City Plan 2019 - 2040 (April 2021). (R14CD)

6 (1) Where noise emitted from the proposed plant and machinery will not contain tones or will not be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 10 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(2) Where noise emitted from the proposed plant and machinery will contain tones or will be intermittent, the 'A' weighted sound pressure level from the plant and machinery (including non-emergency auxiliary plant and generators) hereby permitted, when operating at its noisiest, shall not at any time exceed a value of 15 dB below the minimum external background noise, at a point 1 metre outside any window of any residential and other noise sensitive property, unless and until a fixed maximum noise level is approved in writing by the City Council. The background level should be expressed in terms of the lowest LA90, 15 mins during the proposed hours of operation. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.

(3) Following installation of the plant and equipment, you may apply in writing to the City Council for a fixed maximum noise level to be approved. This is to be done by submitting a further noise report confirming previous details and subsequent measurement data of the installed plant, including a proposed fixed noise level for written approval by the City Council. Your submission of a noise report must include:

- (a) A schedule of all plant and equipment that formed part of this application;
- (b) Locations of the plant and machinery and associated: ducting; attenuation and damping equipment;
- (c) Manufacturer specifications of sound emissions in octave or third octave detail;
- (d) The location of most affected noise sensitive receptor location and the most affected window of it;

- (e) Distances between plant & equipment and receptor location/s and any mitigating features that may attenuate the sound level received at the most affected receptor location;
- (f) Measurements of existing LA90, 15 mins levels recorded one metre outside and in front of the window referred to in (d) above (or a suitable representative position), at times when background noise is at its lowest during hours when the plant and equipment will operate. This acoustic survey to be conducted in conformity to BS 7445 in respect of measurement methodology and procedures;
- (g) The lowest existing LA90, 15 mins measurement recorded under (f) above;
- (h) Measurement evidence and any calculations demonstrating that plant and equipment complies with the planning condition;
- (i) The proposed maximum noise level to be emitted by the plant and equipment. (C46AC)

Reason:

Because existing external ambient noise levels exceed WHO Guideline Levels, and as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022), so that the noise environment of people in noise sensitive receptors is protected, including the intrusiveness of tonal and impulsive sounds, and by contributing to reducing excessive ambient noise levels. Part (3) is included so that applicants may ask subsequently for a fixed maximum noise level to be approved in case ambient noise levels reduce at any time after implementation of the planning permission. (R46AC)

- 7 No vibration shall be transmitted to adjoining or other premises and structures through the building structure and fabric of this development as to cause a vibration dose value of greater than 0.4m/s (1.75) 16 hour day-time nor 0.2m/s (1.75) 8 hour night-time as defined by BS 6472 (2008) in any part of a residential and other noise sensitive property. (C48AB)

Reason:

To ensure that the development is designed to prevent structural transmission of noise or vibration and to prevent adverse effects as a result of vibration on the noise environment in accordance with Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021) and the Environmental Supplementary Planning Document (February 2022). (R48AB)

- 8 You must apply to us for approval of details of secure cycle storage for the Class E use. You must not start any work on this part of the development until we have approved in writing what you have sent us. You must then provide the cycle storage in line with the approved details prior to occupation and make it available at all times to everyone using the Class E. You must not use the cycle storage for any other purpose. (C22HA)

Reason:

To provide cycle parking spaces for people using the development in accordance with Policy 25 of the City Plan 2019 - 2040 (April 2021). (R22FB)

- 9 Customers shall only be permitted within the restaurant premises between 07:30 and 01:00 Monday to Friday, and between 07:30 and 00:00 on Sundays and Bank Holidays.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 10 Prior to the commencement of the enlarged restaurant use, you must install the full height kitchen extract duct indicated on your approved drawings. The duct shall thereafter be permanently retained for as long as the restaurant is in use.

Reason:

To protect the environment of people in neighbouring properties as set out in Policies 7 and 33 of the City Plan 2019 - 2040 (April 2021). (R14AD)

- 11 In the event that any part of the premises is used for Class E (b) food and drink purposes, you must apply to us for approval of a management plan to show how you will prevent customers from causing nuisance for people in the area, including people who live in nearby buildings. The plan must include details of how the use is to be managed and operated, including arrival and departure of customers. You must not start the restaurant use until we have approved in writing what you have sent us. You must then carry out the measures included in the approved management plan at all times that the restaurant is in use.

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 12 You can only use the part ground floor and basement of 172-173 Piccadilly for Class E retail (E (a)) and restaurant (E (b)) of the Town and Country Planning (Use Classes) Order 1987 as amended September 2020 (or any equivalent class in any order that may replace it):

Reason:

To ensure that the development is carried out in accordance with the use sought and assessed, to ensure that the parts of the building are not used for other uses within Class E that may have different or unacceptable waste storage, servicing, air quality, amenity or transportation requirements and / or impacts in accordance with Policies 16, 17, 18, 24, 26, 28, 29, 25, 32, 33, 34, 37 and 38, of the City Plan 2019 - 2040 (April 2021).

