

THE BATTLE FOR M&S OXFORD STREET WHY THIS LANDMARK CASE MATTERS



SAVE
BRITAIN'S HERITAGE



Contents

01 / Introduction	4
02 / The buildings	6
03 / The proposal	10
04 / The campaign	12
05 / The inquiry	16
06 / There is another way	25
How you can help	27



March 2023

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Registered charity: 269129

To learn more about SAVE'S work or to support us visit our website:

www.savebritainsheritage.org

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01 / Introduction

Not just any demolition. An M&S Oxford Street demolition ...



The future of this handsome 1920s landmark, built to catch the eye on a corner of Britain's most famous shopping street, continues to be centre stage of a raging debate over the fate of our high streets and the climate crisis.

The highly controversial plan by one of the UK's favourite retailers to raze and rebuild their store has united heritage and climate change campaigners alike. It shines a spotlight on the wasteful demolition of perfectly good buildings, and the need to re-use and retrofit our existing stock. It raises important questions about how we do this for everyone's benefit and keep alive the streets and buildings we cherish.

In October 2022, SAVE squared up to the mighty Marks & Spencer at a public inquiry into the retailer's proposal to demolish their flagship 1929 building on Oxford Street and replace it with a 10-storey block.

We were granted main party status after persuading the Secretary of State to "call in" the plans in June, meaning we led the opposition during the two-week case with our brilliant barrister and expert witnesses on carbon and heritage. We crowdfunded £20,000 towards our legal fees.

It was the first time sustainability and heritage have been placed at the heart of a planning inquiry and there was significant media interest. The inquiry is being seen as a major test of our disposable, knock-it-down and rebuild attitude and could have potentially far-reaching consequences for construction and development. Nearly 40% of global carbon emissions come from the built environment, with new construction responsible for about a quarter of that.

We were hugely heartened by a varied cast of "third parties" who lined up to give evidence in support of SAVE's case or submitted statements to the inspector. These included two local residents, Kristin Scott Thomas and Griff Rhys Jones, who spoke of their fondness for the building and the environmental costs of replacing it.

Working with the managing editor of the *Architects' Journal*, Will Hurst, and sustainability and carbon expert Simon Sturgis, we have used this campaign to drill down into the environmental costs of demolition, and press home the well coined phrase, 'the greenest building is the one that already exists,' a message that fits hand in glove with our work to save historic buildings from unnecessary and wasteful loss.

"The inquiry is being seen as a major test of our disposable, knock-it-down and re-build attitude and could have potentially far-reaching consequences for construction and development!"

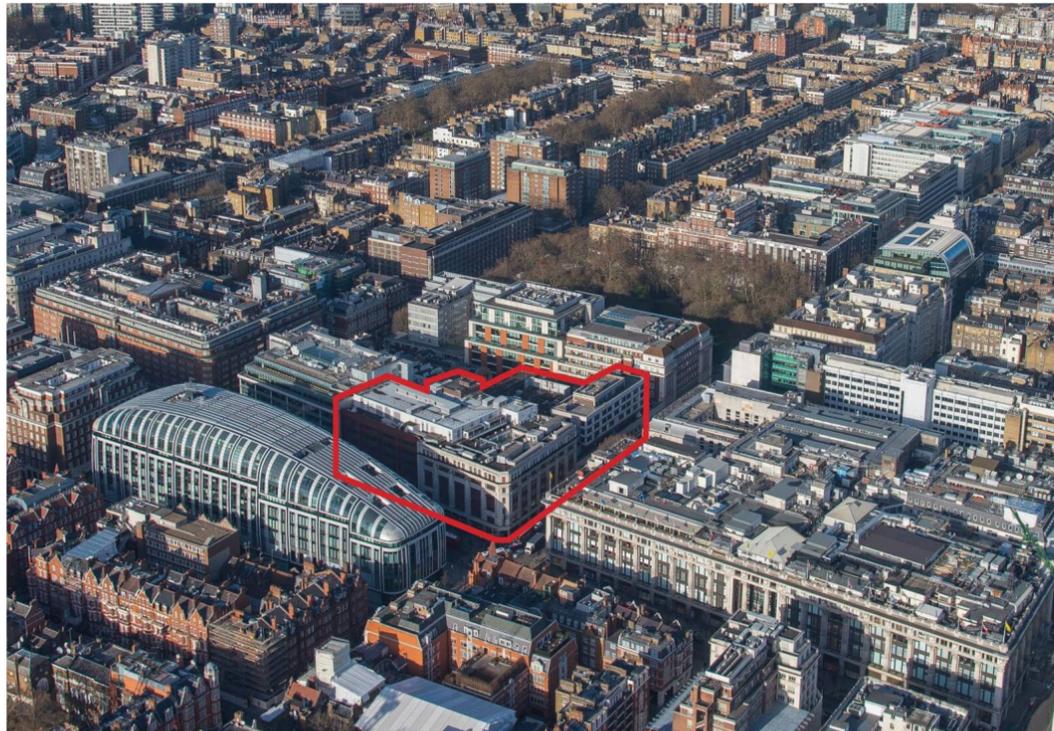
Other supporters included academics, politicians, architects and engineers as well as several developers who argued that "retrofitting" makes good commercial as well as environmental sense because tenants increasingly want to be in buildings that fit with their values.

The inquiry closed just as the crucial COP27 climate talks were about to open in Egypt. The Planning Inspector, David Nicholson, is understood to have made his recommendation to government. The case is now in the hands of the Secretary of State, with a decision due by 3rd May. ●

Henrietta Billings, director of SAVE Britain's Heritage



02 / The buildings



◀ Aerial image showing the site location and application boundary in red (page 18 of Design & Access Statement by Pilbrow & Partners for M&S, June 2021)

On the day Marks & Spencer opened its hotly anticipated Marble Arch store, 5th November 1930, the London *Evening News* breathlessly reported: "This impressive building at the corner of Oxford Street and Orchard Street has been transformed in the space of 17 days from an empty shell of bare walls into a worthy neighbour of the renowned fashion houses... It adds a new feature to the famous attractions of the West End. For throughout its immense area of 21,420sq ft, there is not one article priced above five shillings."

The reporter drooled over the range of items displayed on its polished mahogany counters, brilliantly lit with "powerful electric bulbs" – from millinery to menswear, gramophone records to wireless components – and noted approvingly that 90% were British-made.

"Through these displays one can wander at will, examine and pass on, experiencing no coercion to buy," he remarked.

