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Item No. 5.2	Classification: Open	Date: 19 April 2022	Meeting Name: Planning Committee
Report title:	The council's Statement of Case for appeals in relation to New City Court 4-26 St Thomas Street, SE1 9RS – 2021 scheme (21/AP/1361 and 21/AP/1364)		
Ward(s) or groups affected:	London Bridge And West Bermondsey		
From:	Director of Planning and Growth		

RECOMMENDATIONS

1. That Planning Committee:

- 1) Note that appeals for non-determination have been received in respect of planning application reference 21/AP/1361 and application for listed building consent reference 21/AP/1364, that these are major applications which would normally have been considered and determined by Planning Committee but will now be determined by the Secretary of State.
- 2) Note that a Planning Inspector has been appointed to decide the appeals and that a planning inquiry has been listed with a time estimate of 14 days commencing on the 19 July 2022.
- 3) Consider and endorse the Statement of Case at Appendix 1 which has been submitted to the Planning Inspectorate and includes the likely reasons for refusal of the applications had they not been appealed for non-determination. These likely reasons for refusal relate to the following topics:
 - The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and the harm is not outweighed by public benefits
 - Poor design, harm to townscape and local character (including sustainable design matters)
 - Lack of a section 106 agreement
 - Other matters where the proposal does not comply with development plan policies (daylight and sunlight impacts to surrounding properties)
 - In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard the special historic and architectural interest of the listed buildings on the site.

BACKGROUND INFORMATION FOR THIS REPORT

2. The purpose of this report is two-fold. Firstly to inform Planning Committee about the appeals for non-determination in respect of the application for planning permission (reference 21/AP/1361) and related application for listed building consent (reference 21/AP/1364), and secondly to request that Planning Committee consider and endorse the Statement of Case at Appendix 1 to this report which, in accordance with the timetable for the appeals, has already been submitted to the Planning Inspectorate. The Planning Inspectorate has appointed an Inspector to consider the appeals on behalf of the Secretary of State.
3. As the applications are now the subject of appeal, Planning Committee will no longer be able to decide the applications in the usual way as the decisions will be made by the Inspector. However, as it is the role of Planning Committee to consider major and strategic applications, this report seeks to provide further information about the applications and the content of the Statement of Case, which forms the basis of the case which the council will present at the public inquiry. The Planning Inspectorate has arranged the inquiry to commence on 19 July 2022 and it is expected to last for 14 days.
4. Applications for a second scheme relating to the same site (submitted in 2018 and given references 18/AP/4039 and 18/AP/4040) are also the subject of non-determination appeals and are addressed in a separate report to this Planning Committee. The Planning Inspectorate has decided to hear all four appeals at the same inquiry, hence the time estimate of 14 days. Members, and the public in general, will have the opportunity to attend the inquiry and make representations should they wish to do so.
5. The appellant, GPE (St Thomas Street) Limited, submitted their appeals in January, and on the 10 February 2022, the Planning Inspectorate informed the council that the inquiry procedure is to be followed and gave directions that the council's Statement of Case had to be submitted by 16 March 2022. The council is required to keep to the timetable and there are potential costs implications for failing to comply. Given the five week deadline for submission of the Statement of Case, there was not enough time to report to Planning Committee in advance of submission. The submitted Statement of Case contains the likely reasons for refusal had the council determined the applications, and therefore summarises the case that the council will present at the forthcoming inquiry. Whilst the Statement of Case has now been submitted in accordance with the procedural rules, the Planning Committee are asked to consider and endorse its contents.
6. The Statement of Case explains the history of the applications in section 3. At the pre-application stage in 2020/21, officers raised serious concerns with the emerging planning proposals and indicated that the development could not be supported because of adverse design and heritage impacts, and these issues were not resolved when the applications were submitted. Therefore the appellant was aware that its applications were likely to be recommended for refusal had they proceeded to be reported to Planning Committee. The appellant has exercised its right to appeal for non-determination after expiry of the statutory timescale for determining the applications.

BACKGROUND INFORMATION FOR THE 2021 APPLICATIONS

7. This planning application (ref. 21/AP/1361) and associated listed building consent (21/AP/1364) for the New City Court site were submitted in April 2021. The scheme is for a large office-led development and the full descriptions for the planning application and related listed building consent application are set out below:

Planning application ref. 21/AP/1361 - *Redevelopment to include demolition of the 1980s office buildings and erection of a 26-storey building (plus mezzanine and two basement levels) of a maximum height of 108.0m AOD, restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street), and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide 46,442sqm GEA of Class E(g)(i) office floorspace, 358sqm GEA flexible office E(g)(i)/retail E(a) floorspace, 450sqm GEA Class E(b) restaurant/cafe floorspace and a public rooftop garden, and 5,449sqm GEA of affordable workspace within the Georgian terrace, Keats House and part of the tower, associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works.*

Listed building consent application ref. 21/AP/1364 - *Restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including:*

- *Demolition of 1980s fabric across the rear elevation and demolition of the attached 1980s office building, reinstatement of the rear elevation of the terrace, and recladding and partial rebuilding of rear walls.*
- *Rebuild roof and chimneys, reskin the side façade and front façade at top floor level of 1980s extension.*
- *Rebuild the roof and chimneys of no. 14.*
- *Removal and replacement of roof slates with natural slate to nos. 4-16.*
- *Opening up the ground floor passageway between nos. 8 and 10 by removing 1930s door, and reinstate two adjacent door openings on front elevation.*
- *Replacement of two second floor windows on front elevation.*
- *Replacement of secondary glazing to front elevation.*
- *Alterations to the front elevation of the lower ground level and vaults beneath the pavement.*
- *Internal alterations within the terrace to reinstate the plan form and the internal features, rearrange the circulation between the lower ground and upper levels (with reinstated stairs in between) for office use.*
- *Cleaning the brickwork, repointing, works to repair sash windows, restore the railings and first floor balconettes of the north façade.*

8. This pair of applications are two of the four applications that propose the redevelopment of the application site, with a 2018 pair of applications submitted for an alternative scheme.
9. The 2021 planning application proposes the redevelopment of a site that comprises a 1980s office building, a terrace of listed Georgian buildings, and

Keats House. The application proposes to demolish the 1980s building and extensions to the listed terrace, and to construct a 27-storey tower, to relocate the historic façades of Keats House and build new office space behind the façades, and to extend and renovate the terrace of listed buildings. The tower would provide mainly office space, with some retail, and a public roof garden. The listed buildings, Keats House and lower levels of the tower would provide affordable workspace. Public realm across the site would provide new public routes through to Kings Head Yard, St Thomas Street, and link to the Borough High Street entrance to London Bridge Underground station. Servicing would be carried out within an off-street servicing yard at the eastern side of the site.

10. The listed building consent application proposes the related works to the grade II listed Georgian terrace, including removal of the 1980s extensions at the rear, and to reinstate much of the historic layout, and restore the external fabric and features.
11. The submitted applications followed on from pre-application discussions with the council. The council's formal pre-application advice is included as Appendix 2 to this report. It stated that the proposal would not be supported in its current form, primarily because of the adverse design and heritage impacts.
12. The council carried out consultation on the submitted applications, and the responses received are summarised later in this report.
13. The appellant has appealed against non-determination for these two 2021 applications, so the Planning Inspectorate will decide the applications following a public inquiry. Historic England will be participating in the inquiry, in objection to the proposal.
14. A total of four applications have been submitted which relate to the redevelopment of the New City Court application site. These are all the subject of appeals to be heard at the same public inquiry:
 - 18/AP/4039 – the planning application for the redevelopment of the New City Court site with a 37-storey office building.
 - 18/AP/4040 – the listed building consent application for the works to grade II listed nos. 4-16 St Thomas Street within the New City Court site (both subject of a linked report within this agenda).
 - 21/AP/1361 – a new planning application submitted in April 2021 for a revised design of the site's redevelopment with a 26 storey office building.
 - 21/AP/1364 – the listed building consent application for the associated works to the grade II listed Georgian terrace (both subject of this report).
15. There are also four associated applications on the adjoining site as a result of the party wall being demolished so that the relocated Keats House would sit away from Conybeare House of Guy's Hospital. These minor applications at the adjoining Conybeare House relate to the relocation of Keats House and will be considered separately under delegated powers once the appeal outcomes are known:
 - 19/AP/5519 - a planning application for works to the party wall between Keats House and Conybeare House, including: removal of link to Keats

House, reinstatement of the string courses and cornice to Conybeare House, and refurbishment of existing fire escape.







- 19/AP/5520 - a listed building consent application at Conybeare House for the party wall works, reinstatement of the string courses and cornice.
- A similar pair of a planning application and listed building consent applications (refs. 21/AP/2591 and 21/AP/2592) for the 2021 scheme.

SITE LOCATION AND DESCRIPTION

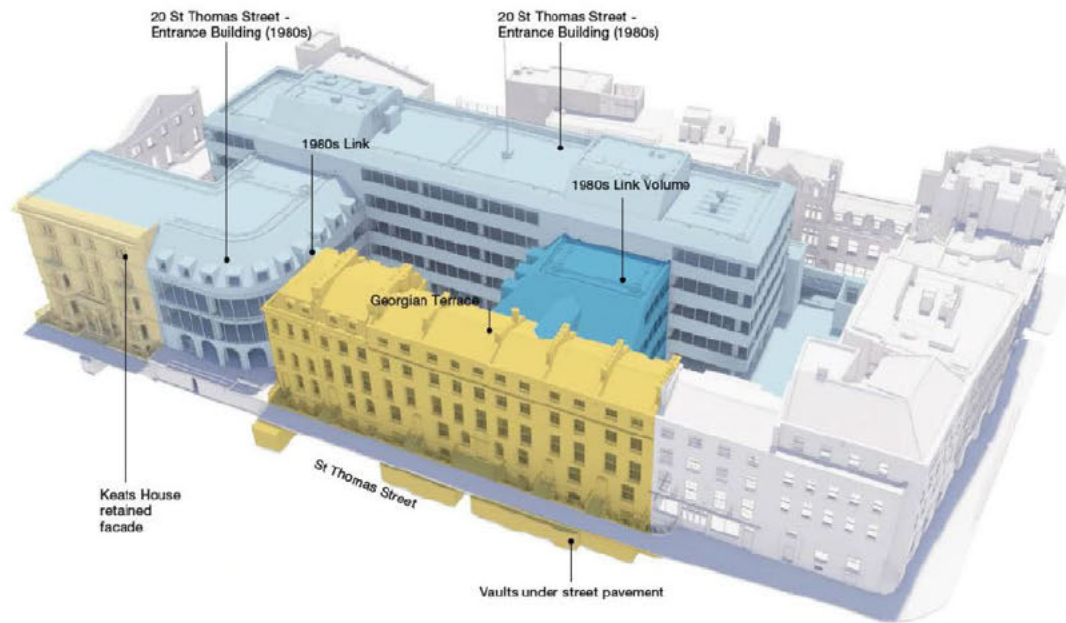
16. New City Court is on the southern side of St Thomas Street and comprises nos. 4-16 St Thomas Street, no. 20 St Thomas Street, and nos. 24-26 St Thomas Street. The site extends southward to form the northern side of Kings Head Yard, extends to the west to the rear of the Borough High Street properties, and to the east to Guy's Hospital campus. The site is in office use and at the time the 2018 application was submitted housed around 900 employees.



Existing site plan layout showing the different building elements, and key to the colours below.

-  Keats House retained facade
-  20 St. Thomas Street / Entrance
-  Georgian Terrace
-  Connection to the Georgian Terrace
-  New City Court office space
-  Four storey brick clad building

17. The site has an area of 3,700sqm (0.37 hectares). It comprises three main elements which are shown in the diagram below:
- No. 20 St Thomas Street, shown in different shades of blue in the visual below: the largest building is a four- to six- storey 1980s office building (plus basement) which covers most of the site, extending from its main entrance in the centre of the St Thomas Street frontage down to Kings Head Yard. The Kings Head Yard frontage is a two-storey façade in a Victorian design, forming the northern side of this yard. A four-storey, flat roofed block occupies the south-eastern corner of the site next to the hospital boundary.
 - Nos. 4-16 St Thomas Street, shown in yellow on the visual below: the 4-storey Georgian terrace of seven buildings forms most of the site's St Thomas Street frontage. These grade II listed buildings were significantly altered internally to connect them together and are linked at the rear and side to the 1980s office building. They are also in office use, with front lightwells enclosed by railings along the edge of the pavement.
 - Nos. 24-26 St Thomas Street, known as Keats House, shown in blue with a buff frontage on the visual below: a 4-storey building which sits between the main office building and Guy's Hospital. Its Italianate red brick and stone front façade, short eastern façade, railings and lightwells are original, while the rest of the building was rebuilt in the 1980s and forms part of the main office building.
18. These three elements are all joined together by the 1980s buildings linking at the rear and side of the listed terrace, and onto Keats House. There are courtyard areas between the buildings, and a servicing yard on the western side accessed from Kings Head Yard.



Axonometric view of the site

19. The photos below show key parts of the existing buildings.



Keats House, nos. 24 and 26.



No. 20 St Thomas Street main entrance.



Georgian terrace, nos. 4-16 St Thomas Street



Kings Head Yard frontage



Rear of Keats House, with Guy's Hospital to the right

20. The application site is within the Central Activities Zone, the Bankside Borough and London Bridge Opportunity Area, and the London Bridge district town centre. It is also within the South Bank Strategic Cultural Quarter, flood zone 3 and the air quality management area.

21. The site is within the Borough High Street Conservation Area and the North Southwark and Roman Roads Archaeological Priority Area. Nos. 4-8 and 12-16 St Thomas Street within the site are grade II listed buildings. New City Court is within the background assessment area of the two London View Management Framework (LVMF) views from Parliament Hill, and from Kenwood viewing gazebo.
22. The site has an excellent PTAL of 6b given its proximity to London Bridge rail and Underground stations and bus routes in the area. It is accessed from St Thomas Street and White Hart Yard leading into Kings Head Yard, with vehicle access to the rear service area from Kings Head Yard.
23. To the north of the site are the buildings on the opposite side of St Thomas Street. Nos. 1-7 is a relatively modern, four-storey office block. Further east is a row of historic buildings set slightly back from the pavement, including the no. 9 St Thomas Church, 9A (Old Operating Theatre Museum and Herb Garret), 11-13 Mary Sheridan House all of which are grade II* listed, and no. 15 which is grade II listed. The K2 telephone box is also grade II listed. The recently completed Shard Place development (99m high above ground level) is to the north-east of the site, and further to the east is The Shard (306m high above ground level).
24. Guy's Hospital lies to the east of the site, with its grade II* listed main building set around courtyards, and its wider campus further to the south-east. The gates, piers and railings along St Thomas Street are themselves grade II listed, as is the statue of Thomas Guy in the main courtyard (currently covered). Further to the east is Guy's Tower (142m high) as part of the hospital site.
25. To the south of the site are the buildings along Kings Head Yard (including the grade II listed Old Kings Head public house) and White Hart Yard which are in use as offices, student housing and for higher education.
26. To the west, the Borough High Street properties adjoin the site. These are 3-, 4- and 5-storey buildings with a mixture of retail, commercial and residential properties and the Borough High Street access to the Underground station. The Bunch of Grapes public house attaches to the western end of the Georgian terrace on St Thomas Street and is grade II listed.
27. There are further heritage assets in the wider context of the site, including the following listed buildings and conservation areas:
 - Grade I - Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) and The George Inn.
 - Grade II - London Bridge station (platforms 9-16) and the railway viaduct arches along Crucifix Lane and St Thomas Street. Several properties along Borough High Street including numbers 2, 4, 6, 8, 10, 19A, 28, 30, 32, 34, 38, 40, 50, 52, 53, 53A, 54, 55, 58, 66, 67, 68, 70, 91, 93, 95, 101 and 103, the St Saviours Southwark war memorial, and the bollards at the entrance to Green Dragon Court. The Hop Exchange, 1B and 3 Southwark Street, bollard between nos. 1 and 2 Stoney Street, 5 and 6 Stoney Street. The Globe Tavern (and bollards and lamp post to rear), and post at north corner of Bedale Street.

- Tooley Street Conservation Area (to the north-east), Bermondsey Street Conservation Area (to the south-east), Liberty of the Mint Conservation Area (to the south-west), Union Street Conservation Area (to the south-west) and Thrale Street Conservation Area (to the west).

SUMMARY OF THE 2021 PROPOSALS

28. The planning application proposes the redevelopment of most of the site, with the demolition of the 1980s office building and colonnade on Kings Head Yard. The application proposes the construction of a 26-storey building (plus two basement levels and a mezzanine), as well as the restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street), and the relocation of the historic façade of Keats House. The proposal includes the provision of new public realm, a new entrance to the Underground station, highway works, associated servicing yard, cycle parking, car parking, refuse and plant areas. These key elements will be considered in turn below.



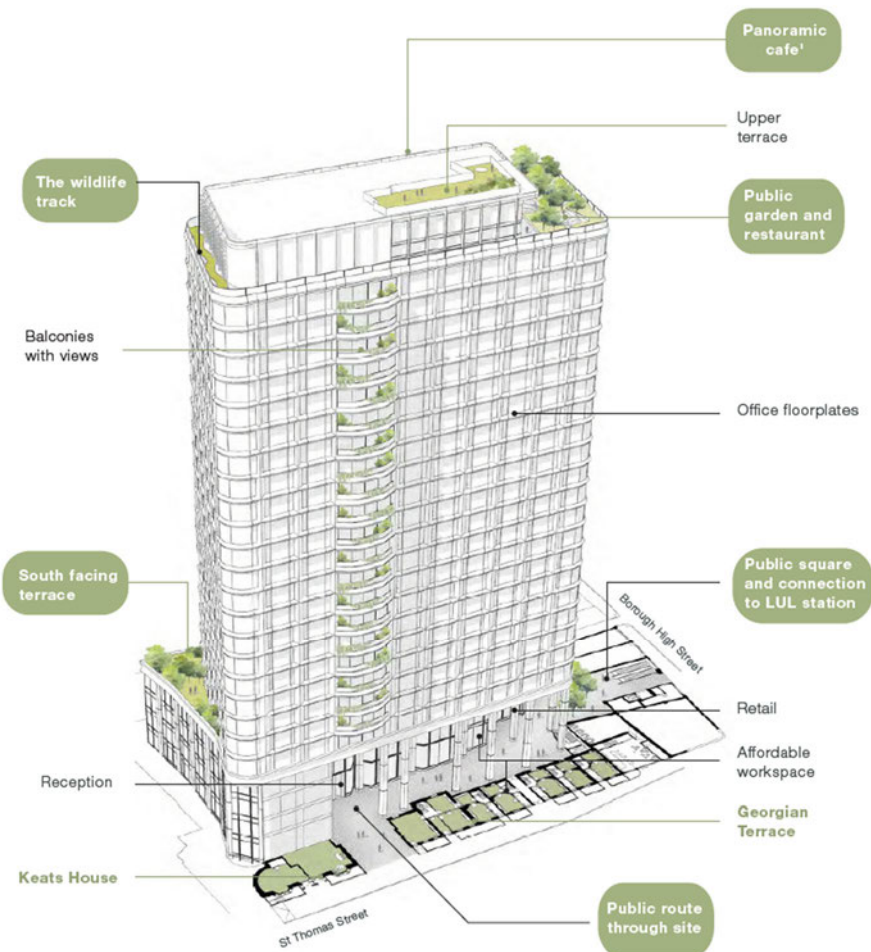
Proposed ground floor plan

29. Across the site, a total of 55,461sqm GIA of floorspace is proposed, comprising the following quantum of different uses.