- 13 In the event that any part of the premises is used for Class E (b) food and drink purposes, you must not allow more than 200 customers into the property at any one time. (C05HA)

Reason:

To make sure that the use will not cause nuisance for people in the area. This is as set out Policies 7, 16 and 33 of the City Plan 2019 - 2040 (April 2021). (R05GC)

- 14 In the event that the premises is used for Class E (b) food and drink purposes, you must apply to us for approval of a Servicing Management Plan prior to commencement of that use. The plan must identify process, internal storage locations, scheduling of deliveries and staffing.

You must not commence the use hereby approved until we have approved in writing what you have sent us.

You must then operate the use hereby approved in accordance with the approved Servicing Management Plan for the life of the development.

Reason:

To avoid blocking the surrounding streets and to protect the environment of people in neighbouring properties as set out in Policy 29 of the City Plan 2019 - 2040 (April 2021). (R23AD)

Informative(s):

- 1 In dealing with this application the City Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies in the City Plan 2019 - 2040 (April 2021), neighbourhood plan (where relevant), supplementary planning documents, the

London Plan (March 2021), planning briefs and other informal written guidance, as well as offering a full pre application advice service, in order to ensure that applicant has been given every opportunity to submit an application which is likely to be considered favourably. In addition, where appropriate, further guidance was offered to the applicant at the validation stage.

2 HIGHWAYS LICENSING:

Under the Highways Act 1980 you must get a licence from us before you put skips or scaffolding on the road or pavement. It is an offence to break the conditions of that licence. You may also have to send us a programme of work so that we can tell your neighbours the likely timing of building activities. For more advice, please visit our website at www.westminster.gov.uk/guide-temporary-structures.

CONSIDERATE CONSTRUCTORS:

You are encouraged to join the nationally recognised Considerate Constructors Scheme. This commits those sites registered with the Scheme to be considerate and good neighbours, as well as clean, respectful, safe, environmentally conscious, responsible and accountable. For more information please contact the Considerate Constructors Scheme directly on 0800 783 1423, siteenquiries@ccscheme.org.uk or visit www.ccscheme.org.uk.

BUILDING REGULATIONS:

You are advised that the works are likely to require building regulations approval. Details in relation to Westminster Building Control services can be found on our website at www.westminster.gov.uk/contact-us-building-control

- 3 Please make sure that the street number and building name (if applicable) are clearly displayed on the building. This is also a condition of the London Building Acts (Amendment) Act 1939, and there are regulations that specify the exact requirements. For further information on how to make an application for street naming and numbering, and to read our guidelines, please visit our website: www.westminster.gov.uk/street-naming-numbering. (I54AB)
- 4 Please email our Project Officer (Waste) at wasteplanning@westminster.gov.uk for advice about your arrangements for storing and collecting waste.
- 5 The term 'clearly mark' in condition 5 means marked by a permanent wall notice or floor markings, or both. (I88AA)
- 7 When carrying out building work you must take appropriate steps to reduce noise and prevent nuisance from dust. The planning permission for the development may include specific conditions relating to noise control, hours of work and consideration to minimising noise and vibration from construction should be given at planning application stage. You may wish to contact to our Environmental Sciences Team (email: environmentalsciences2@westminster.gov.uk) to make sure that you meet all the requirements before you draw up contracts for demolition and building work.

When a contractor is appointed they may also wish to make contact with the Environmental Sciences Team before starting work. The contractor can formally apply for consent for prior approval under Section 61, Control of Pollution Act 1974. Prior permission must be sought for all noisy demolition and construction activities outside of core hours on all sites. If no prior permission is sought where it is required the authority may serve a notice on the site/works setting conditions of permitted work (Section 60, Control of Pollution Act 1974).

British Standard 5228:2014 'Code of practice for noise and vibration control on construction and open sites' has been recognised by Statutory Order as the accepted guidance for noise control

during construction work.

An action in statutory nuisance can be brought by a member of the public even if the works are being carried out in accordance with a prior approval or a notice.

- 8 Under the Construction (Design and Management) Regulations 2015, clients, the CDM Coordinator, designers and contractors must plan, co-ordinate and manage health and safety throughout all stages of a building project. By law, designers must consider the following:

* Hazards to safety must be avoided if it is reasonably practicable to do so or the risks of the hazard arising be reduced to a safe level if avoidance is not possible;

* This not only relates to the building project itself but also to all aspects of the use of the completed building: any fixed workplaces (for example offices, shops, factories, schools etc) which are to be constructed must comply, in respect of their design and the materials used, with any requirements of the Workplace (Health, Safety and Welfare) Regulations 1992. At the design stage particular attention must be given to incorporate safe schemes for the methods of cleaning windows and for preventing falls during maintenance such as for any high level plant.

Preparing a health and safety file is an important part of the regulations. This is a record of information for the client or person using the building, and tells them about the risks that have to be managed during future maintenance, repairs or renovation. For more information, visit the Health and Safety Executive website at www.hse.gov.uk/risk/index.htm.