"Prompt and courteous service is another feature of the store and no sooner does one decide to buy than the wish is mysteriously divined by one of the 250 assistants and without wasting a moment the purchase is made."

All transactions were strictly cash-only to keep overheads and prices down. But it was by no means a budget store: the *Evening News* said no expense had been spared in furnishing and equipping it, nor in looking after the staff, for whom "pleasing and commodious tea rooms" were provided.

This head-turning building was of course Orchard House, commissioned at the end of the 1920s by J Lyons & Co – of Cornerhouse fame – as offices and shops. At the time construction began in 1929, Marks & Spencer were actively seeking to establish a West End store as they expanded and modernised under the direction of Simon Marks, the founder's son and chairman for more than 50 years.

According to the *Survey of London*: "Marks was determined to open a store in Oxford Street, assuring his financial advisors that 'even if it never makes a profit, it will be a good advertisement for the business.'" He was right and two years later the store was graced by a visit from the Queen – an event that also made headlines.

It is no surprise to discover from his entry in the *Dictionary of National Biography* that the store was a particular favourite of Simon Marks who was a firm believer in what he termed "management by walking about" and who would visit "on an almost daily basis to assess its operation and to determine what it was selling".

The site

Orchard House is one of three buildings that make up the site at the centre of the disputed planning application, 456-472 Oxford Street, and are jointly the focus of SAVE's campaign. Either side of the six-storey art deco corner building are two later additions: Neale House, a red brick 1986 office building; and 23-24 Orchard Street, built as an extension to the M&S store in c.1968-70.

"Oxford Street is distinguished by its succession of fine 20th-century department stores which act as regular landmarks along both sides of the street. They combine, in the words of Pevsner, to produce the effect of a flotilla, sailing majestically along the street. Orchard House is one of those great galleons."

ALEC FORSHAW



▶ View of Orchard House looking east towards Selfridges. The red brick Neale House adjoins it to the left

The battle for M&S Oxford Street

Orchard House was designed by architects Trehearne and Norman who were also responsible for the procession of grand civic buildings on the northern side of the Aldwych. With its rhythm of classical pilasters and Portland stone ashlar facing, it was designed to both refer to and defer to its (now) grade II* listed neighbour, Selfridges, arguably Oxford Street's grandest landmark.

Orchard House is characterised by two smart matching facades which create an attractive chamfered corner. Recessed windows on each floor retain their original metal frame casements, together with the oxidised panels beneath, creating an attractive and historic ensemble of exterior features which reflect the building's role as a major landmark on Oxford Street.

It retains some interesting historic features, including a largely forgotten (and therefore largely unaltered) art deco-inspired staircase running the full height of the building on the Orchard Street elevation. The building was originally adorned with small sculptures carved by AT Bradford of the heads of characters from *Alice in Wonderland*, with this one still visible beneath the projecting St Michael clock.

Initially Marks & Spencer leased the ground floor and basement only, keen to gain a foothold in London's West End. Their success saw them open the Pantheon store in eastern Oxford Street in 1938, and subsequently expand into the whole of Orchard House when Lyons vacated. Further extensions to the north (23-24 Orchard Street, 1968-70) and west (Neale House, 1986) saw the Marble Arch branch eclipse the size of the Pantheon and cement its position as M&S's flagship store. All five floors remain in operational use by M&S. ●

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03 / The proposal

Under plans submitted by retailer Marks & Spencer PLC, all the existing buildings at 456 - 472 Oxford Street would be demolished, to be replaced by a 10-storey mixed use building containing retail and office space. The development would also include a two-storey basement across the whole of the site.

The proposed building would have retail in the basement and ground floor, reportedly for M&S to retain as a food store, with 45,621 square metres of office space on the upper nine storeys. Overall, the new building would be 71% larger than the existing buildings in terms of floor area.

Approved by Westminster City Council in November 2021 the proposals by architects Pilbrow & Partners have drawn criticism for their heritage impact and carbon cost from the off. Marks & Spencer, who lease the site from the Portman Estate, have consistently claimed that the existing buildings cannot be retained and refurbished to provide the retail and office uses they desire and are of little value to them.

Beyond the heritage harm of demolishing the historically and architecturally attractive Orchard House building, the demolition and rebuild plans would come at a high carbon cost, releasing almost 40,000 tonnes of embodied CO₂ immediately – the equivalent of driving a typical car 99,000,000 miles (further than the distance to the sun). ●



PHOTO: SAVE BRITAIN'S HERITAGE



▲ Before and after image showing the corner treatment



▲► Before and after images showing the view looking west along Oxford Street with Selfridges in the foreground

▼ Graphic highlighting the equivalent embodied carbon cost of the proposed M&S building over its first 60 years



The demolition and rebuild plans would release almost 40,000 tonnes of embodied CO₂ immediately - the equivalent of driving a typical car 99,000,000 miles (further than the distance to the sun)



19,660 approx. return flights from London to Sydney

2,403,900 approx. planted trees to offset carbon¹



962,000,000 approx. cups of tea²

35,257,500 approx. taking a bath³

IMAGE: WHOLE CARBON ASSESSMENT BY ARUP FOR M&S, JUNE 2021

04 / The campaign

M&S's controversial proposals to bulldoze its Marble Arch store have been the focus of a major 18-month-long campaign led by SAVE and the *Architects' Journal* highlighting the huge heritage, environmental and net-zero costs of the proposals.

SAVE first objected to the proposals in November 2021 ahead of Westminster City Council's Major Planning Committee later that month, at which the plans were approved. Just days prior, news had been published by government heritage advisor Historic England that a listing bid for Orchard House by the Twentieth Century Society had been unsuccessful.

As no legal confirmation of the council's position was issued, we took the opportunity to commission a report in January 2022 by leading carbon expert Simon Sturgis examining how the proposals were not compliant with the government's legally binding net zero commitments or the Greater London Authority's policy to prioritise retrofit of existing buildings (see overleaf).

Following a request by SAVE in April 2022, the Secretary of State Michael Gove issued an Article 31 holding direction – suspending Westminster's planning consent until the government had scrutinised the plans. At the same time, SAVE also published its latest report *Departing Stores: Emporia at Risk* examining the challenges and future opportunities for reusing department stores, including Orchard House.

With the campaign rapidly gaining national attention and press coverage, in May 2022 we published an [open letter](#) signed by leading architects, engineers, urbanists and historians calling on the government to call in the scheme for examination at a public inquiry. Working with the Twentieth Century Society, we also launched a petition calling on M&S bosses to rethink their plans, which was signed by almost 6,000 people.