Use	Proposed (GIA sqm)
Office (Class E)	44,141
Affordable workspace (Class E)	4,908
Flexible office/retail (Class E)	328
Food and drink (Class E)	421
Rooftop public garden (sui generis)	183
Shared facilities and plant	5,480
Site wide total	55,461 sqm

Tower

30. A 26-storey tower, plus mezzanine level and double basement forms the main part of the proposal. It would be 103m high, (108m AOD) and be sited back from the St Thomas Street frontage and along the Kings Head Yard frontage.
31. The tower would measure 65.5m wide east to west, and 31.7m wide north to south. The masonry façades would be constructed of pre-cast glass reinforced concrete with profiled and textured elements in light and slightly darker colours, and dark aluminium window frames. The pre-cast 3m wide panels give the façades their regularity.



Visual of the proposed tower's northern and eastern sides

32. It would provide mainly office floorspace, with one retail unit at ground floor and mezzanine levels proposed to be flexible office or retail use, and at roof level a restaurant and a café are proposed.



The tower's northern façade, alongside The News Building and The Shard



The tower's southern façade, from Guy's Hospital Courtyard

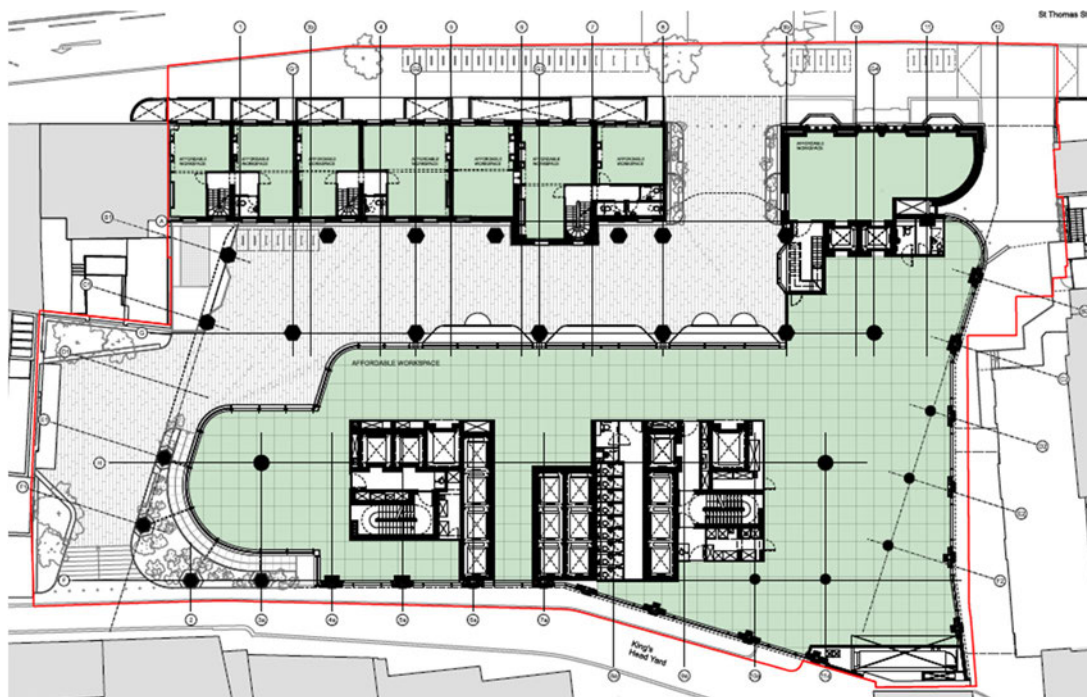
33. A colonnade would be provided underneath the tower, to give a new public route through the site from the proposed Underground entrance and western square, past the rear of the Georgian terrace and out to St Thomas Street. The ground

floor entrance to the tower would provide a wide, double height reception to the tower, the lobby for the public garden access, and a flexible office and a flexible retail unit (340sqm GIA) at the western end. The rest of the tower's footprint would be lifts and stairs, and the loading bay on the eastern side.



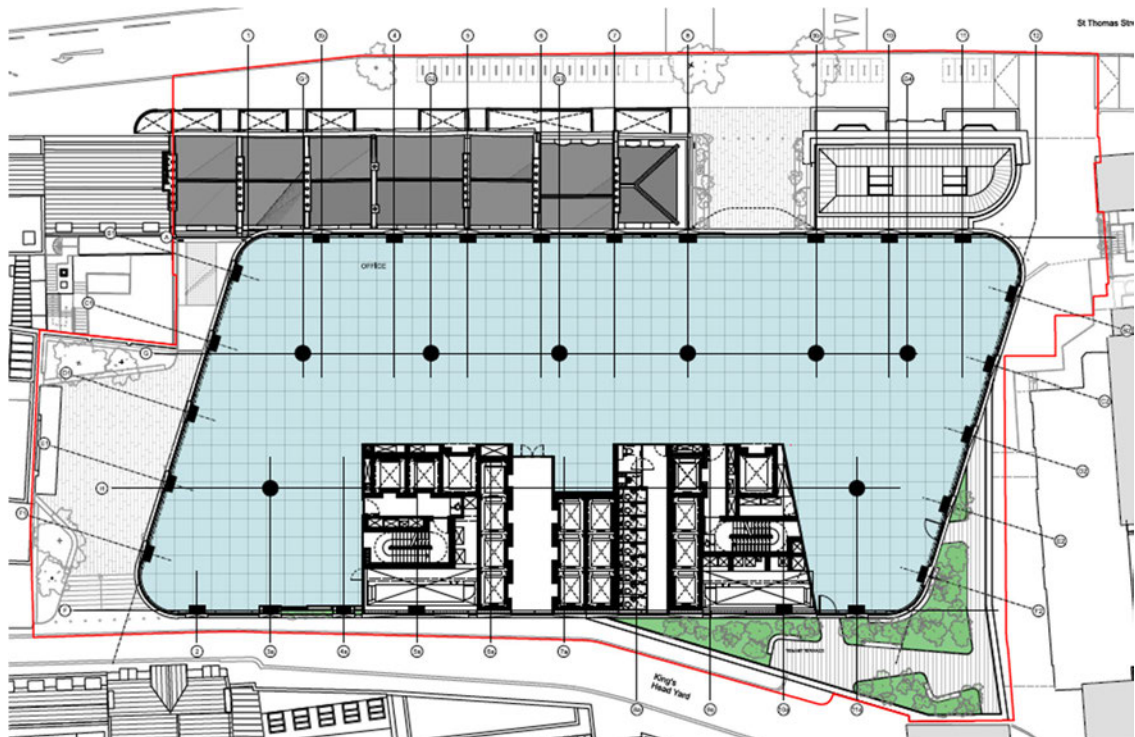
Visual to show the colonnade at the base of the tower, as viewed from the Underground entrance

34. Affordable workspace would be provided in the Georgian terrace, parts of Keats House and at the first and second floor levels of the tower accessed through the linked Keats House.



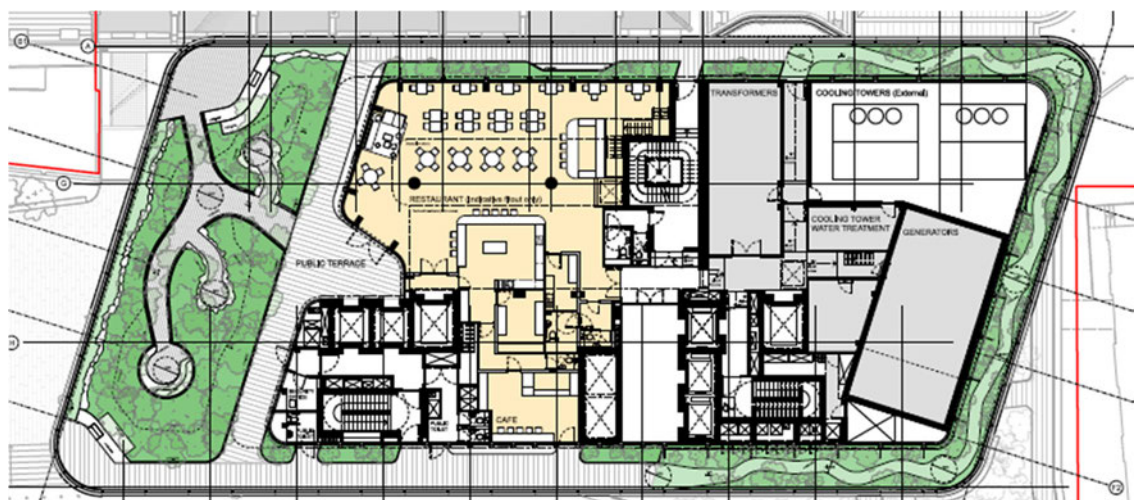
Level 01 floorplan

35. The third floor upwards would provide standard office space, with an open floorplan that can be subdivided to tenants' requirements. The core of lifts, stairs and toilet facilities is in the centre of the southern elevation.



Level 3 floorplan

36. The floorplan at 24th floor is set in from each façade, and would provide a public terrace on the western end and a planted path around the eastern side of the building. A restaurant and café are proposed near the centre, and roof top plant on the eastern half of the building. The restaurant would extend to part of the 25th floor, which is otherwise taken up by the roof plant and building maintenance unit (BMU). At 26th floor a terrace is proposed for the office occupiers.



Level 24 layout showing the public roof terrace, restaurant, café, plant and eastern walkway

37. The appellant considers that the proposed building would appear “as an elegant

addition to the London Bridge tall building cluster”, with the form articulated by the chamfering and softening of the corners, and use of greening balconies that would also provide a link between the green character of the public realm at the ground floor up to the roof garden.

38. The existing basement would be extended to provide a two storey basement. Basement level B1 would provide long-stay cycle parking, accessible cycle parking and changing facilities, short stay cycle parking, and building management rooms beneath Keats House. The lower level basement B2 would provide plant rooms, storage tanks, storage, a bin store and holding area.
39. The roof would house the cooling towers, photovoltaic panels, building maintenance unit, aviation lights, and another roof terrace for office workers.

Listed terrace of Georgian buildings

40. Works are proposed in the planning application and listed building consent application to restore and refurbish the listed terrace of nos. 4-16 St Thomas Street, which are grade II listed.
41. In addition to demolishing the attached 1980s office building behind the listed buildings, the 1980s additions to the terrace would be removed, such as the rear extensions, and replaced with more sympathetic materials and design. The terrace would continue to provide office floorspace to all floors, as part of the affordable workspace proposal.
42. Other proposed works to the Georgian terrace in the planning application and listed building consent application include:
 - Internal alterations within the terrace to reinstate the plan form and the internal features, rearrange the circulation between the lower ground and upper levels (with reinstated stairs in between) for office use.
 - Rebuilding the second floor, roof and chimneys of no. 16 at the eastern end of the terrace, re-skinning the side façade and creation of ground floor entrances.
 - Opening up the ground floor passage-way between nos. 8 and 10 by removing the 1930s door, and reinstating two adjacent door openings on front elevation.
 - Rebuilding, refurbishment and replacement roofs, chimneys, windows, secondary glazing, railings, balconettes, and brickwork cleaning

Keats House

43. Keats House was built in 1862 and substantially rebuilt in the 1980s to link into the new office building across most of the site. Only the front façade and short eastern façade (1.5m wide), front lightwells and railings are historic fabric, with red brick, ornate carved stone window surrounds, bays and cornice. The rest of the building behind these façades is 1980s fabric.
44. In the proposed development, the historic façades of Keats House would be relocated (the appellant suggests this would be done by moving it across in one piece). The façades would be reinstated in a new location 6m further west along

the St Thomas Street frontage as the front façade of a new building which links to the base of the tower. Keats House would provide a building management office and staff facilities at basement level, a security office at ground floor overlooking the servicing yard, alongside the double-height entrance to the affordable workspace. The affordable workspace at mezzanine, first and second floors would be accessed by stairs and two lifts.

45. The damaged brickwork, broken stone window reveals and pointing in the historic facades would be repaired in the reconstructed building, and the stone banding detailing continued on the new western elevation. A pitched roof would be added and a new western elevation constructed.
46. The 6m spacing between the new location of Keats House and Conybeare House (part of Guy's Hospital) would provide the vehicle access to the enclosed servicing yard at the rear.

Public realm, roof terrace and landscaping

47. There are three areas of public realm proposed within the site: 1) the public squares at ground level; 2) passages and yards at ground level and; 3) the roof gardens.
48. Public squares - Two public squares are proposed at ground level, one called "St Thomas Square" between the Georgian Terrace and relocated Keats House, and the other on the western side next to the Underground entrance called "King's Head Courtyard". The two spaces would be linked by the covered "gallery" underneath the building. The two areas would have planting, with trees proposed in Kings Head Courtyard, and seating and green walls to St Thomas Square. Stairs and a sloped access next to the new building would address the difference in levels between the new Underground entrance and the lower Kings Head Yard.



Visual showing the different public realm areas on the site, St Thomas Street and partly on the Guy's Hospital site.

- 1 King's Head Courtyard
- 2 Gallery
- 3 St Thomas Street Entrance
- 4 Beak Alley connection

49. Passages and yards at ground level – The original passage through the listed Georgian terrace would be opened up to provide another connection into the site from St Thomas Street, and restore an element of the historic grain of the site. A link on the eastern side of the site between St Thomas Street and White Hart Yard is suggested, referred to as “Beak Alley” however part of it forms the servicing yard entrance, and part is located outside the application site on the Guy's Hospital site. The ground floor public realm areas total over 1,500sqm (0.15 hectares).
50. Roof gardens – The public roof garden at the 24th floor would be mainly on the north-western end of the building (measuring approximately 32m by 13m). It would have woodland planting, with the appellant aiming to create a “biodiverse micro-woodland”. It would include a small circular pavilion called “The Jar” in the middle, which could host activities (e.g. a school class of 30 children for education events about the woodland ecosystem). On the other end of the building a 3m wide planting strip would loop around the edge of the floor

alongside green wall planting. This is described as a “wildlife terrace” with more of a biodiversity focus to the planting. At certain times of year the grass path through would be mown, to be fully accessible. The public roof level would have no entrance fee and with its own dedicated lift access from the ground floor.



Western part of level 24 showing the main roof terrace layout



Eastern part of level 24 showing the “wildlife terrace” around the edge of the building



The level 26 roof terrace for office workers

51. As well as these public areas, a landscaped roof terrace of 192sqm for the office occupiers is proposed at third floor level on the south-eastern corner. Another roof terrace at 26th floor level (280sqm) for office workers, accessed from the offices, is proposed as an amenity space and could be used for events.
52. Projecting, planted balconies are proposed on the northern elevation from the third floor up which the appellant intends to be a “green ribbon” to link up the façade to the roof gardens. These align with the office reception and St Thomas Square as shown by the visual below. On the southern elevation, the plans were amended to include planters in the juliet balconies to one column down the façade, and to the top nine floors of another column to add greening to this elevation.



Visual showing the St Thomas Street frontage and balconies to the tower

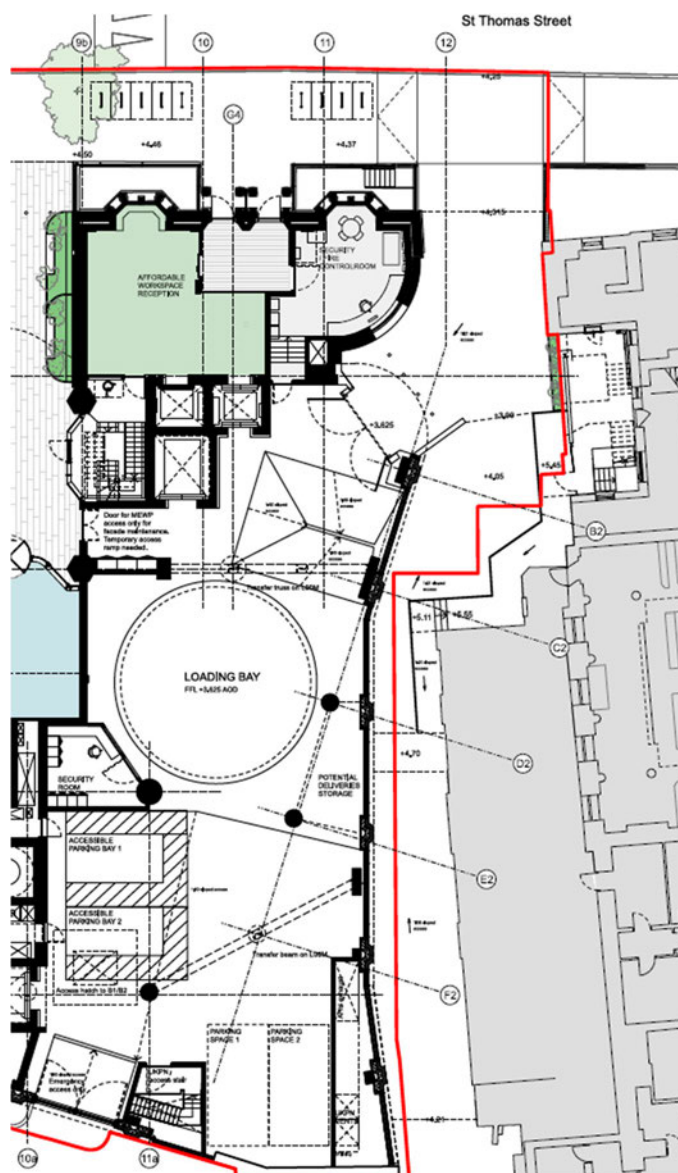
53. The application proposes to remove a wall on the boundary of the site and to create a new route into the Borough High Street entrance to the London Bridge Underground station, subject to London Underground’s agreement(s). The entrance would open out onto the new Kings Head Courtyard. A visual of the new entrance is included below:



Drawing showing the proposed Underground entrance once the boundary wall is removed

Servicing and parking

54. The two-storey basement would provide 1,224 cycle parking spaces (out of the site-wide total of 1,322 cycle parking spaces) for office staff and visitors, lockers and 79 showers for staff. These would be accessed by a cycle stair from Kings Head Yard and a dedicated lift. Further cycle parking is proposed in the vaults underneath St Thomas Street, and in the public realm for short-stay visitor parking (including on the existing highway).
55. The scheme would be car-free except for two blue badge car parking spaces in the servicing yard.
56. The current building is serviced from the yards, and St Thomas Street for larger vehicles, given the height constraint of the arches on White Hart Yard and Kings Head Yard. In this proposal servicing would be undertaken in the servicing yard on the eastern side of the site, accessed from St Thomas Street. This servicing access would be created by relocating the existing Keats House 6m to the west. The servicing yard would include a loading bay, turntable, two accessible parking spaces, and lift access down to the basement for goods and refuse collection. This is one of the main changes from the 2018 application. Servicing vehicles would not use White Hart Yard, or park on St Thomas Street unlike the previous 2018 scheme.