It is now possible for local authorities to prosecute any of the relevant parties with respect to non compliance with the CDM Regulations after the completion of a building project, particularly if such non compliance has resulted in a death or major injury.

- 9 Regulation 12 of the Workplace (Health, Safety and Welfare) Regulations 1992 requires that every floor in a workplace shall be constructed in such a way which makes it suitable for use. Floors which are likely to get wet or to be subject to spillages must be of a type which does not become unduly slippery. A slip-resistant coating must be applied where necessary. You must also ensure that floors have effective means of drainage where necessary. The flooring must be fitted correctly and properly maintained.

Regulation 6 (4)(a) Schedule 1(d) states that a place of work should possess suitable and sufficient means for preventing a fall. You must therefore ensure the following:

* Stairs are constructed to help prevent a fall on the staircase; you must consider stair rises and treads as well as any landings;

* Stairs have appropriately highlighted grip nosing so as to differentiate each step and provide sufficient grip to help prevent a fall on the staircase;

* Any changes of level, such as a step between floors, which are not obvious, are marked to make them conspicuous. The markings must be fitted correctly and properly maintained;

* Any staircases are constructed so that they are wide enough in order to provide sufficient handrails, and that these are installed correctly and properly maintained. Additional handrails should be provided down the centre of particularly wide staircases where necessary;

* Stairs are suitably and sufficiently lit, and lit in such a way that shadows are not cast over the main part of the treads.

- 10 Working at height remains one of the biggest causes of fatalities and major injuries. You should carefully consider the following.

* Window cleaning - where possible, install windows that can be cleaned safely from within the building.

* Internal atria - design these spaces so that glazing can be safely cleaned and maintained.

* Lighting - ensure luminaires can be safely accessed for replacement.

* Roof plant - provide safe access including walkways and roof edge protection where

necessary (but these may need further planning permission).
More guidance can be found on the Health and Safety Executive website at
www.hse.gov.uk/toolbox/height.htm

Note: Window cleaning cradles and tracking should blend in as much as possible with the appearance of the building when not in use. If you decide to use equipment not shown in your drawings which will affect the appearance of the building, you will need to apply separately for planning permission. (I80CB)

- 11 You are advised to permanently mark the plant/ machinery hereby approved with the details of this permission (including date decision and planning reference number). This will assist in future monitoring of the equipment by the City Council if and when complaints are received.

Item No.

Appendix 2: Assessment Methodology

Assessment of significance

In the *NPPF*, heritage significance is defined 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. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”²²

Historic England’s *GPA:2* gives advice on the assessment of significance as part of the application process. It advises understanding the nature, extent, and level of significance of a heritage asset.²³

In order to do this, *GPA 2* also advocates considering the four types of heritage value an asset may hold, as identified in English Heritage’s *Conservation Principles*.²⁴ These essentially cover the heritage ‘interests’ given in the glossaries of the *NPPF* and the *PPG* which are archaeological, architectural and artistic, and historic.²⁵

The *PPG* provides further information on the interests it identifies:

- **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 skills, 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.²⁶

Significance results from a combination of any, some, or all of the interests described above.

²² DLUHC, *NPPF*, pp. 72–73.

²³ Historic England, *GPA:2*.

²⁴ Historic England, *Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment* (London, April 2008). These heritage values

are identified as being ‘aesthetic’, ‘communal’, ‘historical’ and ‘evidential’, see *idem* pp. 28–32.

²⁵ DLUHC, *NPPF*, p. 72; DLUHC, *PPG, Annex 2*.

²⁶ DLUHC, *PPG*, paragraph 006, reference ID: 18a-006-20190723.

The most-recently issued Historic England guidance on assessing heritage significance, *HEAN:12*, advises using the terminology of the *NPPF* and *PPG*, and thus it is that terminology which is used in this Report.²⁷

Listed Buildings and Conservation Areas are generally designated for their special architectural and historic interest. Scheduling is predominantly, although not exclusively, associated with archaeological interest.

Setting and significance

As defined in the *NPPF*:

“Significance derives not only from a heritage asset’s physical presence, but also from its setting.”²⁸

Setting is defined as:

“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”²⁹

Therefore, setting can contribute to, affect an appreciation of significance, or be neutral with regards to heritage values.

Assessing change through alteration to setting

How setting might contribute to these values has been assessed within this Report with reference to *GPA:3*, particularly the checklist given on page 11. This advocates the clear articulation of “*what matters and why*”.³⁰

In *GPA:3*, a stepped approach is recommended, of which Step 1 is to identify which heritage assets and their settings are affected. Step 2 is to assess whether, how and to what degree settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated. The guidance includes a (non-exhaustive) checklist of elements of the physical surroundings of an asset that might be considered when undertaking the assessment including, among other things: topography, other heritage assets, green space, functional relationships and degree of change over time. It also lists aspects associated with the experience of the asset which might be considered, including: views, intentional intervisibility, tranquillity, sense of enclosure, accessibility, rarity and land use.