INVALUABLE SUPPORT

We were heartened that our campaign was backed by an impressive cast of architects, engineers, developers and public figures. They included: Julia Barfield, designer of the London Eye, and Stirling Prize winner Steve Tompkins, who founded *Architects Declare*; academics Dr Lesley Lokko and Dr Alice Moncaster; TV personalities Kevin McCloud and Griff Rhys Jones; politicians including Duncan Baker, the MP for North Norfolk who brought the Carbon Emissions (Buildings) Bill to Parliament; plus Will Arnold, head of climate action at the Institute of Structural Engineers; and architectural historians Andrew Saint, Alan Powers and Barnabas Calder.

Success

Finally in June 2022, a full public inquiry was announced. The two-week inquiry would be overseen by a government planning inspector appointed by the Secretary of State to examine the following issues:

- The extent to which the proposed development is consistent with government policies for conserving and enhancing the historic environment in national planning policy.
- The extent to which the proposed development is consistent with the development plan for the area.
- any other matters the inspector considers relevant.

With the David and Goliath battle set to open in October 2022, SAVE launched its most high-profile and ambitious Crowdfunding campaign to date, raising over £20,000 to cover legal costs. Our campaign received tremendous donations from over 400 people – including £500 from the writer Bill Bryson.

PRESS COVERAGE



◀ Titles to highlight SAVE's case include *The Times*, *The Guardian*, *The Daily Mail*, *the Evening Standard*, *Architects' Journal*, *Building Design* and *The Ecologist*. At one point, Bill Bryson backing SAVE's crowdfunder was the best-read story on the Guardian website

The Marks & Spencer campaign made headlines in papers from *The Telegraph* to *TIME* magazine. We've been thrilled by the powerful media spotlight that has been shone on the case. *The Daily Mail* sent a reporter to cover the inquiry's opening day, while *The Times* and *The Guardian* featured the statements to the inquiry by Kristin Scott Thomas and Griff Rhys Jones.

The Guardian also ran a column by Simon Jenkins who wrote: "M&S is a shining example of how not to treat the high street – or the planet". Columnist Catherine Bennett took up the cudgels in *The Observer*, noting: "Razing your architectural gem is a funny way to show a love for heritage, M&S".

Michelle Ludik, from the global architects HOK, wrote in the *Evening Standard* it was "easy to see why the demolition of a prominent and

longstanding building in central London has become a matter of national interest".

Ahead of the inquiry, *The Architects' Journal* ran a feature headlined: "Demolition in the dock: Why the M&S Oxford St public inquiry really matters" and an investigation into whether developers' whole-life carbon assessments are mere greenwash. They also published a column by Westminster councillor Jessica Toale, who supported SAVE at the inquiry, urging M&S to think again.

SAVE director Henrietta Billings was interviewed by BBC Radio London. Other titles to cover SAVE's case include *Private Eye*, *Property Week*, *City AM*, *Building Design*, *Retail Gazette*, *Retail Week*, *The Grocer* and *The Ecologist*. ●

The Sturgis Report

With interest in the case mounting, in January 2022 SAVE commissioned embodied carbon expert Simon Sturgis to compare the environmental cost of M&S's new-build proposals with the cost of a deep retrofit.

His report, *Why a Comprehensive Retrofit is more Carbon Efficient than the Proposed New Build*, helped pave the way for the government call-in and formed key evidence at the subsequent public inquiry.

It found that M&S's proposals did not comply with the government's net zero legislation or with numerous local and national policies. It also showed the buildings could be successfully brought up to contemporary environmental and retail standards. A retrofit would also produce carbon emissions, of course, but these would be significantly less than those for the proposed new-build, Mr Sturgis showed.

He urged Westminster council to think again, adding: "What is required is that the same level of ingenuity and design skill that has been applied to the new-build proposal is also applied to a comprehensive retrofit scheme."

The UK's net-zero commitments will not be achieved by "business as usual plus a high BREEAM rating", he added. "A very different approach must be adopted and as soon as possible... Whatever its sustainability credentials, you cannot separate the new-build from the fact that there are valuable carbon assets already on the site eminently capable of reuse."

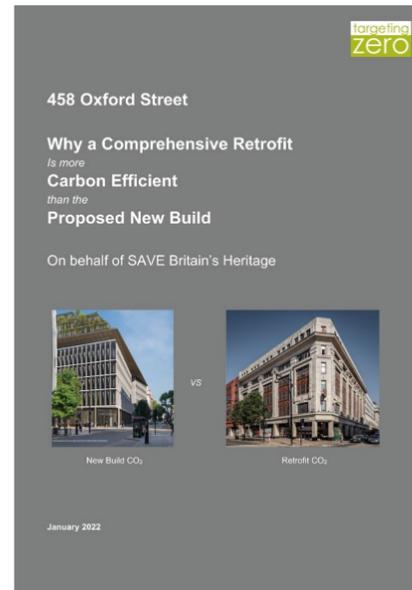
In April, SAVE issued another report, *Departing Stores: Emporia at Risk*, which documented buildings across the country like the Marks & Spencer's on Oxford Street which are being brought back into vibrant life.

Both reports are available on [SAVE's website](#).

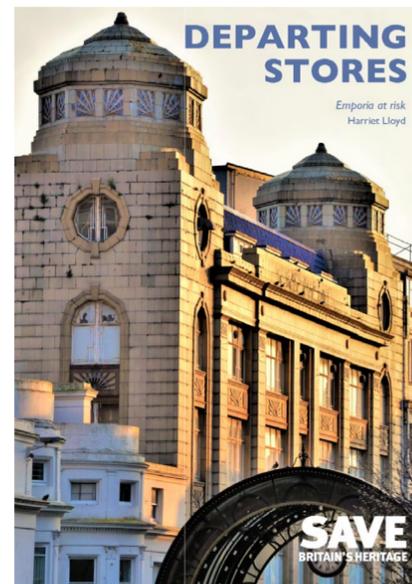
Hot ticket

SAVE invited Simon Sturgis to deliver our annual lecture in March 2023 on the topic of *Architecture and Climate Crisis: How the past can save the future*.

The sell-out crowd at the Royal Academy of Arts in London included leading architects and designers such as Thomas Heatherwick, Julia Barfield, Sarah Wigglesworth and Simon Henley, as well as developers, politicians, journalists and the TV presenter Griff Rhys Jones.