Proposed servicing yard layout, accessed from St Thomas Street

Amendments to the application

57. The appellant chose to make changes to the proposed tower, including:
- Changes to the detailed design of the southern elevation, including provision of integrated PV panels to two bays on each floor and the addition of a juliet balcony with planters to each floor, which amend the operational energy strategy and urban greening factor.
 - Reconfiguration of basement levels to facilitate the relocation of the Keats House façade (sliding it across, rather than dismantling and rebuilding), improve building management facilities and respond to UKPN comments;
 - Amendments to the building management facilities in Keats House to enhance access and security measures.
 - Minor changes to the tower's northern and eastern façades to allow for safety egress from the building maintenance unit (BMU) through certain windows near the base of the tower and to allow for the overall maintenance of the building envelope.
 - Addition of a 1.1m balustrade to the 26th floor roof terrace.
 - Introduction of additional security measures, such as bollards to the

servicing yard and along the edges of the new public realm on St Thomas Street and King's Head Yard.

58. These changes resulted in amended floorspace areas compared with the original submission:

Use	Use Class	Proposed GIA (sqm)	Change (sqm)
Office	Class E	44,141	-171
Affordable Workspace	Class E	4,908	-109
Flexible Office / Retail	Class E	328	-12
Food and Drink	Class E	421	0
Shared Rooftop Garden Access	-	183	-25
Shared Facilities and Plant	-	5,480	+237
Total		55,461	-80

59. The appellant also responded to some of the consultation responses and clarifications on the Environmental Statement. This involved an updated suite of technical documents and addenda (for example, the Environmental Statement with a statement of conformity, the basement impact assessment, drainage strategy, flood risk assessment, design and access statement, circular economy and whole life carbon statement). Re-consultation was undertaken on these revisions.

Main differences from the 2018 application proposal

60. The appellant has made the following changes from the 2018 planning application and listed building consent application in the 2021 proposal:
- Uses: the 2021 scheme proposes to retain the ground floor of the Georgian terrace in office use, and no longer proposes a series of shops to the ground and basement levels as the 2018 application did.
 - Reduction in the height of the tower: from 144m AOD in the 2018 scheme to the 108m AOD height of the 2021 proposal (36m lower).
 - Width: By retaining a similar office floorspace quantum, the proposed tower in the 2021 is wider and broader than the 2018 scheme, and has a larger built footprint.
 - Revised architecture of the tower: the 2018 scheme was a predominantly glass tower, while the 2021 scheme has more masonry.
 - Affordable workspace: the area and proportion of affordable workspace on site are larger in the 2021 scheme.
 - Servicing: The 2021 scheme proposes all servicing be undertaken on-site in a servicing yard accessed from St Thomas Street, rather than the 2018 scheme having servicing for smaller vehicles from the White Hart Yard entrance into the basement and the larger vehicles servicing on-street on St Thomas Street. The servicing yard means Keats House is moved 6m west, in comparison to the 2.7m move of the earlier application.
 - Raised garden: Instead of the enclosed public garden (of approximately 640sqm) within the tower in the 2018 scheme, a public roof terrace is now proposed with its main area on the western side of approximately 430sqm and the route around the other sides approximately 350sqm.

- Business hub: the two-storey auditorium part way up the tower in the 2018 scheme is no longer proposed.

PLANNING HISTORY OF THE SITE

61. The history of the site comprises small scale applications since 2000, the 2018 scheme (subject of another report on this agenda, with its own pre-application submission and Environmental Impact Assessment (EIA) scoping opinion), and the pre-application submission (20/EQ/0286) ahead of this submitted scheme. The two 2018 applications submitted in December 2018 for a redevelopment scheme with 37-storey tower are also the subject of appeals, and are to be heard at the same public inquiry.
62. Appendix 2 provides the council's pre-application response letter from April 2021.

PLANNING POLICY AND MATERIAL CONSIDERATIONS

63. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
64. The statutory development plans for the Borough comprise the London Plan (2021) and the Southwark Plan (2022). The National Planning Policy Framework (2021), SPDs, SPGs, draft LPGs and other planning documents constitute material considerations but are not part of the statutory development plan. A list of the relevant policies, guidance documents and other material considerations which are relevant to this application is provided within the Statement of Case at section 7.
65. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990) requires decision-makers determining planning applications for development within conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
66. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are referenced in the overall assessment at the end of the report.
67. The site is located within the:
 - Central Activities Zone
 - London Bridge/Bankside Opportunity Area
 - London Bridge district town centre
 - South Bank Strategic Cultural Quarter
 - Air quality management area
 - Borough High Street Conservation Area
 - North Southwark and Roman Roads Archaeological Priority Area.
68. The site is not an allocated site in the Southwark Plan. It is adjacent to the NSP52

“London Bridge Health Cluster” of the Guy’s Hospital site, and is within the London Bridge Area Vision (AV.11).

69. It is within the background assessment area of the two LVMF views, from Parliament Hill summit and from Kenwood viewing gazebo.
70. The site has an excellent PTAL of 6b.
71. The site is located within Flood Zone 3 as identified by the Environment Agency flood map, which indicates a high probability of flooding however it benefits from protection by the Thames Barrier.

ISSUES FOR CONSIDERATION

72. As a major redevelopment that includes a tall building and provides an Environmental Statement, the submitted planning application has been assessed against many policies within the development plan, the NPPF, guidance and other material considerations. The proposal complies with some aspects of the development plan, but is contrary to a number of others, including policies of particular importance. The extent and significance of the conflict with policy forms part of the council’s case for why planning permission and listed building consent should be refused. The council’s Statement of Case is attached at Appendix 1.
73. This section of the report has three areas; firstly, the planning issues that form the council’s likely reasons for refusal in its Statement of Case; secondly, a summary of two other matters referred to in the Statement of Case; and thirdly a summary of the topics that are not identified as likely reasons for refusal within the Statement of Case.

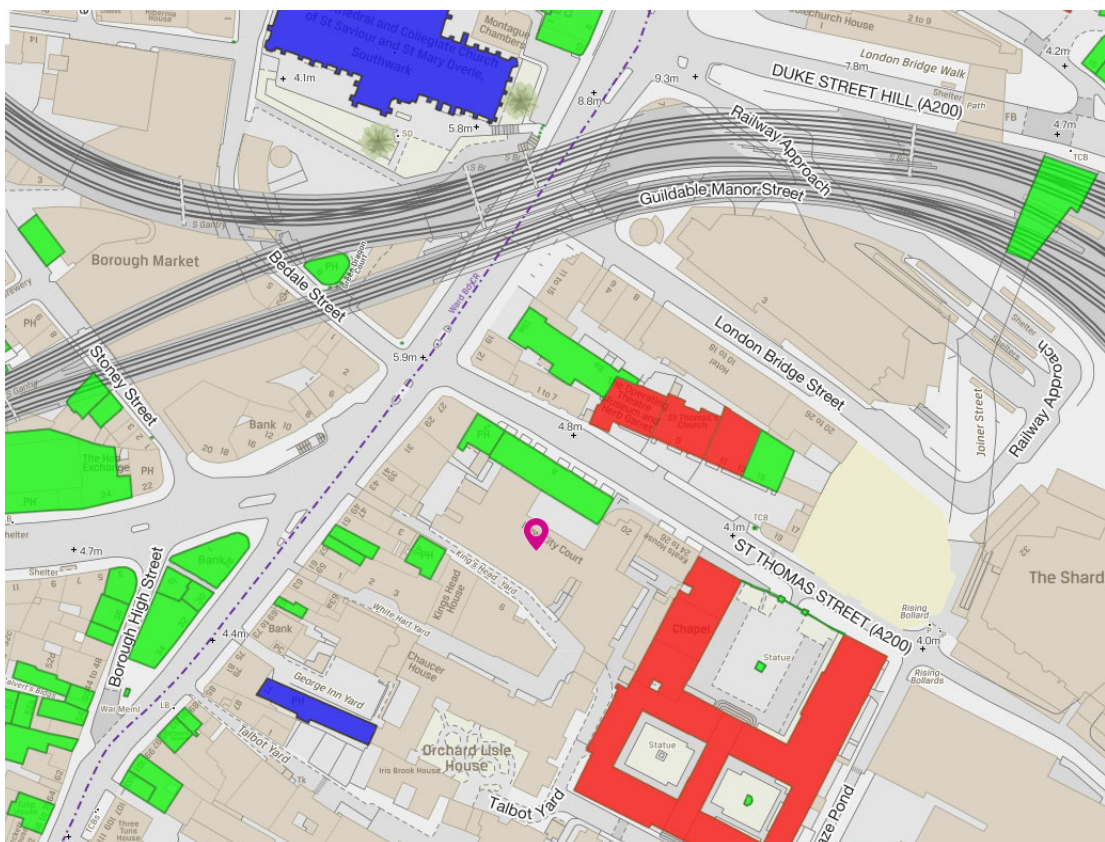
1) Summary of likely reasons for refusal in the Statement of Case

74. The council’s case in response to the appeal focuses on two main issues that would have been likely reasons for refusal of the planning application:
 - The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and the harm is not outweighed by public benefits.
 - Poor design, harm to townscape and local character.
75. The council’s case in response to the listed building consent appeal identifies one likely reason for refusal, as in the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest.
76. These likely reasons for refusal of the planning application and listed building consent are set out in the Statement of Case, which is an appendix to this report, and are reproduced in the paragraphs below along with images and diagrams to

illustrate the issues.

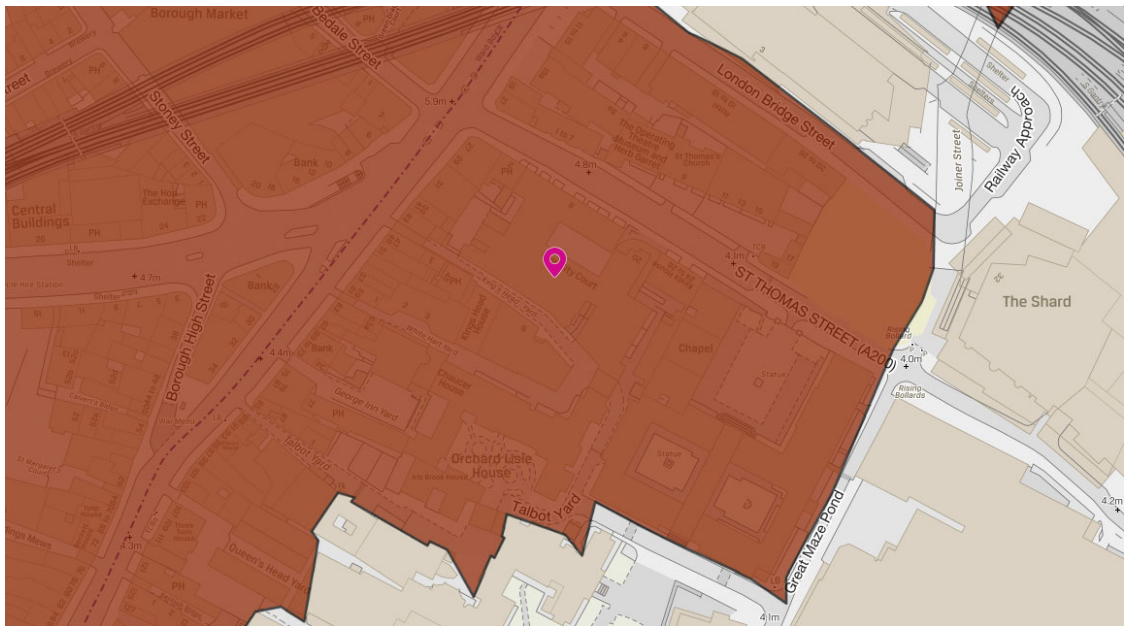
The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and the harm is not outweighed by public benefits

77. The application site is located in the Borough High Street Conservation Area and the Georgian terrace within the site's St Thomas Street frontage is grade II listed. The surrounding area includes many historic buildings including grade I listed buildings, a World Heritage Site, grade II* and grade II listed buildings and conservation areas and the site is within one of the most historic parts of London. The impacts on heritage assets arising from all parts of the proposed redevelopment need to be given careful consideration. The extract from the GIS shows the listed buildings in the area, blue indicates grade I listed, red grade II* and green grade II.



Extract from the GIS to show the location of the listed buildings on and near to the application site

78. The extent of the Borough High Street Conservation Area immediately around the application site is shown on the GIS extract below, although it extends further to the north, west and south.



Extract from the GIS to show the extent of the Borough High Street Conservation across and near to the application site

79. The NPPF in chapter 16 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether the harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
80. The Townscape, Visual Impact and Built Heritage Assessment submitted as part of the Environmental Statement (ES), and its later addendum, include 56 daytime views, taken from points to show how the proposal (particularly the tower) would appear alongside heritage assets in the area. Selected visuals from the ES are included in the report below to illustrate the impact of the proposal in its completed form as a useful tool to inform officers' professional judgement, and the Committee's consideration.
81. The Statement of Case sets out the likely reasons for refusal that relate to the heritage harms of the scheme, from paragraphs 8.2 to 8.19. These paragraphs from the Statement of Case are replicated below (shown in italics), with images from the application documents added to illustrate the points made.

8.2 The Council would have refused planning permission because the harm that would be caused to designated heritage assets by the Planning Application Proposal would be significant and would not be outweighed by the public benefits.

8.3 In reaching this view, the Council has had special regard to its statutory duties within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") to the desirability of preserving a listed building or its setting, and to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.4 Any harm to a listed building or its setting, or to the character or appearance of a conservation area, gives rise to a strong presumption against the grant of planning permission (*Barnwell Manor Wind Energy Limited v. SSCLG* [2014] EWCA Civ 137).
- 8.5 Great weight should be given to the conservation of a designated heritage asset, and considerable importance and weight must attach to any harm to a designated heritage asset. Beyond this starting point, the further weight that is to be attributed to the harm is a product of the extent of assessed harm and the heritage value of the asset (*Palmer v. Hertfordshire Council* [2016] EWCA Civ 106).
- 8.6 The general statutory duty imposed by section 66(1) of the PLBCAA applies with particular force where harm would be caused to the setting of a Grade I listed building (*Barnwell Manor*).
- 8.7 As identified below, the Planning Application Proposal gives rise to significant, less than substantial harm to the special interest or significance of several heritage assets. This impact includes causing harm to the contribution made to the significance, or the ability to appreciate significance, by the current setting of a number of important listed buildings. Harm is also caused to the character or appearance of the Borough High Street Conservation Area, and the settings of a number of other conservation areas. Harm is caused to the Outstanding Universal Value (OUV) of the Tower of London World Heritage Site derived from its setting (and to the ability to appreciate the OUV).
- 8.8 There is therefore a strong statutory presumption in favour of the refusal of planning permission, and the Council's case will be that the public benefits of the proposal do not outweigh that harm. In those circumstances the proposed development is in conflict with relevant development plan policy (London Plan policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" and Southwark Plan policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures", P20 "Conservation areas", P21 "Conservation of the historic and natural heritage", P24 "World Heritage Sites") and national planning policy in the NPPF.
- 8.9 With the exceptions of the works to the listed buildings within the Site and the loss of heritage assets within the Site that contribute to the character and appearance of the Borough High Street Conservation Area, the proposal would not cause direct physical harm to the heritage assets set out below, but would cause harm to their special interest or significance, including the contribution made to significance or the ability to appreciate significance by their existing setting.
- 8.10 The scale, height, form, arrangement and materiality of the proposed tower within an historic part of London would cause harm to the significance of a number of statutory listed buildings (including those of the highest order

of significance) and have a harmful and overly dominant impact on the Borough High Street Conservation Area. It would also cause harm to the Trinity Church Square Conservation Area and The Bank Conservation Area.