Step 3 is to assess the effect of the proposed development on the significance of the asset(s). Step 4 is to explore ways to maximise enhancement and minimise harm. Step 5 is to make and document the decision and monitor outcomes.

A Court of Appeal judgement has confirmed that whilst issues of visibility are important when assessing setting, visibility does not necessarily confer a contribution to significance and factors other than visibility should also be considered, with Lindblom LJ stating at

²⁷ Historic England, *Statements of Heritage Significance: Analysing Significance in Heritage Assets, Historic England Advice Note 12* (Swindon, October 2019).

²⁸ DLUHC, *NPPF*, p. 73.

²⁹ DLUHC, *NPPF*, p. 72.

³⁰ Historic England, *GPA:3*, pp. 8, 11.

paragraphs 25 and 26 of the judgement (referring to an earlier Court of Appeal judgement):

Paragraph 25 – “But – again in the particular context of visual effects – I said that if “a proposed development is to affect the setting of a listed building there must be a distinct visual relationship of some kind between the two – a visual relationship which is more than remote or ephemeral, and which in some way bears on one’s experience of the listed building in its surrounding landscape or townscape” (paragraph 56)”.

Paragraph 26 – “This does not mean, however, that factors other than the visual and physical must be ignored when a decision-maker is considering the extent of a listed building’s setting. Generally, of course, the decision-maker will be concentrating on visual and physical considerations, as in Williams (see also, for example, the first instance judgment in R. (on the application of Miller) v North Yorkshire County Council [2009] EWHC 2172 (Admin), at paragraph 89). But it is clear from the relevant national policy and guidance to which I have referred, in particular the guidance in paragraph 18a-013-20140306 of the PPG, that the Government recognizes the potential relevance of other considerations – economic, social and historical. These other considerations may include, for example, “the historic relationship between places”. Historic England’s advice in GPA3 was broadly to the same effect.”³¹

³¹ Catesby Estates Ltd. V. Steer [2018] EWCA Civ 1697, paras. 25 and 26.

³² DLUHC, NPPF, para. 200 and fn. 68.

Levels of significance

Descriptions of significance will naturally anticipate the ways in which impacts will be considered. Hence descriptions of the significance of Conservation Areas will make reference to their special interest and character and appearance, and the significance of Listed Buildings will be discussed with reference to the building, its setting and any features of special architectural or historic interest which it possesses.

In accordance with the levels of significance articulated in the NPPF and the PPG, three levels of significance are identified:

- **Designated heritage assets of the highest significance**, as identified in paragraph 200 of the NPPF, comprising Grade I and II* Listed buildings, Grade I and II* Registered Parks and Gardens, Scheduled Monuments, Protected Wreck Sites, World Heritage Sites and Registered Battlefields (and also including some Conservation Areas) and non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments, as identified in footnote 68 of the NPPF;³²
- **Designated heritage assets of less than the highest significance**, as identified in paragraph 200 of the NPPF, comprising Grade II Listed buildings and Grade II Registered Parks and Gardens (and also some Conservation Areas);³³ and

³³ DLUHC, NPPF, para. 200.

- **Non-designated heritage assets.** Non-designated heritage assets are defined within the PPG as *“buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of significance meriting consideration in planning decisions, but which do not meet the criteria for designated heritage assets”*.³⁴

Additionally, it is of course possible that sites, buildings or areas have no heritage significance.

Grading significance

There is no definitive grading system for assessing or categorising significance outside of the categories of Designated Heritage Assets and Non-Designated Heritage Assets, specifically with regards to the relative significance of different parts of an asset.

ICOMOS guidance recognises that a degree of professional judgement is required when defining significance:

“...the value of heritage attributes is assessed in relation to statutory designations, international or national, and priorities or recommendations set out in national research agendas, and ascribed values. Professional judgement is then used to determine the importance of the resource. Whilst this method should be used as objectively as possible, qualitative

assessment using professional judgement is inevitably involved.”³⁵

This assessment of significance adopts the following grading system:

- **Highest significance:** Parts or elements of a heritage asset, or its setting, that are of particular interest and are fundamental components of its archaeological, architectural, aesthetic or historic interest, and form a significant part of the reason for designation or its identification as a heritage asset. These are the areas or elements of the asset that are most likely to warrant retention, preservation or restoration.
- **Moderate significance:** Parts or elements of the heritage asset, or its setting, that are of some interest but make only a modest contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that might warrant retention but are capable of greater adaption and alteration due to their lesser relative significance.
- **Low or no significance:** Parts or elements of the heritage asset, or its setting, that make an insignificant, or relatively insignificant contribution to the archaeological, architectural, aesthetic or historic interest of the heritage asset. These are likely to be areas or elements of the asset that can be removed, replaced or altered due to their minimal or lack of

³⁴ DLUHC, PPG, paragraph 039, reference ID: 18a-039-20190723.

