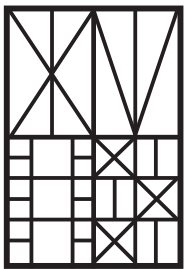


New City Court 2018 Scheme / 2021 Scheme



Proof of Evidence of Chris Goddard

June 2022



December 2018 Planning Application (*Appeal Reference: APP/A5840/W/22/3290473*)

December 2018 Listed Building Consent (*Appeal Reference: APP/A5840/Y/22/3290477*)

April 2021 Planning Application (*Appeal Reference: APP/A5840/W/22/3290483*)

April 2021 Listed Building Consent (*Appeal Reference: APP/A5840/Y/22/3290490*)

CONTENTS

1.0	QUALIFICATIONS AND EXPERIENCE.....	3
2.0	INTRODUCTION AND SCOPE OF EVIDENCE	5
3.0	THE SITE AND CONTEXT.....	9
4.0	THE BACKGROUND TO APPEALS.....	12
5.0	THE APPEAL PROPOSALS	17
6.0	ASSESSMENT OF APPEAL SCHEMES AGAINST THE DEVELOPMENT PLAN	21
7.0	OTHER MATERIAL POLICY CONSIDERATIONS	38
8.0	MATTERS RAISED BY LBS AND OTHERS	42
9.0	PUBLIC BENEFITS AND OTHER MATERIAL CONSIDERATIONS	48
10	THE PLANNING BALANCE AND OVERALL CONCLUSIONS.....	57

1.0 QUALIFICATIONS AND EXPERIENCE

Chris Goddard will say:

- 1.1 I hold the degrees of Bachelor of Arts (with Honours) in Town and Country Planning and Bachelor of Planning from the University of Manchester. I am a member of the Royal Town Planning Institute and a Member of the Royal Institution of Chartered Surveyors (Planning and Development Division).
- 1.2 I have 34 years' experience in the field of town planning. I am a Board Director at DP9, a leading specialist independent planning consultancy. Prior to joining DP9 in 2014, I was National Head of Planning, Development and Regeneration at GVA (now Avison Young), where I was involved in major urban development projects throughout the UK, and before that I was a Senior Director at CBRE involved in a range of retail and mixed-use developments.
- 1.3 Since joining DP9 I have been responsible for a range of projects within greater London, including a range of mixed-use retail, commercial and residential developments.
- 1.4 My current and recent clients include GPE, London and Regional, Stanhope, Tottenham Hotspur Football Club, Areli Real Estate, the Madison Square Garden Company, Bicester Village, Westfield, Battersea Power Station, Delancey, Lendlease, London Newcastle, British Land, Capco, Benson Eliot, UK and European, Native Land, Regal Homes, Galliard Homes, Cubitt Property Holdings Ltd, Barratt London, The Secretary of State for Housing, Communities and Local Government, J Saffra Real Estate and Great Wolf Resorts.
- 1.5 I have advised a wide variety of private and public-sector clients on projects in London and throughout the UK. I have given evidence on planning matters at more than 70 major public inquiries, including appeals, call ins, local plan, enforcement, and compulsory purchase inquiries. These have involved the full range of planning issues

raised by all types of commercial, residential, sports, cultural, leisure and mixed-use development, including numerous schemes involving tall buildings, design, access, amenity, listed buildings and townscape and heritage matters.

- 1.6 My cases in London over the past 7 years have traversed the full range of planning and heritage issues raised by significant new development proposals in central London locations, and include the redevelopment of the Whitechapel Estate, the Chiswick Curve, 225 Marsh Wall, Vauxhall Cross, 15 Clerkenwell Close, Westferry Printworks, The UK Holocaust Memorial and Learning Centre, and the Tulip.
- 1.7 I am familiar with the Appeal Site and the surrounding area, which I have visited on several occasions. I was not personally involved in the Applications to which this Appeal relates, which were led by another Director at DP9. I was instructed following the decision to Appeal, and before accepting the instruction I undertook my own independent review of the case in order to satisfy myself that there is a sound planning case for the Proposed Developments.
- 1.8 I have read all the relevant background information and have been assisted by the same colleagues who worked on the planning applications and made such enquiries as I consider to be necessary to fulfil my duties as an expert witness. I confirm that my evidence to this Inquiry has been prepared and is given in accordance with the guidance of my Professional Institutions and I confirm that the opinions expressed are my true and professional opinions.

2.0 INTRODUCTION AND SCOPE OF EVIDENCE

Introduction

- 2.1 I am instructed by GPE (St Thomas) (the "Appellant") in respect of proposals ("the Proposed Development") for the comprehensive redevelopment of New City Court, 4-26 St Thomas Street (the "Site").
- 2.2 This Inquiry concerns four recovered appeals, in respect of two different pairs of applications, each involving a full planning application and a listed building application (the "Applications or Application") for planning full permission and listed building consent. The conjoined appeals are referred to in this Proof of Evidence as "the Appeals" or the "Appeal".
- 2.3 I attach as Appendix 1 a letter from Mr Toby Courtauld, CEO of GPE, who explains GPE's track record in London and Southwark, and commitment to delivering high quality sustainable developments providing much needed prime Grade A floorspace in line with changing occupiers requirements. Mr Courtauld confirms that GPE fully supports both Schemes and would build either one if consented.
- 2.4 The Appellant's case is that either Application would result in a development of the highest architectural quality which would complement the vision for the regeneration of London Bridge, both schemes are acceptable in planning terms, and both would deliver significant planning benefits. However, each Appeal falls to be considered on its own merits
- 2.5 Appeal Ref 18/AP/4039 and 18/AP/4040 (the 2018 Scheme) comprises the comprehensive redevelopment of the Site for a mixed use development comprising a 37 storey building of a maximum height of 144 m (AOD), restoration of the listed St Thomas St terrace and redevelopment of Keats House with retention of the façade and associated works.
- 2.6 Appeal Ref 21/AP/1361 & 21/AP/1364 (the 2021 Scheme) relates to the same site and is also for a comprehensive mixed use redevelopment including erection of a 26 storey building of a maximum height of 108 m (AOD) restoration of the listed St Thomas St

terrace and redevelopment of Keats House with retention of the façade and associated works.

- 2.7 Together, the 2018 Scheme and 2021 Scheme are referred to in this Proof of Evidence as the “Appeal Schemes”
- 2.8 The full description of development and schedule of areas for each Appeal Scheme is set out in the Planning Statement of Common Ground (SOCG), and the two schemes are described in more detail in the design evidence of Simon Allford prepared on behalf of the Appellant.
- 2.9 Following the Appellant’s decision to appeal against non-determination, the London Borough of Southwark (LBS) issued its Statement of Case (SOC) for each Appeal Scheme (CDI.03 and CDI.04 respectively) on 20 March 2022. These documents set out the Council’s case in respect of each Appeal Scheme which is based on alleged heritage harms, poor design, harm to townscape and local character, and amenity, and the lack of a legal agreement to secure mitigation and policy compliance.
- 2.10 Servicing arrangements in respect of the 2018 Scheme are not identified as a reason for refusal, but the LBS SOC for the 2018 Scheme states that servicing arrangements have not been resolved to the satisfaction of TfL. Otherwise, while the design approach and height and massing of both Appeal Schemes are materially different, the main issues before this Inquiry are common to both Appeals.

Scope of the Appellant’s evidence.

- 2.11 The Appellant’s evidence examines the Appeal Schemes against the development plan and other material considerations, including the public benefits which each would deliver. The Appellant’s evidence is given by:-
- i) Mr Simon Allford of AHMM on design and architectural matters;
 - ii) Mr Peter Stewart of The Townscape Consultancy (formerly Peter Stewart Consultancy) on townscape and heritage matters; and

- iii) Mr Russell Vaughan of Transport Planning Practice (TPP) on transport and servicing

2.12 My evidence deals with planning matters, and the planning policy framework within which these Appeals fall to be determined. Specifically, my evidence addresses their degree of consistency with the development plan, supplementary guidance and other material considerations, the public benefits which each would deliver, and the overall planning balance in each case.

2.13 My evidence is set out as follows:-

- i) In the next section I describe the Site, having regard to the local context and the existing character and uses and any relevant planning designations;
- ii) In Section 4 I describe the background to these Appeals and the matters in dispute;
- iii) In Section 5 briefly I describe the key attributes of Appeal Schemes (by cross reference to the design and townscape evidence);
- iv) In Section 6 I assess both Appeal Schemes against the relevant provisions of the development plan;
- v) In Section 7 I consider other material policy considerations in respect of each Appeal;
- vi) In Section 8 I address the putative reasons for refusal and other objections;
- vii) In section 9 I describe the public benefits which each of the Appeal Schemes would deliver; and
- viii) In Section 10 I carry out the planning balance in respect of both Appeal Schemes and set out my overall conclusions in respect of each.

2.14 My evidence is supported by a number of Appendices as follows:

1. Appendix 1. Letter from Toby Courtauld, CEO of GPE, dated 20 June 2022 including the following appendices:
 - a) Appendix A: GPE Project Case Studies;
 - b) Appendix B: GPE “Statement of Intent for 2030 – the Time is Now”;
 - c) Appendix C: GPE “Our roadmap to Net Zero”;
 - d) Appendix D: GPE “Social Impact Strategy”;
 - e) Appendix E: GPE “Our Guiding Principles for Design”; and
 - f) Appendix F: GPE “Sustainable Development Brief”.
2. Appendix 2. Market Overview and Demand Analysis, prepared by JLL/Cushman & Wakefield (C&W)
3. Appendix 3. 2018 scheme energy hierarchy review, prepared by Chapman BDSP
4. Appendix 4. New City Court BREEAM review, prepared by Chapman BDSP
5. Appendix 5. Note on Daylight, Sunlight and Overshadowing, prepared by Gordon Ingram Associates (GIA)
6. Appendix 6. Socio-Economic Benefits Statement, prepared by Volterra
7. Appendix 7. Letter from Estates Director, Kings College, dated 17 September 2021

2.15 My evidence draws upon and adopts the Appellant’s architecture, townscape and heritage, and transport and agreed matters set out in the Planning Statement of Common Ground (SOCG). I also refer to Core Documents (CD’s) where relevant.