▲ Simon Sturgis' 2022 report, *Why a Comprehensive Retrofit is more Carbon Efficient than the Proposed New Build*



▲ *Departing Stores: Emporia at Risk* was published in April 2022



◀ Simon Sturgis also delivered SAVE's annual lecture on the topic of *Architecture and Climate Crisis: How the past can save the future*



PHOTOS: AGNESE SANVITO

The elegant lecture hall, designed by Pritzker Prize-winner David Chipperfield, is itself a great example of creative reuse. Opened in 1870 for the University of London, 6 Burlington Gardens was later home to the civil service, the Museum of Mankind and a commercial art gallery before being woven into the new Royal Academy in 2018. As SAVE director Henrietta Billings said on the night, imagine the heritage and carbon cost if each occupant had demanded a tabula rasa.

Mr Sturgis used the lecture to call for a revolution in architectural thinking. He proposed a form of the Hippocratic Oath to "do no harm" to the environment, a provocation that made headlines in the architecture press.

"We also need imagination," he declared. "We need people to show much more imagination, whether it's architects or developers, local governments, the GLA, whoever it is on a national level. We need to show much more imagination with construction and with the design of buildings."

Emissions from construction and use of buildings are now a "bigger existential threat than nuclear war, just a lot less obvious or immediate", he said. And he argued that the Treasury should be made responsible for the UK's carbon budget – as the only department with real clout – and that VAT rates on refurbishment (20%) and new-build (0%) should be harmonised to encourage reuse.

He ended by repurposing a quote from the novelist Arundhati Roy about the Covid pandemic: "Historically, [existential crises] have forced humans to break with the past and imagine their world anew. The [climate crisis] is no different. It is a portal, a gateway between one world and the next. We can choose to walk through it, dragging the carcasses of our prejudice and hatred, our avarice, our data banks and dead ideas, our dead rivers and smoky skies behind us. Or we can walk through lightly, with little luggage, ready to imagine another world. And ready to fight for it."

On the very day of the lecture, the City of London Corporation announced it will now require developers to consider alternatives to demolition at the earliest stage of the planning process. It is the first planning authority in the country to take such a measure in an effort to reduce its carbon footprint.

Shravan Joshi, chair of the corporation's planning and transportation committee, said it placed the City at the front of the "growing drive to give substantial, detailed consideration to retaining and refurbishing buildings rather than simply knocking them down and starting from scratch. It will provide clarity for developers, who are themselves in increasing numbers looking to explore the environmental and financial advantages of retrofitting or refurbishing." ●

05 / The inquiry

SAVE vs M&S

The cast

The inquiry, headed by inspector David Nicholson, opened at Westminster City Hall on 25th October and ran for two weeks. It was truly a David and Goliath battle.

SAVE's team

Thanks to generous supporters of our crowdfunding campaign, SAVE was fortunate to be represented by barrister Matthew Fraser of Landmark Chambers and our three expert witnesses, two tackling sustainability and one addressing heritage.

Sustainability

Simon Sturgis was our expert witness on embodied carbon and sustainability. One of the country's leading experts in the emerging field of embodied carbon in the built environment, he founded the consultancy Targeting Zero and is a qualified architect. He is also a member of the Construction Industry Council's (CIC) climate change expert panel and an advisor to the EU Commission and to the House of Commons Environmental Audit Committee (EAC).

Dr Julie Godefroy was our expert witness on whole-life carbon and sustainability. She is a chartered engineer and sustainability consultant with a PhD on low-carbon buildings. She is head of sustainability at CIBSE and sustainability adviser for the National Trust's Historic Environment Group.

Heritage

Alec Forshaw was our expert witness on heritage. He is a writer, planner and urban designer who was head of conservation at Islington council for 32 years. He is well known to supporters of SAVE, having successfully represented us at numerous inquiries including Smithfield Market in London and Anglia Square in Norwich. He also leads many of our walking tours.

The line-up on SAVE's benches was completed by director Henrietta Billings and conservation officer Ben Dewfield-Oakley.

▼ Expert witnesses
Matthew Fraser,
Dr Julie Godefroy,
Simon Sturgis and
Alec Forshaw



Other parties

Marks & Spencer was represented by the leading planning barrister Russell Harris KC, supported by a team of other legal professionals, plus four expert witnesses from their project team: Fred Pilbrow, founding partner at architects Pilbrow & Partners; Dr Chris Miele, senior partner specialising in historic environment and townscape at Montagu Evans; Mel Allwood, director of sustainable buildings at Arup; and Chris Goddard, a director and retail planning specialist at DP9.

Like SAVE, Westminster City Council had "rule 6 party" status at the inquiry but, despite the opportunity presented by the change in the borough's political control since the planning consent, the authority declined to present any new information or witnesses, deciding instead to reiterate the position laid out in its original committee report.

Third parties

As the SAVE team prepared for the inquiry we were buoyed by support flooding in from our Friends and Saviours and many others. Some asked the inspector for permission to give evidence to the inquiry in support of SAVE's case both in person and in writing. These included Kristin Scott Thomas, Griff Rhys Jones and Eric Reynolds. As Rhys Jones, former presenter of the BBC's Restoration series, said: "Recycling good historic buildings should be at the heart of policy." Ms Scott Thomas's statement is in the box on page 24.

Other supporters included academics, politicians, architects, engineers and developers. Julia Barfield, architect of the London Eye, reminded the inquiry of the stark warning from the IPCC (Intergovernmental Panel on Climate Change) in 2018 that we have 12 years to avoid a catastrophe – now well under a decade. She said: "What I think is at issue at this public inquiry in 2022 is: are we acting as if there is an emergency? In my view, throwing a huge carbon bomb unnecessarily into the atmosphere – as this project proposes to do – is definitely not acting like there is an emergency."

"It would be a climate crime to demolish and rebuild this store anew. It has huge potential to be retrofitted, as an increasing number of buildings have demonstrated is possible."

SARAH WIGGLESWORTH
Director, Sarah Wigglesworth Architects

THIRD PARTY STATEMENT

"M&S could set an example for other owners, occupiers and investors across the country by demonstrating leadership in the re-use and retrofit of heritage assets - rather than holding the community to ransom with threats to abandon the site - and in the process make a significant contribution to the country's climate goals."

JESSICA TOALE
Westminster councillor

THIRD PARTY STATEMENT



▲ Orchard House takes its classical cues from its grand neighbour, Selfridges, to which it was designed to defer

SAVE's case: heritage

SAVE argued that Mark & Spencer's proposal to replace its handsome flagship building with a 10-storey block of mostly offices over a carbon-hungry multi-storey basement could not be justified on either heritage or climate grounds.