³⁵ International Council on Monuments and Sites (ICOMOS), *Guidance on Heritage Impact Assessment for Cultural World Heritage Properties* (Paris, January 2011), paras. 4-10.

significance and are areas and elements that have potential for restoration or enhancement through new work.

Assessment of harm

Assessment of any harm will be articulated in terms of the policy and law that the proposed development will be assessed against, such as whether a proposed development preserves or enhances the character or appearance of a Conservation Area, and articulating the scale of any harm in order to inform a balanced judgement/weighting exercise as required by the NPPF.

In accordance with key policy, the following levels of harm may potentially be identified for designated heritage assets:

- **Substantial harm or total loss.** It has been clarified in a High Court Judgement of 2013 that this would be harm that would *"have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced"*,³⁶ and
- **Less than substantial harm.** Harm of a lesser level than that defined above.

With regards to these two categories, the PPG states:

"Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated."³⁷

Hence, for example, harm that is less than substantial would be further described with reference to where it lies on that spectrum or scale of harm, for example low end, middle, and upper end of the less than substantial harm spectrum/scale.

With regards to non-designated heritage assets, there is no basis in policy for describing harm to them as substantial or less than substantial, rather the NPPF requires that the scale of any harm or loss is articulated whilst having regard to the significance of the asset. Harm to such assets is therefore articulated as a level of harm to their overall significance, using descriptors such as minor, moderate and major harm.

It is also possible that development proposals will cause no harm or preserve the significance of heritage assets. Here, a High Court Judgement of 2014 is relevant. This concluded that with regard to preserving the setting of a Listed building or preserving the character and appearance of a Conservation Area, *"preserving"* means doing *"no harm"*.³⁸

Preservation does not mean no change, it specifically means no harm. GPA:2 states that *"Change to heritage assets is inevitable but it is only harmful when significance is damaged"*.³⁹ Thus, change is accepted in Historic England's guidance as part of the evolution of

³⁶ Bedford Borough Council v Secretary of State for Communities and Local Government [2013] EWHC 2847 (Admin), para. 25.

³⁷ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

³⁸ R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin).

³⁹ Historic England, GPA:2, p. 9.

the landscape and environment. It is whether such change is neutral, harmful or beneficial to the significance of an asset that matters.

As part of this, setting may be a key consideration. When evaluating any harm to significance through changes to setting, this Report follows the methodology given in *GPA:3*, described above.

Fundamental to this methodology is a consideration of “*what matters and why*”.⁴⁰ Of particular relevance is the checklist given on page 13 of *GPA:3*.⁴¹

It should be noted that this key document also states:

“Setting is not itself a heritage asset, nor a heritage designation...”⁴²

Hence any impacts are described in terms of how they affect the significance of a heritage asset, and heritage interests that contribute to this significance, through changes to setting.

With regards to changes in setting, *GPA:3* states that:

“Conserving or enhancing heritage assets by taking their settings into account need not prevent change”.⁴³

Additionally, whilst the statutory duty requires that special regard should be paid to the desirability of not harming the setting of a Listed Building, that cannot mean that any harm, however minor,

would necessarily require Planning Permission to be refused. This point has been clarified in the Court of Appeal.⁴⁴

Benefits

Proposed development may also result in benefits to heritage assets, and these are articulated in terms of how they enhance the heritage interests, and hence the significance, of the assets concerned.

As detailed further in **Appendix 4**, the *NPPF* (at Paragraphs 201 and 202) requires harm to a designated heritage asset to be weighed against the public benefits of the development proposals.⁴⁵

Recent High Court Decisions have confirmed that enhancement to the historic environment should be considered as a public benefit under the provisions of Paragraphs 201 to 203.⁴⁶

The *PPG* provides further clarity on what is meant by the term ‘public benefit’, including how these may be derived from enhancement to the historic environment (‘heritage benefits’), as follows:

“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

⁴⁰ Historic England, *GPA:3*, p. 8.

⁴¹ Historic England, *GPA:3*, p. 13.

⁴² Historic England, *GPA:3*, p. 4.

⁴³ Historic England, *GPA 3*, p. 8.

⁴⁴ *Palmer v Herefordshire Council & Anor* [2016] EWCA Civ 1061.

⁴⁵ DLUHC, *NPPF*, paras. 201 and 202.

⁴⁶ *Including – Kay, R (on the application of) v Secretary of State for Housing Communities and Local Government & Anor* [2020] EWHC 2292 (Admin); DLUHC, *NPPF*, paras. 201 and 203.



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.***⁴⁷

Any "heritage benefits" arising from the proposed development, in line with the narrative above, will be clearly articulated in order for them to be taken into account by the decision maker.

⁴⁷ MHCLG, PPG, paragraph 020, reference ID: 18a-020-20190723.

Appendix 3: Legislative Framework

Legislation relating to the built historic environment is primarily set out within the *Planning (Listed Buildings and Conservation Areas) Act 1990*, which provides statutory protection for Listed Buildings and Conservation Areas.⁴⁸ It does not provide statutory protection for non-designated or Locally Listed heritage assets.

