

New City Court ES REVIEW RESPONSE TABLE		
Ref Number	Nature of Query	PSC Response
LUC DRR Chapter 13: Review of Built Heritage Assessment		
Clarifications		
BH1	<p>a) The definition of effects should be amended to remove reference to 'direct' and 'indirect' effects and refer correctly to effects to heritage significance - which may either physically affect an asset, or affect its significance through change to its setting; and</p> <p>b) Corrections should be made accordingly where references to 'direct' and 'indirect' effects appear throughout the BH text, including the NTS.</p>	<p>Paragraph 10.17 of the TVIBHA sets out our approach to the identification of direct and indirect effects as follows:</p> <p>'Sensitivity to change'</p> <p><i>10.17 The sensitivity to change of each HA or groups of assets is considered in relation to both direct and indirect effects (direct effects are effects on the fabric of heritage assets; indirect effects are effects on the settings of heritage assets). The sensitivity is based on the designation and grade of the HA and an assessment of its heritage significance (in light of NPPF policy), i.e. what elements of its fabric / constituent parts and setting contribute to its heritage significance.'</i></p> <p>The approach taken is consistent with relevant guidance and follows PSC's established methodology.</p>
BH2	<p>Copies of all consultation responses should be provided for reference, with commentary to explain how the BH assessment responds to or has taken account of them.</p>	<p>The Applicant engaged with three heritage bodies / consultees prior to planning submission: Historic England, Historic Royal Palaces, and Southwark Cathedral. Each provided written responses after submission of the planning application:</p> <ul style="list-style-type: none"> • Historic England submitted its formal response to the planning application on 29 July. DP9 issued its response to SC case officer, Victoria Crosby on 8 September. • Historic Royal Palaces submitted its formal response to the planning application on 17 May. This response was a letter of support for the planning application • Southwark Cathedral submitted its formal response to the planning application on 27 May. This response was a letter of support for the planning application <p>SC has published copies of the above consultation responses on its website.</p>
BH3	<p>a) A figure showing the ZVI in relation to all heritage assets in that area (including those scoped in and out, cross-referenced with the table requested at BH7) should be provided; and</p> <p>b) The methodology amended to ensure the ZVI is utilised fully to identify all potentially affected assets and to scope out those unlikely to experience effects.</p>	<p>a) With respect, we query how useful a combined heritage assets and ZVI plan would be, given the high number of HAs lying within the study area, which is likely to result in a complicated image that is less clear than viewing the two current plans side-by-side. . Nonetheless, if officers would find such a combined plan useful, we can arrange for TVIBHA Figure 3.6 (Built Heritage Assets considered in the assessment) to be overlaid onto the ZVI study.</p>

New City Court ES REVIEW RESPONSE TABLE		
Ref Number	Nature of Query	PSC Response
		<p>b) The ZVI was utilised fully in our assessment, as set out in Chapter 11 of the TVIBHA, which describes the process by which the study area for the heritage assessment was determined. It notes that the ZVI study assisted in the process of scoping HAs in and out, and draws the reader's attention to the results of that exercise at paragraphs 11.6 and 11.7:</p> <p>11.6 'The following HAs were added:</p> <ul style="list-style-type: none"> • CA that abut Gracechurch Street, namely Bank Conservation Area and Leadenhall Market Conservation Area; • LB that address Fish Street Hill/Gracechurch Street; and • SM that address Fish Street Hill/Gracechurch Street. <p>11.7 The ZVI study also indicated that one NDHA identified in the GLHER within 500m of the Site's centre would have no visual relationship with the Development: No3. Hardwidge Street, located some 495m to the south-east of the Site. For this reason, it was scoped out of the assessment'.</p>
BH4	The definition and method for assessing sensitivity should be amended to focus specifically on the sensitivity of the heritage significance of the asset to the changes arising from the proposed development.	<p>The assessment of sensitivity identifies elements of setting that are considered to contribute to the heritage significance of each heritage asset. It then goes on to consider how, if at all, the Development would affect those elements of setting. This follows the best practice 5 stage programme of assessment identified in Historic England's <i>Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets</i> (Second edition, 2017).</p> <p>The approach taken is consistent with relevant guidance and follows PSC's established methodology.</p>
BH5	Provide a rationale for why only moderate and major effects to built heritage are treated as significant.	The approach taken, whereby moderate and major effects are treated as significant, is consistent with relevant guidance and follows PSC's established methodology. This is set out in Chapter 10 of the BHA under the heading 'Significance of effects' (see paragraphs 10.24, 10.25 and Table 3-5: 'Significance of effects on HAs').
Potential Regulation 25 Requests		