Heritage and planning

We argued the loss of Orchard House and its replacement with Pilbrow & Partners' proposals would inflict serious harm on the area's heritage and townscape.

Existing building

Marks & Spencer's team sought to underplay the importance of Orchard House. But as Alec Forshaw told the inquiry, it possesses considerable architectural and historic interest, both in its own right and, perhaps equally importantly, because of its relationship with its immediate neighbour, Selfridges. "The obvious visual interplay between the magnificence of one of London's greatest beaux arts buildings and the comparative deference and dignified austerity of Orchard House is of considerable interest and importance," he said.

While Orchard House has been turned down for listing because of alterations, its failure to meet Historic England's exacting criteria does not mean it is not of considerable heritage interest and significance, argued Mr Forshaw. Nor should much weight be attached to the fact that it is not in a conservation area because the council has not reviewed the boundaries for more than 30 years – when the buildings in question were much younger.

"Oxford Street, in its long stretch from Tottenham Court Road to Marble Arch, is greatly distinguished by its succession of fine 20th-century multi-storey department stores, mostly clad in stone, mostly in a neo-classical style, most of five or six storeys, which act as regular landmarks along both sides of the street," he said. "They combine, in the words of Pevsner, to produce the effect of a flotilla, sailing majestically along the street. Orchard House is one of those great galleons."

SAVE's barrister Matthew Fraser warned that the harm caused by its loss would be permanent and irreversible: the greatest possible harm that can be done to a heritage asset. Yet, as he told the inspector: "There is no fundamental structural, façade deterioration or safety reason why these buildings should be demolished. They are fully viable carbon assets."

The buildings present an ideal opportunity for an innovative, comprehensive retrofit which would achieve the desired improvements: providing high-quality, energy-efficient retail and office space and new public realm. All this could be accomplished without pumping out 40,000 tonnes of CO₂ and avoiding the harmful heritage impacts.

Proposed new building

The scale, bulk and massing of M&S's 10-storey development is excessive for its context, not only greatly exceeding what is currently on site but looming above its neighbours and the surrounding area.

Replacing three separate buildings with one monolithic block would considerably change the existing grain, while the repetitive rhythm of vertical brick piers threatens to give the long street frontages a monotonous and overbearing presence. The oversailing canopy – an apparent attempt to mitigate this – would be extremely prominent, far more forceful than the elaborately articulated cornices of Selfridges. The canopy is also a whole storey higher than Selfridges' main cornice. And the sharp corner proposed by the new design is also very different to the elegant chamfer of Orchard House with its eye-catching St Michael clock.

"There is a danger that the uniformity of the proposal on such a monumental scale will overwhelm its neighbours in all directions, including Selfridges," warned Mr Forshaw. "In terms of materials and design there is little in the proposal that picks up on the local distinctiveness of Oxford Street, or indeed anywhere else in the immediate vicinity. The proposal is something that could equally well sit in Frankfurt, Berlin, Milan or Madrid."

One of the arguments for demolition made by M&S's team was that the three buildings were poorly connected with confusing level changes that would hamstring the space. But this objection evaporated when Mr Forshaw reported that "the floors between Orchard House and Neale House align completely on basement, ground, first, second and third floors. Those between Orchard House and the Orchard Street extension also align exactly on basement, ground and first floors. At second floor there is a 350mm change in level, which is comfortably dealt with by a ramp within the existing retail layout. Mr Pilbrow's assessment that the existing store is 'a confusing warren of dense structure and misaligned floors' seems an overstatement."

THIRD PARTY STATEMENT

"Demolition would constitute a significant impoverishment of the heritage of the area and of London more widely."

DR BARNABAS CALDER
Architectural historian

"Of course, it may be argued, if this particular building is to be saved on ecological grounds, what about other such cases? My own view is that there needs to be far more articulate opposition to such wanton and needless demolitions. People have got to start somewhere, and this perfectly good building in conspicuous Oxford Street is a very good place to do so."

ANDREW SAINT
Emeritus professor of architecture,
University of Cambridge, and former editor,
Survey of London

THIRD PARTY STATEMENT

“If this country is to reach its net zero objectives, it is vital that we rethink proposed demolitions like this, with far more attention paid to the embodied carbon impact.”

DUNCAN BAKER
MP for North Norfolk

“The environmental case for pulling down this fine building was always gossamer thin. Simon Sturgis’s analysis has exposed it for what it is. We should be adapting the remaining building, not smashing it up.”

NICHOLAS BOYS SMITH
Chair, government Office for Place

“It is clear now, given the extent of the climate emergency, that retrofit must be the default for our industry, and demolition a last resort unless very considerable benefits can be created to justify it.”

JACOB LOFTUS
Chief executive, General Projects

M&S’s need for a smaller store, in response to changing shopping patterns, is not disputed, nor that the tired retail fit-out needs updating, nor indeed that the western end of Oxford Street is flagging. But M&S’s solution – to replace five storeys of retail with two as part of a new 10-storey building – is, we argued, nothing to do with creating a better retail environment but purely a way of creating 45,621sq m of leasable office space on a site where none currently exists.

“It is far from clear that the predominantly commercial office use proposed will provide the range of uses that might help to regenerate or future-proof Oxford Street,” said Mr Forshaw.

“Comprehensive redevelopment of the site will not solve the existing situation on its own. Indeed, a long period of demolition and construction may further reduce the attraction of this part of Oxford Street. Without a serious reduction in pollution and traffic congestion there is little prospect of long-term improvement.”

