

**TRANSPORT AND WORKS ACT 1992**

**THE TRANSPORT AND WORKS (APPLICATIONS AND OBJECTIONS  
PROCEDURE) (ENGLAND AND WALES) RULES 2006**

**VICTORIA STATION UPGRADE ORDER**

**RULE 7(3) STATEMENT OF CASE ON BEHALF OF**

**ENGLISH HERITAGE**

**(ALSO KNOWN AS THE  
HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND)**

## 1. APPLICATIONS

Application by London Underground Limited as follows:

English Heritage Reference: LRS/2469

Secretary of State's Reference: TWA/07/APP/02/OBJ/33

**Deemed Planning Permission under Town and Country Planning Act 1990,  
section 90 (2A)**

From whom sought: The Secretary of State for Transport

Date of application: 22 November 2007

## INTRODUCTION: THE ROLE OF ENGLISH HERITAGE

1. English Heritage is an independent, grant-aided body governed by Commissioners and was established with effect from 1 April 1984 under section 32 of the National Heritage Act 1993. The general duties of English Heritage are as follows:

*“...so far as is practicable...,”*

- (a) to secure the preservation of ancient monuments and historic buildings situated in England; and*
- (b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and*
- (c) to promote the public's enjoyment, and advance their knowledge, of ancient monuments and historic buildings in England.”*

2. English Heritage's sponsoring government department is the Department of Culture, Media and Sport (DCMS), although its remit in conservation matters intersects with the policy responsibilities of a number of other government departments, particularly the Department of Communities and Local Government (DCLG), with its responsibilities for land-use planning matters.
3. English Heritage is a statutory consultee providing advice to local planning authorities on certain categories of application for planning permission, listed building consent and conservation area consent. Similarly English Heritage advises both Secretaries of State on those applications, subsequent appeals and on other matters generally affecting the historic environment. It also advises on applications for scheduled monument consent. It is regarded as the lead body for the heritage sector and is the Government's principal advisor on the historic environment.
4. English Heritage is a major source of funding for the historic environment and is responsible for the preservation and presentation of over four hundred historic properties in the nation's care. Further details are set out in Annex A6-A9 of Planning Policy Guidance Note 15: Planning and the Historic Environment (PPG15).
5. English Heritage was consulted regarding the Scoping Report for Environmental Statement for the Victoria Station Upgrade. Whilst accepting the principle of redevelopment of the Victoria Underground Station and

related infrastructure works, English Heritage raised initial and general concerns in its letter of 25<sup>th</sup> September 2007 regarding the assessment of impact on the surrounding listed buildings. A formal and more detailed objection to the Transport and Works Act Order was submitted to the Secretary of State for Transport on 17 January 2008.

## THE PROPOSAL

6. The proposed works are mostly underground, although there are some overground works that will impact on the setting of listed buildings.
7. Contained at figure 6.5(3) of the Environmental Statement is a plan indicating the listed buildings that may be affected by the development. The outline of these buildings is indicative only, as they are listed on the basis of addresses and not by plan. For the reasons set out below, English Heritage reserves its position as to whether these are the only listed buildings that will be affected. The listed buildings are known as:

Victoria Railway Station: the former London, Brighton and South Coast Railway Station and rear Concourse (grade II)  
\*Victoria Railway Station, the former London, Chatham and Dover Railway Station including Train Shed (grade II)  
Grosvenor Hotel, Buckingham Palace Road (grade II\*)  
Victoria Palace Theatre, Victoria Street (grade II)  
New Victoria Theatre, Wilton Road (grade II\*)  
\*Clock at junction of Victoria Street and Vauxhall Bridge Road (Little Ben) (grade II)  
Statue of Marshal Foch, Grosvenor Gardens (grade II)  
23 to 47 (odd) Grosvenor Gardens including 4a to 52 (even) Buckingham Palace Rd (grade II)  
36-50 Grosvenor Gardens (grade II)  
26 to 30 (even) Buckingham Palace Road (grade II)  
1-10 (consec) Victoria Square (grade II\*)  
12 Victoria Square (grade II\*)  
13-18 (consec) Victoria Square (grade II\*)  
19 to 25 (consec) Victoria Square (including 5 Lower Grosvenor Place)  
16 to 24 (even) Buckingham Palace Road (grade II)  
8 to 14 (even) Buckingham Palace Road (grade II)  
Bag O'Nails Public House, Buckingham Palace Road (grade II)  
1 to 4 (consec) Lower Grosvenor Place (grade II)