New City Court ES REVIEW RESPONSE TABLE		
Ref Number	Nature of Query	PSC Response
BH6	The methodology for identification of NDHAs should be amended to ensure all those likely to experience significant effects are captured, especially those within the site, and the baseline amended accordingly.	<p>The approach taken is consistent with relevant guidance and follows PSC's established methodology. Chapter 10 of the TVIBHA sets out the methodology for the identification of NDHAs considered in the assessment (see page 307). The methods are consistent with national planning policy as set out in the NPPF. The relevant Historic Environment Records have been consulted and potentially affected NDHAs are clearly identified in the assessment.</p> <p>Chapter 6 of PSC's Heritage Statement (which forms an appendix to the TVIBHA) provides a detailed assessment of significance of the existing structures within the Site.</p>
BH7	<p>Provide in clear, tabulated form, a list of all heritage assets potentially affected (physically or through setting change), cross-referenced with the figure requested at BH3, with fields for information on heritage significance including the contribution of setting and, for scoped-in assets: the potential change to that significance (expressed through sensitivity and significance of effects, during both construction and occupation phases); mitigation and residual effects.</p> <p>This should include:</p> <ul style="list-style-type: none"> a) information on the attributes of each asset's setting that specifically contribute to its heritage significance that may be affected by the Development; b) effects to all affected assets arising from construction activity as well as from the completed and occupied scheme; c) updating the reporting of effects to reflect the amended methodology in BH8 below; and d) identification of all required mitigation, or the reasons it is not possible, in relation to the individual effects. 	<p>The submitted BHA is a comprehensive assessment of the significant effects on all identified HAs, consistent with relevant guidance and following PSC's established methodology. Nonetheless, if officers would find it useful for this submitted information to be re-presented within a further table, we can arrange for this to be provided.</p>
BH8	<p>Amend the methodology to:</p> <ul style="list-style-type: none"> a) remove reference to neutral effects; b) define beneficial effects specifically in relation to heritage significance; c) list all relevant effects separately; and d) remove consideration of purely townscape and visual effects from the BH assessment. 	<p>The approach taken is consistent with relevant guidance and follows PSC's established methodology, as set out in Paragraph 10.26 of the TVIBHA, which explains the identification of neutral, adverse or beneficial effects on a HA:</p> <p><i>10.26 Effects are also assessed qualitatively as beneficial, adverse, or neutral in respect of their effect on the heritage significance of the HA. This assessment, based on professional judgement, is in recognition of the fact that an effect on an HA or its setting can enhance its heritage significance (a beneficial effect), harm its heritage significance (an adverse effect) or leave its heritage significance unchanged (a neutral effect). This consideration is independent of whether it is a change of major, moderate, minor or negligible significance with regard to the receptor (i.e. the HA). This is in line with how decisions are made in relation to changes to HAs and their settings in the planning process as set out in the NPPF and described specifically in relation to elements of setting in Annex 2 of the NPPF. It is in line with the statutory requirement to have special regard to the desirability of preserving a listed building or its setting, or any</i></p>