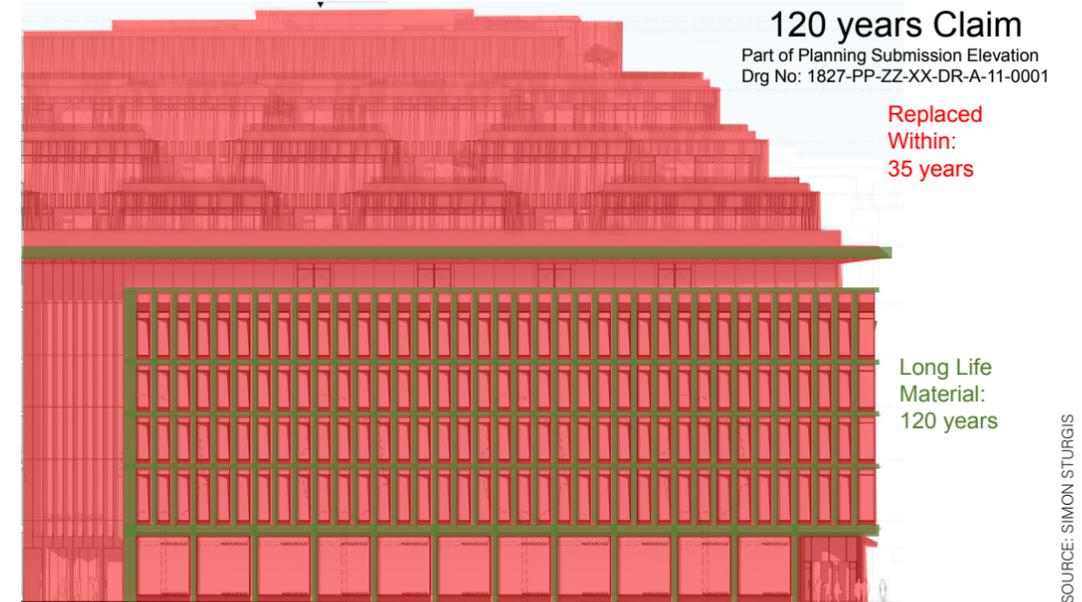
The key test in the government’s National Planning Policy Framework (NPPF) is whether the harm caused by a proposal is outweighed by the benefits. As Mr Forshaw said: “I suggest that the cumulative harm to designated heritage assets, while ‘less than substantial’, is considerable and must be given great weight. In my opinion this harm decisively outweighs the public benefits of the proposal. In addition, I consider that there are no overriding public benefits that could not be achieved by a less harmful scheme, in particular by a retrofit scheme.”

As we will see in Chapter 6, a number of former department stores on Oxford Street and elsewhere are currently being converted to imaginative new uses based on a celebration of their historic fabric.

Retaining and reviving the M&S building along with the rest of Oxford Street’s historic fleet of retail “galleons” was crucial to its long-term survival, argued Mr Forshaw. “It is what millions of visitors to London come to see,” he said.

“The significant heritage impacts, not outweighed by public benefits, would alone warrant a refusal of planning permission,” added barrister Matthew Fraser. “But there is another very substantial harm and policy conflict arising from this scheme, which concerns the effect of the proposals on the UK’s transition to a zero-carbon economy.”

► Much of the fabric of the proposed new building would need to be upgraded after about 35 years



SOURCE: SIMON STURGIS

SAVE’s case: sustainability

Plan A. Because there is no Plan B.

Marks & Spencer’s pithy catchphrase lodged itself in the national consciousness and the firm has built a reputation on the back of it as one of the more enlightened retailers in a market so often characterised by a race to the bottom line, whatever the cost to people and planet.

Yet M&S’s wasteful proposal for Oxford Street drives a coach and horses through many of its laudable public statements. To use Julia Barfield’s memorable phrase, it throws “a huge carbon bomb unnecessarily into the atmosphere.”

Simon Sturgis began his evidence to the inquiry by looking at some of the statements in Marks & Spencer’s lengthy corporate documents, such as its Plan A report: “Plan A represents our planet-based goals with our main mission to become a net-zero business across scope 1, 2 and 3 by 2040” (Scope 1 refers to greenhouse gas emissions caused directly by a company, scope 2 to those caused indirectly by its activities and scope 3 to emissions resulting from goods and services it buys, including property development.)

This is a clear statement of intent to become a net-zero company a full decade before the UK government’s binding 2050 commitment, said Mr Sturgis.

The report also declares: “Sustainability is core to the M&S brand and our ESG [environmental, social and governance] framework brings together the individual business strategies into a shared programme to engage our customers and enable us to report on performance at group level.” As Mr Sturgis said: “This suggests that the M&S brand is directly linked to achieving the best sustainable outcomes, which is not the case here.”

He concluded: “The proposed demolition and new construction at 456 Oxford Street is in direct opposition to the government’s net-zero obligations and objectives and the aligned policies and commitments by all parties at all levels of decision making on this submission [Westminster council, the Greater London Authority]. These policies and commitments are consistently in favour of low-carbon design, resource efficiency, prioritisation of retrofit and circular economic outcomes, but these policies and commitments have not been pursued for 456 Oxford Street.”

He added: “It is entirely possible, based on my appraisal of the available information, for the existing buildings to be retrofitted,

“The embodied carbon of new buildings is far higher than that of deep retrofit. The proposed demolition and new construction will emit many thousands of tonnes of greenhouse gas emissions, increasing our impact on climate change. Retrofitting the existing building up to equivalent energy standards would emit considerably less carbon. I therefore urge you to refuse this application.”

DR ALICE MONCASTER
Advisor to the UK Parliament and International Energy Agency

“I believe projects of this type must play a far more central role if we are serious about addressing the planetary emergency and now is an opportunity for the planning inspectorate to show real leadership.”

STEVE TOMPKINS
Stirling Prize laureate and co-founder of environmental group Architects Declare

reorganised and extended, for a significantly lower carbon cost than the carbon cost of new build. I consider this approach has been superficially examined by the applicants, who have in their submitted application only presented a carbon assessment of a ‘light touch refurbishment.’ This is an option that was always bound to fail in a comparison with the new build option.”

M&S were unable to demonstrate that they had ever considered a deep retrofit or that retention was fully explored before the decision to demolish was cemented into the brief given to the architects. Despite the escalating climate emergency and the rapidly evolving understanding of the role of embodied carbon in the intervening years, that decision was never revisited. SAVE’s barrister Matthew Fraser observed: “For all that is known from this evidence, M&S could have instructed Pilbrow & Partners to design a scheme that simply maximises commercial value.”

That was exactly what happened in the judgement of Ms Barfield, an experienced architect and client. She told the inspector: “The brief here was clearly to maximise the site’s potential and the architects have fulfilled their brief well – creating a building minimising operational carbon that, five or eight years ago, would have been considered fine. However, now that we understand the upfront impact of embodied carbon, it really isn’t. Particularly building two extra basements! They are the worst in terms of embodied carbon.” Having designed a reuse project herself involving three similar buildings in the West End, she was confident M&S could achieve its objectives at Marble Arch through retrofit.

Following discussions between M&S’s and SAVE’s whole life carbon witnesses, both parties agreed to submit written evidence in the form of a “joint position statement”, rather than oral evidence. Don’t be fooled by the name! A joint position statement is a planning tool used to summarise chunks of evidence for an inspector in order to speed up the inquiry. In reality, the statement laid bare how little common ground there was between us and M&S.