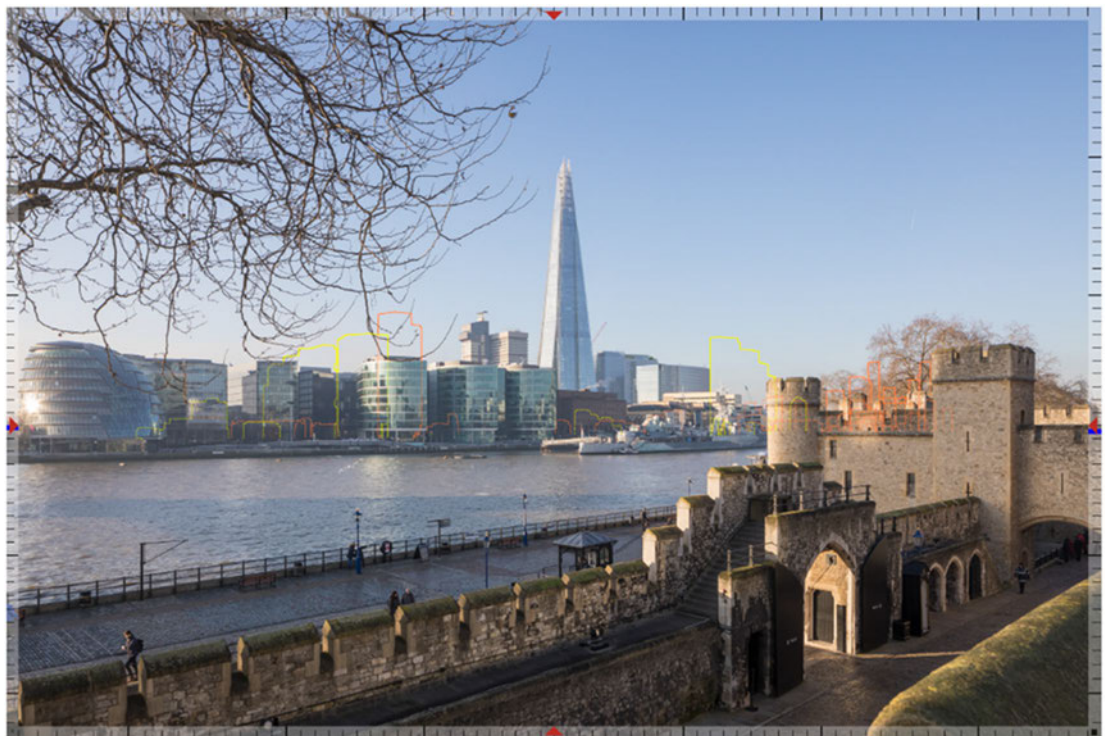
8.11 *The proposed tower would cause less than substantial harm to the significance of the following buildings and structures which are designated heritage assets:*

- *The Outstanding Universal Value of the Tower of London World Heritage Site – the proposed tower would be significantly intrusive and distracting in views from the Inner Ward (harming its special enclosed character), in views from the Inner Curtain Wall walkway, and would cause less than substantial harm to the setting of the grade I listed Queen’s House.*
- *Grade I listed Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) - the proposed tower would be significantly intrusive and distracting to appreciation of the silhouette and architectural composition of the listed building.*
- *Grade I listed St Paul’s Cathedral – reducing viewer’s ability to appreciate the significance of St Paul’s Cathedral (and to recognise and appreciate the Cathedral as a Strategically Important Landmark) in the Kenwood and Parliament Hill LVMF London Panorama views, and within the borough view from Nunhead Cemetery.*
- *Grade I listed The George Inn.*
- *Grade I listed The Monument and St Magnus the Martyr Church.*
- *Grade II* listed Guy’s Hospital.*
- *Grade II* listed 9, 9A and 11-13 St Thomas Street.*
- *Grade II* listed Church of St George the Martyr.*
- *Grade II listed Bunch of Grapes Public House and nos. 4-8 and 12-16 St Thomas Street – particularly as the height and curved form of the tower’s northern façade would loom behind this terrace of grade II listed buildings.*
- *Grade II listed 15 St Thomas Street.*
- *Grade II listed Kings Head Public House.*
- *Borough High Street Conservation Area.*
- *Trinity Church Square Conservation Area.*
- *The Bank Conservation Area in the City of London.*

82. To illustrate the harms to the special interest or significance of the heritage assets listed in paragraph 8.11 of the Statement of Case, particularly due to the scale, height, form, arrangement and materiality of the proposed tower, some of the visuals provided with the application are copied below to assist Members.



83. Tower of London Inner Ward (World Heritage Site) and grade I listed Queen's House, with the proposal to the right of the Shard and Shard Place



84. Tower of London Inner Curtain Wall (World Heritage Site), cumulative scenario, with the proposal to the right of the Shard



85. View from London Bridge towards Southwark Cathedral (grade I listed) showing cumulative schemes at the time, showing the proposal in the centre, Southwark Cathedral to the right.



86. On Montague Close, at the north-western side of Southwark Cathedral with the proposal visible both sides of the Cathedral tower



87. On Montague Close, at the north-western side of Southwark Cathedral, with the proposal to the right of the bell tower, Shard Place, The Shard and The News Building towards the centre.



88. On Montague Close, at the northern side of Southwark Cathedral



89. At the entrance gates to Millennium Courtyard, on the north side of Southwark Cathedral



90. St Paul's Cathedral (grade I listed) in the Kenwood LVMF view – telephoto



91. St Paul's Cathedral Parliament Hill in the LVMF view – telephoto



92. St Paul's Cathedral in borough view from Nunhead Cemetery – telephoto, showing the proposed tower in blue wireline on the right-hand side



93. The proposal viewed from grade I listed The George Inn



94. The Bank Conservation Area in the City of London, showing grade I listed The Monument and St Magnus the Martyr, and the proposal behind the church spire.



95. Guy's Hospital, north quad, grade II* listed, with the grade II listed statue of Thomas Guy behind the wooden hoarding



96. Guy's Hospital courtyard, near the war memorial, with the grade II* Guy's Hospital building in brick behind the white tent and trees



97. Grade II* listed Church of St George the Martyr, with the proposed tower shown in blue wireline on the left-hand side.



98. The Bunch of Grapes public house, and nos. 4-8 and 12-16 St Thomas Street (cumulative scenario, showing in wireline the schemes to the east).



99. Looking west along St Thomas Street, showing grade II* listed Guy's Hospital, 9, 9A and 11-13 St Thomas Street, grade II listed 15 St Thomas Street, and within the Borough High Street Conservation Area



100. View of Kings Head Yard (existing on left, proposed on right) and the Old Kings Head public house (grade II listed)



101. London Bridge outside Glaziers Hall (within the Borough High Street Conservation Area).



102. View from the war memorial on Borough High Street, within the Borough High Street Conservation Area



103. Trinity Church Square Conservation Area, with the proposal above the roofline to the left of the Shard

104. The Statement of Case continues at paragraphs 8.12 onwards as follows:

8.12 In reaching a planning judgment on the degree of less than substantial harm in each case, the Council has had regard to the following matters of law and guidance:

8.12.1 The Judgment of the Court of Appeal in City & Country Bramshill Ltd. v. SSHCLG [2021] EWCA Civ 320 and that the NPPF does not direct the decision-maker to adopt any specific approach to identifying harm or gauging its extent, and that there is no one approach, suitable for every proposal affecting a designated heritage asset or its setting.

8.12.2 The Judgment of Jay J in Bedford BC v. SSCLG [2012] EWHC 4344, indicating that a judgment that the significance of an asset is very much reduced would equate to a finding of substantial harm.

8.12.3 The guidance in the NPPG (post-dating Bedford) that “substantial harm” to the significance of a heritage asset arises when the adverse effect seriously affects a key element of the asset’s special architectural or historic interest.

8.12.4 Recent decisions on appeal by the Secretary of State in the context of Bedford, which explain that in considering this issue the key point is not whether some aspects would be left untouched, but the importance of what would be affected, that is the setting, to the significance of the asset (see the decision of the Secretary of State for Levelling Up, Housing and Communities on the Tulip dated 11 November 2021 (APP/K5030/W/20/3244984) (DL para. 16, IR para. 14.2)).

8.12.5 The Council is aware that judgment is awaited in the case of R (London Historic Parks and Gardens Trust) v. Minister of State for Housing (CO/3041/2021) following a hearing before Lang J on 22-23 February 2022. One of the issues raised by that case is whether the approach in Bedford is correct and whether it has been correctly understood and

applied. It is possible that the outcome of that case may affect the approach summarised above, and the Council therefore reserves the right to address its implications in due course. It is hoped that this could be achieved through a Statement of Common Ground with the Appellant.

8.13 The Council does not accept the Appellant's assessment of the impact of the proposed development on designated heritage assets, as summarised at paragraph 5.10 of the Appellant's Statement of Case. The Council's evidence will show that the harm to the Borough High Street Conservation Area, the Grade I listed Southwark Cathedral and the Grade II listed Guy's Hospital will be above the middle and towards the upper end of the spectrum for less than substantial harm, and that there would also be significant less than substantial harm to a number of other designated heritage assets.*

8.14 The Council's evidence will also explain why it considers the Appellant's Environmental Statement does not transparently and reliably identify the likely significant adverse effects of the Planning Application Proposal on built heritage, and thus why it should not be relied on for the purposes of determining the appeal (see the Appellant's Statement of Case at paragraph 5.13).

105. The ES is considered to be adequate in most areas to enable a fully informed assessment of the environmental effects of the proposal, with the key exception of the heritage impacts where the council and the appellant differ on the method of the assessment, the clear reporting of the environmental effects in the ES, on the scale of harm in NPPF terms, and balancing exercise of the public benefits.

8.15 The proposed redevelopment of the Site would also result in impacts to and the loss of non-designated heritage assets within the Site (the frontage to Kings Head Yard, and Keats House historic facades, railings and lightwells) which each make a positive contribution to the character of the Site, the streetscene and the historic character of the Borough High Street Conservation Area. Keats House would be reconstructed in a new location and altered form, changing its relationship with its historic streetscene. The harm to the character of the Borough High Street Conservation Area resulting from this loss of historic fabric and change to the streetscene is additional to the harm caused by the impact of the proposed new tower itself.

8.16 The harm caused to the significance of the designated heritage assets, and to the ability to appreciate that significance, has not been clearly and convincingly justified by the Appellant, and in the view of the Council, cannot be justified.

8.17 The Council recognises that the proposed development would provide some public benefits, and these will be identified in the Statement of Common Ground with the Appellant. The Council's evidence will show that these benefits are insufficient to outweigh the many incidences of harm identified to listed buildings, conservation areas, World Heritage Site and non-designated heritage assets.

106. The Statement of Case concludes on the heritage impacts as follows:

8.18 For those reasons the Council's case will be that the proposal is contrary to national planning policy on the protection of heritage assets in Section 16 of the NPPF, and to the following development plan policies:

8.18.1 London Plan (2021) policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" of the London Plan (2021).

8.18.2 Southwark Plan (2022) policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures", P20 "Conservation areas", P21 "Conservation of the historic and natural heritage", P24 "World Heritage Sites".

8.19 The proposal also fails to comply with the guidance within the Mayor of London's London View Management Framework SPG (2012) regarding St Paul's Cathedral, the London's World Heritage Sites SPG (2012) and the Tower of London World Heritage Site Management Plan (2016) in terms of the Tower of London, and Historic England's guidance notes.

107. The council will provide a proof of evidence on this topic from its expert witness ahead of the inquiry, and this will be supplemented by oral evidence as appropriate during the public inquiry. The council will also provide a proof of evidence from its expert planning witness ahead of the inquiry, supplemented by oral evidence as appropriate, to consider the public benefits of the proposal (summarised later in this report) and to explain why these do not outweigh the heritage harms. The consultation responses on this issue, including those from Historic England, Historic Royal Palaces, the Victorian Society and the Georgian Group are summarised below and have been provided to the Planning Inspectorate. Historic England will be participating in the inquiry as a Rule 6 party, and Historic England's Statement of Case is attached at Appendix 3. As set out in paragraphs 3.1 to 3.2 and 3.5 of the council's Statement of Case, the pre-application responses and consultation responses may be referred to by the council as part of its evidence.

Poor design, harm to townscape and local character

108. The proposed redevelopment does not constitute good design, primarily due to its location, height, form, massing and materiality causing harmful visual effects, especially from the proposed tall building.

109. The Statement of Case sets out the likely reason for refusal that relates to the poor design, harm to townscape and the local character, from paragraphs 8.20 to 8.27. The reasons derive from policies and guidance including those contained within the NPPF, the London Plan (2021) and Southwark Plan (2022). These paragraphs from the Statement of Case are replicated below (shown in italics), with images from the application documents added to illustrate the points made.

8.20 The Council would have refused planning permission because the scale and design of the proposed development is not appropriate for this site and its surrounding context, resulting in harm to the townscape and local

character. As a result of this harm (and the harm caused to heritage assets), and its relationship to the local and wider context, the proposed development does not constitute good design in context and would be contrary to development plan policies and to national planning policy on achieving well-designed places in the NPPF.

8.21 The proposed tower would have harmful visual impacts due to its location, height, form, massing and materiality.

8.22 Whilst the site is located in one of the areas in which the Southwark Plan expects tall buildings to be located (see the Appellant's Statement of Case paragraph 5.6), it is not amongst the individual sites allocated where tall buildings may be appropriate. The suitability of the site for a building of this height therefore falls to be determined through the development control process applying the requirements of Southwark Plan policy P17 and London Plan policy D9.

8.23 The Council's evidence will show that the proposed development does not satisfy those requirements.

8.23.1 It is not located at a point of landmark significance, being set back from the main street frontages and onto an historic yard.

110. To illustrate this point, this site layout diagram below shows the tower set behind the listed Georgian terrace and Keats House to be behind the St Thomas Street frontage, facing onto Kings Head Yard at its rear, and set behind the Borough High Street properties to the west.



Proposed ground level site plan

8.23.2 It is not of a height that is proportionate to the existing urban character, the significance of the location nor size of the Site.

8.23.3 The proposed tower would not contribute positively to the London skyline and would not consolidate a cluster within the skyline. The proposed

tower would be visually and architecturally separated from the existing and emerging cluster of tall buildings around London Bridge station in a number of important views.

111. The visuals below and other visuals included earlier in the report (such as in the views towards Southwark Cathedral at paragraphs 86, 87 and 89, and Guy's Hospital paragraph 95) show how the proposal would be separate from the tall building cluster in a number of important views. The earlier visuals including those of the LVMF and borough views (paragraphs 90, 91 and 92) show the impact of the wider London skyline.



112. View along St Thomas Street, looking west



113. On Montague Close, at the northern side of Southwark Cathedral



114. Guy's Hospital courtyard, near the war memorial, with the grade II* Guy's Hospital building in brick behind the white tent and trees

8.23.4 The proposed tower would harm LVMF and designated borough views. Due to its location in the background of LVMF views, the scale and form of the tower would reduce viewer's ability to recognise and appreciate

St Paul's Cathedral as a Strategically Important Landmark in the Kenwood and Parliament Hill LVMF London Panorama views. The tower would be a significant incursion into the borough view from Nunhead Cemetery to St Paul's Cathedral, as its location, scale and height significantly exceed that of the Cathedral in that view. It would dominate and crowd the Cathedral, and would contribute to the canyoning of the borough view. Therefore the tower would not preserve or enhance the borough views of this significant landmark, nor enhance the composition of the panorama across the borough and central London as a whole.

115. The sections of the LVMF views and borough view are included earlier in this report (at paragraphs 90, 91 and 92) to show the impact on the significance of St Paul's Cathedral.

8.23.5 Its excessive height, scale, massing and incongruous form fail to respond positively to the character and townscape of its immediate and historic context. It would both dominate, and fail to make a positive contribution to, the local townscape and existing area character in terms of legibility, proportions and materials, nor would it reinforce the spatial hierarchy of the local and wider context.

116. The earlier section on heritage harm includes visuals of how the proposal would dominate and not make a positive contribution to local townscape.

8.23.6 The Council's evidence will show that the poor relationship between the proposed tower and the surrounding townscape context includes its relationship with The Shard, a tall building of particular importance both in the local townscape and more widely. The Southwark Plan (2022) recognises the role of The Shard in forming the pinnacle within the cluster of tall buildings around London Bridge Station and Guy's Hospital. In a number of important views the proposed development would reduce the primacy and visibility of The Shard in the local townscape, and its singularity on the wider London skyline. Unlike other existing buildings in the emerging cluster, the formal and visual relationship between the proposed tower and The Shard would be discordant and unsympathetic.

117. The visuals below show how the proposal would at certain points either obscure The Shard and/or would have a discordant and unsympathetic relationship with it.



118. View from Southwark Street



119. Existing view from Southwark Street/Stoney Street



Proposed view



120. The proposal viewed from grade I listed The George Inn



121. View from the war memorial on Borough High Street, within the Borough High Street Conservation Area

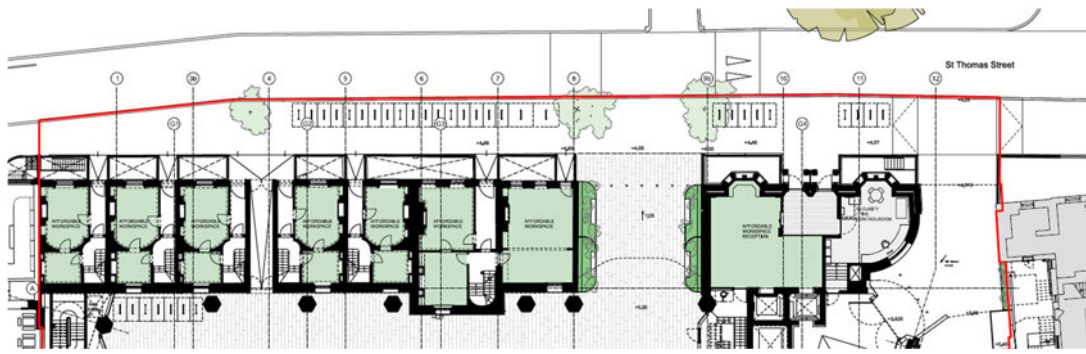
8.23.7 The proposal includes new public space at its base however, parts of the proposed landscaping at ground level within the colonnade would be enclosed by the tower above and therefore have a reduced sense of openness, while the tower would overshadow the public realm adjacent to St Thomas Street which reduces the attractiveness of the public space and the pedestrian experience. The proposal relies on a significant redesign of the St Thomas Street highway to increase the pavement widths and to accommodate some of its visitor cycle parking.

122. The design and massing of the tower encloses the proposed public route, through the site described by the appellant as a “gallery”, and shown by the sketch below.



Sketch visual of the base of the tower, showing the public route through

123. The scheme proposes some of its visitor cycle parking to be provided on the St Thomas Street highway, requiring a redesign of the pavement and road by TfL and for the highway revisions to be implemented. If the cycle parking is provided it would reduce the available footway widths for pedestrians in a busy area. TfL has made its own representation to the Planning Inspectorate, and the necessary mitigation works will be discussed during the appeal.



Proposed ground floor, showing the proposed highway works

8.23.8 The proposal includes a new publicly accessible garden at roof level, to address the requirement of part 2.7. of Southwark Plan policy P17 “Tall buildings”. This is acknowledged to be a benefit and an improvement on the enclosed garden proposed in the 2018 scheme, but will not contribute to public realm and pedestrian experience at street level.

8.24 The proposed tower is not considered to be of an exemplary architectural quality. The unrelenting, solidity and monolithic nature of the form serve to amplify the scale and the alien character of this architectural intervention within its historic context. The architectural language will serve to amplify its mass and overbearing presence.

124. The visuals included earlier in this report show how the tower would appear against the historic buildings in the site’s context.

8.25 The proposed tall building does not respond positively to the local character, townscape, nor its historic context. It would have an overbearing presence on its setting and as a result would fail to conserve and enhance the significance of designated heritage assets on the site, within both its immediate and wider urban context.

125. The design of the tall building is in conflict with the Southwark Plan and London Plan policies which require tall buildings to make a positive response to their context and townscape. It also informs the council’s likely reason for refusal regarding the harms to heritage assets, as set out earlier in this report and in the Statement of Case (at paragraphs 8.2 to 8.19).