3.0 THE SITE AND CONTEXT

- 3.1 The Site and surrounding area are described in detail in the Design and Access Statements (DAS) (CDA.06, CDB.08 and CDB.43), the Planning SOCG and in the design and heritage evidence. Accordingly, in this section I summarise what I regard as the most relevant considerations from a planning perspective.
- 3.2 The Site is situated to the south of St Thomas Street and east of Borough High Street, with Guy's Hospital situated to the east and King's Head Yard to the south. The majority of the Site is occupied by the early 1980s offices of New City Court (no. 20 St. Thomas Street). As accepted by LBS, the existing building is of little architectural merit.
- 3.3 To the immediate east of the St Thomas Street entrance of New City Court is Keats House (24-26 St Thomas Street), which comprises an unlisted four-storey office building (Class E) with a basement level, constructed in the 1980s. The only feature of the building which contributes to the character of the area is the retained red brick and stone Italianate-style façade, constructed in the mid-late 19th Century.
- 3.4 To the west of the main entrance along St Thomas Street is a row of Grade II listed Georgian terrace buildings (4-16 St Thomas Street). The buildings were constructed in the early 19th Century and are currently in office use (Class E). Despite their Grade II listing, the buildings have been heavily altered both internally and externally, with the listing largely based on the heritage significance of the St Thomas Street façade and they would benefit from restoration.
- 3.5 The context includes an established tall building cluster around London Bridge, comprising the Shard (312.7m AOD), Guy's Tower (143m AOD) and Shard Place (100.9m AOD). Further tall buildings are consented, including Greystar's Capital House proposals on Weston Street (137.9m AOD) and EDGE's Becket House, also on St Thomas Street (113.7m AOD) and the recently approved Vinegar Yard Scheme. Further developments are in the pipeline. This changing context is described in more detail in the design and townscape evidence.

- 3.6 The Site forms part of a prominent strategic location within the London Bridge, Borough and Bankside Opportunity Area (LBBBOA), Central Activities Zone (CAZ), and London Bridge District Town Centre. The Bankside and Borough Area Vision in the New Southwark Plan 2022 (NSP) notes that the area is characterised by old buildings intermingled with modern architecture, and identifies the area as a globally significant central London business district.
- 3.7 The Site benefits from the highest Public Transport Accessibility Level (PTAL) rating of 6b, largely attributed to its close proximity to London Bridge Station. For these reasons, the site is ideally located for a mixed use office led redevelopment. The Bankside and Borough Vision seeks to build on these excellent transport links to consolidate the area as part of the CAZ as an international destination for business headquarters, small businesses, tourism and transportation.
- 3.8 Paragraph 7 of the supporting text to the NSP Policy P17 which relates to tall buildings states that The Shard has formed a new pinnacle within the existing cluster of tall buildings around London Bridge Station and Guy's Hospital, which has 'redefined the skyline of the area', making London Bridge a focus for new tall building development. As such, up to date planning policy supports the character of the area and skyline changing with the introduction of more tall buildings.
- 3.9 The Site falls within the SC1 Life Science District, which is an initiative founded by Kings Health Partners, Guys and St Thomas' Foundation and Lambeth and Southwark Councils. The Strategy for SC1 seeks to create significant new spaces for health and life sciences, increase employment opportunities, support new innovative business, develop cultural programmes and build a world recognised home for life sciences innovation. As my evidence will demonstrate, the Appeal Schemes would contribute towards these objectives.
- 3.10 The Site is situated within the Borough High Street Conservation Area and the Borough, Bermondsey and Rivers Archaeological Priority Zone, and there are a number of listed buildings in the vicinity as identified in the Planning SOCG. Notwithstanding the number of designated heritage assets in this area, as my evidence will demonstrate, the NSP supports the redevelopment of the Site, and the principle of tall buildings in this

location as part of a planned transformation of the area as an emerging tall buildings cluster.

Planning History

- 3.11 The Site has an extensive planning history, predominantly relating to planning applications and listed building consent applications for minor alterations to the existing buildings since the construction of New City Court in the 1980s. Full details are set out in the Planning SOCG.

Summary

- 3.12 The Site is located within the London Bridge, Borough and Bankside Opportunity Area (LBBBOA), Central Activities Zone (CAZ), and London Bridge District Town Centre. The Site has the highest possible PTAL rating reflecting its excellent accessibility. The existing 1980's office building on the Site is of no architectural merit and fails to make the most effective use of the Site.
- 3.13 The Site is within an existing and emerging cluster of tall buildings, including the Shard, which have redefined the skyline of this area. The development plan identifies the area as being an appropriate location for more tall buildings, notwithstanding and taking into account that the Site is also situated within the Borough High Street Conservation Area and there are a number of important designated heritage assets in the immediate vicinity and wider context.

4.0 THE BACKGROUND TO APPEALS

- 4.1 The chronology of the Application is set out in the Planning SOCG. Accordingly, in this section I summarise the chronology of events and the extensive pre and post application consultation which was undertaken, in accordance with best practice.

The 2018 Scheme

- 4.2 The planning and listed building consent applications for the 2018 Scheme were validated in January 2019. The Appellant undertook a full programme of consultation with LBS, statutory consultees, local residents and other key stakeholders prior to the submission of the 2018 Scheme applications. These are detailed in the Planning SOCG and accordingly this section provides an overview of the measures taken to engage with these parties.
- 4.3 A total of 22 pre-application meetings were held with LBS officers between the 27th August 2015 and 22nd November 2018. In addition, the proposals were presented to the Greater London Authority (GLA) and Transport for London (TfL) on a number of occasions.
- 4.4 The Appellant consulted with a number of key stakeholders, including Historic England, Historic Royal Palaces, Southwark Cathedral, local amenity groups, and other local stakeholders and carried out a number of public consultation exercises prior to the submission of the Applications.
- 4.5 The GLA Stage 1 Referral in respect of the 2018 Scheme (CDG.02) gives strong in-principle support to the 2018 Scheme. The Report concludes that the application did not yet fully comply with the London Plan and (then) draft London Plan, primarily relating to servicing arrangements, but identifies possible remedies which could address those deficiencies.

4.6 Specifically, the GLA Stage 1 referral states that:-

- i) The principle of the proposed office led mixed use redevelopment within the CAZ and Opportunity Area and Town Centre is strongly supported;
- ii) The development layout is strongly supported and the height and massing is acceptable in strategic terms, noting associated strategic views and heritage considerations.
- iii) Overall, the scheme is of a high design and architectural quality;
- iv) There is no alternative appropriate servicing strategy for the scheme; and
- v) Whilst the application would result in a degree of harm to the setting of the Tower of London WHS and other designated heritage assets, this harm would be less than substantial, and would be outweighed by the wider public benefits associated with the scheme.

4.7 Despite the GLA raising no in principle objection in this referral, TfL has subsequently objected to the proposed servicing arrangements in the 2018 Scheme.

4.8 A number of additional responses are relevant. CABE (CDC.09 and CDC.010) was broadly supportive of the proposals, as a ‘huge improvement in design terms on the existing built fabric on the site and a significant contribution to the economic and social life’ of this area, but highlighted areas which warranted further consideration. The design response to consultation is set out in the design evidence of Simon Allford.

4.9 Historic England (HE), now a Rule 6 party to the Appeals, recognised ‘the potential for this scheme to deliver a positive change to the Borough High Street Conservation area, particularly in the removal of the 1980’s office building and improvements to the listed buildings on the site’ (see (CDC.05)). However, HE objected to the proposals due to ‘the harm, which in some cases we consider to be bordering on substantial, to a range of designated heritage assets, including those of national and international significance’.

4.10 The Southwark Cathedral Fabric Advisory Committee identified concerns about the effect of the development on the Grade 1 listed Cathedral and the surrounding Conservation Area. Other objections were received from a number of consultees,

including Historic Royal Palaces (HRP) and the City of London (CoL). These relate to design and heritage matters which are all addressed in the design and heritage evidence.

The 2021 Scheme

- 4.11 The Applications for the 2021 Scheme were validated in April 2021. The Applications were intended to address concerns raised in respect of the 2018 Scheme and present what the Appellant considers to be an equally appropriate alternative design solution to securing the redevelopment of the Site, delivering similar public benefits.
- 4.12 The 2021 Application was the subject of pre and post application discussion, details of which are set out in the SOCG, with a summary provided within this section. In total, 5 pre-application meetings were held with LBS officers between 15th October 2020 and 7th April 2021. The proposals were also presented to the GLA and TfL on 9th February 2021. A follow-up meeting with GLA design officers was held on 19th March 2021.
- 4.13 The Appellant again undertook an extensive programme of consultation with key stakeholders at pre-application stage, including HE, HRP, Southwark Cathedral, local amenity groups, and other local stakeholders. Several public consultation exercises were carried out prior to the submission of the Applications.
- 4.14 With regards to GLA feedback, the GLA Stage 1 Referral in respect of the 2021 Application (CDG.03) confirmed strong support for the principle of an office-led mixed-use redevelopment within the CAZ and an Opportunity Area. The Report noted that further consideration would be given at the Mayor's decision-making stage regarding the harm caused by the proposals to the heritage assets surrounding the Site, which would be balanced against the public benefits provided by the scheme.
- 4.15 The Report concluded that the Application did not yet fully comply with the London Plan, but that the application could be acceptable in strategic planning terms if the concerns raised were addressed. These matters are all addressed in the Appellant's evidence.

- 4.16 A separate response was subsequently issued by TfL (CDC.023) confirming that, on balance, the proposals accord with London Plan policy in terms of strategic transport, subject to securing appropriate mitigation.
- 4.17 Following a presentation to the HE's London Advisory Committee (LAC) in June 2021, a response was issued by HE in July 2021 (CDC.018). Although acknowledging the heritage benefits associated with the removal of the 1980s infill building and restoration of the listed Georgian terrace, HE objected to the proposals, principally due to the perceived 'severe harm' to the Borough High Street Conservation Area, and the Grade II* listed Guy's Hospital.
- 4.18 A letter of support was received from Southwark Cathedral (CDC.016) following a presentation to the Southwark Cathedral Fabric Advisory Committee in May 2021. HRP raised no objection to the proposals (CDC.017). No response was issued by City of London which previously objected to the 2018 Scheme.
- 4.19 Despite the Appellant's efforts to respond to issues raised and seek to engage with the LBS at all levels to secure a form of development which would be acceptable to LBS it became clear in late 2021 that it would not be possible to secure LBS support for any acceptable and deliverable form of development on the Site or secure a timetable towards a Committee. Accordingly, the Appellant advised LBS that it had reluctantly decided to appeal both Applications.
- 4.20 The Appellant lodged both Appeals against non-determination in January 2022 i.e. 3 years after the 2018 Applications were validated and 9 months after the validation of the 2021 Applications.

Summary

- 4.21 The Applications to which these Appeals relate were validated in January 2019 and April 2021 respectively. Both were the subject of extensive pre and post submission consultation with the public, statutory consultees and other stakeholders, reflecting good practice and the approach required by the National Planning Policy Framework (NPPF).

- 4.22 HE, HRP, TfL Southwark Cathedral and CoL objected to the 2018 Scheme. Despite these objections, this Application was strongly supported by the GLA in its Stage 1 Referral, subject to further details on servicing arrangements and appropriate planning conditions.
- 4.23 Whilst HE also objected to the 2021 Scheme, this Scheme attracted support from Southwark Cathedral, and no objection from HRP/TfL or CoL. Some concerns were raised by the GLA in relation to the proposed design in the Stage 1 Referral issued in relation to the 2021 Scheme but the GLA remained supportive of the proposals.
- 4.24 Despite the Appellant's efforts to secure a form of development which would be acceptable to LBS, it became clear in late 2021 that it would not be possible to secure LBS support for any acceptable and deliverable form of development on the Site, or a clear timetable for determination at Committee and therefore the Appellant decided to appeal all of the Applications in January 2022.