Section 16 (2) of the Act relates to the consideration of applications for Listed Building Consent and 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.”⁴⁹

Section 66(1) of the Act goes on to state that:

“In considering whether to grant planning permission [or permission in principle] 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.”⁵⁰

⁴⁸ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990.

⁴⁹ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 16(2).

In the 2014 Court of Appeal judgement in relation to the Barnwell Manor case, Sullivan LJ held that:

“Parliament in enacting section 66(1) did intend that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise.”⁵¹

A judgement in the Court of Appeal (‘Mordue’) has clarified that, with regards to the setting of Listed Buildings, where the principles of the NPPF are applied (in particular paragraph 134 of the 2012 version of the NPPF, the requirements of which are now given in paragraph 202 of the current, revised NPPF, see **Appendix 4**), this is in keeping with the requirements of the 1990 Act.⁵²

With regards to development within Conservation Areas, Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* states:

“In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving

⁵⁰ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990, Section 66(1).

⁵¹ Barnwell Manor Wind Energy Ltd v (1) East Northamptonshire DC & Others [2014] EWCA Civ 137. para. 24.

⁵² Jones v Mordue [2015] EWCA Civ 1243.



or enhancing the character or appearance of that area.⁵³

Unlike Section 66(1), Section 72(1) of the Act does not make reference to the setting of a Conservation Area. This makes it plain that it is the character and appearance of the designated Conservation Area that is the focus of special attention.

In addition to the statutory obligations set out within the *Planning (Listed Buildings and Conservations Area) Act 1990*, Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that all planning applications, including those for Listed Building Consent,

are determined in accordance with the Development Plan unless material considerations indicate otherwise.⁵⁴

⁵³ UK Public General Acts, Planning (Listed Buildings and Conservation Areas) Act 1990. Section 72(1).

⁵⁴ UK Public General Acts, Planning and Compulsory Purchase Act 2004, Section 38(6).

Appendix 4: National Policy Guidance

The National Planning Policy Framework (September 2023)

National policy and guidance is set out in the Government's *National Planning Policy Framework (NPPF)* published in September 2023. This replaced and updated the previous *NPPF 2021*. The *NPPF* needs to be read as a whole and is intended to promote the concept of delivering sustainable development.

The *NPPF* sets out the Government's economic, environmental and social planning policies for England. Taken together, these policies articulate the Government's vision of sustainable development, which should be interpreted and applied locally to meet local aspirations. The *NPPF* continues to recognise that the planning system is plan-led and that therefore Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application, including those which relate to the historic environment.

The overarching policy change applicable to the proposed development is the presumption in favour of sustainable development. This presumption in favour of sustainable development (the 'presumption') sets out the tone of the Government's overall stance and operates with and through the other policies of the *NPPF*. Its purpose is to send a strong signal to all those involved in the planning process about the need to plan positively for appropriate new development; so that both plan-making and development management are proactive and driven by a search for opportunities to deliver sustainable development, rather than barriers. Conserving historic assets in a manner appropriate to their significance forms part of this drive towards sustainable development.

The purpose of the planning system is to contribute to the achievement of sustainable development and the *NPPF* sets out three 'objectives' to facilitate sustainable development: an economic objective, a social objective, and an environmental objective. The presumption is key to delivering these objectives, by creating a positive pro-development framework which is underpinned by the wider economic, environmental and social provisions of the *NPPF*. The presumption is set out in full at paragraph 11 of the *NPPF* and reads as follows:

"Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- a. all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;***
- b. strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:***
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting***

the overall scale, type or distribution of development in the plan area; or

- ii. ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***

For decision-taking this means:

- a. ***approving development proposals that accord with an up-to-date development plan without delay; or***
- b. ***where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:***
 - i. ***the application policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or***
 - ii. ***any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.***⁵⁵

However, it is important to note that footnote 7 of the NPPF applies in relation to the final bullet of paragraph 11. This provides a context for paragraph 11 and reads as follows:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.”⁵⁶ (our emphasis)

The NPPF continues to recognise that the planning system is planned and that therefore, Local Plans, incorporating Neighbourhood Plans, where relevant, are the starting point for the determination of any planning application.

Heritage Assets are defined in the NPPF 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).”⁵⁷

⁵⁵ DLUHC, NPPF, para. 11.

⁵⁶ DLUHC, NPPF, para. 11, fn. 7.

⁵⁷ DLUHC, NPPF, p. 68.

The NPPF goes on to define a Designated Heritage Asset as a:

“World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under relevant legislation.”⁵⁸

As set out above, significance is also defined as:

“The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site’s Statement of Outstanding Universal Value forms part of its significance.”⁵⁹

Section 16 of the NPPF relates to ‘Conserving and enhancing the historic environment’ and states at paragraph 195 that:

“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.”⁶⁰

Paragraph 197 goes on to state that:

“In determining planning applications, local planning authorities should take account of:

- a. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;***
- b. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and***
- c. the desirability of new development making a positive contribution to local character and distinctiveness.”⁶¹***

With regard to the impact of proposals on the significance of a heritage asset, paragraphs 199 and 200 are relevant and read as follows:

“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). This is irrespective of whether any potential harm amounts to

⁵⁸ DLUHC, NPPF, p. 67.