126. The Statement of Case concludes on the design quality and townscape issues as follows:

8.26 The Council’s evidence will explain that as a result of the factors summarised above the proposed development is contrary to national planning policy in section 12 of the NPPF and to the following development plan policies:

8.26.1 London Plan (2021) policies SD4 “The Central Activities Zone” part C, D3 “Optimising site capacity through the design-led approach” part D, D8 “Public realm” and D9 “Tall buildings”, HC3 “Strategic and local views”, HC4 “London View Management Framework”.

8.26.2 Southwark Plan (2022) policies P13 “Design of places”, P14 “Design quality”, P17 “Tall buildings”, P21 “Borough views”.

8.27 The proposal would also be contrary to the AV.11 London Bridge Area Vision, the guidance within the Mayor of London's London View Management Framework SPG (2012) and Historic England guidance.

127. The council will provide a proof of evidence on this topic from its expert witness ahead of the inquiry, and this will be supplemented as appropriate by oral evidence during the public inquiry. The consultation responses are summarised below and have been provided to the Planning Inspectorate. Historic England will be participating in the inquiry. As set out in paragraphs 3.1, 3.2 and 3.5 in the council's Statement of Case, the pre-application responses and consultation responses may be referred to by the council as part of its evidence.

Listed building consent

128. The council's case that the listed building consent application for the works to the Georgian terrace should also be refused is as follows, as set out in paragraphs 9.1 to 9.3 of the Statement of Case.

9.1 The Council is supportive of the proposed works to the Georgian terrace in the Listed Building Consent Proposal which would replace the 1980s works with a more appropriate layout, appearance and detailing.

9.2 In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest. Therefore the Council considers that the proposal fails to comply with section 16 of the NPPF (2021) particularly paragraph 204, and to be contrary to London Plan policy HC1 "Heritage conservation and growth" and Southwark Plan policy P19 "Listed buildings and structures".

9.3 Should the Inspector be minded to grant consent for the Listed Building Consent Proposal alongside the Planning Application Proposal, then the Council would ask for the conditions proposed in Appendix 3 to be included. Should the Inspector be minded to grant consent only for the Listed Building Consent Proposal alongside the Planning Application Proposal then the Council would ask for the conditions proposed in Appendix 3 to be included. Should the Inspector be minded to grant consent only for the Listed Building Consent Proposal then the conditions in Appendix 3 would need to have the Georgian terrace materials condition recommended in Appendix 2 added [sic]. These conditions would ensure the demolition works only progress once a contract is in place for the rebuild works, method statements for the works, and to secure suitable materials and detailing are used.

2) Summary of other matters in the Statement of Case

129. The Statement of Case at paragraphs 8.31 to 8.34 refers to one other matter where the proposal does not comply with development plan policies. This matter is the daylight and sunlight impacts to surrounding properties.

Daylight and sunlight impacts

130. The ES includes daylight, sunlight and overshadowing assessments of the scheme's effect, based on the Building Research Establishment's (BRE) guidelines on daylight and sunlight.
131. No mitigation measures are proposed for the permanent loss of daylight or sunlight, or overshadowing effects. The appellant considers the residual effects to neighbouring properties at completion and operation of the proposal as set out in the ES to be as follows:
- Daylight – negligible impacts to 4 properties; local, long term minor adverse effects to 9 properties; moderate adverse to 8 properties; and moderate to major adverse to 1 property.
 - Sunlight – negligible impacts to 19 properties; local, long term and minor adverse impacts to 1 property; and moderate adverse effects to 3 properties.
132. Incidences of minor, moderate and major adverse effects to neighbour amenity have been identified in terms of daylight and sunlight reductions caused by the proposal. These cannot be mitigated, and would require the massing of the proposal to be reduced if they are to be lessened. The harms would likely not have been considered sufficient to warrant refusal of an otherwise acceptable application, however the council's evidence would suggest that the Inspector should consider these incidences of harm as part of the planning balance of the harms and benefits of the proposal.

3) Summary of topics not raised as concerns within the Statement of Case

133. Other planning issues have been considered in respect of the applications but are not identified as likely reasons for refusal. These are summarised below.

Principle of the proposed land uses

134. The proposed uses are appropriate for the site's location within the CAZ, Opportunity Area, South Bank Cultural Quarter and district town centre. The proposal would provide high quality office space and a range of unit sizes in the tower, Keats House and refurbished Georgian terrace, as well as acceptable town centre retail uses. There would be a significant uplift in office floorspace. It would increase employment numbers within the CAZ, the Opportunity Area and London Bridge Vision Area. The appellant has estimated that the proposal would support a total of 3,535 FTE jobs, compared with the existing offices on the site (approximately 845 FTE office jobs). The benefits of the additional jobs on the site and spending in the area, and affordable workspace on site are considered in the planning balance, as well as construction phase jobs and spending. Affordable workspace (4,908 sqm GIA) is proposed on site, which if the flexible office/retail unit is used as retail would be 10% of the total office space, however if the flexible office/retail unit is used as offices would be 30sqm short at 9.9%.

135. The Southwark Plan has been recently adopted and now forms part of the development plan for this 2018 planning application. Strategic policy ST2 “Southwark’s Places” sets the spatial strategy for the borough. Table A in ST2 sets out how the vision areas of the Southwark Plan would achieve these targets, having calculated the capacity of the allocated sites, recently approved permission schemes and known major application schemes. The London Bridge Vision Area is identified in Table A for 43,156sqm uplift of employment floorspace, 1,526sqm uplift of retail, leisure and community use, and 605sqm of open space within site allocations as well as approximately 483 housing units in site allocations. The area vision map identifies the site allocations of Guy’s Hospital (NSP52), the eastern end of St Thomas Street (NSP53 and NSP54) and Colechurch House (NSP55) to come forward for redevelopment. With the exception of the Guy’s Hospital, these site allocations each anticipate an increase in employment floorspace that together would achieve the ST2 target for the London Bridge Vision Area. The Southwark Plan’s strategic targets do not assume the redevelopment of the New City Court application site, nor rely upon the redevelopment of the site to come forward to achieve the Plan’s uplift of floorspace for the different uses between 2019 and 2036.
136. While there is no objection to the proposed uses or the addition of further office floorspace on this site in principle, the significant quantum of floorspace within the proposal would be delivered in a building which constitutes poor design and would cause significant harmful heritage impacts, as well as adverse neighbour amenity impacts. The uplift of 36,286sqm GIA of office floorspace would be a significant proportion (84%) of the 43,156sqm net GIA increase suggested for London Bridge by the Southwark Plan strategic vision ST2 on this New City Court application site alone. As the Southwark Plan’s target for the London Bridge Vision Area was calculated from the anticipated redevelopment of its site allocations within the Vision Area (and did not include any uplift in floorspace on the application site), the proposal’s uplift in floorspace would be further additional floorspace. The redevelopment of the application site was not assumed in the recently adopted Southwark Plan, nor is the quantum of its redevelopment necessary for the Plan’s targets to be met.
137. Were permission to be granted, it would be appropriate to condition the quantum of the different uses on the site to reflect the basis on which this application has been assessed (and within the EIA, transport impacts and neighbour amenity impacts). Planning obligations relating to the affordable workspace, jobs, training and procurement opportunities during construction and the completed development, public access to the public realm and roof garden would have been necessary to ensure compliance with adopted policies.

Environmental impact assessment

138. The proposed development is EIA development and an Environmental Statement (ES) has been provided with the planning application. An ES comprising a non-technical summary, Environmental Statement and its Technical Appendices accompanies this planning application. Additional information and an ES addendum were provided. The submitted ES considers the following topics that were “scoped in” for assessment:
- Transport;
 - Noise and vibration;

- Air quality;
- Archaeology;
- Water resources and flood risk;
- Wind;
- Daylight, sunlight overshadowing, solar glare and light pollution; and
- Townscape, visual impact and built heritage.

139. Officers are satisfied that the ES is up-to-date (particularly with the addendum with additional information and clarifications), and that, with the exception of the impact on heritage assets, the effects described in the ES properly identify the likely significant effects of the proposed development on the environment.
140. The EIA Regulations require the ES to provide information on the alternative options considered by the appellant. The “no development” alternative would leave the application site in its current state. The appellant did not consider fundamentally different alternative land uses, nor mix of uses, for the redevelopment of the site. The ES outlines the design evolution of the scheme since 2014.
141. The ES considers the cumulative effects from the combination of individual likely significant environmental effects from the development upon sensitive receptors, (e.g. the combination of noise, dust and visual effects on a particular receptor) which are referred to as “type 1” cumulative effects from the proposal. The ES also considers the cumulative effects from the proposal in combination with other surrounding consented and planned developments (“type 2”), especially those at the eastern end of St Thomas Street.
142. While most topics of the ES are acceptable, there remain key points of difference between the appellant and officers on the heritage impacts and how they have been reported. The council’s case will refer to how the ES does not transparently and reliably identify the likely significant adverse effects of the proposal on heritage.

Additional topics of assessment

143. The proposal would comply with policies in the development plan regarding the following topics if the necessary conditions and planning obligations were secured on any permission:
- Archaeology: subject to conditions and payment of a financial contribution (secured by a planning obligation) for the archaeologist’s monitoring and advice during the pre-commencement and construction works.
 - Quality of office and commercial accommodation: subject to conditions to secure inclusive access and fire evacuation lifts to the tower and Keats House, and kitchen extract details.
 - Impact of the proposed development on the amenity of nearby occupiers and surrounding area (except for daylight, sunlight and overshadowing): a condition to require obscure glazing, screening or some other measure to the proposed windows in the south-western corner of the lower floors of the tower would be needed to protect the privacy of nearby residential properties. Incidences of solar glare could be reduced in the detailed glazing material selection. Further information on the kitchen extraction,

plant and noise levels would have been secured by conditions, and the opening hours of the buildings and terraces controlled by conditions. Demolition and construction phase environmental impacts (e.g. noise, dust, vibration) would also have been minimised by the mitigation secured by conditions.

- Security and fire safety: subject to the Secured by Design condition, security details, compliance with the fire statement and details of fire evacuation lifts being secured by conditions.
- Impact of adjoining and nearby uses on occupiers and users of the proposed development.
- Demolition and construction phase environmental impacts: would need to be mitigated by securing environmental management plans and logistics plans by conditions.
- Water resources, flooding and sustainable drainage: subject to the conditions recommended by Thames Water (on water supply and piling method statement giving proximity to a strategic sewer), to require a flood risk management plan, a full drainage strategy, and an updated basement impact assessment.
- Land contamination: subject to conditions recommended by the environmental protection team and the Environment Agency.
- Air quality: subject to dust mitigation measures during demolition and construction being secured as part of the demolition and construction management plan conditions.
- Light pollution: subject to conditions requiring further details of the public realm and building lighting.
- Wind conditions: subject to conditions to secure the wind mitigation to the tower and the public realm, and a planning obligation to require a post-construction assessment to consider whether further mitigation is necessary.
- Transport matters: car parking, cycle parking (subject to conditions requiring further details of the locations and types of cycle parking for staff and visitors), impacts on Underground infrastructure (subject to protection measures being secured to TfL's satisfaction), highway protection measures would require conditions. Delivery and servicing management, restrictions and monitoring to be secured by obligations. Environmental management plans and logistics plans would be conditioned for the demolition and construction phases to secure the mitigation outlined in the ES. The public route through the site, Underground entrance, travel plan and transport mitigation financial contributions would need to be secured by planning obligations.
- Energy and sustainability: subject to ensuring the on-site carbon measures, payment of a carbon offset contribution and on-going "be seen" monitoring and reporting (secured by obligations), achieving BREEAM excellent to all buildings to achieve compliance with Southwark Plan policy P69, providing whole life carbon and circular economy information for the later stages (secured by conditions).
- Ecology and urban greening factor: subject to securing details of the planting, landscaping and bird boxes by conditions.
- Waste: subject to a delivery and servicing management plan by an obligation, and a refuse management condition.

- TV, radio and telecoms networks: subject to securing a TV reception mitigation plan by condition.
- Aviation: subject to securing details of crane lighting in the CEMP condition.

PLANNING OBLIGATIONS AND CONDITIONS

144. The assessment of the planning application has noted areas where planning obligations would be necessary in order to secure necessary mitigation to make the impacts of the proposal acceptable, to comply with planning policies, and to ensure the public benefits of the proposal would be provided. The absence of a completed section 106 agreement is set out in the Statement of Case as a third likely reason for refusal of the planning application, set out in paragraphs 8.28 to 8.30, but is expected to be resolved through discussions with the appellant ahead of the inquiry.
145. Although the council's case at the appeal is that the applications should be refused, a legal agreement will be drafted with the appellant as part of the appeal procedure, so that the matters summarised above would be secured if the Inspector is minded to approve the applications. The heads of terms are summarised in the table below, and will need to be negotiated with the appellant.

Planning obligation topic	Key items
Construction phase jobs and training	<ul style="list-style-type: none"> • An employment, skills and business support plan for the construction phase workplace coordination, skills development and on-going support. • To deliver 117 sustained jobs to unemployed Southwark residents, 117 short courses, and take on 29 construction industry apprentices • Or pay the employment and training contribution (a maximum of £564,150 (£503,100 against sustained jobs, £17,550 against short courses, and £43,500 against construction industry apprenticeships) for shortfalls.
End phase jobs and training	<ul style="list-style-type: none"> • A skills and employment plan to identify suitable sustainable employment opportunities and apprenticeships for unemployed borough residents in the end use of the development. • To deliver 303 sustained jobs for unemployed Southwark residents at the end phase. • Or meet any shortfall through the employment in the end use shortfall contribution (a maximum of £1,302,900, based on £4,300 per job).
Local procurement	A local procurement plan to provide opportunities for SMEs in construction and end phases.

Affordable workspace	<p>To provide 4,908sqm GIA of the office floorspace in the Georgian terrace, Keats House and tower as affordable workspace, and fitted out to a minimum specification, with access to common facilities (cycle stores, showers, lifts etc), and:</p> <ul style="list-style-type: none"> • provided for a 30-year period at a discount of at least 25% on the market rent level; • detailed plans showing final location of affordable workspace; • a management plan is in place to secure the appointment of a Workspace Provider and a methodology for that Provider to support the occupiers; • appropriate marketing of the affordable workspace; • the rates and service charges payable by the tenant will be capped; • a rent-free period is offered to incentivise uptake; • Provision of the affordable workspace before more than 50% of the market rate floorspace occupied.
Public access to the roof garden	Free public access to the roof garden, without need to book, setting its opening hours to public access, available each day, and free access to public toilet facilities.
Archaeological monitoring and advice contribution	A financial contribution (£11,171 indexed) for the archaeologist's monitoring and advice during the pre-commencement and construction works, in line with the Section 106 Planning Obligations and CIL SPD for a scheme of this scale
Listed building consent works monitoring and advice	<p>A financial contribution towards the monitoring and providing advice during the LBC works to the Georgian terrace.</p> <p>To require an on-going management plan (to agree what would and wouldn't need LBC to change in the future).</p>
Carbon reduction	<ul style="list-style-type: none"> • To comply with the measures in the submitted Energy Strategy to achieve a 48.6% reduction in carbon emissions • A carbon offset payment for the remainder (remaining 312.3 tonnes per year carbon emissions at a rate of £2,850 per tonne indexed = £870,960) to achieve the zero carbon requirement of the London Plan 2021. • Future-proofing by providing the connection and plant space for a future connection into a wider network. • "Be seen" monitoring, following the GLA draft guidance with the processes for the as-built and in- use (including annual reporting)

	stages, and the performance indicator groups for the reportable units set out for each stage.
Servicing and deliveries	<ul style="list-style-type: none"> • Delivery and servicing management plan, including commitment to use of off-site consolidation. • Restriction of hours of vehicles arriving (to both St Thomas Street and through the yards) to avoid peak times and lunchtimes, management of goods arriving/leaving on St Thomas Street highway. • Restrict hours of waste collection to outside peak times and lunchtimes. • Monitoring and review regime agreed with TfL and the council, and funded by the developer. • Deposit payment and monitoring fees.
Highway works (TfL)	Financial contribution as proportionate part of St Thomas Street “healthy streets” scheme. Enter into a S278 with TfL for the highway works within and next to the site – including pavement upgrade, pedestrian crossing signal times to cross Borough High Street, raised table crossing over St Thomas Street.
Highway works (borough roads)	Contribution of £25,600 (indexed) for improvements to the quality of the pedestrian routes and roadways of Kings Head Yard and White Hart Yard (given their increased use by cyclists accessing the basement cycle parking and pedestrians). Enter into a s278 with Southwark for the highway works within and the next to the application site on the yards side.
Cycle docking station contribution	Financial contribution towards a new docking station in the local area to serve the development’s needs – as no space on appellant’s land.
Travel plan	Submission of a detailed travel plan for approval (include cycle hire access)
Public realm	Setting out of the ground floor public realm shown on the submitted drawings, and make available prior to first occupation of the tower. Allow public access 24/7 each day to the ground floor public realm within the site (except the alley through the Georgian terrace to be closed at night). On-going maintenance of the public realm.
Station entrance and Underground protection	<ul style="list-style-type: none"> • To enter into a development agreement for the station entrance with TfL prior to implementation. • LUL infrastructure protection requirements for groundworks across the site. • Detailed design of the entrance appearance and layout to be agreed with TfL and council.

	<ul style="list-style-type: none"> Construction of new station entrance at no cost to TfL and provided ready for use prior to first occupation of the tower. <p><i>TfL may also ask for the asset protection agreement to be a planning obligation, rather than a condition, so this will depend on the on-going discussions between the parties.</i></p>
Legible London contribution	Financial contribution to a local Legible London sign expansion and refresh.
Post-construction wind assessment	A post-construction review of whether the installed wind mitigation measures are sufficient or if more are necessary.
Administration and monitoring charge	2% of financial contributions (excluding the monitoring contributions already listed above)

146. Without a completed legal agreement in place (either a section 106 agreement or a unilateral undertaking), the necessary mitigation measures, and the elements of the scheme required to achieve policy compliance, would not be secured in the event that planning permission is granted. In the absence of a completed s106 agreement, the proposal is contrary to the development plan policies that relate to these topics, and to policy IP3 “Community infrastructure levy (CIL) and section 106 planning obligations” of the Southwark Plan (2022), policies T9 “Funding transport infrastructure through planning” and DF1 “Delivery of the Plan and planning obligations” of the London Plan (2021) and the guidance within the “Section 106 Planning Obligations and Community Infrastructure Levy” SPD (2015 and its 2020 addendum).
147. The conditions the council would like to be included on any planning permission and listed building consent were appended to the Statement of Case, in its appendices 2 and 3. These would also be discussed at the public inquiry with the Inspector and appellant.