5.0 THE APPEAL PROPOSALS

The 2018 Scheme

- 5.1 A description of the 2018 Scheme is included in the Planning SOCG and set out in detail in the design evidence prepared by SA. Accordingly in this section I summarise the main elements of the proposals which are relevant to my planning evidence.
- 5.2 The 2018 Scheme includes the demolition and removal of the existing 1980s components of the Site and construction of a 37-storey building (including ground, mezzanine and two storeys of plant) extending to 144m AOD.
- 5.3 A hub space would be provided at 21st and 22nd floor level with a 200+ seater auditorium and outdoor terrace for both office and wider commercial use, as well as community events and meetings, alongside an elevated double height public garden (accessible free of charge) at fifth and sixth floor level with a café/restaurant and outdoor terrace. The elevated public garden would have a dedicated lift access.
- 5.4 A breakdown of the 2018 Scheme's proposed floorspace is provided in the Planning SOCG. Due to the timing of the submission of the Application, the use classes in force at the time remain applicable. In summary, the 2018 Scheme would provide 46,374 sq m GIA of office floorspace alongside retail, food and beverage, gym, public garden and auditorium with outdoor terrace.
- 5.5 The 2018 Scheme includes the restoration and refurbishment of the listed Georgian terrace along St Thomas Street to provide retail and office accommodation, including affordable retail and affordable workspace provision. Keats House would be reconstructed as a standalone building with a retained façade, providing office and food & drink floorspace, details of this process are set out in the evidence of Simon Allford.
- 5.6 The 2018 Scheme would include new public realm and pedestrian routes, providing enhanced connectivity through the provision of a new entrance to London Bridge Underground Station and a new public square. The square and new public routes would benefit from high-quality landscaping, trees and street furniture, as detailed in the

evidence of Simon Allford. The 2018 Scheme would be predominately car-free, with the exception of two blue badge car parking spaces. Cycle facilities would be provided for employees and visitors, with a total of 1,322 cycle parking spaces, 447 lockers and 70 showers.

- 5.7 The reconstruction of Keats House approximately 2.7m to the west would facilitate service access onto the Site from a holding area on St Thomas Street for HGVs and refuse vehicles. LGVs and cars would access an on-site loading bay at basement level via White Hart Yard. Two vehicle lifts are proposed to be installed at the rear of the Scheme to allow for servicing and delivery access at lower basement level, as well as providing access to the accessible parking spaces.

The 2021 Scheme

- 5.8 A full description of the 2021 Scheme and details of the floorspace breakdown are set out in the Planning SOCG and the evidence of Simon Allford. The 2021 Scheme relates to the same Site and comprises the comprehensive redevelopment of the 1980's buildings for an office led mixed use development. The Scheme would deliver 55,461 sq m GIA, including office floorspace, affordable workspace, flexible office/retail floorspace and a rooftop garden, together with high quality public realm.
- 5.9 The 2021 Scheme includes the creation of a new entrance to London Bridge Underground Station, and the restoration of the Georgian Terrace. These are significant public benefits common to both schemes. The 2021 Scheme would also be predominantly car free, with the exception of two blue badge spaces, and includes provision for 1,322 cycle parking spaces.
- 5.10 As described in the evidence of Simon Allford, the 2021 Scheme provides an alternative architectural solution to development on Site which delivers comparable public benefits in a different manner to the 2018 Scheme, responding to comments raised by LBS and others in respect of the 2018 scheme. Like the 2018 Scheme, the new building is of exemplary architectural quality as I would expect of a practice of the calibre of AHMM.
- 5.11 The main differences from the 2018 Scheme are the reduced height of the new building, which comprises a 26-storey building extending to 108m (AOD), the larger built

footprint, and the provision of alternative servicing arrangements from St Thomas Street facilitated by the redevelopment of Keats House approx. 6m to the west behind a retained and relocated façade. The 2021 Scheme also includes a substantial publicly accessible rooftop garden, in place of the hub space and 5/6th floor public garden in the 2018 Scheme.

- 5.12 Owing to the chronology of the design and evolution of the two schemes and changing policy requirements and expectations in terms of sustainability, there are differences between the Appeal Schemes as submitted in respect of the provision of affordable workspace, energy strategy, sustainability and information on embodied carbon.
- 5.13 However, as noted in the evidence of Simon Allford (and reflected in my review of both schemes against current development plan policies in the following section), both the 2018 and 2021 schemes are able to meet comparable, exemplary standards of sustainability and policy compliance, which would be secured by planning conditions and s106 obligations.
- 5.14 This reflects the commitment of GPE, as one of the leading investors and developers of prime office floorspace in London, to deliver very high quality sustainable buildings. The letter from Mr Toby Courtauld which I reproduce at Appendix 1, explains GPE's environmental and sustainability credentials, and makes clear that whichever Scheme is delivered, New City Court will be a pioneer project setting exemplary standards of sustainability.
- 5.15 As such, while the height, massing, public realm and servicing arrangements of the two schemes are materially different, and have different impacts as detailed in the design, townscape, heritage and transport evidence, there are no other material differences between the Appeal Schemes which have any material bearing on their compliance with policy or relevant standards. Either Scheme would deliver a high quality, sustainable building providing new high quality office floorspace and associated complementary uses which policy encourages in this location.
- 5.16 Common to both the 2018 and 2021 Schemes, a standalone planning application would be required to make good the party wall between Conybeare House and Keats House once Keats House is relocated as well as for some of the TfL station works. These works

do not form part of either Appeal Scheme but would fall to be consented at a local level in the event of a positive appeal decision in respect of one or both Appeals.

Summary

- 5.17 Both Appeal Schemes involve the redevelopment of the existing 1980's building currently on the Site with a high quality, sustainable office led mixed use development of exemplary architectural quality. Both proposals would optimise the use of the Site and deliver a significant increase in high quality office accommodation and other uses appropriate for this highly accessible town centre location.
- 5.18 Both proposals include the provision of high-quality public realm, including new public squares, giving increased permeability and a publicly accessible elevated garden, are car free, and include the provision of a new entrance to London Bridge Underground Station. Both Appeal Schemes also include the restoration of the Grade 2 listed Georgian Terrace.
- 5.19 As noted in the evidence of Simon Allford, the Appeal Schemes provide alternative and very different architectural solutions to deliver public benefits. While the height, massing, public realm and servicing arrangements of the two schemes are materially different and have different impacts both Schemes are able to meet comparable, exemplary standards of sustainability and policy compliance.

6.0 ASSESSMENT OF APPEAL SCHEMES AGAINST THE DEVELOPMENT PLAN

Overall Approach

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where in making any determination under the Town and Country Planning Act 1990 regard is to be had to the development plan, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 6.2 The courts have considered the meaning of ‘in accordance’ with the development plan on numerous occasions, and more recently in *Corbett v Cornwall Council* [2020] EWCA Civ 508 (CDH.08). This case reaffirms that the task of the decision-maker is to consider the development plan as a whole and that breach of a single policy in the plan does not necessarily mean that there isn’t accordance with the plan when read as a whole. The judgment recognises that individual policies may pull in different directions in which case a decision falls to be made as to which policies should be given more weight.
- 6.3 Both Appeals fall to be considered against the development plan which for the purposes of Section 38(6) of the Act 2004 comprises:
- The London Plan, adopted March 2021 (the ‘**LP**’); and
 - The New Southwark Plan, adopted February 2022 (the ‘**NSP**’)
- 6.4 In this Section I address the extent to which both Appeal Schemes comply with current development plan policies and in the case of the 2018 Scheme which predates some the current policies, the relevance of any non-compliance and whether it can be secured by way of appropriate conditions or s106.

The Principle of Development

- 6.5 The LBS SOC for both Appeal Schemes (CDI.03 and CDI.04) confirms that the existing building is of little merit. The HE consultation responses to both schemes (CDC.05 and CDC.018) also acknowledges the potential benefits of replacing the existing 1980's scheme on the Site. The GLA stage 1 referral for both Appeal Schemes (CDG.02 and CDG.03) strongly supports the principle of the development. Therefore there is no objection, in principle, to the redevelopment of the Site.
- 6.6 The evidence of Simon Allford concludes that the existing building is of no particular merit and fails to make the most efficient use of the Site. For the avoidance of doubt on this issue, the Planning SOCG confirms that the principle of demolition of the existing 1980s element of the Site is acceptable.
- 6.7 The LP provides clear 'in principle' support for high quality, well designed sustainable new development which supports London's economy and new employment opportunities. Policy GG2 seeks to make the best use of land, particularly in accessible locations within opportunity areas and town centres. Policy GG5 seeks to conserve and enhance London's global economic competitiveness and supports the development of new employment space.
- 6.8 LP policy SD1 seeks to realise the growth and regeneration potential of opportunity areas. The Site falls within the LBBBOA within Central London which the LP describes as 'a key driver for both London's economy and the UK economy as a whole'. Policy SD4 states that the nationally and internationally significant office functions of the CAZ should be supported and enhanced. Policy SD5 reinforces the importance attached to offices and other strategic functions of the CAZ and Policy SD6 highlights the importance of promoting and enhancing the vitality and viability of town centres and the nighttime economy.
- 6.9 Within this context of overarching support and encouragement for growth and intensification in this area, LP Policy D3 states that all developments **must** (my emphasis) make the best use of land by following a design led approach that optimises the capacity of sites. The design evidence of Simon Allford demonstrates that the design approach accords with requirements of Policy D3 in respect of form and layout, experience and quality and character, including circular economy principles. I return to the other LP design policies below.

- 6.10 Subject to the detailed policy provisions of the LP, which I address below, including design and heritage considerations, I consider the principle of the redevelopment of the site for a more intensive, office led mixed use redevelopment is strongly supported by the LP. This accords with the conclusions of the GLA Stage 1 Referrals.
- 6.11 NSP Policy P18 is consistent with the LP policies which highlight the need to make efficient use of sites. It states that development will be permitted that optimises land use, does not unreasonably compromise development potential or legitimate activities on neighbouring sites, and provides adequate servicing facilities, circulation spaces and access to, from and through the site. The Appellant's design and transport evidence demonstrates that both Appeal Schemes meet these criteria.
- 6.12 NSP Policy P30 requires proposals involving new office floorspace to retain or increase the amount of employment floorspace on the site, and Policy P31 requires the provision of affordable workspace. I address both policies below, but they further support the principle of redevelopment for more intensive employment and other uses which are deemed appropriate and desirable in this location.
- 6.13 In these circumstances I conclude that the principle of the redevelopment of the 1980's office building for a more intensive, office led scheme as proposed in both Appeal Schemes is strongly supported by the development plan.

