

ENGLISH HERITAGE

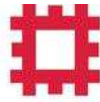
**EUSTON AREA PLAN EXAMINATION
STATEMENT BY ENGLISH HERITAGE**

**MATTER 6: HERITAGE
MATTER 6.1: ENGLISH HERITAGE INVOLVEMENT
MATTER 6.3: TALL BUILDINGS (APPENDIX 3)**

Hearing session – Wednesday July 2nd 2014

References:

**Proposed Submission Euston Area Plan, page 49;
Appendix 3 of Background Report (Impact of tall Buildings on strategic and local Views)**



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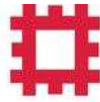
Introduction

1. In carrying out its role in protecting and managing the historic environment English Heritage gives advice to local planning authorities on certain categories of applications affecting the historic environment. English Heritage is the principal Government adviser on the historic environment, advising on planning and listed building consent applications, appeals and other matters affecting the historic environment.
2. English Heritage is consulted on Local Development Plans under the provisions of the Town and Country Planning (Local Planning) (England) Regulations 2012 and provides advice to ensure that legislation and national policy in the National Planning Policy Framework are thereby reflected in local planning policy and practice .
3. English Heritage's representations in relation to the Pre-submission Plan are made in the context of the requirements of the National Planning Policy Framework ("the Framework") in relation to the historic environment as a component of sustainable development and the specific policies relevant to the historic environment.
4. This statement addresses the Inspector's questions with regards to Matter 6 'Heritage'. Specifically, it sets out English Heritage's involvement in the development of the Plan (6.1), and covers the points that English Heritage has raised concerns about during our discussions with the Council and the GLA, relating to the issue of building heights and tall buildings (6.3).

Inspector's Question 6.1:

How have English Heritage helped shape the Plan's proposals affecting the listed buildings, structures and spaces across the Plan area?

5. English Heritage has worked with the Council throughout the production of the Euston Area Plan to ensure that it promotes conservation and enhancement of heritage assets and the historic environment as required by the NPPF. We provided advice in the commissioning of the Historic Area Assessment as part of the Euston Area Plan evidence base, and comments on the previous consultation draft. English Heritage has responded at each stage of consultation process, attended meetings with the Council, supporting the proposed restoration of historic routes and the Plan objectives to improve the landscaping of Euston Square Gardens and to deliver improvements to the settings of other heritage assets.



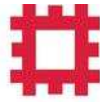
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6. English Heritage has continued to discuss the details of the evidence base and how the findings are carried forward to inform the Plan to ensure that the Plan is sound. Meetings took place following our response to the Pre-submission Plan on 17 March 2014 prior to submission, and more recently on 12 May. As part of these ongoing discussions, English Heritage has raised particular concerns in relation to the proposals for tall buildings on the site and their impact on heritage assets both inside the Plan area, and beyond it. We have been seeking clarity and reassurance from the Council as the evidence base has been developed, firstly with the modelling of LVMF views and subsequently the modelling of local views in the second half of 2013, with specific reference to the issue of the 60m threshold for tall buildings on the site. Further to our queries and concerns raised in our formal response to the Submission Draft, we have not yet been able to reach a common position with the Council.

Inspector's Question 6.3

Does the Plan successfully address the issue of building height and tall buildings in the context of the London View Management Framework (LVMF), and with particular regard to Figure 3.4 and Appendix 3 of the Background Report?

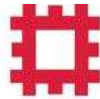
7. While Appendix 3 suggests the Plan may have an acceptable impact in the context of LVMF views, English Heritage considers that the evidence produced for local views demonstrates that the tall buildings section of the Plan would not be consistent with national policy requirements in relation to the avoidance of harm to the historic environment and an evidence-based approach to local plans. For this reason English Heritage asked the Inspector to extend his question 6.3 to include the local views analysis, as we consider that the Plan could be misleading and will be unhelpful for development management purposes.
8. Despite supporting the modelling of the impacts of building heights to inform the decision making and place-making process as part of a development plan-led approach, English Heritage considers that this Plan does not successfully address the issue of tall buildings in the context of the NPPF. As we set out in our response letter to the Council to the Pre-submission draft of the Plan, we have concerns about Appendix 3 of the Background Report. These specifically relate to the impact of buildings up to 60m tall on nationally and internationally important heritage assets, demonstrated by the local view analysis. We also raised concerns in our letter about the policy implications that fall from the evidence and with the methodology underpinning the modelling.
9. Given the issues that we have identified and which we consider have not been sufficiently resolved, in our opinion the 60m threshold contained within the Plan



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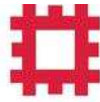
is unsound when assessed against the tests of soundness in paragraph 182 of the NPPF. For this reason we have set out our comments on the four soundness tests in this paragraph the NPPF.

