

TOWN AND COUNTRY PLANNING ACT 1990
AND TOWN AND COUNTRY
PLANNING (INQUIRIES PROCEDURE) (ENGLAND) RULES 2000

PROOF OF EVIDENCE

NIGEL PATRICK BARKER-MILLS BA (Hons), PHD, Dip Cons AA, IHBC, FSA

Application by: GPE (St Thomas Street) Limited

Site: New City Court, 4-26 St Thomas Street, London, SE1 9RS

Local Planning Authority references: 18/AP/4039 & 19/AP/4040

and

21/AP/1361 & 21/AP/1364

PINS references APP/A5840/W/22/3290473 & APP/A5840/Y/22/3290477

and

APP/A5840/W/22/3290483 & APP/A5840/Y/22/3290490

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1.0 INTRODUCTION

- 1.1 My name is Nigel Patrick Barker-Mills. I am an architectural historian and I hold a Post Graduate Diploma in Building Conservation from the Architectural Association of London (1990). I am a Full Member of the Institute of Historic Building Conservation (IHBC) being one of the founders of the Institute in 1997. I have been professionally involved with managing change to the historic environment for over 35 years. Details of my past experience are set out in Appendix NPBM 1.
- 1.2 Of particular relevance to the issues raised by the proposals under consideration is my experience as Historic Areas Advisor, and subsequently team leader, in the South-East Region of English Heritage from 2001-9 where my role included advising on development in historic areas, advising on regeneration proposals and acting as a specialist monitor/advisor for English Heritage grant schemes. These included Conservation Area Partnership Schemes and Historic Environment Regeneration Schemes. I was also an expert monitor for schemes jointly funded with the Heritage Lottery Fund including the Townscape Heritage Initiative projects in Margate, Hastings and Rochester.
- 1.3 I led on promoting the sustainable management of conservation areas for English Heritage in the South-East and I was the English Heritage lead officer nationally on developing and delivering the Building in Context Toolkit, a joint initiative with the then Commission for Architecture and the Built Environment (CABE), which won a national planning award, promoting new development of high design quality in historic areas. I have served on Design Review in Oxford and on the South East Regional panel and was also an expert assessor for Design Awards in the Boroughs of Guildford and Waverley and the London Borough of Hackney.

- 1.4 My experience in my roles with English Heritage and Historic England in London from 2009 until 2016 included dealing with developing policy advice on tall buildings¹ and the setting of heritage assets as well as leading as London Director on controversial and major proposals for tall buildings on behalf of Historic England in the capital.
- 1.5 In 2016 I founded Barker-Mills Conservation as a small, independent consultancy specialising in the sustainable management of the historic environment. I have worked with clients in both the public and private sectors in the last six years including advising and acting for both Historic England and the Greater London Authority on tall building applications.² I was also commissioned by Historic England to prepare the draft revision of their advice on conserving Georgian and Victorian terraced housing, which was formally issued in July 2020³ and I am also working with the *SS Great Britain Trust* on proposals for regenerating the Albion Dock in Bristol.

¹This was revision of the Tall Buildings Guidance previously published jointly by English Heritage and CABE and the revision of the Historic England Good Practice Advice on the Setting of Heritage Assets edition issued in 2015

² Clients include Historic England in Manchester, Liverpool and the South-East; Horsham District Council; Mole Valley District Council, Hart District Council and Waverley Borough Council I have been retained as heritage adviser to the Gascoyne Cecil Estate, primarily working at Hatfield House and Park, and have provided advice for individual developers on regenerating heritage assets in Hertfordshire, Somerset, Surrey and in Grosvenor Terrace, London.

³ Historic England 2020 Conserving Georgian and Victorian terraced housing. Swindon. Historic England.

- 1.6 I have considerable and recent experience in advising on tall building proposals and in particular their potential impact on heritage assets. This includes being commissioned by Historic England NW Region to advise on the controversial proposal for tall buildings in Manchester by MAKE architects. I negotiated a development that was more sensitive to both highly graded heritage assets, including Manchester Library and Manchester Town Hall, as well as one that retained locally important heritage assets. This case is included in the recently revised Historic England Guidance on Tall Buildings, 2022 (CDF.07)⁴ In London I also appeared as an expert witness acting for the Greater London Authority on tall building proposals at Westferry in East London and most recently, the 'Tulip' proposal in the City of London.
- 1.7 I have published several articles on conservation in *Context* the journal of the IHBC and in 2015 my paper on *Setting: A practitioners View* given at the 2015 Joint Planning Law Conference Oxford was published as part of the transactions of the event by Sweet & Maxwell.
- 1.8 I was first instructed by the London Borough of Southwark in April 2022 and had no previous involvement with the proposals submitted in 2018 or 2021. The evidence I have prepared in this proof for this appeal is true to the best of my knowledge and belief. I confirm that the opinions expressed represent my true and professional opinions and have been reached in accordance with the code of practice of my professional Institute (The Institute of Historic Building Conservation). It is based upon research and site visits undertaken in 2022 and