CONSULTATION

Community involvement and engagement

148. The appellant undertook community engagement consulting on the proposals prior to the submission of the planning application, and a completed Development Consultation Charter template was provided as well as a Statement of Community Involvement. Due to covid restrictions, the appellant’s pre-application engagement was mainly through a project website which was advertised by flyers, and 12 feedback forms were returned to the appellant. The appellant held meetings with a ward councillor, organisations (GLA, Historic England, Historic Royal Palaces, Living Bankside, Team London Bridge, BOST, and Better Bankside) and local owners (Southwark Cathedral, The Old King’s Head pub, King’s College, Guy’s Hospital) in addition to a short series of meetings with the planning department.
149. The council’s pre-application response letter was issued in April 2021 and is included at Appendix 2. The pre-application letter stated that the proposal would

not be supported in its current form, primarily because of the adverse design and heritage impacts.

150. The application was advertised by the council sending neighbour letters, consultation emails, a newspaper advert and site notices with a 37 day consultation period (as an ES was provided and allowing additional time due to covid working arrangements). Re-consultation for 30 days was undertaken on the amended drawings and additional information provided. The responses received from members of the public, local groups, external and internal consultees are summarised below.
151. As part of the appeals procedure, the council is required to notify those consulted during the application that the appeals have been made. The comments received to the first consultation, re-consultation and in response to the appeal notification have been sent onto the Planning Inspectorate, and those consulted have had further opportunity to make comments directly to the Planning Inspectorate.

Consultation responses

First round of consultation

Consultation responses from members of the public and organisations

152. Summarised below are the material planning considerations raised in the objections from members of the public and organisations local to the area.
153. 1 in support that:
- The proposed opening into Kings Head Yard and the Underground entrance being created would improve the public realm.
 - The works to the listed building façades.
 - The architectural features of the new building.
 - It will provide improved amenities for businesses.

154. 14 objections raising the following summarised issues (including one objection was received on the LBC application but raised planning issues):

Principle:

- Over development. No need for this proposal.
- No need for office space after the pandemic. Office spaces in the area remain empty. Work is changing, businesses are taking on smaller spaces and allowing people to work remotely more.

Design and townscape:

- Too high. High-rise development in this area is totally inappropriate. London is becoming just like any other international metropolis, with “massive architecture” tall buildings taking over more and more areas; the historic character of our neighbourhoods is being overwhelmed and lost.

Some new tall buildings are wonderful and inspiring, but too often developments are governed only by profit with no consideration of how the building affects London as a whole, or its inhabitants.

- Out of keeping with character of area. The design is an eye sore, a blot on the London Bridge area. Don't need another glass and concrete office block in London Bridge.
- We need to preserve the character of London for everyone, to celebrate our history and humanity, not just build upwards and outwards, overpowering what is already there. The beautiful village feel in this unique area of London is being ruined by tall buildings. Keep Bermondsey beautiful and full of character.
- Outside of the Shard and "baby shard" the proposed design goes against the heights of developments in the surrounding area. Most are no more than 10 storeys (exception being the Hospital and the Shard). It will be a blight on the landscape. It goes against the charm and history of Borough, the Market area and St Thomas Street. Harmful design on the skyline and its proximity to the listed Georgian buildings.
- One of the worst proposals in London. A large lump of textured concrete that will be an eyesore. The previous taller scheme was far superior in every aspect.
- Planning has failed in Southwark and actively contributed to a deterioration in the built environment.

Heritage harm:

- It will only detract from the area which is known for its history and the buildings which reflect some of that. The tower will really destroy what is special about the area. The tower proposed would ruin the charm and character of the area, being out of place, ugly and unnecessary. It will completely destroy any remaining historic characteristics of the area. Completely obscure Southward Cathedral. Completely change Borough Market from a pleasant public space into a basement like dingy and dark space.
- Totally out of scale with the historic buildings on the same street, such as The Old Operating Theatre (former St Thomas Church) and the historic terrace immediately to the east of that. St Thomas Street will become a canyon with a few old buildings huddled in a cleft.
- Object to moving the Keats House façade only to create soulless office space.

Ecology and open space:

- Affect local ecology with light pollution and glare.
- Greenwashing with more space needed for greenery. Greenery would help slow wind speeds. Suggest it incorporates an urban farm.
- More sustainable design features are needed.
- More open space is needed.

Transport:

- Inadequate access and parking provision.
- Increase in traffic from service vehicles and office workers. Traffic safety issues.
- Increase of pollution and noise from traffic.

- Inadequate public transport. Public transport is already at maximum capacity and would not be able to cope with more people.
- Since two lanes of Borough High Street were reallocated to pedestrians, the suggested pinch points on the pavement have been alleviated.

Amenity and environmental harms:

- Loss of light, overshadowing surrounding buildings and huge shadow to Southwark Cathedral and Borough Market.
- Loss of privacy.
- Noise nuisance.
- Environmental harm from the increased energy costs in a tower from pumping water up to height, lifts etc.
- Towers are not good for workers' mental health.
- St Thomas Street already suffers from wind tunnel effects. This part of the road is already very windy because of the Shard and this proposal would make the wind tunnel even worse, unbearable in some weather, and unsafe.
- More rubbish on the street from the additional people.
- It decreases the quality of life of local residents. No community benefit.
- Strain on existing community facilities.
- We need to respond to the lesson of Covid and change our paradigm of what will make an environment sustainable, vibrant, and enjoyable urban landscape with open space, access to natural light and tranquil scenery.
- Close to adjoining properties.
- Increase danger of flooding.

Other matters:

- Conflicts with the local plan.
- Small businesses should be supported instead of large corporates.
- It will make the area less favourable for families.

155. A combined objection letter was provided on behalf of Teighmore Limited, LBQ Six Limited, The Place London Bridge Limited, and LBG Fielden Limited (the owners of various buildings at the Shard Quarter). The objection raised the following summarised issues:

- Conflicts with planning policy: policy encouragement for high density office development in this location is balanced by policies which require a high standard of design and seek to limit the potential for harmful impacts from new development.
- Townscape and heritage impacts: the proposed development will have an adverse impact on the character and appearance of the Borough High Street Conservation Area and the setting of nearby listed buildings due to its height, form and massing, including its materiality. The design is not proportionate to the heritage significance of its location and the size of the site and it will not make a positive contribution to the London skyline or townscape. It will also cause harmful impacts to strategic and local views and fails to respond positively to the local character and townscape of London Bridge and the primacy of The Shard. The proposal, situated within a conservation area with predominantly low scale traditional buildings, is not at all appropriate for a tall building of this scale. The council has a record of only permitting tall buildings outside conservation

areas and where their settings would not be harmed. Permitting this development in such a sensitive context would create a terrible and regrettable precedent.

- Sunlight and daylight: the significant and material reductions in levels of daylight and sunlight to flats within Shard Place arising from the proposed development, in particular to the 10 bedrooms and 9 living rooms that lose either substantial amounts of their existing daylight or substantial amounts of their existing sunlight. Many of these rooms lose almost half their existing daylight or sunlight, well beyond the levels recommended by the BRE Guidelines.
- Transport and servicing: the proposed service yard is too small to accommodate the level of servicing movements associated with the proposed development which will result in additional on-street congestion from vehicles waiting or undertaking servicing outside of the delivery yard. The proposed delivery consolidation and management is commendable but is simply too unrealistic in a congested urban location to work efficiently. Enforcing a policy of no personal deliveries to staff is not realistic. It is probable that many of these servicing activities along St Thomas Street will occur during peak pedestrian demand periods. Identified a number of detailed concerns, which need to be resolved by the applicant in order to demonstrate that the proposed servicing and delivery strategy is acceptable.
- The objection letter was accompanied by separate reports on building heritage and townscape, daylight and sunlight impacts, and transport to expand on the points raised.

156. Southwark Cathedral Fabric Advisory Committee (FAC): supports the proposal and thanks the applicant for the engagement and revisions. Acknowledges the benefits of the proposal. The revisions to reduce the height compared with the 2018 scheme results in some increase in width with softened corners, with the impact of the tower on overshadowing and wind effects on the Cathedral have been improved. The sight line across London Bridge is less intruded upon, and the view from the Cathedral courtyard less dominated by the tower. Stone facing is to be used at lower levels but lighter materials are necessary at height, while maintaining a consistent appearance and fitting better into the streetscape. FAC felt it was not their role to comment on the quality of the architecture, but to consider the scheme in the context of the Cathedral. Noting that the Historic Royal Palaces and Historic England had welcomed the changes, this was certainly a positive revision to the scheme. The “greening” of the tower, with the involvement of the Bankside Open Spaces Trust, and a rooftop café show some commitment to the community. The bulking of the tower is still an issue, although there is relief about the height, and the references to the local Southwark building style are welcome. With most previous concerns addressed, FAC felt that the opportunity should be taken to secure the overdue public realm benefits.

157. Bankside Open Spaces Trust (BOST): is supportive in its remit as an environmental charity (unable to feed back on the development as a whole), and is supportive of the principle of new meaningful/usable/quality open space. Request further detail on the construction and future operation and maintenance of the open space proposals.

Impressed with the applicant's innovative proposals for the higher storeys (the public roof garden allowing educational activities). Queried the ecological enhancements proposed at the higher storey, since it was felt unlikely that pollinators would be able to effectively navigate to this height in high wind conditions and asked for case studies. The applicant suggested the landscaping on each storey would allow pollinators to hop between storeys to reach the top.

BOST supports the idea of a garden for educational purposes. Intrigued by the creation of a woodland ecosystem at this roof height in what would essentially be a sterile environment, and was impressed with the research undertaken and the intended maintenance schedule. However, since it was a new innovation, BOST advocated that the 'woodland' proposed be shown to be experimental rather than a scheme which could certainly be delivered. It is good to see innovative landscaping proposals like this which test the existing boundaries. However, BOST would like to see a plan in place to ensure that should the experiment not be as successful as intended, that there is still a garden in place.

BOST welcomes the planting of native trees and plants. The developer intends to extend greening to areas of the south façade and investigate how to expand greenery at the ground floor level as the detailed design evolves. BOST would like to have more detail of the planting proposed to ascertain the longevity of the scheme and whether it would be of biodiversity benefits. Also would like to see tree pit and planter build up.

BOST would advocate more ground level green infrastructure, recognising that a roof garden is not strictly a public space, since it would likely exclude certain individuals from entering the building. True public space can only be at ground level where there are no restrictions in place and no access arrangements needed. BOST welcomes the sustainable practices mentioned: e.g. bird nest boxes, rainwater attenuation.

158. Team London Bridge: neither supports nor objects, but responds to ensure the aims set out in the London Bridge Plan, and complementary strategic documents representing the business community, are attained. There is much to welcome in the proposal with significant new routes and permeability in the area that experiences high footfall, replace buildings that detract from the area's character, and refurbish a significant Georgian terrace. The current scheme is an improvement on the previous. Welcome the reduced impact on the conservation area and heritage assets, and support the more green space on the rooftop rather than inside the building. There are a number of issues where further consideration to improve or change approach is requested:

- Public realm – welcome the increased permeability, the success of the new courtyard and covered gallery is critical to the scheme. There is no activity to the courtyard to provide a sense of character and prevent a sterile space. More planting and activation are needed, and a stronger relationship between the tower and the public space.
- Architecture and urban design – welcome some of the changes but the local impacts remain significant to heritage assets and additional impact on neighbour amenity. The Kings Head Yard frontage is inferior to the

historic significance of this important space, needs to respect the elegance of the existing curve. Greening in this space would be welcomed.

- Land uses – welcome the increased affordable workspace which needs to be secured at rents and service charges at appropriate levels and local marketing. Disappointment that the London Bridge Cultural Strategy has not been addressed, and no provision made for the Florence Nightingale museum on this site.
- Servicing – welcome the revised servicing strategy, but the offsite consolidation centre needs to be confirmed prior to determination.
- Cycle parking – should be on-street not on the pavement and concerned at the impact on St Thomas Street. Congestion from cyclists on Kings Head Yard. Essential that access to secure cycle parking is possible from St Thomas Street.
- Sustainability – too many lack formal targets. Should achieve BREEAM Outstanding.

Consultation responses from external and statutory consultees

159. Arqiva: has no objection.

160. Conservation Area Advisory Group (CAAG): consider this project is worse than the 2018 scheme. With 11 storeys removed from the tower, the building's massing is redeployed as a squat, fat building. A project equally out of scale with the historic environment and perhaps even more damaging to the townscape setting than the previous proposal. Certainly more sky exposure would be lost. This proposal must be resisted. Site lies within the Borough High Street Conservation Area, the special interest of which CAAG in general describe as; the oldest high street in London; benefits from a series of developments; Roman (in the approach of London bridge station); medieval / Chaucerian; early modern (Shakespeare); distinctive trades; distinctive spatial form of medieval burgrave plots and characterful yards which are defining features of the form of the area.

- CAAG discussions revolved around the height and density of the scheme, as well as its design merit. Concern about the further impact on the urban environment of the King's Head Yard, particularly the delicate grain of the narrow 'burgage plots' off both sides of Borough High Street which are rare and of international significance.
- Visuals show that the proposed scheme does not relate well to the other nearby tall buildings, and certainly not to the rest of the significantly lower-lying townscape, dominating it because the proposed tower is so isolated it stands out and towers over everything. Views from 'one of the most amazing quadrangles in London' (viz. Guy's Hospital) show "a Pinocchio nose" poking upwards above the quadrangle, utterly spoiling the setting. The DAS was considered to be really pejorative about the condition and value of the heritage assets in the vicinity. Noted that even though many of the constructed street views in the DAS are perversely positive, some betray the harm the building will cause.
- Concern over shade and wind strength.
- Some consensus that the existing 1980s building has no architectural

merit but also does not have any of the proposed oppressive density.

161. GLA: London Plan policies on office developments, affordable workspace, design, heritage, transport and environment are relevant to this application. Whilst the proposed land uses are supported, the application does not fully comply with the other policies, as summarised below:

- Land use principles: The proposed office-led mixed-use redevelopment within the CAZ and an Opportunity Area, comprising a significant quantitative increase and qualitative enhancement to the existing office floorspace, as well as a significant provision of affordable workspace, is supported in land use terms. The council should consider securing the floorspace for this specific use and should adequately secure the provision of affordable workspace.
- Urban design: The application site falls within an area that is identified as suitable for tall buildings in the adopted and emerging Local Plans, in accordance with policy D9(B3). Concerns are raised with regards to visual impacts and the applicant is particularly encouraged to reduce the proposed width. An update will be provided to the Mayor at his decision-making stage also with regards to functional, environmental and cumulative impacts, further to the council's detailed assessments. Further information is also needed in relation to fire safety, inclusive design, public toilets and digital connectivity.
- Heritage: Less than substantial harm to a number of heritage assets, including the Tower of London, Southwark Cathedral, St Paul's Cathedral, Guy's Hospital and the Borough High Street Conservation Area, has been identified. However, further consideration will be given at the Mayor's decision-making stage to the harm caused by the proposals to the numerous heritage assets surrounding the site and to the public benefits provided by the scheme, following a review of the detailed assessment of heritage impacts made by the council and by Historic England.
- Transport: Should the following mitigation be secured, the development would on balance be in accordance with London Plan policy in terms of strategic transport: £22,000 Legible London signage contribution; new LU ticket hall entrance; £400,000 cycle hire expansion contribution; significant Healthy Streets contribution; servicing restrictions and management including during construction, backed by a financial bond; and travel plan measures to encourage active travel and off-peak use of public transport, backed by a financial bond.
- Environment: Further information is needed with regard to energy, whole life cycle carbon and circular economy.

162. Environment Agency: considers the preliminary contamination report and flood risk assessment to be accurate. Request conditions be included on any permission relating to: groundwater and contaminated land; verification of the remediation works; unexpected contamination; surface water drainage; and piling.

163. Heathrow Airport: has no safeguarding objection. Advise that if a crane is required then red static omnidirectional lights will be needed at the highest part of the crane and end of the jib. If permission is granted, the Civil Aviation

Authority must be notified.

164. Historic England (HE): strongly objects. Although the height of the proposed development at New City Court is less than under the first scheme, these proposals remain extremely harmful. In some respects that harm is greater, and in others less, but overall the harm involved in both schemes is equally severe, illustrating a key point that it would not be possible to accommodate a tall building on this site without causing very serious harm to the conservation area, and to other important heritage in the surrounding area.

- HE considers that the greatest harm would be caused to the Borough High Street Conservation Area due to the major impact on its character and appearance. This relates partly to the dramatic contrast in scale due to the close proximity of the proposed development set behind the frontage of the fine grain and predominantly four-storey buildings fronting Borough High Street and St Thomas Street. This contrast in scale is exacerbated in the latest scheme due to the larger footprint and wider built form of the proposed development.
- The impact on the conservation area also relates to the proposed demolition of the historic south façade of New City Court and the creation of open public realm. This would erode the historic street pattern of King's Head Yard and enclosed backland character which (as explained in the Conservation Area Appraisal) is illustrative of the historic pattern of yards that fundamentally underpins the overall significance of the Borough High Street Conservation Area. Further erosion of the urban morphology of the conservation area would be caused by the deconstructing and relocating of Keats House (identified as a positive contributor to the character of the conservation area) in a new location.
- A similar level of harm would be caused to the grade II* listed Guy's Hospital due to the major visual intrusion of the proposed development on its architectural character. HE considers that the impact has been exacerbated by the change in form and massing of the proposed development.
- Therefore, despite the reduction in height of the revised proposals, HE maintains that severe harm would be caused to the significance of Guy's Hospital and the Borough High Street Conservation Area. HE considers that the level of that harm to these designated assets represents a marginal increase on the previous version.
- The lower height of the revised tall building proposal has somewhat lessened the visual impact and harm to some other designated heritage assets. The most noticeable reduction in impact relates to the assessed views from the Inner Ward of the Tower of London, where the proposed development would rise above the roofline of the grade I Queens House, but only to a small extent. The impact would be limited, and HE therefore no longer wishes to raise concerns in relation to the Outstanding Universal Value of the World Heritage Site.
- HE considers that the harm to Southwark Cathedral is less in the second scheme for the reasons set out in this letter, but that the harm to St Paul's Cathedral remains the same. In accordance with the NPPF, great weight should be given to the conservation of designated heritage

assets by decision-makers, and the more important the asset, the greater the weight should be (para 199). Therefore, whilst the reduction in harm to Southwark Cathedral (grade I listed and therefore of the greatest importance) is less, we believe that the residual harm remains of serious concern. The harm to St Paul's Cathedral is also of serious concern.