Dr Julie Godefroy’s highly technical evidence for SAVE focused on a number of significant points she identified in M&S’s whole life carbon (WLC) assessment, which mean the comparison of demolition and rebuild versus alternative scenarios is “highly problematic”, and which undermine the basis for one of their central claims.

Dr Godefroy cast serious doubt on M&S’s pledge that the new building would deliver a “net positive contribution to the

environment” from 17 years after completion (a figure it later burnished to 11 years). “As a result,” she wrote in her 18-page proof, “it is my opinion that the claim of a ‘payback’ period within 17 years is invalid and that the payback period would be much longer, most likely over 30 years, or it may not even be achieved within the standard 60-year assessment period. This claim has been repeatedly presented by the applicant, and it has been used in the [planning] committee’s report justifying the original decision to grant approval: it is then of material importance that the claim is, in my opinion, not valid.”

Elsewhere in her evidence, Dr Godefroy quoted a telling statement made by M&S’s engineer, Arup, in its own marketing brochures: “Demolishing reusable buildings and constructing new ones in their place will only add to stresses on our planet’s finite natural resources. It is time for change on a dramatic scale.”

Climate emergency

In 2019 the UK government made a legally binding commitment to transition to a net-zero economy by 2050. Climate modelling shows we need to make the biggest reduction as soon as possible so in 2021 this was updated to commit us to the first 78% drop by 2035: now little more than a decade away.

Last year the House of Commons Environmental Audit Committee (EAC) issued a report on the carbon cost of construction which highlighted the Marks & Spencer scheme as a case that “brings the debate regarding the environmental credentials of new-build versus retrofit into public focus”. The MPs said retrofit should be prioritised and warned: “If the UK continues to drag its feet on embodied carbon, it will not meet net-zero.”

By M&S’s own figures, the initial upfront embodied carbon cost of its new building (making concrete, steel etc) would be nearly 40 million kg of CO₂, the equivalent of driving a car 99 million miles which, as M&S said, is “further than the distance to the sun”. Added to this would be the emissions from demolishing the existing buildings, amounting to 1.86 million kg.

When we are facing a climate emergency it is hard to justify such a significant carbon cost, especially when it could be avoided if M&S seriously considered refurbishing the buildings.

“Despite claiming that sustainability is at the core of their brand and committing to being a net-zero business by 2040, M&S have dismissed the creative refurbishment alternative to such an extent that they have made a threat to the Secretary of State to leave Orchard House altogether if they do not get their way.” Mr

EXPLAINER

The built environment is responsible for around 40% of our emissions – far more than any other individual sector. As Dr Alice Moncaster, structural engineer and Cambridge fellow, explains, this presents a powerful opportunity: if we reduce development’s carbon footprint it will have a significant impact on our ability to meet our commitments.

Payback period

The idea that after a certain number of years, a new building’s operational efficiency will have counterbalanced the cost of the carbon released by its construction.

Whole-life carbon emissions

A building’s whole-life impact is its “cradle-to-grave” environmental footprint. From the extraction of raw materials (mining, logging) and their manufacture (into steel, concrete) through construction and use, right up to the final disposal of waste at the end of the building’s life. Some products such as cladding and air-conditioning components will need replacing during a building’s life, so a “lifecycle assessment” should account for those too.

Whole-life carbon (WLC) emissions fall into two main categories:

Embodied carbon

Released by the construction and demolition of a building. Includes production and transport of materials, construction activities, maintenance and replacement of components, demolition and the transport and processing of demolition waste.

Operational carbon

Released by the completed building during its life. Includes heating and cooling, water heating, ventilation, lighting and control systems.

Net zero

Net zero is a scenario in which all greenhouse gas emissions over the life of an asset, minus any “offsetting” activities which absorb greenhouse gases, come to zero.

Fraser told the inquiry. "This is not the constructive attitude of a retailer dedicated to sustainability, heritage conservation and the future success of Oxford Street."

He added: "One can sympathise with M&S for wanting a brand new building and releasing the commercial value that this would bring. However, the decision to proceed with a new-build – without considering a comprehensive retrofit option – was made in 2018 / early 2019 and it has never been revisited. Since then, climate legislation and regional and local planning policy has caught up with the terrifying reality of the global climate emergency."

Mr Fraser reminded the inquiry that atmospheric concentration of greenhouse gases (particularly CO2) has been rising steadily since the Industrial Revolution – along with mean global temperatures. He quoted a recent court judgement: "The increase in global temperature has resulted in (among other things) sea level change; a decline in glaciers, the Antarctic ice sheet and Arctic sea ice; alterations to various ecosystems; and in some areas a threat to food and water supplies. It is potentially catastrophic."

Mr Fraser concluded: "If there is anyone in this room who does not find this completely frightening, then they are either not listening, or they do not understand it. It is not an overstatement to say that the survival of the human race is at stake if we do not all play our part in addressing the climate emergency."

As the public inquiry was drawing to a close in early November, the COP27 climate talks were about to open in Egypt. From our eyrie on the 19th floor of Westminster City Hall we could observe global business and NGO leaders arriving for King Charles III's eve-of-COP reception at Buckingham Palace. The human stories of climate-related suffering that were heard over the subsequent days were a powerful reminder, if one were needed, of the urgency of our arguments.

Sting in the tail

To our dismay, less than an hour after the inquiry ended M&S issued a statement that substantially misrepresented our case. It claimed we had changed our position during the inquiry and that we now accepted M&S's arguments on sustainability. It claimed that as a result we had not fielded a sustainability witness. Both these claims are demonstrably untrue and we rapidly issued a detailed rebuttal. Despite M&S's surprising tactics, we were pleased to have an opportunity to restate our case which – as this report makes clear – remains 100% focused on the carbon and heritage impacts of M&S's harmful proposals. ●

Kristin Scott Thomas's statement to the planning inspector



Oxford Street is one of Britain's best-known destination shopping streets because it has been at the heart of our shopping culture for well over a century.

A string of handsome buildings runs along its length from Marble Arch to Tottenham Court Road. Some of these are architecturally exuberant, others more modest, but together they contribute to a

sense of grandeur and prestige, and the 1920s M&S building – the company's flagship store for over 90 years – makes a significant contribution to the character and history of this part of Oxford Street.

These bricks and mortar are the essence of the West End but we risk permanently harming this through needless demolition. More importantly, as we now know, each brand new glass and steel replacement comes at a huge cost to the planet.