7-9 (consec) Lower Grosvenor Place (grade II)  
11-15 (consec) Lower Grosvenor Place (grade II)  
1-21 Grosvenor Gardens (grade II)  
3-7 Beeston Place (grade II)

8. Of the above properties, those identified with an asterisk have been identified by English Heritage as being directly affected by the proposed works. That is to say, the fabric of the properties will be altered in some way.
9. All of the properties in the above list may be subject to indirect impact from settlement or subsidence during or after completion of the works.
10. English Heritage understands that Listed Building Consent applications have been submitted in respect of: Victoria Palace Theatre, Victoria Railway Station and Clock at junction of Victoria Street and Vauxhall Bridge Road (Little Ben). English Heritage has not seen these applications, although it will be consulted upon them in the usual way. English Heritage reserves its position as to whether all necessary Listed Building Consents have been sought.

## **RELEVANT PLANNING POLICY**

11. Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 require local planning authorities considering applications for planning permission or listed building consent for works which affect a listed building to "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."
12. Planning Policy Guidance Note 15: Planning and the Historic Environment ("PPG 15") issued by the Secretary of State for Communities and Local Government contains key national policies regarding listed buildings and other elements of the historic environment. The development plan at both regional and local level sets out policies that have regard to the conservation and improvement of the physical environment including listed buildings, conservation areas and archaeology.
13. Some of the key policies within PPG 15 relevant to this application are set out below with reference made to the relevant paragraph from that document.

*Paragraph 3.3:* There should be a general presumption in favour of preservation of listed buildings, except where a convincing case can be made out, against the criteria set out in this section for alteration or demolition.

*Paragraph 3.4:* Applicants for listed building consent must be able to justify their proposals. They will need to show why works which would affect the character of a listed building are desirable or necessary. They should provide the local planning authority with full information, to enable them to assess the likely impact of their proposals on the special architectural or historic interest of the building and on its setting.

*Paragraph 3.5:* The issues that are generally relevant to the consideration of all listed building consent applications are:

- i. the importance of the building, its intrinsic architectural and historic interest and rarity, in both national and local terms ('historic interest' is further explained in paragraph 6.11);
- ii. the particular physical features of the building (which may include its design, plan, materials or location) which justify its inclusion in the list: list descriptions may draw attention to features of particular interest or value, but they are not exhaustive and other features of importance (e.g. interiors) may come to light after the building's inclusion in the list;
- iii. the building's setting and its contribution to the local scene, which may be very important e.g. where it forms an element in a group, park, garden or other townscape or landscape, or where it shares particular architectural forms or details with other buildings nearby; and,
- iv. the extent to which the proposed works would bring substantial benefits for the community, in particular by contributing to the economic regeneration of the area or the enhancement of its environment (including other listed buildings).

*Paragraph 3.12:* ...in judging the effect of any alteration or extension it is essential to have assessed the elements that make up the special interest of the building in question. They may comprise not only obvious visual features such as a decorative façade or, internally, staircases or decorated plaster ceilings, but the spaces and layout of the building and the archaeological or technological interest of the surviving

structure and surfaces. These elements are often just as important in simple vernacular and functional buildings as in grander architecture.

*Annex B B3:* ...the Act empowers an authority to seek such particulars as it requires and an authority should certainly seek any particulars necessary to ensure that it has a full understanding of the impact of a proposal on the character of the building in question. An authority should not accept an application for consideration until it has sufficient information to provide such understanding.

14. Given the overriding nature of the statutory and national policy requirements set out above, the London Plan and local development framework policies have not been set out here in detail. English Heritage will refer to all relevant national, regional and local development policies at any inquiry.

#### **English Heritage Policy Statements**

15. Key English Heritage policy statements relevant to the proposal include:

**(a) *Conservation Principles, Policies and Guidance (2008)***

This wide-ranging document sets out broad principles and more specific policies which guide English Heritage's work and which are also intended to guide local authorities and others involved in the historic environment. The key considerations in the context of the application are those which set out the criteria to be met, firstly if new work and alteration to a significant place is to be acceptable and secondly, if proposed changes which materially harm the heritage values of a significant place are to be acceptable.

**(b) *Informed Conservation: Understanding historic buildings and their landscapes for conservation (2001)***

This specifically addresses conservation management and provides guidance on techniques, such as heritage impact assessments and options appraisals which assist in making decisions balancing the historic environment against other interests.

**(c) *Transport and the Historic Environment (2004)***

This sets out English Heritage's commitment to less damaging forms of transport and to alternatives to the car, while seeking to ensure that transport appraisals properly assess the impact of proposed new work on the historic environment.