- That harm to the various designated heritage assets identified, should be weighed against the public benefits of the scheme by the Authority (NPPF, para 202). HE can provide advice on the value of heritage-related public benefits arising from the proposals. The removal of the 1980s infill building, and restoration of the grade II listed terrace is proposed by the applicant as heritage benefits in the submission. The shopfronts to the rear elevations as originally proposed (in the 2018 scheme) have now been omitted from the proposals in response to heritage concerns. The proposed tall building would continue to dominate the listed terrace in views from St Thomas Street, diminishing its architectural value and townscape presence which are important aspects of its significance. The submitted information suggests that the changes to the tall building design would increase the level of visual intrusion on the listed terrace. Therefore, HE considers that the heritage benefits to the listed terrace would not only be quite minor, but would be overwhelmingly outweighed by the harm to its significance, and to the significance of other important heritage, caused by the wider development proposals.
- The NPPF also makes clear that any harm to significance also requires clear and convincing justification (para 200). Of particular relevance in this case is the notable shift in emphasis in the new London Plan's overarching strategic policies, which seek to ensure that tall buildings are only developed in suitable locations (Policy D9). The council's draft Local Plan does not allocate a tall building at New City Court, and it in fact positively discourages tall buildings in conservation areas. The application site is not considered by policy to be a suitable location and its justification is therefore highly questionable. The tall buildings policy set out in the draft Local Plan also emphasises the need for tall building development to respond positively to local character and townscape and to avoid harm to the setting of designated heritage assets and strategic views. These local policies are reinforced by Historic England's Tall Buildings guidance (Advice Note 4), which advises that the location and design of tall buildings should be part of a plan-led system that reflects the local vision for an area, which is supported by the NPPF. For these reasons, HE considers that the harm that would arise from any tall building development at New City Court lacks clear and convincing justification.

165. Historic Royal Palaces: Whilst there is still a perceptible impact from view 21, the Inner Ward, north of the White Tower, which is always regretted due to the impact of cumulative harm to the enjoyment of the Inner Ward, Historic Royal Palaces does not object to this application.

166. Islington Borough Council: has no comment.

167. London Borough of Camden: has no objection. Given the reduction in height

of the tower building from the 2018 application, the comments remain as before that the proposal does not fall within LB Camden's St Paul's Cathedral strategic viewing corridor. It would be visible from Parliament Hill and Kenwood House however the TVIBHA assesses the effects to be "neutral". Due to the distance of the application's site from Camden's boundary, it is not considered that the proposal would have a harmful impact on Camden as a neighbouring borough. The construction management plan illustrates that vehicles will be unlikely to travel through Camden.

168. London Underground: has no comment except that the works should be carried out in accordance with the development agreement between TfL and the developer. The applicant is in communication with London Underground engineers with regard to the development above.
169. Metropolitan Police: the crime figures and Secured by Design (SBD) requirements for this site remain largely the same as the response on the 2018 application. Ask that the development, if approved, is conditioned in relation to SBD with a two-part condition (pre-commencement of works and pre-occupation) to help to reduce the opportunity for crime, creating a safer, more secure and sustainable environment.
170. NATS: has no safeguarding objection regarding the management of air traffic.
171. Natural England: has no objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
172. Network Rail: ask that the developer contacts Network Rail's asset protection and optimisation team to ensure the works can be completed without risk to the operational railway.
173. Port of London Authority: has no objection, and welcome the inclusion of information on the river bus services in the travel plan. Ask that this is included in a condition.
174. Thames Water: request further information on the waste water infrastructure and a condition regarding capacity or a phasing plan for the upgrade works to the wastewater network. Request conditions regarding the inability of the existing water network infrastructure to require further information on the network upgrades needed or a phasing plan, and approving a piling method statement given the proximity to a strategic water main. Further comments could be included as informatives on any permission regarding: trade effluent consent; grease separators to commercial hot food premises; protecting the property to prevent sewage flooding and the requirement for a groundwater risk management permit; proximity to public sewers; proximity to underground water assets and water mains; capacity concerns for foul and surface water flow to King's Head Yard; and surface water flow rates.
175. Transport for London: is pleased to see that this new planning application addresses the servicing arrangements issue in the way suggested by TfL officers. Other issues raised to the 2018 application remain broadly similar. The site is very well suited to a high trip generating development. The public

transport accessibility level (PTAL) of the site is unsurprisingly the highest possible, at PTAL 6b. The site is well-located for a high cycle mode share, with the recent improvements such as Cycleway 4 and its temporary extension along Tooley Street and the closure of London Bridge and Bishopsgate to general traffic.

- Cycle and car parking - London Plan compliant long stay cycle parking and associated shower and locker provisions proposed. Policy compliant short stay Sheffield stand parking would also be provided at ground level and a mixture of double stacking racks, Sheffield stands and folding bike lockers would be provided at basement. Access to the basement for cyclists with bikes would be from King's Head Yard via a combined cycle stair ramp with a conveyor system to assist, wide enough to allow two people to pass. A shuttle lift would allow cyclists to return to reception once bikes have been stored. There would also be a lift for cyclists unable to use the stairs. Although shallow ramps are preferable to access cycle stores, given the site constraints, the proposed arrangements are acceptable. Access off King's Head Yard would also provide safe space for any queuing that may occur at the highest peak arrival times. Car-free except for two accessible parking bays in the servicing area is an acceptable level of provision. At least one of these spaces should have electric vehicle charging.
- Healthy Streets - The proposal would provide a pedestrian route between St Thomas Street and King's Head Yard, a movement that can't be made directly now. Coupled with the opening up of the eastern flank wall of the Borough High Street London Underground ticket hall, this would provide an alternative route for pedestrians from Borough High Street and the LU station entrance to St Thomas Street, and relieve pressure on the narrow footways of St Thomas Street and Borough High Street at their junction. Both these roads are part of the TLRN. The temporary London Streetspace (LSP) scheme is a response to this very issue, and further crowding can be expected post-pandemic. A contribution (£22,000) to Legible London should be secured to allow new signs to be provided within the site, and a local sign map refresh. The development would provide the opportunity to contribute to the proposed Healthy Streets improvements to St Thomas Street and Borough High Street frontage, which could include permanent footway widening, footway and carriageway resurfacing, tree planting and provision of a segregated cycle track to allow two-way cycle access, which is currently not possible. This two-way access would enhance cycle connectivity to and from the development, and the permanent footway widening would mitigate the increase in pedestrian demand from the development. TfL is currently developing the St Thomas Street Healthy Streets scheme, so an appropriate contribution to this would be expected in the s106 agreement, either via a substantial financial contribution or via 'in kind' delivery through a s278 agreement with TfL. Similar requests have been made in respect of other development proposals along St Thomas Street.
- Public transport impacts - The scale and nature of the proposed development would inevitably increase peak demand on the public

transport network. National Rail services are, in normal times, crowded in peak periods, but the number of trains and range of destinations mean that the additional development trips should be able to be absorbed. This should however be confirmed by Network Rail.

- LU train services are, in normal times, very busy at peak times, particularly the Jubilee line eastbound and Northern line northbound in the AM peak and vice versa in the PM peak. Boarders dominate in the AM peak, and alighters in the PM peak. An office development here will improve churn as, relatively more people will alight trains in the AM peak, freeing up space for boarders (vice versa in the PM peak). The LU station has two entrances. The developer proposes to open the eastern flank wall of the Borough High Street LU ticket hall to provide direct access to the site from the ticket hall. This is supported, subject to full developer funding, engineering feasibility and appropriate commercial terms. A further benefit of the new entrance is to alleviate footway crowding on the busy footways of Borough High Street and St Thomas Street, so this is considered essential mitigation. As such, the new entrance should be required to be open prior to first occupation of the development.
- Bus services at London Bridge tend to be more crowded outbound in the AM peak and vice versa in the PM peak. As such, and given the dominant rail mode share, there is unlikely to be an unacceptable impact on bus service capacity.
- Cycle Hire - This and other proposed developments in the vicinity of London Bridge will inevitably increase demand for cycle hire in an area that already exhibits high demand. A financial contribution should be secured within the s106 agreement to provide additional docking points locally, proportionate to the relative size of the development. This is likely to equate to a new mid-sized (30 point) docking station at the western end of St Thomas Street or nearby. A £400,000 contribution would cover the capital and additional operating cost of this new docking station.
- Servicing - A key issue for this site is the limited opportunities for servicing. On-street loading (which is generally not supported) is particularly constrained on St Thomas Street by the temporary LSP scheme and, in the future, by the provision of a segregated cycle track. On-site servicing accessed from St Thomas is supported. The detailed design of the access will need to be agreed with TfL as part of the s278 agreement. The applicant has committed to reducing service vehicle numbers significantly, through proposed consolidation techniques. These limits on service vehicle movements will need to be binding in any planning permission. Timing restrictions will also be expected as service vehicles would be crossing the busy St Thomas Street footway and, potentially, a segregated cycle track, and passing the extremely busy pedestrian crossing between the station/Shard and Guy's Hospital complex. Restrictions and monitoring regime should be enshrined in any planning permission and secured through a delivery and servicing plan, to be submitted for approval prior to commencement. TfL support

securing a financial bond for additional remedial measures, should service vehicle numbers exceed the DSP.

- Construction - Construction is likely to be challenging, given the constrained site, busy surrounding roads and the high numbers of vulnerable users. It will be essential that a detailed construction logistics plan (CLP) is formally submitted for approval by TfL and the council, prior to commencement. Any permission should include a standard condition requiring LU approval of construction methodology. A separate development agreement is required with LU to deliver the new station entrance, and this should include asset protection also and should be reflected in the s106 agreement.
- Travel plan - A full travel plan should be required to be submitted for approval by the council in consultation with TfL.
- Provided the mitigation (Legible London, new ticket hall entrance, cycle hire expansion contribution, Healthy Streets contribution, servicing restrictions and management with financial bond, travel plan and Mayoral CIL payment) is secured, TfL considers that the development would on balance be in accordance with London Plan policy in terms of strategic transport.

176. The Georgian Group: recommends refusal of the application. The Group supports Historic England's view on the harm to heritage assets. It would cause significant harm to the setting of Guy's Hospital (current viewed with a clear skyline), the protected vista towards St Paul's Cathedral from Kenwood Gazebo would be harmed (due to the impact the new building would have on the ability to appreciate the landmark status of St Paul's) and, the Borough High Street Conservation Area due to the inappropriate scale of the new building in relation to the established height along the high street. The proposal fails to accord with the requirements of the NPPF.

177. The Victorian Society: objects that the proposal would cause unjustifiable harm to the conservation area. While lower than the previous scheme it continues to be wholly inappropriate height for the context. It would overshadow listed and unlisted buildings in an area largely characterised by 3- and 4-storey buildings, and be completely at odds with centuries of development. The omnipresence of the proposal would moreover disrupt low-lying undulating roof lines and have an adverse effect on a number of key viewpoints within and outside the conservation area. The harm which the proposed buildings would have on the Borough High Street Conservation Area would be significant and set a further precedent for tall buildings which could end up obliterating the character of the area.

The Society is concerned by the impact the development would have on King's Head Yard, currently a bright and small open space within the tightly woven urban fabric of Borough High Street Conservation Area. The yard also contains the grade II listed King's Head pub, and the facades of the hop sampling warehouses, which continue to form an important part of the pub's setting. Despite being rebuilt, these facades remain largely authentic, and through their historic association with the brewing industry, continue to contribute towards

the character of the conservation area. Their demolition would therefore have a negative impact on two designated heritage assets: the pub and the wider conservation area, and should be strongly resisted. This harm would be increased by the base of the proposed structure which appears to bear no relation to the existing character of the Yard, or the wider area. The scale of the proposed development would remove the current roof lines and reduce the yard to a dark, windy and corporate foyer space, forever disconnecting King's Head Yard from the significance of its early origins.

It fails to accord with the conservation area appraisal for new design to observe the scale of earlier buildings, and for heights and position on the street to conform to the established street envelope. The disregard would have a significant negative impact, that has not been adequately justified. This is a precious piece of townscape, and if approval it would make a mockery of protection afforded to conservation areas.

Consultation responses from internal consultees

178. Archaeology officer: the application provides sufficient evidence to show the remaining archaeology of the site can be managed by the implementation of conditions on any grant of consent to protect archaeological interest, given the extent of previous excavations on the site and logistical difficulties that pre-determination evaluation would involve. Conditions for a programme of archaeological mitigation works, submission of an archaeological report, and for a public engagement programme are recommended, and a monitoring financial contribution to be secured by a planning obligation.
179. Ecologist: finds the submitted ecological assessment acceptable, the report shows a biodiversity net gain, and the urban greening factor meets the policy target. Recommends conditions for the ecological enhancements.
180. Environmental protection team: provided comments on environmental topics:
 - Noise and vibration - no objections to the methodology used to determine the noise baseline levels for the development site. Based on the assessment noise limits have been recommended at sensitive locations so as to avoid noise creep and nuisance. Noise level during the construction phase shall be controlled by a section 61 agreement in accordance with the council's technical code of practice. The developer will also need to assess noise from the commercial/restaurant activities space located at the roof garden level.
 - Air quality - The development is Air Quality Neutral and no mitigating measures were identified for the proposed use.
 - Odour - It is proposed that the restaurant will be ventilated by the use of carbon and grease filtration. EPT will require more detailed plan about nuisance control.
 - Land contamination - Based on the preliminary risk assessment information provided, EPT will require a Phase II assessment to be carried out, and recommend a condition. The excavation to create the basement will remove likely polluting sources but the developer needs to determine whether there is issue with lateral cross contamination and whether the sources can cause the pollution of groundwater.
 - A construction environmental management plan would need to be

secured on any permission, and a construction logistics plan for the vehicle movements. Other comments from EPT on plant pollution limits and out of hours site working could have been informative on a permission.

181. Highways development management: raise no objection subject to TfL's agreement as the highway authority for St Thomas Street and Borough High Street. Recommend securing a CMP, foundation and basement design details, and s278 highway works on any permission.
182. Local economy team: request employment obligations be secured on any permission relating to construction phase jobs and training, end use jobs, and affordable workspace.
183. Urban Forester: the ground floor planting is severely constrained by limited soil depths due to the podium condition, narrow alleyways and the over-sailing extent of upper floors, which completely cover the largest bed on Kings Head Yard, making this feature of doubtful longer term sustainability. The proposed trees on St Thomas Street are of unknown feasibility. The character use zones at ground floor are oppressed by the volume, extent and proportion of the tower, resulting in a heavily shaded and unwelcoming experience with a limited desire to dwell or visit. Well tree'd terraces and roof levels are welcome however, reference to a truly woodland habitat is of limited relevance to the limited area of landscaping at this level and without mature canopy sizes, requiring substantial soil and wind-loading considerations. The woodland feature would not, overall, compensate for the poor ground floor conditions.

Re-consultation

184. Following receipt of the amended drawings and additional environmental information, re-consultation was undertaken between November and December 2021. The following summarised responses were received.

Re-consultation responses from members of the public and local groups

185. 13 objections were received to the re-consultation, raising the following summarised comments:

Principle:

- It is unnecessary. More office space is not needed in central London post pandemic, it will be wasted space and destroy local amenity. Centralised offices are based on out-dated concept which requires lengthy commute. It counters the effort of building a sustainable city. With so many companies moving to remote and flexible working due to the pandemic, there is no benefit of building yet another skyscraper office here.
- Conflict with local plan and plans for this area. Borough shouldn't be made an extension of the City purely to please developers. This is all about maximising the space for financial gain with no consideration at all about what might look good, complement the appearance of the area

and develop community spirit. Instead, interesting architecture, genuinely affordable housing, low cost retail spaces for small and creative outlets and buildings that contribute to society are wanted.

- Over-development. Development is far too high, the tower has an excessive number of storeys.

Design and townscape:

- Out of keeping with character of area. We need to start protecting the nature of areas. There is so much empty office space all over London - another monolithic eyesore is a step too far.
- The Shard is clearly the signature development in the area but also a dangerous precedent for ad hoc high-rise developments in the surrounds such as this. Interspersing such developments amongst the low-rise terraces, the old church next door and the height levels of Borough Market and Southwark Cathedral confuse the area and obliterate the cohesive low rise nature of this extremely historical part of the south. This would set a precedent to develop around the George Inn.
- The proposal is not suitable or “in sync” with the current building layout of surrounding areas. The area does not need yet another high-rise building. The design is ugly.
- No more of these dull oppressive huge lumps of concrete are wanted.
- Harm to the local area. Any additional tall buildings will make this area extremely out of human scale and unfriendly to pedestrians and residents. The area will increasingly resemble an office park and vibrant street life will be diminished.

Heritage

- This will radically alter the existing aspect of the area, and overshadow the older, more traditional buildings. The tower will over-shadow Borough Market and Southwark Cathedral, and destroy the historic character of the area that can be traced back to Roman times. The tower would eradicate the London charm of this area and would completely disrupt the area’s appeal.
- Retaining only the facades of the historic buildings is a minimum requirement of preservation and only a window dressing effort.

Ecology and open space:

- More open space needed on development
- Environmental degradation. A hazard to birds and trees.

Amenity and environmental impacts:

- Tall buildings cause wind tunnel effects (as currently around the Shard cluster) for pedestrians and cyclists.
- So many high-rise buildings already being constructed within a 10-minute walk of this space. These new-build developments are blocking out the natural light local residents and pedestrians get in the area already.
- Increase of pollution.
- Loss of light. Loss of natural light. Light pollution at night.
- Close to adjoining properties.

- Loss of privacy.
- Noise nuisance.

Transport:

- Increase in traffic.
- Inadequate access, parking provision and public transport provisions.
- Further construction over the coming years would make traffic impossible to navigate for those who live in the area.

Other matters:

- Strain on facilities and scarce resources such as open space, rubbish collection, water and electricity.
- The applicant has not responded to feedback as the scale of the building has not been reduced.
- General dislike of the proposal.

186. Another combined objection letter was provided on behalf of Teighmore Limited, LBQ Six Limited, The Place London Bridge Limited, and LBG Fielden Limited (the owners of various buildings at the Shard Quarter). This raised the following summarised issues in strongly objecting to the scheme, noting the applicant's response to the earlier objection, and considering that the responses do not address the previously expressed objections.