M&S as a global brand and a household name have a choice. They can be the leaders in sustainability they claim to be and commission an imaginative retrofit scheme, providing a pioneering example for others to follow. This would provide flexible uses and improved public space – and leave this landmark corner of Oxford Street for future generations to enjoy.

Or M&S can bulldoze their elegant building, replace it with a monolithic office block – and release thousands of tonnes of greenhouse gases into the atmosphere. We're facing a climate emergency. I urge M&S to do the right thing. It's not too late to change course."

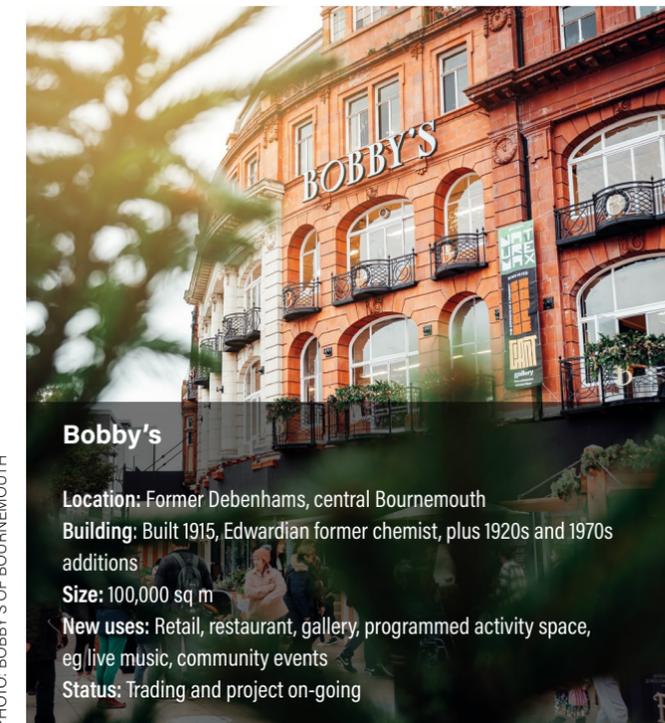
PHOTO: ALAMY

06 / Reuse case studies

There is another way

Our 2022 publication, *Departing Stores* shows that as our shopping habits change, so too can our landmark department stores. With imagination and determination, these historic 'cathedrals of commerce' can once again contribute to the life and vitality that our high streets are crying out for, while telling the rich and opulent history of over a century of commerce. The M & S campaign has shown how vulnerable these buildings can be and how much public affection there is for them.

We need a tighter legislative framework, and a sufficiently resourced planning regime that halts these damaging and wasteful schemes in their tracks, way before they get near planning permission or a public inquiry. Over SAVE's almost 50-year history, we've shown time and time again that with imagination and determination you can re-use existing buildings without having to knock them down.



Bobby's

Location: Former Debenhams, central Bournemouth
Building: Built 1915, Edwardian former chemist, plus 1920s and 1970s additions
Size: 100,000 sq m
New uses: Retail, restaurant, gallery, programmed activity space, eg live music, community events
Status: Trading and project on-going

PHOTO: BOBBY'S OF BOURNEMOUTH

IKEA



Location: 214-234 Oxford Street, former Top Shop, London
Building: Built 1921-5, Austen Hall, grade II listed
Size: 239,000 square feet
Architect: BDP
New uses: Building acquired by IKEA in 2020 for conversion to four-storey homeware store and restaurant
Status: Due to open 2023

PHOTO: BDP

The examples in the report, like Bobby's in Bournemouth (left), where entrepreneurs and building owners have successfully reinvented these beautiful buildings, show how adaptable they are. Other examples raised at the inquiry, like IKEA moving into the landmark former Top Shop building at Oxford Circus, or three former department stores on Oxford Street (Debenhams, House of Fraser and John Lewis) all converting retail space no longer needed into new office space, demonstrate their enduring appeal.

Demolition must be the last rather than the first resort. This inquiry offers the opportunity to provide a landmark decision that catches up with public opinion and one that could change the course of construction.

The battle for M&S Oxford Street



The Department Store, Brixton

Location: 248 Ferndale Rd, London SW9 8FR

Building: Former department store in South London, built in 1876 by James Smith, converted to offices in 1955, and vacant from 2012

Architect: Squire and Partners

New uses: Converted and retrofitted to provide event space, gallery space, office space, cafe and restaurant space. Includes roof extensions and a number of buildings linked together

Status: Completed 2017

146 Princes Street, Edinburgh



Building: 1930 former department store and 1935 former bank building. Later used as House of Fraser until 2017

Architect: Simpson and Brown

New uses: Repair, alteration and retrofit of an eight-storey category B-listed former 1930s department store on corner site in central Edinburgh for Diageo. Whisky-themed visitor experience with ancillary retail, bars, offices, training and event space, including roof-top extension and other external alterations

Status: Completed 2021

John Lewis

Location: 300 Oxford Street, London W1A 1EX

Building: 1958-60, Slater & Uren, eight floors, with 1939 rear block, all unlisted. Winged figure by Barbara Hepworth, 1963, on Holles Street elevation, grade II*

Size: 63,054 sq ft

Architect: Haskoll

New uses: In October 2020, planning permission granted for part change of use to office as well as retail use

Status: Still trading as department store



Former House of Fraser

Location: 318 Oxford Street, former DH Evans

Building: Built 1935-7,

Louis Blanc, unlisted

Size: 163,000 sq ft

New uses: Conversion of existing building from retail to office, gym and restaurant, retaining facade

Architect: PDP

Status: Due to open 2024

HOW YOU CAN HELP

The inspector's decision is now with the Secretary of State who has the final say. If you share our concerns about the heritage impacts and carbon cost of M&S's plans, it's not too late to have your say.

Please write to Rt Hon Michael Gove, Secretary of State for Levelling Up, Housing and Communities and urge him to refuse the plans.

Email correspondence@levellingup.gov.uk, copying in pcu@levellingup.gov.uk.

Be sure to include the reference **458 Oxford Street / APP/X5990/V/22/3301508** in your submissions.

SAVE
BRITAIN'S HERITAGE



Marks & Spencer's plan to demolish and rebuild their flagship store in London's West End ignited public indignation and quickly became one of SAVE's biggest cases.

It is the first time heritage and sustainability have taken joint centre stage at a public inquiry and the outcome could have far-reaching consequences for development in the UK.

This report tells the story so far.



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ISBN 978-0-905978-83-3