10. Our primary concern is that the Plan is not consistent with the National Planning Policy Framework in respect of the policies for the historic environment contained in section 12, and the corresponding paragraphs of the National Planning Practice Guidance (NPPG). The Framework provides the current policy supporting the legislative provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990. We also have concerns that the opportunities for tall buildings identified in this part of the Plan are not justified, as set out in paragraph 182 of the NPPF, and by the same terms of reference that the Plan will not be effective.
11. **Consistency with National Policy**
English Heritage notes that while Appendix 3 seeks to provide a convincing justification for new tall buildings in the Euston Area, it relies on a methodology that only considers the management of specific views. The justification and methodology are based on the LVMF and have subsequently been expanded to include local views.
12. However, English Heritage is clear that this is only one consideration when assessing the environmental impact of tall buildings. While the assessment of views contained within the London Plan is an important policy consideration, it is not the statutory test that should be considered when assessing the impact of planning proposals on the historic environment, and specifically on listed buildings.
13. The statutory test is contained in paragraph 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Act states that it is the impact of a development on a listed building or its setting or any features of special architectural or historic interest, that the Secretary of State's will have special regard to the desirability of preserving.
14. The difference between the assessment of the impact of proposals on views and on the setting of heritage assets is set out in English Heritage's guidance 'The Setting of Heritage Assets (2011)', 'Seeing History in the View (2011)' and the English Heritage and CABE 'Guidance on Tall Buildings (2007)'. While English Heritage is pleased to see that references to setting have been included in the Submission Draft, it does not overcome the implication on p.49 of the Plan and in Figure 3.4, that the 60m height threshold is likely to be acceptable despite the evidence only assessing some of the issues.



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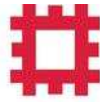
15. This support for tall buildings in the two locations selected for modelling is more explicitly endorsed in the local view key findings in the Submission Draft of Appendix 3. English Heritage strongly disagrees with these key findings as, in our opinion, one of the views selected for assessment (view 24) shows that a building up to 60m tall at site B would cause significant harm to an important view from Regent's Park, and would therefore result in harm to the significance and setting of both the registered historic park and garden and the terrace of listed buildings affected.
16. To understand this harm it is first necessary to understand the significance of the view, and the assets within it. In English Heritage's opinion the significance of view 24, and the assets within it, namely the grade I listed Chester Terrace, grade I registered Regent's Park (see map attached), grade II railings and street furniture, goes far beyond local interest as could be misconstrued by its inclusion as a local view. This is one of London's most important historic landscapes: in this view the principal elements of historic significance and their spatial associations allow us to understand the relationship between the park and the buildings surrounding it. Chester Terrace listed at grade I, places it within the highest grade, awarded to only 2.5% of listed buildings nationally. The historic relationship between the park and buildings enhances this significance as they were designed by the same architect (John Nash). Taken as an ensemble, this view incorporates some of the capital's most important heritage sites. The significance of the elements contained within this view is widely recognised and appreciated, not only through the statutory listing process, but by the many millions of visitors from around the world (over 5m visitors in 2007-8 according to research published by The Royal Parks).
17. A key feature of the view, as recognised in the Council's Regent's Park Conservation Area Appraisal (ref Camden Guidance CG4), is the uninterrupted roofline of the listed terrace. Similarly, the relationship between the terraces boarding the park and the park itself is highlighted as a key feature of the significance of the park in the entry on English Heritage's Register of Parks and Gardens, and the grandeur and rhythmic composition of the stucco facade are among the defining features of Chester Terrace described in the list description. All these elements would be demonstrably affected in view 24, and harmed, by the intrusion at roof level of a building up to 60m tall.
18. English Heritage considers that the harmful impact would fail to meet the statutory test for special regard to be given to the preservation of listed buildings and their settings, in the context of the information available. The plan proposals, specifically proposed tall building B, would detract from the setting of other heritage assets, notably the grade I Regent's Park. The harm that we have identified would also need to be considered against the policies in Chapter 12 of



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the NPPF. The most relevant of these would be paragraph 132, which notes that 'great weight' should be given to the conservation of heritage assets, and that 'the more important the asset, the greater the weight should be'. Furthermore, English Heritage considers that local view 24, in Appendix 3 and referred to in the Conservation Appraisal (ref CG4) would itself be harmed by a building 60m tall, but notes that despite our advice, this has not been fully acknowledged in the evidence, or in the Plan. Instead both suggest that this impact could be acceptable.