- Townscape and visual impact: the proposal will cause huge, irreversible harm to the setting of designated local and regional heritage assets and is very insensitive to the local townscape, the wrong building in the wrong place. Consider the method of assessment of the built heritage impacts has several faults.
- Daylight and sunlight: the amendments are unlikely to alter the daylight and sunlight impacts. Shard Place will be occupied by the time New City Court is built. A number of habitable rooms in Shard Place have low existing VSC; it is important where possible to safeguard these levels from further reductions.
- Transport: it seems very unlikely that however well managed, the consolidation servicing strategy will be able to accommodate the predicted demand. There is no strong commitment to management measures (e.g. FORS suppliers and zero emission vehicles). The servicing yard is too small to accommodate demand and will result in service vehicles parking on street, and arriving/departing during peak pedestrian demand periods.

Consultation responses from external and statutory consultees to re-consultation

187. Environment Agency: repeats its request for conditions be included on any permission relating to: groundwater and contaminated land; verification of the remediation works; unexpected contamination; surface water drainage; and piling.

188. Heathrow Airport: no safeguarding objection.

189. Historic England: the impacts on the historic environment appear to be the

same as the original proposals subject to the planning application. HE rests on the advice set out in the original advice letter in which it strongly objected. HE notes that further details regarding the proposals for the grade II listed terrace have now been provided, and does not wish to provide any further observations on the works subject to listed building consent and therefore Historic England's authorisation for this application remains valid.

190. Islington Council: acknowledgement of receipt only.
191. London Borough of Camden: has no objection.
192. London Borough of Lambeth: acknowledgement of receipt only.
193. London Underground: repeats the earlier response that it has no comment except that the works should be carried out in accordance with the Development Agreement between TfL and the developer. The applicant is in communication with London Underground engineers with regard to the development above.
194. NATS: has no safeguarding objection.
195. Natural England: repeats its earlier comment, raising no objection.
196. Port of London Authority: has no objection and welcomes river bus services being included in the transport statement, travel plan and future travel information packs (which should be secured on any permission).
197. Royal Borough of Greenwich: acknowledgement of receipt only.
198. The Victorian Society: provided a further comment once the appeal had been submitted that it maintains its objection. The Society considers there would be substantial harm to the Borough High Street Conservation Area by introducing a scale of development alien to the character of the conservation area, damaging one of the key aspects of its significance, overwhelming the pattern of low scale buildings. The applicant's statement of case for the appeal references the cluster of tall buildings, but not the conservation area appraisal that specifically addresses the height of new development needing to conform to the established street envelope and remaining within the range of heights of block in which they are sited. The tall buildings are outside the conservation area and should not be used to justify harmful development within it. Harm to the 19th century setting of the King's Head Pub as the proposal's height would overpower the setting, and not respect the traditional urban form of the area, and removal of the retained facades would harm the setting. The proposal would actively harm the significance of the conservation area and the setting of at least one listed building. A particularly strong justification is required, and question whether in a post-covid economy with reduced calls for office space if a development of this scale can be justified.

Consultation responses from internal consultees to re-consultation

199. Archaeology officer: repeats the earlier comment on the need for conditions and an obligation on any permission.

200. Ecologist: no additional comment.
201. Environmental protection team: no additional comment.
202. Highways development management: refer to the previous comments.
203. Urban Forester: further to previous comments, and notwithstanding the overly oppressive nature of the ground floor condition, the additional information provided shows how growing constraints have been considered with the aid of various organisations such as BOST, Buglife and the London Wildlife Trust. The details could reasonably be expected to be successful in delivering the ecological and amenity benefits aspired to. The UGF and biodiversity net gain calculations are policy compliant. Conditions, an obligation to secure street greening on St Thomas Street (and a payment in lieu if this is not feasible or found to be unacceptable by TfL) would be necessary if permission is granted.

PUBLIC BENEFITS

204. The proposed 2021 scheme redevelopment would, if granted planning permission, bring the following public benefits (in no particular order):

1. **Jobs in the demolition and construction phase** – the appellant has estimated that the proposal would provide an average of 750 construction jobs on site annually throughout the demolition and build phase of approximately 3 years and 8 months. These construction workers would spend money in the local area. A planning obligation would have secured job and training opportunities for local people in the construction phase, in line with the Section 106 Planning Obligations and CIL SPD requirements.
2. **Provision of employment floorspace and jobs, and increased expenditure in the area** – the uplift in employment floorspace on the site would provide an estimated 3,535 FTE jobs (an increase on the 845 FTE from the established use of the site). The appellant estimates these staff would bring approximately £5.8m of additional expenditure in the local area each year. These would mainly be additional office employment opportunities, and new retail job opportunities. In considering the multiplier effect, the applicant estimates a further 335 FTE jobs to be supported. A planning obligation would have secured job opportunities for local people in the completed scheme in line with the SPD requirements.

Officers consider the additional employment opportunities to be a benefit from the proposal, however the scale of redevelopment on the application site is not necessary to achieve the Southwark Plan's employment and retail floorspace strategic targets for the London Bridge Vision Area. The uplift of 36,286sqm GIA of office floorspace would be a significant proportion (84%) of the 43,156sqm net GIA increase suggested for London Bridge by the Southwark Plan strategic vision ST2 on this New City Court application site alone. As the Southwark Plan's target for the London Bridge Vision Area was calculated from the anticipated

redevelopment of its site allocations within the Vision Area (and did not include any uplift in floorspace on the application site), the proposal's uplift in floorspace would be further additional floorspace. The proposed office and retail uses are consistent with planning policy requirements for this location within the CAZ, Opportunity Area and town centre, but the scale of additional floorspace provision on this site as a non-allocated, "windfall" site is not required to meet the council's strategic targets for the London Bridge Vision Area.

3. **Improved mixed of uses on the site and resulting activation of the frontages** – the proposal would add retail use to the site to provide a mix of uses, although the retail uses would be in a flexible office or retail use unit (which may be used as an office) and at roof levels and so away from the site's ground level frontages. The proposed public realm and station entrance would provide more activation along the Kings Head Yard frontage.
4. **Redevelopment of the 1980s office building** – a more intensive use of the land is proposed, and there is no objection in principle to the replacement of the current 1980s building (which is of little design merit and has a relatively neutral impact on the streetscenes and area) with one of a better design and better environmental performance. However, as set out above the scale and design of the replacement tower as one particular element of the proposal would result in significant harm to the townscape to the extent that the proposed redevelopment is not a public benefit.
5. **Provision of affordable workspace** – the Georgian terrace, parts of Keats House and the lower floors of the tower would provide 4,908sqm GIA of affordable office space (9.9-10% of the total office space) to house small and independent businesses.
6. **Provision of ground floor public realm across the site** – the proposed public realm would provide new routes across the site which would improve permeability, reduce pedestrian pressure on Borough High Street (away from a junction with history of accidents) and has been designed to be accessible to all. The soft planting would enhance the biodiversity of the site. The quality of the public realm would be limited beneath the tower and in St Thomas Street Square due to the overshadowing and enclosure by the proposed tower, and the planting may be limited by the limited root volume, wind conditions and limited sunlight hours.
7. **Provision of the publicly accessible roof garden** – the roof garden near the top the tower would provide a new, landscaped public space (and a public toilet facility), and a small scale visitor attraction throughout the year. It would be free to access.
8. **Entrance to the Underground station** – would provide a new arrival point into the site, linking to new routes across the site and onto Kings Head Yard, and relieving pedestrian pressure on Borough High Street. It would be useful to the wider public, not just those accessing the site. The

appellant has been in discussion with LUL about this access, and the necessary works to demolish the wall and make good would appear to be straightforward. It is considered to be a benefit from the scheme, but its provision has not yet been secured, and the resulting uncertainty about delivery reduces the weight that can be given to this benefit.

9. **Restoration and improvements to the grade II listed buildings on the site** – the proposed works to the Georgian terrace would restore these historic buildings with more appropriate and sympathetic alterations than were carried out in the 1980s. The proposals are considered to be improvements to these grade II listed buildings that would improve their historic character. As the works are proposed as part of the same planning application, they cannot be granted permission separately. The proposed tower would cause harm to the setting of the terrace, and therefore to the significance of these buildings.
10. **CIL payments** – Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material local financial consideration in planning decisions. With a significant increase in floorspace in the redevelopment, the gross CIL amount is large at over £11.6m, comprising £7,937,249.79 of Mayoral CIL and £3,753,456.66 of Borough CIL. These are estimates (based on the floor area information provided in the appellant's CIL form and area schedule). Were this application to be approved, the final CIL figures would be refined based on the detailed CIL liability information that will be submitted. Final figures would be subject to the relevant technical formulas and indexation following any grant of planning permission. The Mayoral CIL would be used to fund the delivery of Crossrail 1 (The Elizabeth Line) and Crossrail 2, which will benefit the Greater London area. Although Crossrail will not pass through the borough it will reduce pressure on other local lines. The Southwark CIL would be apportioned so that 70% is made available to the council's Regulation 123 List (which includes education, health, libraries, open space, sports and transport infrastructure improvements in the borough), 25% is made available to local community areas and 5% funds the administration of the Southwark CIL. The Southwark CIL from this scheme could be used to fund a number of infrastructure projects within the local area and wider borough.
11. **Planning contributions and infrastructure** – Financial contributions to the council would be secured in a section 106 agreement, including for carbon off-set payment, highway improvements and to provide cycle hire improvements. These would be necessary to achieve compliance with planning policy by mitigating the scheme's impacts. The highway works would need to be secured to ensure the highway safety for people travelling to/from the development, and improve the pedestrian environment immediately around the site. Elements of the proposed scheme would also need to be secured through obligations, for example to ensure the provision and rent levels of the affordable workspace, construction phase and end phase jobs, and public access through the site and to the roof garden to ensure planning policy compliance. These planning obligations and financial contributions would be necessary to mitigate some of the scheme's adverse impacts, and to secure the

provision of key elements of the scheme to achieve compliance with relevant policies.

12. **Community involvement** – The appellant's parent company's own community strategy sets out its long-term commitments such as: working with industry bodies to maximise apprenticeship opportunities; engagement with local schools (such as using the roof terrace planting and soils for education); working with colleges and universities to develop the knowledge and skills of the future workforces; and helping to adapt to new ways of working. Such measures would often be planning requirements (such as jobs and training requirements, public access to the roof garden) and accord with the council's Development Consultation Charter.
205. The appellant has suggested that two further elements of the proposal should be considered as public benefits, quoted below, however officers do not consider these to be public benefits:
13. *"Reconstruction and improvement of unlisted Keats House, including retention of the original façade, enhancing the character and appearance of an undesignated heritage asset."* Reconstructing Keats House in a new location and altered form, changes its relationship with the historic streetscene. It is not considered to be a public benefit.
14. *"Improvement of the setting of adjacent listed buildings, including The Old King's Head, creating greater public appreciation of this listed building in views from newly created vantage points within the proposed public realm"*. The change to the existing setting of the grade II listed pub (which Historic England describes as a cohesive and characterful setting) by removing the historic screen on the northern side of the yard and replacing it with public realm and a tower would erode the yard character of the pub's enclosed, historic, backland setting. It is not considered to be a public benefit.
206. In the appellant's view, the proposal will result in less than substantial harm to the relevant designated heritage assets, resulting from minor losses of heritage significance to the grade I listed Southwark Cathedral and grade II* listed Guys Hospital. The appellant considers that the proposal will have a beneficial effect on the townscape of surrounding areas and the views in which it is most prominent, together with enhancing the character and appearance of the grade II listed Georgian terrace and surrounding Borough High Street Conservation Area. The appellant considers the heritage harm is "far outweighed by the plethora" of public benefits of the proposal.
207. As set out in paragraphs 8.13 and 8.17 of the Statement of Case, the council does not agree with the appellant's view as to the level of harm, and identifies harm to a number of additional heritage assets. Nor does the council consider the public benefits to be sufficient to outweigh the many incidences of harm identified to listed buildings, conservation areas, the Tower of London World Heritage Site and non-designated heritage assets.

PLANNING BALANCE AND CONCLUSION

208. Officers have considered the extent of policy conflict and compliance, the public

benefits from the proposal (as summarised above) and the harms identified from the proposal in the planning balance. Paragraphs 8.35 to 8.38 of the Statement of Case state the following for the planning application:

8.35 It will be the Council's case that the public benefits of the proposal do not outweigh the harm that would be caused to a number of designated heritage assets, including assets of the highest importance, and that the heritage balance is clearly in favour of refusal.

8.36 The Council's case will be that that the proposal conflicts with a range of key development plan policies relating to heritage, tall buildings, townscape and design, public realm, strategic views and amenity. These policies are amongst the most important in the development plan. The nature and extent of that conflict is substantial. As such, it will be the Council's case that the proposed development is in conflict with the development plan when considered as a whole.

8.37 The Council's case will be that the other material considerations in this case do not indicate that it would be appropriate to grant planning permission notwithstanding the conflict with the development plan. On the contrary, when considered as a whole they clearly weigh in favour of refusal.

8.38 Accordingly, the Council's case will be that the appeal should be dismissed and planning permission refused.

209. For the listed building consent application, paragraph 9.2 of the Statement of Case states:

In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest. Therefore the Council considers that the proposal fails to comply with section 16 of the NPPF (2021) particularly paragraph 204, and to be contrary to London Plan policy HC1 "Heritage conservation and growth" and Southwark Plan policy P19 "Listed buildings and structures".

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Law and Governance

210. Members will note the recommendations and background information for this report at paragraphs 2 to 6. The report is not the usual development management report asking members to determine whether or not to grant planning permission. Instead, the report relates to planning appeals for non-determination. The appellant has not waited for the council's Planning Committee to decide the applications but has instead exercised their right to appeal to the Secretary of State via the Planning Inspectorate. Such appeals can be made when the local planning authority has not determined the applications within the statutory time period.

211. Part 3F of the council's constitution provides that matters reserved for decision by the Planning Committee include the consideration of strategic and major planning applications, the categorisation of which are described in the constitution and include applications such as those for New City Court, which are the subject of this report.
212. The appeals were submitted on 5 January 2022 and on 10 February 2022 the council received a letter from the Planning Inspectorate informing the council that the appeals would be heard at an inquiry commencing at 10am on the 19 July and estimated to last for 14 days. The letter outlined the timetable for preparation for the inquiry and directed that the council's Statement of Case had to be submitted by 16 March. The letter makes clear that there are costs implications for failing to keep to the timetable. Given the five week period allowed to prepare and submit the Statement of Case, there was insufficient time to report to Planning Committee about the appeals before 16 March. The Statement of Case has been prepared under the delegated authority of the Director of Planning and Growth. However, it is important for good governance that the Statement of Case is considered by Planning Committee given that these are strategic and major planning applications.
213. The Secretary of State (through a planning inspector) will now decide whether to allow or dismiss the appeals. The inquiry process will be the opportunity for representations to be made to the planning inspector from supporters or objectors to the schemes and the applications are no longer able to be determined by officers or the planning committee. Members are being asked to endorse the submitted Statement of Case at Appendix 1 and the likely reasons for refusal.

Community impact and equalities assessment

214. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
215. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
 216. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
 217. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of considering this application.

Human rights implications

218. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
219. This application has the legitimate aim of redeveloping this site for a mixed use scheme and alterations to listed buildings on the site. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 1214 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Statement of Case
Appendix 2	Pre-application response letters
Appendix 3	Historic England's Statement of Case

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth		
Report Author	Victoria Crosby, Team Leader		
Version	Final		
Dated	4 April 2022		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director of Law and Governance	Yes	Yes	
Date final report sent to Constitutional Team		5 April 2022	

Item No: 5.1 and 5.2	Classification: Open	Date: 19 April 2022	Meeting Name: Planning Committee
Report title:		Addendum Late observations and further information	
Ward(s) or groups affected:		London Bridge and West Bermondsey	
From:		Director of Planning and Growth	

PURPOSE

1. To advise members that the appeals have been recovered by the Secretary of State for his own determination. This means that the appointed planning inspector will report to the Secretary of State rather than decide the appeals herself.

RECOMMENDATION

2. That members note and consider the amended recommendation at number 2) in the recommendations which reflects the change.

FACTORS FOR CONSIDERATION

3. The amendments relate to the following two items on the agenda:

Item 5.1: The council's Statement of Case for appeals in relation to New City Court 4-26 St Thomas Street, SE1 9RS – 2018 scheme (18/AP/4039 and 18/AP/4040).

Item 5.2: The council's Statement of Case for appeals in relation to New City Court 4-26 St Thomas Street, SE1 9RS – 2021 scheme (21/AP/1361 and 21/AP/1364).

Revision to the recommendations

4. The Council has been notified by the Planning Inspectorate that the Secretary of State has decided to determine these planning appeals himself instead of them being decided by an inspector. The reason given by the Secretary of State is that the appeals involve proposals which would have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site. The inquiry will proceed as planned but the inspector will produce a report and recommendation for the Secretary of State who will then decide the appeals.
5. Recommendation number 2) of both reports (see extract below) as published referred to an inspector deciding the appeals:

2) Note that a planning inspector has been appointed to decide the appeals and that a planning inquiry has been listed with a time estimate of 14 days commencing on the 19 July 2022.

6. This recommendation should be updated to the following wording, to reflect the inspector will not be deciding the appeals:

2) Note that a planning inspector has been appointed to report to the Secretary of State and that a planning inquiry has been listed with a time estimate of 14 days commencing on the 19 July 2022.

Conclusion of the Director of Planning and Growth

7. Having taken into account the letter from the Planning Inspectorate, the recommendations to the two reports need updating for part number 2) as set out above. The recommendations otherwise remain that the appeals have been received as set out in part number 1), and in part number 3) ask the Planning Committee to consider and endorse the Statement of Case at Appendix 1 for both reports.

REASON FOR URGENCY

8. The applications have been publicised as being on the agenda for consideration at this meeting of the Planning Committee and applicants and objectors have been invited to attend the meeting to observe. Deferral would delay the process and would inconvenience all those who attend the meeting.

REASON FOR LATENESS

9. The changes to the recommendations have been received since the committee agenda was printed. They all relate to items on the agenda and members should be aware of them.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Law and Governance

10. The appeals have been recovered by the Secretary of State for his own determination. Recovery can occur at any stage of the appeal, even after the site visit, or the inquiry has taken place. In recovered cases, a report will be passed to the Secretary of State to make the final decision, taking into account the Inspector's recommendation.
11. The Secretary of State has considered recovery in line with the criteria set out in a Written Ministerial Statement made on 30 June 2008. The criteria includes the reason why the New City Court appeals have been recovered – *'Proposals which would have an adverse impact on the outstanding universal value, integrity, authenticity and significance of a World Heritage Site.'*

12. The recovery of the appeals by the Secretary of State will have no impact on the preparations for the inquiry or the inquiry itself.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Individual files	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries Telephone: 020 7525 5403