Land Use

- 6.14 The Planning SOCG confirms that the proposed intensification of office use is acceptable and welcomed in this location. The proposed land uses in both the 2018 and 2021 Schemes comply fully with the LP. In addition to LP Policies GG1, GG5, SD1, SD4, SD5 and SD6, LP Policy E1 expressly supports increases in the current stock and improvements to the quality, flexibility and adaptability of office space in the CAZ.
- 6.15 LP Policy E2 supports the provision of a range of B Class use, including flexible workspace or smaller units, and Policy E8 supports sector growth opportunities and clusters. Policy E9 supports the provision of new retail uses in town centres in line with

the objectives of strategic Policies SD6, SD7, SD8 and SD9. By creating new public spaces and visitor attractions, both Schemes would also contribute to the objectives of Policy E10 which relates to Visitor Infrastructure.

- 6.16 The NSP recognises that most new development in the Borough will happen in the Opportunity areas. Policy ST1 sets a policy objective to deliver 46,000 sq m of new office space, including 19,670 sq m within the within the CAZ, and 58,000 new jobs, with a target of 10,000 of these within the BBLBOA.
- 6.17 NSP Policy AV.02 sets out the vision for Bankside and The Borough area, which seeks to, inter alia ‘continue to consolidate Bankside and The Borough Area as part of the London Central Activities Zone; an international destination for business headquarters’ and to ‘improve the number and quality of local open spaces, squares and public realm’.
- 6.18 NSP Policy AV.11 sets out the London Bridge Area Vision which identifies London Bridge as ‘a globally significant central London business district’ where development should ‘attract global commerce with headquarter and local offices’ and create a distinctive and inspiring world class environment, including a mix of ‘inspiring new architecture’.
- 6.19 NSP Policy P30 supports the principle of office and business development within the CAZ and town centres and states that development must retain or increase the amount of employment floorspace on site, promote the integration of homes and employment space in mixed use developments, and provide a marketing strategy for the use and occupation of the employment space to be delivered to demonstrate how it will meet current market demand.
- 6.20 Both Appeal Schemes optimise the use of the Site and deliver a significant (and broadly comparable) increase in office floorspace which supports national, LP and NSP policies for town centres, opportunity areas, the CAZ and the London Bridge Area. The need for new high quality office floorspace in this area is clearly recognised in the development plan.
- 6.21 The particular need for high quality grade A office floorspace is highlighted in the letter

from Mr Toby Courtauld of GPE (Appendix 1) which highlights the nature of changing occupier demand and demonstrates that the supply of grade A office floorspace in London is falling and there is significant pent up demand for new high quality ‘amenity rich’ space, particularly in Southwark. Mr Courtauld records that Southwark ranks amongst the lowest City submarket for new build vacancy, and occupiers are becoming increasingly selective. Mr Courtauld also notes the Schemes would provide affordable workspace which would support the emerging SC1 innovation District/Life sciences Cluster.

- 6.22 The strength of occupier demand, and relative shortage in available supply to meet changing occupiers requirements is further demonstrated in the Market overview and Demand Analysis prepared by JLL/Cushman & Wakefield which I attach as Appendix 2. This identifies the pent up demand and constrained supply of best in class highly sustainable office buildings with great amenity in London generally and Southwark in particular and demonstrates how either scheme would respond to a clearly defined need and occupier demands.
- 6.23 In addition to the clearly identified need for more, and in particular better quality office floorspace, both the LP and NSP support new retail and other town centre uses within defined town centres, recognising that such uses sustain and enhance their vitality and viability and support the evening economy. NSP Policy P35 sets out a series of criteria, which require, inter alia, that; the scale of retail development is appropriate to the role and catchment of the centre; development should not harm the amenity of surrounding occupiers; and developments should provide active frontages.
- 6.24 NSP Policy P32 requires the retention of small shops and new development to provide at least 10% of the space in small shops, which the Appeal Schemes would deliver. Developments over 100 sq m should provide free public toilets, drinking fountains and seating. Both Appeal Schemes include seating within the public realm and public toilets within the elevated public garden/roof garden. In accordance with this Policy, the Appellant proposes to include the provision of drinking fountains which is anticipated to be secured by way a planning condition.
- 6.25 Both Appeal Schemes meet the land use requirements set out in the LP and the NSP, as confirmed in the Planning SOCG which states that the intensification of office use is

acceptable and welcomed in this location. In these circumstances, I consider that in land use terms both Appeal Schemes are strongly supported by the development plan.

Access to employment and training and Affordable workspace

- 6.26 NSP Policy P28 requires the Appeal Schemes to provide training and jobs for local people during the construction stage and within the final development of the Appeal Schemes and allow local businesses to tender for goods and services both during and after construction. These benefits would be secured by a s106 agreement.
- 6.27 LP Policy E3 supports the use of obligations to secure affordable workspace at rents below market rates in certain circumstances, including where required by a Local Development Plan Document.
- 6.28 NSP Policy P31 seeks the retention of small and independent businesses and the delivery of affordable workspace. Developments proposing over 500 sq m GIA employment floorspace must deliver at least 10% as affordable workspace on site at discount market rents, where feasible, secured for at least 30 years and of a type and specification that meets local needs, particularly for existing small and independent businesses at risk of displacement. Developers are expected to collaborate with stakeholders to identify nominated businesses.
- 6.29 The 2021 Scheme would deliver 10% affordable workspace and therefore meets current policy requirements. As originally envisaged, the 2018 Scheme did not meet these requirements as Policy P31 was not in place. However, due to the more recent policy requirement, the Appellant has agreed to provide an additional floor of the new office space proposed would comprise affordable workspace, and this is included with the s106 Agreement. This would secure 9.7% of the floorspace as affordable workspace which I would regard as being substantially in accordance with the policy requirement. The evidence of Simon Allford describes how this would be achieved within the current design.
- 6.30 The existing 1980's development contains no affordable workspace, and the new affordable workspace would be secured at discounted rents for at least 30 years. In these circumstances, I consider that subject to the proviso noted above, the quantum of

affordable workspace included in both Appeal Schemes is strongly supported by planning policy.

Design Quality

- 6.31 LP Policy D1 advises boroughs to define the characteristics, qualities and values of different places to understand their capacity for growth. As noted previously, LBS has identified the area in which the Site is located as an emerging tall buildings cluster and an area for major growth. LP Policy D2 requires that the density of development proposals consider current and future infrastructure and be proportionate to a site's connectivity. The Site is highly accessible, and both Appeal Schemes would deliver significant new transport infrastructure improvements.
- 6.32 LP Policy D3 seeks to optimise site capacity following a design led approach. LP Policy D4 relates to delivering good design and D5 relates to inclusive design. LP Policy D9 is also particularly relevant in this case.
- 6.33 NSP Policies P13 and P14 relate to design of places and design quality and set out a series of criteria. The design and townscape evidence demonstrates that while the 2018 and 2021 Schemes represent different design solutions to make the most efficient use of the Site, both schemes would be of the highest architectural quality and complement the existing and emerging tall building cluster within London Bridge.
- 6.34 In these circumstances, I consider both Appeal Schemes accord with and are supported by the design policies of the development plan.

The principle of a Tall Building

- 6.35 LP Policy D9 requires boroughs to determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting the other requirements of the LP.
- 6.36 The Site is within a location which is identified in the NSP as being suitable for tall buildings. The supporting text to NSP Policy P17 acknowledges that well designed tall buildings located in the right place can be an important component in contributing to Southwark's regeneration, raising density and creating new open space. Supporting

Paragraph 7 states that the areas of Blackfriars Road, Bankside and London Bridge provide an established height for tall building clusters set back from the river with a number of prominent buildings visible on the skyline, and states that the Shard has ‘redefined the skyline of this area’.

6.37 In these circumstances a site-specific allocation for a tall building is not a prerequisite for compliance with Policy D9 or the development plan. Even without the ‘in principle’ support for a tall building in this location afforded by the NSP, the acceptability of the proposed tall building would in any event fall to be considered against the criteria in part C of LP Policy D9, as acknowledged in the Planning SOCG.

6.38 This conclusion is supported by the recent Master Brewer ‘Hillingdon’ case [2021] EWHC3387 (Admin) (CDH09) which found that Part B of Policy D9 should not be read as a gateway policy, and where sites are not identified for tall buildings, they should be assessed against the criteria in part C of the LP. The judgment of Mrs Justice Lang at Paragraphs 81 and 82 states:-

81. Read straightforwardly, objectively and as a whole, policy D9:

i) requires London Boroughs to define tall buildings within their local plans, subject to certain specified guidance (Part A);

ii) requires London Boroughs to identify within their local plans suitable locations for tall buildings (Part B);

iii) identifies criteria against which the impacts of tall buildings should be assessed (Part C); and

iv) makes provision for public access (Part D).

82. There is no wording which indicates that Part A and/or Part B are gateways, or pre-conditions, to Part C.

The Judgment goes on at paragraph 87 to state: -

In this case, the extracts from the officer’s reports which I have referred to above, explain that the Mayor found that the proposal did not fully accord with Policy D9, because it had not been identified as suitable in the development plan under Part B. Notwithstanding the non-compliance with Part B of Policy D9, the Defendant determined that the proposal accorded with the provisions of the development plan when read as a whole. That was a planning judgement, based on the benefits of the proposal, such as the contribution of much needed housing, in particular affordable housing, and the suitability of the Site (brownfield and sustainable with good transport)....The Defendant was entitled to make this judgement, in the exercise of his discretion.

I have assessed both Appeal Schemes against the criteria in London Plan Policy D9C, having regard to the design, townscape and heritage evidence and the other technical analysis which supported the Applications. I summarise my conclusions as follows.

D9 C 1. Visual Impacts

- 6.39 Criteria a) i/ii/ii, b) and c) relate to views, tall buildings and architectural quality respectively. The Appellant's design and townscape evidence demonstrates that in either Appeal Scheme the building would be attractive and appropriate to its context when seen in long range, mid-range and immediate views; would complement the locally distinctive architectural characteristics of the area; and the architectural quality and materials of the Appeal Schemes would be of an exemplary standard.
- 6.40 Criteria d), e) and f) relate to heritage matters and buildings near the River Thames and as far as they are relevant these are also addressed in detail in the evidence of Peter Stewart who concludes that both Appeal Schemes would secure a number of heritage benefits, but would also cause some harm to the significance of some designated heritage assets which in the case of either Appeal Scheme would be at the lower end of the range of 'less than substantial' harm.
- 6.41 Criteria g) and h) refer to reflected glare and light pollution from internal and external lighting. No issue is taken against either Appeal Scheme in respect of either issue.

D9 C 2. Functional Impacts

- 6.42 Criteria a) and parts of b) and c) relate to internal and external design, servicing and maintenance and entrances and access routes. The design evidence demonstrates that in the case of both Appeal Schemes, the building would be highly sustainable and at detailed design stage would be designed to comply with all relevant fire safety policy and regulations.
- 6.43 The remainder of Criteria b), c) and d) relate to transport matters which are addressed in the transport assessment. A number of aspects are agreed in the Servicing SOCG and/or would be secured by conditions and/or s106. No issues are taken in respect of

the 2021 Scheme although TfL has expressed concerns about the proposed servicing arrangements from St Thomas St in the 2018 Scheme. These matters are addressed in the evidence of Russell Vaughan of TPP on behalf of the Appellant.