**(d) *Streets for All (2000)***

This gives guidance on taking account of local character in the design of new street signs, furniture and other associated structures and on the reduction of clutter from streets.

**(e) *Theatres: A guide to theatre conservation from English Heritage (1995)***

This sets out the reasons why English Heritage considers theatres to be of particular importance as a building type and how changes to these buildings can be considered.

## **OBJECTIONS**

### **Works to Listed Buildings**

#### ***Victoria Railway Station***

16. The proposal sets out in outline substantial works to the building; in particular its basement and forecourt area.
17. The application does not give sufficient detail in plan and specification information for English Heritage to be able to properly assess the nature of works and therefore the impact.
18. Whilst the application provides some assessment of the special interest, English Heritage cannot be certain that such an assessment is adequate for the purposes of considering the impact on that special interest of the works when the works are not sufficiently detailed to understand their full nature and extent.
19. English Heritage therefore must reserve its position as to whether the works are acceptable in terms of their impact on the special interest in the property generally prior to receipt of further particulars of the works and any necessary further assessment of the special interest that may be affected.
20. English Heritage raises an objection to the location and size of the ventilation shafts and escape stair/fire-fighting access which are to be located in front of the main façade of the Station. These are shown in outline on plans submitted (MMD-V047-1159-GEN-DRG 50602 revision E01 and MMD-V047-1159-GEN-DRG 0608 revision E01) but no elevational treatment is shown. The elevational treatment is proposed by the applicant



to be dealt with as a reserved matter, but in the opinion of English Heritage, the impact of such prominent structures in front of the main façade of the listed building ought to be considered as part of the main application. English Heritage objects to the height, scale and location of these structures because of their impact on the setting of this listed building, in particular views of the listed building from its approaches. English Heritage objects to the treatment of such buildings being left over as a reserved matter and reserves its position as to the impact on setting of such elevational treatment.

### ***Clock at junction of Victoria Street and Vauxhall Bridge Road (Little Ben)***

21. The proposal to remove this listed building from site during the course of the proposed works and to reconstruct it on site in the same location upon completion of works is acceptable in principle. The outline methodology of the proposed works also appears to be reasonable in principle. However, the application is not accompanied by a detailed measured survey of the clock tower. The application does not propose any conditions on the grant of permission that would ensure the proper, safe and timely dismantling and re-erection (before completion of the development) of the clock. For these reasons English Heritage does not consider that the application to be acceptable in its current form.

### **Indirect Impact of Works on Listed Buildings**

#### **Risk of Movement/Damage**

22. English Heritage is of the opinion that all the listed building properties identified in paragraph 7 above are at some risk of being affected by the substantial groundwork involved in this major scheme. The risk of subsidence during the works and the risk of settlement during and after the works must be considered a potential threat to the listed buildings and their special interest.
23. The application does not provide an assessment of each of those properties in terms of the special interest each holds and the vulnerability of such properties or the relevant parts of such properties to damage from ground movement. English Heritage would wish to see an analysis of risk of damage caused by ground movement set out against each element of the buildings that has been identified as of special interest. Without this thorough analysis of the vulnerability of the properties to the indirect impact of the groundworks, English Heritage would raise objection to the proposal.

24. In addition, English Heritage is of the opinion that the application does not set out sufficient particulars of the predicted groundwork effects that might lead to damage of such vulnerable elements. The application does provide a contour map of predicted settlement. However, the information is inadequate in that it does not permit proper risk analysis of the likely ground movement in a particular spot. The contour map defines only two areas: a central area in which movement may be more than 10mm; and, an outer area where the movement may be less than 10mm. English Heritage is of the opinion that movement of less than 10mm may be unsatisfactory for some properties, or parts of them, so the contour map should be amended to show the contour-grading of predicted settlement outside of the 10mm "boundary line". In addition, English Heritage is of the opinion that movement within the 10mm boundary line cannot be predicted to be uniform and so grades of predicted movement above 10mm also need to be shown by way of additional contour lines.
25. If the applicant were to produce both a thorough analysis of vulnerability to ground movement (as sought under paragraph 23 above) together with a revised plan showing the contour lines of predicted movement (as sought in paragraph 24 above) then English Heritage would be in a position to assess whether the risks posed by the works to the listed buildings was satisfactory or not. Without this information English Heritage is not in a position to comment but would strongly urge refusal of the application on the grounds that the proposal would otherwise present an unknown, potentially very serious and unnecessary risk to these listed buildings.