⁴ Historic England Advice Note 4 Tall Buildings March 2022 pp 32-3 Case Study 8 St Michael's Manchester

previous visits including those in 2020 to the Tower of London World Heritage Site in association with my work on the 'Tulip' proposal.

2.0 SCOPE OF EVIDENCE

- 2.1 My evidence will identify the heritage assets affected by the proposals to redevelop the appeal site. I will examine the significance of those heritage assets and the contribution of setting to their significance or the ability to appreciate that significance. I will then consider the impact of the proposal upon the special interest of those assets, by reference to the relevant statutory duties, international obligations and policy tests set by national planning policy and the development plan.
- 2.2 My evidence supports the heritage concerns raised by the London Borough of Southwark in its Statements of Case dated 16 March 2022 (CDI.03 and CDI.04).
- 2.3 The scope of my evidence includes:
- a brief assessment of the site in its wider historic context in the London Borough of Southwark and, as far as relevant, in particular to the first application of 2018, the City of London
 - an analysis of the heritage significance of the heritage assets affected by the development in that context drawing upon the agreed summary statements of significance (if completed by the time of writing this proof) and the contribution made to that significance or the ability to appreciate it by setting;
 - an indication of the relevant statutory context, international obligations, policy, guidance and advice

- my assessment of the impact of the Appellant's proposals upon the special interest or significance of heritage assets, including the contribution made to significance, or the ability to appreciate significance, by the current setting;
- my identification of the cumulative heritage impact of the proposed development on the basis of information provided, taking account of heritage harms and benefits; and
- an assessment of the Appellant's approach to consideration of heritage impacts and the conclusions set out in the supporting assessments;

2.4 My evidence should be read together with the evidence provided by Michael Glasgow (Planning) on behalf of the London Borough of Southwark; and Elizabeth Adams (Urban Design). It is not the function of my evidence to address the overall balance to be undertaken in decision making but rather to advise the decision taker about the effect of the development on the historic environment so that it can be taken into account in the planning balance.

3.0 THE APPEAL SITE AND ITS WIDER CONTEXT

- 3.1 The appeal site is located in the London borough of Southwark and will be described in the Statement of Common Ground which has yet to be completed at the time of writing this proof.
- 3.2 The site is within the setting of several heritage assets as identified in the Southwark Council Statements of Case 16 March 2022 (CDI.03 and CDI.04 para 2.10).

- 3.3 The site is the subject of 4 applications for developments identified as the 2018 proposals and the 2021 proposals. These comprise two pairs of related applications, one for planning permission and one for listed building consent. The description of development for the respective applications will be set out in the Statement of Common Ground.

The historic context of the site

- 3.4 The site is located on the south side of St Thomas Street to the west of Borough High Street in Southwark which owes its position and importance to two factors. The first is a slight elevation above the then marshy south bank and associated islands of the Thames. The second is the position of Southwark at the southern end of the first permanent crossing of the river, established by the Romans when they founded the city of *Londinium* and which provided the link to two main routes from the south, Watling and Stane Streets. The crossing was subsequently re-established in a slightly different position in the medieval period and relocated again in the 19th century. Southwark is London's first suburb and a transitional place, with links to both the city to the north and the country to the south-east. It was the location for the London Palace of the Bishops of Winchester in the medieval period and was also the site of an important market which had its origins in those originally held on the old London Bridge and which remains central to the identity of the area today.
- 3.5 Outside of the City of London, Southwark has one of the longest time depths of occupation in the capital which is reflected in its morphology of connected east-west and north-south routes. These are flanked by burgage plots along the High Street that provided a robust urban grain that has survived successive waves of redevelopment. The development site is located to the east of the High Street in an area that was strongly influenced by the establishment of St Thomas's

Hospital by the medieval Priory and part of the site was used as its burial ground. Archaeological work undertaken in the 1980s established occupation on the site from the Roman and medieval periods. It lies within the area of land developed for Guy's Hospital in the mid 18th century when the street was then first connected to Bermondsey Street to the east.