- 6.44 Criterion e) relates to jobs, services, facilities and economic activity. In this case both Appeal Schemes involve the redevelopment of outdated floorspace which makes sub optimal use of this Site in line with policy objectives. Both Appeal Schemes would optimise the use of the Site, and secure high quality market and affordable workspace, retail floorspace with active frontages, and quality public realm and community facilities.
- 6.45 Criterion f) refers to aviation, navigation and telecommunications and the Planning SOCG confirms that no issues are raised in respect of either Scheme in relation to these matters.

D9C 3. Environmental Impacts

- 6.46 Criteria a), b) and c) are addressed in the application documents and Planning SOCG. The Environmental Statements in respect of both Appeal Schemes have been reviewed by the Planning Inspectorate and found to be sound. As confirmed in the Planning SOCG, no issues are raised in respect of wind, temperature, air quality or noise which cannot be addressed by conditions. The only issues taken relate to DSO matters which do not form a reason for refusal. I address these later in my evidence.

D9C 4. Cumulative Impacts

- 6.47 The Appellant's design and townscape evidence addresses any cumulative visual impacts arising as a consequence of recent and committed developments. Any cumulative functional and environmental impacts have been considered as part of the consideration of these matters as detailed above, and in the supporting technical assessments, and appropriate mitigation measures are proposed where necessary.
- 6.48 D9D requires free to enter publicly accessible areas to be incorporated into tall buildings where appropriate, which should normally be located at the top of the building. Both Appeal Schemes incorporate free to enter publicly accessible space, albeit in different configurations. The evidence of Simon Allford explains the rationale

for the location and benefits which this would deliver in each Appeal Scheme.

- 6.49 In these circumstances I conclude that both Appeal Schemes accord with LP Policy D9. This conclusion is supported by the GLA which raised no issues in respect of this policy in its Stage 1 Referral in respect of the 2018 Scheme, other than matters relating to servicing which are addressed later in my evidence. The GLA Stage 1 Referral in respect of the 2021 Scheme does raise some concerns regarding the proposed building width. However, it does not conclude that the proposals are contrary to this policy.
- 6.50 While LP Policy D9 provides a comprehensive and fully up to date set of criteria against which to assess the Appeal Schemes, I have also considered the provisions of NSP Policy P17.
- 6.51 As required by LP Policy D9, NSP Policy P17 confirms the areas where tall buildings are expected, which includes Opportunity Areas and the CAZ. As such, the principle of a tall building in this location is acceptable in policy terms, subject to meeting the criteria set out therein. NSP Policy P17 also identifies individual sites where taller buildings may be appropriate, but in any event as noted above the absence of a specific allocation for the Site for a tall building does not detract from the in principle policy support for a tall building in this location, subject to satisfying the relevant criteria.
- 6.52 NSP Policy P17 also sets out a number of criteria, which are broadly consistent with the criteria in LP Policy D9, and include, inter alia, that; tall buildings must be located at points of landmark significance; have a height which is proportionate to the significance of the proposed location; and make a positive contribution to the skyline. The Policy also requires the provision of functional public space and new publicly accessible space at or near the top of the building.
- 6.53 Based on the evidence of Simon Allford and Peter Stewart I conclude that both Appeal Schemes satisfy these criteria. In these circumstances, I consider that the principle of the development of a tall building on the Site accords with, and is supported by, the relevant policies of the development plan. While each Scheme represents a distinct design rationale and has different effects on townscape and views both Schemes accord with development plan policies relating to tall buildings.

Landscape and Public Open space

- 6.54 Both Appeal Schemes would provide high quality public realm, landscaping and publicly accessible open space in accordance with LP Policy D8 and NSP Policies P13 and P59. I understand the proposed landscaping strategy for both the public realm and public garden spaces for both schemes is supported by LBS, subject to inclusion of a planning condition or obligation regarding management and maintenance of the spaces. This will ensure that the internal garden is maintained to the highest standards.
- 6.55 Either Appeal Scheme would contribute towards net gains in biodiversity and includes the provision of new trees. As such, both Appeal Schemes would accord with and contribute towards development plan policies relating to landscape and public open space. Further details of the design, operation and ongoing management of the proposed public realm and garden spaces are set out in the evidence of Simon Allford.

Heritage and Views

- 6.56 The most directly relevant LP heritage policies are HC1, which includes policies for development proposals affecting heritage assets and their settings, and HC2, which relates specifically to world heritage sites (WHS). Development proposals in the setting of WHS should conserve, promote and enhance their Outstanding Universal Value (OUV), and should not compromise the ability to appreciate their OUV or the authenticity and integrity of their attributes.
- 6.57 LP Policy HC3 relates to strategic and local views, and HC4 which relates to the London View Management Framework (LVMF) states that development proposals should not harm, and should seek to make a positive contribution to, the characteristics and composition of strategic views and their landmark elements. Development in the foreground, middle ground and background of a designated view should not be intrusive, unsightly or prominent to the detriment of the view.
- 6.58 The GLA Stage 1 Referral in respect of the 2018 Scheme concludes that any heritage harm would be outweighed by the public benefits in this case and raises no strategic issues in relation to heritage policies. The GLA 2021 Referral does not draw a

conclusion in this regard, and instead states that further consideration would be given at the Mayor's decision-making stage to the harm caused by the proposals to the heritage assets surrounding the Site and to the public benefits provided by the scheme.

- 6.59 NSP Policies P19 and P20 refer to listed buildings and conservation areas. P19 states that development relating to listed buildings and their settings will only be permitted if it conserves or enhances their special significance and any harm to significance must be robustly justified. P20 applies similar provisions to conservation areas, and Policy P26 relates to locally listed buildings.
- 6.60 NSP Policy P24 relates to WHS and states that development will only be permitted when the significance of the OUV of WHS and their settings are sustained and enhanced. NSP Policy P23 relates to archaeology, which raises issues common to both Appeal Schemes, and which as confirmed in the Planning SOCG can be addressed by conditions.
- 6.61 NSP Policy P22 relates to Borough Views, and states that developments should preserve and where possible enhance the borough views of significant landmarks and townscape, ensure viewing locations are accessible and well managed, and enhance the composition of the panorama across the borough and central London as a whole. The Policy identifies 5 Borough Views.
- 6.62 The Appellant's Heritage and Townscape evidence addresses the provisions of development plan heritage policies and LVMF and Borough views in respect of both Appeal Schemes. This evidence concludes that either Appeal Scheme would cause some harm to the setting of Southwark Cathedral and Guy's Hospital but in each case this would be at the lower end of less than substantial harm.
- 6.63 The evidence also concludes that both Appeal Schemes would deliver important heritage benefits, notably to the Borough High Street Conservation Area and the Georgian Terrace.

Impacts on Neighbours' Amenity

- 6.64 The most relevant LP policies relating to potential impacts on neighbours' amenity are set out in Policies D3, D9 and D14, and include outlook, privacy, air quality, glare, light pollution and noise. NSP Policy P56 states that development should not be permitted when it causes an unacceptable loss of amenity to present or future occupiers or users. This includes loss of privacy/outlook, overlooking, smell/noise/vibration/lighting or other nuisances, daylight/sunlight and wind/microclimate impacts.
- 6.65 These matters are all fully addressed in the comprehensive material which accompanied the Applications, and where relevant, in the Appellant's design evidence. The GLA Stage 1 Referral takes no issue with matters of neighbours' amenity or compliance with relevant LP policies in respect of either Appeal Scheme. The Planning SOCG confirms that the only issue taken in respect of these matters relates to daylight and sunlight impacts, which relate to both Appeal Schemes and are addressed at Section 8 of my evidence.
- 6.66 In these circumstances, I conclude that both Appeal Schemes comply with all the relevant development plan policies relating to neighbours' amenity.

Highways and Transport

- 6.67 LP Policy T1 restates the principle that all development should make the most effective use of land, reflecting its connectivity and accessibility. LP Policy T2 promotes healthy streets and requires development proposals to demonstrate how they will deliver improvements and be permeable by foot and cycle. LP Policies T3, T4, T5 and T6.2 set out relevant policies for safeguarding public transport capacity, assessing transport impacts, provision for cycling and parking. LP Policy T7 relates to deliveries, servicing and construction.
- 6.68 The NSP sets out a range of transport related Policies in P49/50/52. These include policies which seek to, inter alia, improve accessibility to public transport and walking/cycling connections, minimise the demand for private car journeys, provide for the safe and efficient delivery of services, enhance walking networks, and provide for cyclists and accessible parking requirements.
- 6.69 Both Schemes include a new entrance to London Bridge Underground Station and

would provide enhanced public realm and access through the Site which the Planning SOCG confirms would be a public benefit.

- 6.70 The estimated increase in trip generation arising from either Appeal Scheme is considered negligible and would not have a significant effect on the operation of local transport facilities. The proposed quantum of accessible car parking is agreed and the proposed cycle provision in both Appeal Schemes is agreed to be acceptable, subject to securing compliance with the submitted details by way of planning condition.
- 6.71 The GLA Stage 1 Referral in respect of the 2018 Scheme identified some unresolved issues relating to servicing and deliveries but concludes that these could be resolved by further information and planning conditions. Following the submission of further information to address these matters, TfL appears to have revised its previous position and takes issue with the servicing arrangements. These concerns are addressed in the evidence of Russell Vaughan.
- 6.72 Subject to this one outstanding matter, it is common ground that both Appeal Schemes are consistent with and support the transport policies of the development plan and would deliver significant public transport and permeability benefits.

Energy and Sustainability

- 6.73 The LP sets out a range of policies for sustainable infrastructure, including the objectives of achieving air quality neutral and net carbon zero. Policy SI2 C requires a minimum on site reduction of at least 35% beyond building regulations, 15% through energy efficiency measures. Where it is demonstrated that carbon zero cannot be met fully on site any shortfall should be met by a payment in lieu or offsite. SI2 F requires a recognised whole life cycle carbon (WLCC) assessment.
- 6.74 NSP Policy P70 requires major development to minimise carbon emissions in accordance with the energy hierarchy and achieve net carbon zero and reduce carbon emissions on site by a minimum of 40% on 2013 Building Regulations, with any shortfall to be secured by a financial contribution.