New City Court ES REVIEW RESPONSE TABLE		
Ref Number	Nature of Query	PSC Response
		<p><i>features of special architectural or historic interest which it possesses (which would be a neutral effect); and the statutory requirement that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area (to preserve would be a neutral effect; to enhance would be a beneficial effect). It is also in line with section 16 of the NPPF which deals with questions of harm to significance (which would be an adverse effect) and also refers to desirability of new development in World Heritage Sites and in conservation areas, and within the setting of heritage assets, enhancing or better revealing their significance (which would be a beneficial effect).'</i></p> <p>NPPF paragraph 206 requires local planning authorities to look for opportunities for new development within conservation areas and World Heritage Sites (WHSs) and within the setting of heritage assets to enhance or better reveal their heritage significance: <i>'Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably'</i>.</p> <p>The potential for proposed developments to enhance and better reveal the heritage significance of HAs is acknowledged in guidance, such as Historic England's <i>Historic Environment Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment</i>(2015), as referenced in Chapter 9 of the TVIBHA (paragraphs 9.27 and 9.28 on page 303).</p> <p>This can result from environmental improvements to a conservation area (CA) brought about by a proposed development. Enhancements to the local townscape would come into this category.</p> <p>Historic England's <i>Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets</i> (Second edition, 2017) notes the following:</p> <p>Paragraph 8: <i>'consideration of setting in urban areas, given the potential numbers and proximity of heritage assets, often overlaps with considerations both of townscape/urban design and of the character and appearance of conservation areas'</i>.</p> <p>Paragraph 18: <i>'conserving or enhancing heritage assets by taking their settings into account need not prevent change; indeed change may be positive, for instance where the setting has been compromised by poor development ... many places coincide with the setting of a heritage asset and are subject to some degree of change over time'</i>.</p> <p>The above guidance supports PSC's approach in referring to heritage benefits that include environmental enhancements to a CA. By way of example, PSC's assessment concludes that the Development has the potential to better reveal the significance of the Borough High Street CA. To support this conclusion, PSC highlights those positive effects on the CA that would result from the Development – effects that are, in PSCs' view, demonstrable heritage benefits. The positive effects include:</p> <ul style="list-style-type: none"> • The restoration of the listed terrace on Site; • The reconstruction of Keats House, enhancing its contribution to the CA;

New City Court ES REVIEW RESPONSE TABLE		
Ref Number	Nature of Query	PSC Response
		<ul style="list-style-type: none"> Considerable environmental enhancements to the CA, such as new high quality public realm, increased permeability, and new active ground floor frontages; and Provision of new rooftop public gardens, offering a new vantage point from which to interpret and appreciate the CA, and understand its relationship to neighbouring parts of the city.
BH9	Review and amend conclusions on secondary, cumulative and combined effects in light of the amended approach to and outcomes of assessment of individual effects.	In light of PSC's responses above, it is not considered necessary to amend these conclusions.
BH10	Amend the NTS to reflect changes to the conclusions of the main assessment as a result of these recommendations.	In light of PSC's responses above, it is not considered necessary to amend these conclusions.
LUC DRR Chapter 14: Review of Townscape and Visual Impact Assessment		
Clarifications		
TVIA 1	Clarify whether duration and scale are included in the assessment of magnitude for townscape and visual, and clarify the purpose of the additional duration and spatial scale judgements.	The assessment carried out is in line with GLVIA3. To clarify, there is no additional assessment of duration and spatial scale.
TVIA 2	Provide reasoned justification for the sensitivity judgement for each townscape character area (TCA).	The TVIA provides a detailed analysis of each TCA, including the identification of any significant views from within them, and the identification of HAs that lie within their respective boundaries, which will inform the judgment regarding their sensitivity. See pages 27-38 of the TVIA.
TVIA 3	It would aid clarity if TCA 1 – Bankside, Borough and Potters Field was split into the separate sub-areas.	TCA 1 includes areas of different character and quality, much like the Borough High Street CA that forms an important focus of this TCA. This is reflected in the way TCA 1 is analysed in the TVIA, which already articulates these different aspects of its character by way of sub-areas.
TVIA 4	Provide reasoned justification for the sensitivity judgement for each viewpoint.	PSC's judgements as to the sensitivity of the views presented in the TVIA are based on the method set out in Chapter 3 (Assessment Methodology and Significance Criteria). Paragraphs 3.21 and 3.31 explain, with examples, those attributes of a view that would inform the decision as to its level of sensitivity. The description of each view 'as existing' in Chapter 5 identifies those aspects of relevance that inform the judgment regarding sensitivity (e.g. the presence of a LB or CA in a view, and whether the viewer is likely