### **Mitigation of risk**

26. The Environmental Statement identifies six listed buildings potentially affected by the proposals and states that each building could experience non-significant effects, construction (temporary) effects and operational (permanent) effects as a result of these proposals. However, for the reasons outlined in paragraphs 23 and 24 of this statement, English Heritage does not consider the original assessment to be adequate for the purposes of this application.
27. The full assessment and analysis of the vulnerability of the listed buildings identified by English Heritage as at potential risk and the analysis of predicted ground movement risk as outlined in paragraphs 23 and 24 above are necessary to accurately inform the mitigation strategy for all these buildings or the appropriate buildings. Techniques to mitigate against any effects are outlined in Technical Appendix E of the Environmental

Statement. However, the document contains no information regarding trigger levels which indicate when mitigation works would be implemented. There is also no description of the monitoring of movement that will take place.

28. In the absence of this information, English Heritage cannot accept that the monitoring and mitigation strategy to identify and deal with an event of movement is satisfactory. In the case of the mitigation strategy, it is neither satisfactory in its proposed trigger points or in the proposed techniques for dealing with incidences of movement that require action. For these reasons, English Heritage would object to these proposals on the grounds that the absence an appropriate monitoring and mitigation strategy supported by appropriate conditions on consent would present an unknown, potentially very serious and unnecessary risk to these listed buildings.

### **Archaeology**

29. English Heritage has no objections in principle to the works on the grounds of impact on archaeology. English Heritage is of the opinion though that the application does not provide with a sufficiently comprehensive archaeological/geoarchaeological evaluation to inform an appropriate mitigation strategy in accordance with the requirement of the guidance of PPG 16.

30. Accordingly, English Heritage is of the opinion that the proposed archaeological condition should be amended to:

*“No development shall take place until the applicant, their agent or successors in title has secured the implementation of a **“programme of archaeological work”** in accordance with a written scheme for investigation which has been submitted by the applicant and approved by the Local Planning Authority*

31. An informative should be included referring to the requirement for a staged approach comprising firstly of an archaeological evaluation. As it stands the condition only refers to evaluation and does not fully secure any further archaeological work required to mitigate impact. As such, English Heritage objects to its current form which is contrary to the advice given in PPG16 and would welcome the opportunity to discussion appropriate archaeological conditions.

32. Without such or similar worded condition English Heritage is of the opinion that the proposed works would present a serious and unnecessary risk to any archaeological remains, contrary to PPG 16.

#### **New station entrance**

33. The new station entrance at the junction of Victoria Street and Bressenden Place is shown only in outline in the application. English Heritage objects to the application on the grounds that the impact on setting of listed buildings, including the immediately neighbouring Victoria Palace Theatre, cannot be assessed without sight of the detailed design.

#### **Compliance with Law and Policy**

34. For the reasons given above, English Heritage does not consider that the application provides a full understanding of the impact of the proposal on the character of the buildings affected. Further, the application does not enable a proper informed view to be taken of the degree of risk posed to the preservation of the listed buildings. Accordingly, English Heritage believes that, on the application as it stands, consent for the works should not be given.

**English Heritage**  
**10<sup>th</sup> April 2008**

## Schedule 1

### List of Documents for Statement of Case, VSU inquiry:

The London's Plan Spatial Development Strategy (2008)  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Planning Policy Guidance Note 15: Planning and the Historic Environment  
(PPG15)  
Planning Policy Guidance Note 16: Archaeology and Planning  
Circular 01/01: Arrangements for handling heritage applications

### Extracts from List of Buildings of Special Architectural or Historic Interest

Victoria Railway Station: the former London, Brighton and South Coast Railway  
Station and rear Concourse (grade II)  
Victoria Railway Station, the former London, Chatham and Dover Railway Station  
including Train Shed (grade II)  
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Theatres: A guide to theatre conservation from English Heritage (English Heritage 1995)  
Streets for All (English Heritage 2000)  
Informed Conservation: Understanding historic buildings and their landscapes for conservation (English Heritage 2001)  
Transport and the Historic Environment (English Heritage 2004)  
Conservation Principles, Policies and Guidance (English Heritage 2008)

Victoria Area Planning Brief (City of Westminster's Planning and City Development Committee 2006)  
Heritage of Westminster – Architecture for a historic City Supplementary Planning Guidance (2004)  
City of Westminster Unitary Development Plan (January 2007)  
Victoria Palace Theatre Conservation Plan 2007

English Heritage may also refer to other documents that will be collated by any witnesses it calls to give evidence at the inquiry. As such documentation has not been prepared at this time, it is not possible to refer to it at this stage.