⁵⁹ DLUHC, NPPF, pp. 72–73.

⁶⁰ DLUHC, NPPF, para. 195.

⁶¹ DLUHC, NPPF, para. 197.

substantial harm, total loss or less than substantial harm to its significance.”⁶²

“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.”⁶³**

Section b) of paragraph 200, which describes assets of the highest significance, also includes footnote 68 of the NPPF, which states that non-designated heritage assets of archaeological interest which are demonstrably of equivalent significance to Scheduled Monuments should be considered subject to the policies for designated heritage assets.

In the context of the above, it should be noted that paragraph 201 reads as follows:

“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:

- 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.”⁶⁴**

Paragraph 202 goes on to state:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”⁶⁵

The NPPF also provides specific guidance in relation to development within Conservation Areas, stating at paragraph 206 that:

⁶² DLUHC, NPPF, para. 199.

⁶³ DLUHC, NPPF, para. 200.

⁶⁴ DLUHC, NPPF, para. 201.

⁶⁵ DLUHC, NPPF, para. 202.

“Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and 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.”⁶⁶

Paragraph 207 goes on to recognise that “not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance” and with regard to the potential harm from a proposed development states:

“Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.”⁶⁷ (our emphasis)

With regards to non-designated heritage assets, paragraph 203 of NPPF states that:

“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing

applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”⁶⁸

Overall, the NPPF confirms that the primary objective of development management is to foster the delivery of sustainable development, not to hinder or prevent it. Local Planning Authorities should approach development management decisions positively, looking for solutions rather than problems so that applications can be approved wherever it is practical to do so. Additionally, securing the optimum viable use of sites and achieving public benefits are also key material considerations for application proposals.

National Planning Practice Guidance

The then Department for Communities and Local Government (now the Department for Levelling Up, Housing and Communities (DLUHC)) launched the planning practice guidance web-based resource in March 2014, accompanied by a ministerial statement which confirmed that a number of previous planning practice guidance documents were cancelled.

This also introduced the national Planning Practice Guidance (PPG) which comprised a full and consolidated review of planning practice guidance documents to be read alongside the NPPF.

The PPG has a discrete section on the subject of the Historic Environment, which confirms that the consideration of ‘significance’ in decision taking is important and states:

⁶⁶ DLUHC, NPPF, para 206.

⁶⁷ DLUHC, NPPF, para. 207.

⁶⁸ DLUHC, NPPF, para. 203.

“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.”⁶⁹

In terms of assessment of substantial harm, the PPG confirms that whether a proposal causes substantial harm will be a judgement for the individual decision taker having regard to the individual circumstances and the policy set out within the NPPF. It goes on to state:

“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 inappropriate additions to historic buildings which

harm their significance. Similarly, works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm.”⁷⁰ (our emphasis)

National Design Guide:

Section C2 relates to valuing heritage, local history and culture and states:

“When determining how a site may be developed, it is important to understand the history of how the place has evolved. The local sense of place and identity are shaped by local history, culture and heritage, and how these have influenced the built environment and wider landscape.”⁷¹

“Sensitive re-use or adaptation adds to the richness and variety of a scheme and to its diversity of activities and users. It helps to integrate heritage into proposals in an environmentally sustainable way.”⁷²

It goes on to state that:

“Well-designed places and buildings are influenced positively by:

- ***the history and heritage of the site, its surroundings and the wider area, including cultural influences;***

⁶⁹ DLUHC, PPG, paragraph 007, reference ID: 18a-007-20190723.

⁷⁰ DLUHC, PPG, paragraph 018, reference ID: 18a-018-20190723.

⁷¹ DLUHC, NDG, para. 46.

⁷² DLUHC, NDG, para. 47.



- *the significance and setting of heritage assets and any other specific features that merit conserving and enhancing;*
- *the local vernacular, including historical building typologies such as the terrace, town house, mews, villa or mansion block, the treatment of façades, characteristic materials and details – see Identity.*

Today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21st century.⁷³

⁷³ DLUHC, NDG, paras. 48–49.

Appendix 5: Relevant Development Plan Policies

Applications for Planning Permission and Listed Building Consent where relevant, within Piccadilly are currently considered against the policy and guidance set out within the Westminster City Plan (adopted April 2021) and The London Plan (adopted March 2021).

Westminster City Plan

“Policy 39

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 character and will:

1. ensure heritage assets and their settings are conserved and enhanced, as 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;

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.

WESTMINSTER WORLD HERITAGE SITE

C. The Outstanding Universal Value (OUV), authenticity and integrity of the Westminster World Heritage Site will be conserved and enhanced. The setting of the site will be protected and managed to support and enhance its OUV.