- 6.75 As noted in Appendix 1, GPE is committed to delivering efficient and highly sustainable buildings. The Planning SOCG confirms that the 2018 Scheme would comply with development plan energy policies.
- 6.76 However, for the sake of completeness I attach as Appendix 3 a note on energy matters prepared by Chapman BDSP which explains how by the provision of a revised energy strategy (to be secured by planning condition) the 2018 Scheme can demonstrate a commitment to a 40% reduction in regulated carbon emissions and would comply with current development plan policies.
- 6.77 The 2018 Scheme achieves a minimum overall target rating of BREEAM Excellent, which accords with NSP Policy P69. However, as set out in the Appellant's design evidence and in the accompanying note prepared by Chapman BDSP which I attach as Appendix 4, the strategy is to target a rating of Outstanding for the new building and Very Good for the refurbished Georgian Terrace for both Appeal Schemes.
- 6.78 LP Policy SI 2 and NSP Policy P70 require a calculation of Whole Life- Cycle Carbon (WLCC) emissions and LP SI 7 requires submission of a Circular Economy Statement (CES). As the 2018 Application predated the new development plan requirements it is regarded as a 'legacy application' and both the GLA and LBS acknowledge that the WLCC and CES can be secured by way of planning conditions
- 6.79 The 2021 Scheme would meet all relevant energy and sustainability standards and was accompanied by a WLCC and CES. I consider both Appeal Schemes would be able to meet or exceed all the relevant policy requirements relating to sustainability and energy consumption, subject to planning conditions and s106 obligations and there are no material differences between them in this respect.

Other considerations, including flood risk, contamination, air quality, fire safety

- 6.80 The Planning SOCG confirms that there are no concerns with regards to flood risk and drainage in respect of either Appeal Scheme, subject to inclusion of planning conditions to ensure that the flood barriers and sustainable drainage systems are installed in accordance with the submitted details, and to secure the necessary upgrades to the water network infrastructure. Both Appeal Schemes would be air quality neutral and planning

conditions would be secured to require submission of a fire statement and details of fire evacuation lifts.

Summary

- 6.81 These Appeals fall to be considered against the development plan which comprises the London Plan and the New Southwark Plan. It is a matter of common ground that there is in principle support for the redevelopment of the existing building, and for the mix of uses proposed in either Appeal.
- 6.82 The Site is in a location which is identified as being suitable for tall buildings. While each Appeal Scheme represents a different architectural response to making the most effective use of the Site, in both schemes the new building and enhanced public realm are of exemplary design quality and accord with development plan design policies.
- 6.83 The Appellant's heritage evidence acknowledges that either Appeal Scheme would result in some 'less than substantial' harm to designated heritage assets, to which significant must be given. However, both Appeal Schemes would also deliver a number of heritage benefits which also carry substantial weight.
- 6.84 Both Appeal Schemes meet all other development plan policies, including policies relating to energy, sustainability, flood risk, air quality, and waste subject to appropriate conditions and s106 obligations.
- 6.85 No reasons for refusal are advanced in respect of either Appeal Scheme based on transport and servicing or daylight/sunlight/overshadowing. The Appellant's evidence on these matters concludes that both Appeal Schemes accord with the development plan.
- 6.86 In these circumstances, while acknowledging that neither Appeal Scheme would comply fully with the heritage policies of the development plan, based on my assessment that such harm would be outweighed by public benefits that such harm would be outweighed by public benefits, I consider that both Appeal Schemes would be in overall compliance with the development plan when read as a whole.

7.0 OTHER MATERIAL POLICY CONSIDERATIONS

- 7.1 The National Planning Policy Framework (NPPF) is an important material policy consideration in both Appeals. Supplementary Planning Guidance may also be a material consideration, to the extent that it carries material weight.

The NPPF

- 7.2 The current version of the NPPF was published in July 2021 and establishes the overarching principles of the planning system, including the requirement of the system to ‘drive and support development’. It identifies three overarching objectives for sustainable development- an economic, a social and an environmental role.
- 7.3 Paragraph 11 restates the presumption in favour of sustainable development and states that proposals that accord with an up-to-date development plan should be approved without delay. Paragraph 47 restates the general principle of Para 38(6) of the Planning and Compulsory Purchase Act 2004 that applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise.
- 7.4 The NPPF supports the delivery of new employment and town centre uses in accessible town centre locations and supports policies and decisions which create conditions in which businesses can invest, expand and adapt. The NPPF also highlights the importance of good design, conserving the historic environment and meeting the challenge of climate change.
- 7.5 Paragraph 111 of the NPPF makes clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. The evidence of Russell Vaughan concludes the servicing and delivery arrangements in 2018 Scheme would not have an unacceptable impact on highway safety.
- 7.6 The NPPF promotes making the most effective use of land. Paragraph 120 states that substantial weight should be given to using brownfield land to meet the need for

homes and other needs, and supports the development of underused land and buildings, especially where land supply is constrained and available sites could be used more effectively.

- 7.7 I consider the NPPF is an important material consideration in favour of both Appeal Schemes. Both Appeal Schemes would optimise the use of a highly accessible and underused site, contribute to meeting the need for more, better quality and more affordable employment space and support the local economy and enhance the vitality and viability of London Bridge town centre.
- 7.8 By replacing a mediocre building of no architectural merit with a highly sustainable, efficient, well-designed building I consider that either Appeal Scheme would enhance the character and appearance of the area, provide high quality public realm and publicly accessible spaces, increase permeability, and promote sustainable transport choices in this highly accessible location. In all these respects, I consider both Appeal Schemes accord with and are supported by the NPPF.
- 7.9 Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that asset's conservation. In this case the townscape and heritage evidence concludes both Schemes would deliver significant heritage benefits, and accordingly great weight should be given to these benefits.
- 7.10 The townscape and heritage evidence also acknowledges that when judged in the round either Scheme would lead to some harm to the significance of a number of designated heritage assets. Paragraph 200 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
- 7.11 In this case, the Historic Environment SOCG confirms that in the case of either Appeal Scheme any harm would be less than substantial. In these circumstances, Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

- 7.12 Guidance as to what constitutes ‘substantial harm’ is contained in the Planning Practice Guidance (PPG) and has been considered by the courts. The PPG confirms it is a high test. Accordingly, below this threshold there is inevitably a wide spectrum of ‘less than substantial harm’. In this case, the Appellant’s evidence demonstrates that the acknowledged harm to the significance of designated heritage assets would be at the lower end of less than substantial in the case of both Appeal Schemes.
- 7.13 Where, as in this case, all the other policies of the development plan and NPPF objectives are met or exceeded, I consider the key consideration in these Appeals is the balance between the less than substantial harm to designated heritage assets, and the extensive public benefits which each Appeal Scheme would deliver, which include important heritage benefits.

Supplementary Planning Documents (SPDs)

- 7.14 Both the GLA and LBS have produced a number of guidance documents, which amplify planning policy and are relevant to these Appeals. These documents are material considerations but do not form part of the Development Plan.
- 7.15 There are a number of SPDs which are particularly relevant to the design, heritage and townscape matters in these Appeals. These include the LBS Heritage SPD (2021), the Mayor’s LVMF SPG (2012) and the Mayor’s World Heritage Sites SPG (2012).
- 7.16 A full list of relevant SPDs is set out in the Planning SOCG, and the design and heritage evidence addresses those relevant to design/heritage matters. However, I do not consider that these raise any additional matters which would constitute a material consideration in the planning balance in this case.

Summary

- 7.17 The NPPF is an important material consideration in these Appeals, and places considerable emphasis on meeting employment and other needs, supporting town centres, achieving exemplary high-quality design, achieving sustainable

development and making the most effective use of highly accessible town centre sites.

- 7.18 Both Appeal Schemes accord with the development plan, when read as a whole, and therefore as confirmed in the NPPF each attract a strong presumption in favour of planning permission. Both Appeal Schemes comply with and contribute towards the overall objectives of national policy, subject to the public benefits in each Appeal (including heritage benefits) outweighing the identified less than substantial harm to designated heritage assets. I discuss the public benefits of the Appeal Schemes in Section 9 of this evidence.

8.0 MATTERS RAISED BY LBS AND OTHERS

8.1 In this Section I address the reasons LBS has resolved it would have refused both Applications, as set out in its SOC and Committee Reports (CDI.06 and CDI.07) and the comments made by other objectors to one or both Appeal Schemes.

8.2 For the most part, I consider the matters raised are addressed in my earlier evidence, and by the evidence of the Appellant's other witnesses who deal with design and heritage matters and servicing arrangements as well as in the DSO note set out at Appendix 4 of my proof of evidence. However, for the sake of completeness, I set out below my further comments on the matters in dispute as follows.

Height and Massing

8.3 Both Appeal Schemes have been the subject to a rigorous design process led by Allford Hall Monaghan Morris ('AHMM'). The design of each scheme was influenced by Peter Stewart, mindful of the Site's heritage context and visibility of a tall building in surrounding views; and evolved through extensive consultation with key stakeholders including LBS, the GLA and HE.

8.4 The Appellant's design, townscape and heritage evidence demonstrates that while the design approach to each is different, both Appeal Schemes are of exemplary design quality, and their proposed height and massing is appropriate to the surrounding context of London Bridge, the location of a tall buildings cluster, including The Shard, News Building and Shard Place in addition to a number of potential and emerging tall buildings along St Thomas Street.

Assessment of harm to designated heritage assets

8.5 When considering the impact of the proposals on the significance of designated heritage assets, great weight must be given to the asset's conservation. Peter Stewart's evidence demonstrates that both Appeal Schemes would result in some less than substantial harm (at the lower end of such a scale) to the Grade I listed Southwark Cathedral; and the Grade II* listed Guys Hospital.

- 8.6 While acknowledging some harm to the Grade I listed Southwark Cathedral and the Grade II* listed Guys Hospital, Peter Stewart's evidence also demonstrates that both Appeal Schemes would also deliver a number of heritage benefits. In these circumstances a balance needs to be struck when reaching an overall conclusion in respect of compliance with relevant development plan policies and the plan as a whole, and when weighed as part of the public benefits which the Appeal Schemes would deliver.
- 8.7 The Appeal Schemes have different effects on townscape and heritage and have attracted different objections, with more criticism levelled at the taller 2018 Scheme. However, I am advised that in townscape and heritage terms any harm arising would (whilst different in nature) be broadly of the same magnitude for either Appeal Scheme, and both would deliver comparable heritage benefits.
- 8.8 The GLA Stage 1 referral for the 2018 Scheme clearly concludes that the public benefits in this case outweigh any harm to designated heritage assets, including the WHS. This conclusion was reached based on the then draft London Plan, although the relevant heritage policies and additional policy protection afforded to the WHS are largely unchanged in the adopted LP. While not expressed in the same terms, the GLA reached a similar conclusion in respect of the 2021 Scheme.

Effect on the quality of light in Guys Hospital Chapel

- 8.9 A further issue is raised by HE in respect of the impact of both Scheme's on the level of light admitted to the Guy's Chapel through the stained glass windows. This concern appears to relate to the effects on the amenity and function of the Chapel, and its heritage significance.
- 8.10 These matters have been fully addressed in the assessments undertaken by Kevin Murray (KM) and GIA (CDA.10, CDA.38, CDA.43, CDA.47, CDA.50, CDB.12, CDB.60, CDB.64 and CDB.86). These matters are further addressed in the evidence of Peter Stewart who concludes that the reduction in light will not reduce the

contribution of the stained glass windows to the special architectural or historic interest of the listed building or reduce their ability to be understood or appreciated.