19. By identifying the impact in Appendix 3 of the evidence base, without seeking to mitigate this finding in the Plan itself, this may imply that the impact on the historic environment is acceptable. In our opinion this is not consistent with a positive strategy for the historic environment (Para. 126 NPPF). Impacts on views are recognised as being a key element of the setting of heritage assets; in this case, we consider that the view makes a considerable contribution to the significance of both the listed buildings and the registered park.
20. English Heritage also notes that in addition to not being in accordance with national policy, the impacts of the 60m threshold demonstrated in the background document (view 24) would be inconsistent with the Vision and Objectives of the Plan in relation to development complementing the character and heritage of the area; the Council's Core Strategy (policy CS14, and paras 9.9, 14.24, 14.25 requiring development to preserve and enhance Camden's heritage assets and their settings); the Council's Development Policies Plan (DP 25, paras 25.9, 25.15, 25.23); and the Regent's Park Conservation Area Appraisal and Management Strategy (sections 4.6, 5, Management Strategy section 6.3) which explicitly seeks to resist development that would appear above the roofline of the buildings on Chester Terrace.
21. **Justified**
Paragraph 152 of the NPPF gives clear guidance that when making local plans, significant adverse impacts on any of the dimensions of sustainable development "should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued..." English Heritage considers that the proposed significant adverse impacts on some of London's most important heritage assets identified in the background evidence, which results from the 60m threshold, are entirely avoidable at this stage. As such the most appropriate strategy to achieve sustainable development has not been achieved, and the Plan should be amended to remove the potential harm.
22. Furthermore, in our opinion the choice of the height limit is based on a partial interpretation of the evidence. This gives English Heritage cause for concern that the advice contained in the NPPG is being overlooked. The Practice Guide notes



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that “the evidence should be focused tightly on supporting and justifying the particular policies in the Local Plan.” It goes on to say “The evidence needs to inform what is in the plan and shape its development rather than being collected retrospectively.” English Heritage respectfully submits to the Inspector that the desire to allow buildings up to 60m in the Plan is not justified by the evidence in Appendix 3.

23. **Effective**

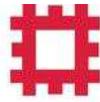
When setting out strategic priorities in a Plan, the NPPF requires local planning authorities to deliver, among other priorities, the conservation and enhancement of the historic environment (Para 156). While English Heritage is content that many elements of the Submission Draft will achieve this, our concerns raised in relation to the tall buildings issue prevent us from considering this Plan to be effective.

24. English Heritage observes that the harmful impact shown in view 24 would not be visible from within the London Borough of Camden, but would be visible from the neighbouring City of Westminster. We note the response by Westminster City Council in the schedule of representations (21 - City of Westminster 3.3 Design Strategy), raises clear concerns about the impact of taller buildings on views from Regent’s Park. This highlights the cross boundary nature of issues we have raised, which could complicate the development management process if the Plan is left unchanged.

25. **Positively prepared**

For the reasons set out in response to question 6.1, English Heritage is content up to a point that the Plan has been positively prepared. This is because the Council’s strategy has been to engage positively with partners, including English Heritage, to assess the options and develop the evidence base. However, the failure to explicitly recognise the significance of the heritage impact and reflect this with appropriate safeguards in the plan is, in our opinion, a significant weakness in the process. The scale of the impacts on heritage assets illustrated in Appendix 3 of the Background Report; the significance of the heritage assets that would be affected, which include grade I listed buildings and a grade I registered Park and Garden and the lack of a satisfactory response to this issue, has brought to a halt an otherwise helpful and proactive process. The plan, as it stands, would potentially invite damaging development proposals in heritage terms in respect of the potential for a building of 60m north of the present Euston station. We do not consider that the guiding principle of the NPPF to achieve sustainable development will be met by the Plan in its current form.

26. English Heritage is aware that further work carried out by the Council and GLA since submission of the Plan may not be available to the Inspector at the present

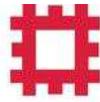


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time. This relates to the modelling and the accompanying text and images in the evidence base. We would request that this is made available so that the additional work can be discussed at the hearing. As stated above, we have welcomed much of the work that has been undertaken; we would wish the results to be actively followed through and reflected in the Plan.

Recommendation

27. In order to make the Plan sound, English Heritage would recommend that the wording of paragraph 2 on page 49 of the Plan is amended. In our opinion there are two ways this could be achieved.
28. Firstly, if the reference to a tall building of up to 60m is to be retained, we consider that an additional clause should be added to the paragraph. This could say:
'It should be noted that testing of building heights in appendix 3 shows that a 60m tall building to the north of the station is likely to result in unacceptable harm to the setting of Regent's Park and the grade I listed Chester Terrace.'
29. Alternatively, the reference in the Plan to potential locations for tall buildings up to 60m, specifically at site B, could be removed altogether from the paragraph. This would ensure that the Plan was in accordance with the evidence base, and would be sounder in relation to the tests in the NPPF.



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Map of Regent's Park. The area shaded in green is the grade I Registered Park and Garden.