D. Development will protect the silhouettes of the Palace of Westminster and Westminster Abbey and will protect and enhance significant views out of, across and towards the World Heritage Site.

E. The council will work with partners to promote the use, management and interpretation of the site in ways that protect, enhance and better communicate its OUV.

F. Applicants will be required to demonstrate that any impacts of their proposals on the World Heritage Site or its setting have been fully assessed using Heritage Impact Assessment methodology.

LISTED BUILDINGS

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

CONSERVATION AREAS

K. Development will preserve or enhance the character and appearance of conservation areas and protect their settings. Features that contribute positively to the significance of conservation areas will be retained and opportunities taken to enhance them and their settings, wherever possible.

L. There will be a presumption that unlisted buildings that make a positive contribution to a conservation area will be conserved, unless it has been demonstrated that the relevant tests in national policy have been met. Buildings which make a negative or neutral contribution may be replaced or refurbished where this will result in a high quality building which will improve their appearance in the context of the conservation area and their environmental performance.

M. The contribution of existing uses to the character, function and appearance of conservation areas will be considered and changes of use supported where they make a positive contribution to conservation areas and their settings...

...NON-DESIGNATED HERITAGE ASSETS

R. Non-designated heritage assets (including local buildings of merit, archaeology and open spaces of interest within and outside conservation areas) will be conserved. When assessing proposals affecting non-designated heritage assets, a balanced

judgement will be made regarding the scale of any harm or loss of the asset and the benefit of the proposed development."

The London Plan

"Policy HC1: Heritage conservation and growth

A. Boroughs should, in consultation with Historic England, local communities and other statutory and relevant 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, and interpretation of, 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 conserve 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 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 reuse."

Appendix 6: Dudley House

DUDLEY HOUSE, 166–173, PICCADILLY W1

Official list entry

Heritage Category: Listed Building

Grade: II

List Entry Number: 1226586

Date first listed: 30-May-1972

Statutory Address 1: DUDLEY HOUSE, 166–173, PICCADILLY W1

Location

Statutory Address: DUDLEY HOUSE, 166–173, PICCADILLY W1

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

District: City of Westminster (London Borough)

Parish: Non Civil Parish

National Grid Reference: TQ 29206 80420

Details

TQ 2980 SW CITY OF WESTMINSTER PICCADILLY W1 81/69 (south side) 30–5–72 Nos 166 to 173 consec. (Dudley House) GV II Offices and shops. 1905 by William Woodward. Portland stone faced, slate roof. Classical detailing. 5 main storeys, with attic storey and dormered mansard, 11 major bays (3+5+3). Mid to late C20 shop fronts to ground floor under entablature but retaining 2 stone entrances: No 166 having shaped hood and No 172 pedimented. The

central 5 bays of upper floors have engaged Ionic columns. The outer bays have canted oriels through 2nd and 3rd floors. Main entablature below attic storey with crowning cornice and blocking course. Survey of London; vol XXIX

Listing NGR: TQ 29206 80420

Legacy

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

Legacy System number: 432863

Legacy System: LBS

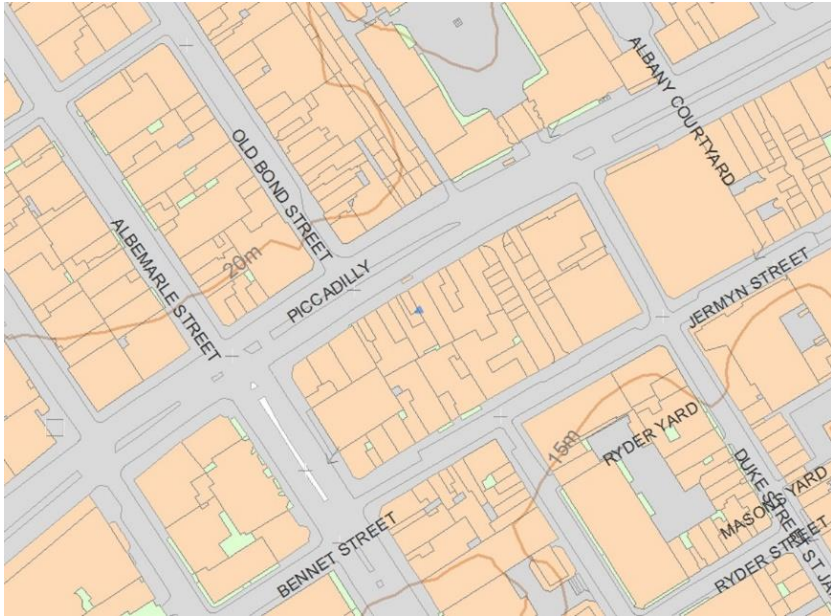
Sources

Books and journals

'Survey of London' in The Parish of St James Westminster Part 1 South of Piccadilly: Volumes 29 and 30, , Vol. 29, (1960)

Legal

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



End of official list entry

Planning (Listed Buildings and Conservation Areas) Act 1990
Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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