New City Court ES REVIEW RESPONSE TABLE		
Ref Number	Nature of Query	PSC Response
		to have a specific expectation of enjoying the view due to its pictorial quality). The approach is consistent with the way PSC applies its judgments on sensitivity across all of its assessments.
TVIA 5	Clarify how a single sensitivity rating for viewpoints with multiple receptors has been arrived at.	Where a view has multiple receptors, the sensitivity rating reflects the maximum level of sensitivity among those receptors (i.e. if a view is experienced by both office workers passing through an area, and people in their leisure time – it is the latter group that is of higher sensitivity, and the judgement reflects that).
TVIA 6	Provide full details to justify the significance of townscape effects at a) Construction b) Operation with reference to the factors which make up the magnitude as set out in the Methodology.	Paragraph 3.33 of the TVIA states that an assessment of the likely significance of the effect is a function of the sensitivity of the receptor as existing, together with the magnitude of the change resulting from the Development. <i>As noted in paragraph 3.35 of the TVIA, 'The assessment of the magnitude of change includes consideration of a range of factors, including the loss of existing features on the Site, and the overall scale and nature of the visibility of the Development within a TCA or view; the degree to which the effect of the Development's scale, form, appearance and character are consistent with or contrast with that of the existing character of the view or TCA; the geographical extent of the effect; and the duration of effect'</i>
TVIA 7	Provide full details to justify the significance of visual effects at a) Construction b) Operation with reference to the factors which make up the magnitude as set out in the Methodology.	The methodology goes on to provide examples by way of general guidance to the reader as to how PSC arrives at its judgements regarding magnitude of impacts (para. 3.35): <i>'An impact of major magnitude is likely to involve extensive visibility of the Development, and/or visibility at an apparent scale that may be as large or larger than most existing elements in the townscape or view, or the appearance of the Development may be in notable contrast to the existing character of the townscape or view. An impact of moderate magnitude is likely to involve considerable visibility of the Development, and/or visibility at an apparent scale similar to existing elements in the townscape or view, and/or it may form a noticeable contrast with the general existing character of the townscape or view. A change of minor magnitude is likely to involve a relatively small degree of visibility of the Development, and/or visibility at a similar or lesser apparent scale than existing elements in the townscape or view; or it may be of greater visibility and scale, but consistent with the existing character of the townscape or view to the extent that it would be little noticed'</i> . The individual views 'as proposed' in Chapter 5 of the TVIA are accompanied by an explanation as to how the Development would alter that view, if at all, and the nature of the change in qualitative terms. This leads to a professional judgment regarding the magnitude of change to that view resulting from the Development. Paragraph 5.689 of the TVIA states: <i>'Informed by the preceding views analysis, it is possible to assess the effect of the Development on each of the townscape character areas previously identified. These effects are not limited to visual impact; the assessment takes into account other aspects of urban design'</i> .

New City Court ES REVIEW RESPONSE TABLE		
Ref Number	Nature of Query	PSC Response
		<p>The TVIA then describes how each TCA would be impacted by the Development, with reference to views, urban design effects, and effects on the townscape setting of any heritage assets lying within a given TCA. This provides the reasoning behind the judgements regarding the overall magnitude of effect on a given TCA.</p> <p>In terms of effects at the construction stage, paragraph 3.43 of the TVIA notes: <i>‘The methodology used for determining demolition, deconstruction, refurbishment, and construction effects is the same as that set out above for operational effects. The townscape and visual effects of the demolition and construction process will vary in intensity across the programme, as is normal in any construction project. The assessment takes into account the temporary nature of the maximum effect with regard to each receptor’.</i></p>
TVIA 8	Provide a key for the red and yellow lines on Viewpoints 8 and 9, assumed to be the Landmark Viewing Corridor and Wider Assessment Area.	As confirmed by PSC in the meeting with LUC and SC on 13 September, the red and yellow lines on Views 8 and 9 identify the Landmark Viewing Corridor and Wider Assessment Area.
TVIA 10	The NTS should be updated to clarify which that TCA5 – North Bank is also expected to experience significant effects.	This has been updated.
Potential Regulation 25 Requests		
TVIA 9	The NTS should be updated to clarify which viewpoints are expected to experience significant effects.	This has been updated. We suggest this is a clarification rather than “additional information” for the purposes of Regulation 25

Peter Stewart Consultancy

28 September 2021