- 8.11 To supplement this material, I attach at Appendix 4 a further note prepared by GIA which concludes that the windows affected do not currently meet the BRE VSC target. GIA confirm that either Scheme would result in an appreciable impact on light levels, but this would not materially affect the continuing ability of the chapel to function.
- 8.12 The GIA note also highlights that as a consequence of the proximity of the Chapel to the Site, any redevelopment of more than a single floor above the current scale of buildings on the Site would have a similar impact. As such, if material weight was to be given to this factor, it would be likely to compromise any potential redevelopment proposals for the Site.
- 8.13 This would conflict with the clear in principle policy support for redevelopment to make the most effective use of this Site. Paragraph 123 of the NPPF states that local authorities should take a flexible approach to guidance relating to sunlight and daylight where they would otherwise inhibit making efficient use of a site.

Servicing

- 8.14 The only objection to servicing arises in respect of the 2018 Scheme. The GLA stage 1 Referral for this Application concluded that any outstanding concerns in respect of servicing could be addressed by way of further details on servicing strategy and secured by conditions. No issue is taken by LBS on servicing.
- 8.15 In these circumstances, it is surprising that this issue has been elevated by TfL at this stage in its further correspondence (CDC.024) or adopted by LBS in its SOC (CDI.03). However, this matter is addressed in detail in the evidence of Russell Vaughan who concludes that the arrangements are satisfactory and do not give rise to any material safety issues.

Daylight/sunlight/overshadowing

- 8.16 Daylight/sunlight and overshadowing (DSO) matters are not cited as a reason for refusal in respect of either Appeal Scheme. The GLA raised no issues in respect of daylight/sunlight/overshadowing matters in its Stage 1 referral for either Application.
- 8.17 The LBS SOC does not identify this issue as a reason for refusal, and as I understand the position, LBS takes no issue with the calculation of DSO impacts submitted as part of the Applications. However, LBS suggests that these impacts are a material consideration in the planning balance and the weight to be attached to the public benefits of either Appeal Scheme.
- 8.18 I have previously addressed the effects of the Appeal Proposals on the Guy's Hospital Chapel, as these appear to relate to heritage and amenity matters. Other matters have also been addressed in the detailed DSO analysis which accompanied the Applications and in relevant consultation responses (CDA.10, CDA.38, CDA.43, CDA.47, CDA.50, CDB.12, CDB.60, CDB.64 and CDB.86). However, to supplement this material, I attach a note prepared by GIA at Appendix 4.
- 8.19 GIA conclude that there are no impacts on neighbours' daylight/sunlight which would be regarded as unacceptable having regard to context and common practice as applied to redevelopment proposals in central London town centre locations like the Appeal Site. The NPPF confirms that a flexible approach should be taken to guidance on daylight and sunlight where it would affect the ability to make the most effective use of sites, and this is consistently recognised in planning decisions in inner London locations.
- 8.20 GIA conclude that the quality of the new public realm would not be materially affected by overshadowing, and again any impacts against BRE guidelines should be considered in context, having regard to the historic character of this location. LP policies highlight the importance of shade as well as sunlight, and the different roles of outside places where people will sit, meet and dwell compared to places that are primarily used for movement.
- 8.21 This conclusion is consistent with my experience of central London town centre locations, and in particular areas with close knit historic street patterns. In my experience it is recognised that developments which seek to make the most efficient

use of sites in line with the development plan in densely developed historic inner city locations may not fully meet non statutory national BRE guidelines. This is supported by the conclusions of the GIA report at Appendix 4.

8.22 Equally, it is not unusual for public open spaces in dense urban areas with historic street patterns like to Appeal Site to exhibit different levels of overshadowing. Nor is this necessarily undesirable, given the opportunity for users to enjoy both shaded and sunlit areas at different times, and the functions different areas perform. GIA confirm the main courtyard in the 2018 Scheme offers a high level of sunlight throughout the entire year but having regard to the street level and public spaces to be provided both schemes offer a good range of high quality publicly accessible amenity space.

8.23 I note that the GLA Stage 1 referrals take no issue in respect of neighbours' amenity or the quality of public open space in either Application which they correctly recognise as a public benefit. In these circumstances, having proper regard to context and the detailed analysis undertaken by GIA, I do not consider these matters reduce the weight to be attached to the public benefits of either Appeal Scheme or have any material bearing on the overall planning balance in either Appeal.

8.24 As noted in the GIA Report at Appendix 4, new BRE Guidelines were published on the 9th June 2022. GIA are considering any implications arising, and if required will prepare an ES Addendum in advance of the Inquiry.

Summary

8.25 The Planning SOCG confirms that a significant number of matters are agreed in this case, and/or can be resolved by planning conditions or s106 obligations. For the most part, all matters relating to design and heritage, which constitute the substantive reasons for refusal in respect of both Appeal Schemes, are addressed in the Appellant's design townscape and heritage evidence.

8.26 This evidence concludes that both Appeal Schemes are appropriate and sustainable alternative responses to the context and both make the most effective use of the Site. Both Appeal Schemes are of exemplary design quality and would contribute to the

evolving skyline of the tall buildings cluster and enhance the character and appearance of the area.

- 8.27 Notwithstanding the positive contribution either Appeal Scheme would make overall, the heritage evidence acknowledges that either Scheme would cause some less than substantial harm to certain designated heritage assets, albeit at the lower end of the spectrum in each case. However, both would also deliver similar heritage benefits, including the restoration of the Georgian Terrace.
- 8.28 Having originally indicated that any servicing issues could be addressed by way of further information on the servicing strategy, which has been provided, the Appellant's transport evidence concludes the more recent TfL objection to the servicing arrangements in the 2018 Scheme is not justified by evidence and would not constitute a valid reason for refusal.
- 8.29 The Appellant's DSO evidence demonstrates that the criticisms of LBS on these matters are similarly misplaced. In the context of this Site, these criticisms would not constitute valid reasons for refusal, or reduce the weight to be attached to the public benefits which either Appeal Scheme would deliver.

9.0 PUBLIC BENEFITS AND OTHER MATERIAL CONSIDERATIONS

- 9.1 Both Appeal Schemes would deliver several important economic, social and environmental benefits which are closely aligned with important national, strategic and local policy objectives.
- 9.2 In this section of my evidence, I identify the key public benefits which the Schemes would deliver, looking at the overarching categories of economic, social and environmental benefits, and the individual components of each, and the weight which I ascribe to each, adopting a five-point scale ranging from negligible to limited, then moderate, substantial and finally very substantial weight.
- 9.3 In reaching these judgements, I have had regard to the material which accompanied both applications. I have also had regard to the evidence of market demand and supply and occupier's requirements, notably in my Appendices 1 and 2. I have also had regard to the Economic and Health Impacts report prepared by Volterra in support of the Applications (CDA.08 and CDB.11) details the direct and indirect economic benefits of the Appeal Schemes to the local economy, including direct and indirect employment and supporting the internationally important office hub.
- 9.4 To update and supplement this information, Volterra has prepared an updated report assessing the socio-economic benefits which each Appeal Schemes would deliver. I attach this Report as Appendix 6 (the Volterra Report).

Economic Benefits

a) Employment and contribution to the local economy

- 9.5 The Volterra Report considers both Appeal Schemes separately. However, given the scale of the developments is broadly similar, it is evident that each delivers broadly comparable economic benefits. Accordingly, I summarise the main findings by reference to the range identified in the Volterra Report. These include direct and indirect

economic benefits, and more importantly, the contribution which the Appeal Schemes would make to strategic policy objectives for this area.

- 9.6 The Volterra Report estimates that the 2018 Scheme would contribute 2,095 gross job years over the 47 month construction period, and generate £3.7m of construction worker spend in the local area. During the operational phase Volterra estimate the 2018 Scheme would generate up to 2,160 net additional FTE's, delivering 5% of the NSP 17 year requirement for local jobs in the area, and generate an uplift of £4.1m in worker expenditure in the local area compared to the existing position. Volterra estimate the 2018 Scheme would deliver an increase of £206m in GVA.
- 9.7 The Volterra Report estimates that the 2021 Scheme would contribute 2,300 gross job years over the 43 month construction period, and generate £4m of construction worker spend in the local area. During the operational phase Volterra estimate the 2021 Scheme would generate up to 3,010 net additional FTE's, delivering 7% of the NSP 17 year requirement for local jobs in the area, and generate an uplift of £6m in worker expenditure in the local area compared to the existing position. Volterra estimate the 2021 Scheme would deliver an increase of £300m in GVA.
- 9.8 Full details of how these figures have been calculated are set out in the Volterra Report. For either scheme I consider that these direct and indirect economic benefits would collectively carry substantial weight in the planning balance.

b) The provision of new high quality sustainable employment space

- 9.9 Having regard to the information set out in my Appendix 1 and 2 and the Volterra Report, I conclude that the Appeal Schemes would make a significant contribution to strategic policy objectives, including meeting socio economic needs and addressing local employment and skills issues, contributing to sustainable economic growth, and contributing to the existing life sciences and biotech cluster surrounding Guy's Hospital and King's College.
- 9.10 The replacement of dated 1980s office building with a new high quality office building would result in a significant increase in of office floorspace across the Site and in the

local area. This meets a clearly defined need for more and better quality office accommodation in this area.

- 9.11 The experience of GPE, as one of London's leading property investment and development companies owning £2.5 billion of real estate on central London also supports these conclusions. The letter from Mr Toby Courtauld at Appendix 1 highlights the nature of changing demand from office occupiers, and that as a consequence much of London's existing stock of office floorspace, including relatively recent developments, no longer meets occupiers' requirements.
- 9.12 Notwithstanding other major developments being advanced within the local areas, there remains a shortage of prime office floorspace and GPE are confident of the continuing demand for high quality sustainable floorspace as proposed in these Appeals. There is a shortage of prime office floorspace in this area, and the provision of high quality sustainable floorspace able to satisfy the increasingly demanding requirements of key occupiers is critical for the local economy and the planning strategy for this area.
- 9.13 The market commentary report (Appendix 2) similarly points to a polarisation of demand, towards genuinely sustainable office developments which provide the standards of amenity space and facilities for occupiers, and the traditional space which forms the bulk of the current supply. Many occupier's ESG policies demand the most environmentally sustainable accommodation and office space that provides for staff welfare.
- 9.14 In these circumstances, while either Scheme would make a significant quantitative contribution to the supply of new office floorspace in this location, in line with policy, the contribution of the Appeal Schemes to the local economy is magnified when the qualitative benefits of this scale and quality of new amenity rich high quality sustainable Grade A floorspace are taken into account. I attach substantial weight to this benefit.

c) Affordable Workspace and retail space

- 9.15 Both Appeal Schemes would secure circa 10% affordable workspace, to be leased at 75% of the local market rent, which given the amount of floorspace proposed would

make a significant contribution to identified local needs. Both Appeal Schemes would also secure affordable retail space.

- 9.16 The specific need for affordable workspace and supporting the growth in micro and small businesses is also identified in the Volterra Report, which is consistent with the conclusions of LBS own evidence base to which Volterra refer.
- 9.17 As identified in the letter from Mr Toby Courtauld at Appendix 1, the importance of local affordable workspace and local demand is evident from the occupier interest in this space, particularly in the key life sciences sector given the proximity to Guys Hospital. This has particular significance to SC1 strategy to develop the area as a life sciences cluster.
- 9.18 I attach as Appendix 7 a letter to GPE from the Director of Estates of King's College dated 17th September 2021 which confirms discussions have taken place to occupy the affordable workspace in New City Court as a centre for incubation, acceleration and graduation of life science start up businesses, with an initial focus on King's Cancer 'Moonshot' initiative. This will support LBS ambitions for the SC1 life sciences district.
- 9.19 The provision of a significant quantum of flexible, affordable high quality workspace space, designed to meet the needs of a range of occupiers, including small local businesses and start-ups in the nationally and internationally important life sciences sector is an important public benefit, which I consider would attract some additional albeit moderate weight.
- 9.20 Taken together, I consider the direct and indirect economic benefits of the Appeal Proposals for the local economy would attract very substantial weight.

d) The provision of public transport infrastructure

- 9.21 Both Appeal Proposals would deliver a new entrance to London Bridge Underground Station. This is an exceptional public benefit which would contribute to the attractiveness and accessibility of the area and would address the safety concerns surrounding the current station entrance. In addition to the direct investment involved,

this would enhance London Bridge as an office location and support the vitality and viability of the town centre. Accordingly, I attach very substantial weight to this public benefit.

e) Enhancing Town Centre Vitality and Viability

- 9.22 The provision of retail floorspace and food and drink floorspace, reinforcing London Bridge as a key retail destination whilst activating the proposed public realm is also an important public benefit. There is strong support at national, strategic and local policy levels to sustain and enhance the vitality and viability of town centres. The provision of active frontages and new public realm would enhance the vitality and viability of this part of the centre and support the evening economy.
- 9.23 The Appeal Schemes would contribute towards a local need for complementary retail and leisure provision and draw additional footfall into the area, creating vitality and enhancing the evening economy. As noted above, construction workers and employees would generate significant local expenditure during the construction and operational phases which would further support the vitality and viability of the town centre.
- 9.24 There is strong support for enhancing town centre vitality and viability in the NPPF and development plan, which both Appeal Schemes would contribute towards. Having already identified the wider economic benefits to which I attach very substantial weight, I would also attach some additional albeit moderate weight to this public benefit.

Social and Environmental Benefits

- 9.25 The Appeal Schemes would deliver important social and environmental benefits, These include public and amenity space, creating a safe, permeable public realm and improving public transport facilities.

a) Creation of high quality new buildings and public realm

- 9.26 The replacement of a mediocre 1980's building which makes an inefficient use of the Site with a highly sustainable and efficient new building of exceptional design quality

would contribute towards the evolution of the tall buildings cluster in this area in line with the development plan. Both Appeal Schemes would deliver this public benefit, albeit by different design approaches.

9.27 The creation of high-quality accessible public realm providing enhanced connectivity through new public routes and a series of new public squares is another public benefit which I consider should carry significant weight in the overall planning balance. The 2018 Scheme, in particular, delivers significant additional high quality public realm which is achieved by a taller building, and also incorporates the business hub space but both Appeal Schemes would deliver exceptional public realm and a dramatic enhancement over the existing the enclosed and impermeable Site.

9.28 I consider the provision of a new building of exceptional design quality and high quality public realm with enhanced permeability and connectivity are important public benefits which both Appeal Schemes would deliver, to which I attach very substantial weight.

b) Public Access

9.29 The 2018 Scheme includes a public garden at fifth and sixth floor level maintained by the building owner and accessible free of charge, activated by thoughtfully designed landscaping and complemented by a café/restaurant offer to provide amenity for visitors. The evidence of Simon Allford concludes that this is a particular benefit of the 2018 Scheme, which would deliver a new and innovative attraction in this area. The 2021 Scheme would deliver a publicly accessible roof garden, which would deliver wider views.

5.20 The 2018 Scheme would also provide a hub space at 21st and 22nd floor level with a 200+ seater auditorium and outdoor terrace. This hub space will be available to local organisations such as schools, charities, neighbourhood forums and community groups to hold community events and meetings free of charge, in accordance with a community use strategy to be agreed between the Council and the Appellant as part of the Section 106 Agreement.

- 9.30 Both Appeal Schemes would deliver high quality publicly accessible elevated spaces, delivering social and environmental benefits. These spaces would also provide additional attractions in the area, thus supporting the vitality and viability of the town centre. Free, publicly accessible roof gardens/viewing galleries are quite properly required by planning policy, on the basis of the recognised public benefits which they deliver.
- 9.31 I consider these benefits to carry additional, albeit moderate weight in the overall planning balance.

c) Transport Benefits

- 9.32 Both Appeal Schemes would deliver very significant transport improvements, including the provision of new access to the London Bridge Underground Station, linked directly into the new public realm, providing a significantly enhanced point of arrival and departure for users of the network alongside a new permeable route to the station for pedestrians using St Thomas Street.
- 9.33 Both Appeal Schemes also provide for increased permeability and enhance the connectivity of the area for pedestrians and cyclists. The alleged shortcomings of the service and access arrangements in the 2018 Scheme, which are disputed by the evidence of Russell Vaughan fall to be considered within the context of these significant transport improvements.
- 9.34 I consider that the transport and accessibility benefits which both Appeal Schemes would deliver are very important material considerations. In addition to the provision of the new Underground Station Entrance to which I attach very Substantial weight, I consider the additional transport benefits would attract some additional, albeit moderate weight in the overall balance.

d) Heritage Benefits

- 9.35 As the evidence of PS notes, both Appeal Schemes would deliver a number of significant heritage benefits. These include:

- a. the removal of an unattractive office building, which detracts from the character and appearance of the conservation area and setting of designated heritage assets;
- b. the sympathetic restoration and improvement of the Grade II-listed Georgian terrace buildings along St Thomas Street, enhancing the character and appearance of the listed buildings;
- c. the reconstruction and improvement of unlisted Keats House, including retention and relocation of the original façade, enhancing the character and appearance of an undesignated heritage asset; and
- d. improvement of the setting of adjacent listed buildings, including The Old King's Head Public House, creating greater public appreciation of this listed building in views from newly created vantage points within the proposed public realm.

9.36 Peter Stewart's evidence acknowledges that both Appeal Schemes would also result in some less than substantial harm to designated heritage assets, to which significant weight must be attached, but concludes that this would be outweighed by the heritage benefits in this case. The NPPF confirms that great weight is attached to the conservation of designated heritage assets and I attach substantial weight to these benefits.

Summary

9.37 I consider that taken together, either Appeal Scheme would deliver a very substantial package of important economic, social and environmental public benefits. This conclusion is shared by the GLA which identifies a series of heritage benefits and substantial non-heritage related public benefits in its Stage 1 Referral in respect of the Applications.

9.38 Individually, I consider the weight to be attached to these public benefits ranges from moderate to very substantial weight. Collectively, as a package which either Appeal Scheme would deliver, I consider these public benefits should carry very substantial weight in the overall planning balance.

10 THE PLANNING BALANCE AND OVERALL CONCLUSIONS

- 10.1 In Section 7 I carried out a thorough assessment of the Appeal Schemes against the relevant policies of the development plan. Certain aspects of the 2018 Scheme do not fully accord with current development plan, but compliance with these policies can be secured by way of planning conditions and/or s106 obligations.
- 10.2 I conclude that with the exception of the heritage policies of the LP and NSP, both Appeal Schemes comply with all the other policies of the development plan and derive significant policy support on the basis of their contribution to the skyline, the character and economic function of the area, employment and other economic benefits, the important contribution to public realm and permeability, and significant public transport benefits.
- 10.3 A number of heritage policies are breached as a consequence of the acknowledged ‘less than substantial harm’ to the significance of some designated heritage assets which would arise as a consequence of either Appeal Scheme, although both Schemes also deliver important heritage benefits which accord with heritage policies. In reaching a conclusion as to whether each Appeal Scheme accords with the development plan when read as a whole, the NPPF requires that any identified harm must be balanced against the public benefits which the Appeal Schemes would deliver.
- 10.4 As an integral part of this balance, it is necessary to understand the degree of any harm to designated heritage assets and take account of any heritage benefits, which also carry significant weight. It is also necessary for the decision maker to consider the degree of compliance with the development plan when read as a whole, having regard to the weight attached to different policies and reflecting that some may conflict with each other.
- 10.5 In this case, I attach considerable weight to the national and development plan policy imperative to make the most efficient use of this highly accessible site, which lies within an Opportunity Area, the CAZ and a defined town centre. The provision of a new building of exceptional design quality; more and better-quality office floorspace and

other town centre uses; enhanced public realm and greater permeability; the heritage benefits and significant public transport enhancements all weigh strongly in support of both Appeal Schemes.

- 10.6 In these circumstances, while I attach great weight to the protection of designated heritage assets and the acknowledged less than substantial harm to their significance, I consider that both Appeal Schemes would comply with the development plan when read as a whole. As such, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the determination which would be in accordance with the development plan would be to allow both Appeals.
- 10.7 I consider the important public benefits which both Appeal Schemes would deliver are further material considerations which taken together carry very substantial weight and reinforce the case for approval.
- 10.8 However, having regard to the ‘Cornwall case’, I recognise that this judgement falls to the decision maker, and that a different conclusion could be reached on the evidence in this case in respect of one or both Appeals, particularly given the acknowledged less than substantial harm to designated heritage assets including assets of the highest national and international significance.
- 10.9 Accordingly, I have also considered whether there are material considerations which would warrant approval of these Appeals if either or both Appeal Schemes were found to be contrary to certain parts of the development plan and as a consequence, to the development plan as a whole.
- 10.10 In this respect, as noted in the previous section and above, both Appeal Schemes would deliver a number of significant public benefits, including social, environmental and economic benefits. Taken together, I consider these public benefits carry very substantial weight and taken together would outweigh any non-compliance with the development plan.
- 10.11 This conclusion is consistent with the GLA Stage 1 Referral which concludes that the acknowledged less than substantial harm to designated heritage assets would be outweighed by the public benefits proposed in each case.

10.12 Whichever approach is taken to compliance with the development plan I consider that these public benefits, including heritage benefits, are very important material considerations which taken together would outweigh any potential less than substantial harm to the significance of any designated heritage assets in this case. On this basis, I conclude that planning permission should be granted for both Appeal Schemes and respectfully request that both Appeals are allowed.