- 3.6 The early 18th and 19th century character of St Thomas Street remains well preserved from its junction with Borough High Street. Land behind St. Thomas Street was requisitioned in 1862 to enlarge the London Bridge Station terminus, leaving only the buildings on the north side of the street. The rest was redeveloped, and new commercial buildings were erected on London Bridge Street. St. Thomas's Hospital had to move out but its later neighbour, Guy's, was unaffected and grew steadily through the 19th century with a medical school and associated development creating a distinctive collegiate character of contained closes and quads that survives today.

4.0 STATUTORY DUTIES, DEVELOPMENT PLAN AND POLICY

Legal context

World Heritage Sites

- 4.1 The concept of World Heritage is at the core of the World Heritage Convention, adopted by the United Nation's Educational, Scientific and Cultural Organisation

(UNESCO) in November 1972 (the Convention)⁵. It came into force in 1975 and established a World Heritage List as a means of identifying, protecting, conserving and transmitting to future generations those parts of the world's natural and cultural heritage deemed to be of Outstanding Universal Value (OUV) and the concern of the international community as a whole.⁶

- 4.2 By ratifying the Convention, State Parties (of which the UK is one) pledge to meet the provisions of the Convention and safeguard World Heritage Sites (WHS) in their territories as part of their agreed policy for protecting their national

⁵ As early as 1942, in wartime, the governments of the European countries, which were confronting Nazi Germany and its allies, met in the United Kingdom for the Conference of Allied Ministers of Education (CAME). The Second World War was far from over, yet those countries were looking for ways and means to reconstruct their systems of education once peace was restored. Very quickly, the project gained momentum and soon took on a universal note. New governments, including that of the United States, decided to join in. A United Nations Conference for the establishment of an educational and cultural organization (ECO/CONF) was convened in London from 1 to 16 November 1945. Scarcely had the war ended when the conference opened. It gathered together the representatives of forty-four countries who decided to create an organization that would embody a genuine culture of peace. In their eyes, the new organization must establish the "intellectual and moral solidarity of mankind" and, in so doing, prevent the outbreak of another world war. UNESCO was established by the United Nations Economic and Social Council in November 1946.

⁶ Under Article 1 of the Convention Cultural Heritage is defined as:

monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science;

groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science;

sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.

heritage.⁷ This ratification places a significant obligation on the UK Government which is reflected in the policy in paragraph 2 of the NPPF (CDD.01):

“Planning policies and decisions must also reflect relevant international obligations and statutory requirements.”

- 4.3 The UK ratified the World Heritage Convention in 1984 and submitted its first Tentative List of potential sites for inscription in 1986. The addition of a site or monument to the World Heritage List confers significant international prestige on the site, raising awareness of its exceptional qualities and importance both within its own country and around the world. By nominating a site or monument for inclusion on the List, State Parties are explicitly stating their commitment to the World Heritage Convention and the importance of the protection and conservation of the monuments that make up the List, and undertaking to protect them.

Listed Buildings

- 4.4 The legal context for the management of listed buildings and conservation areas is contained within the Planning (Listed Buildings and Conservation Areas) Act 1990 (CDH.01).

⁷ Under Article 4 of the Convention each State Party recognizes *inter alia* “that the duty of ensuring the identification, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Articles 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources.... “

Under Article 5 of the Convention State Parties undertake to ensure effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory,

- 4.5 Section 66 provides that in considering whether to grant planning permission for development which affects a listed building or its setting, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 4.6 Section 72 provides that in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 4.7 Although the two duties are expressed slightly differently, my understanding is that the nature of the duty is essentially the same under both provisions.
- 4.8 The case law concerning the duties in the Act is conveniently summarised in Appendix 1 to the Judgment of Holgate J in the *Save Stonehenge*⁸ case at paragraphs 4 to 9. The *Barnwell* judgement makes clear that “*preserving*” means “*doing no harm*” and that decision makers should give “*considerable importance and weight*” to the desirability of preserving listed buildings and the setting of listed buildings, and the character and appearance of conservation areas (CDH.04). A finding of harm to the setting of a listed building, or to the character or appearance of a conservation area gives rise to a strong statutory presumption against planning permission being granted.⁹

⁸ R (Save Stonehenge World Heritage Site Ltd.) v. Secretary of State for Transport [2021] EWHC 2161 (Admin) (CDH.12)

⁹ East Northamptonshire District Council, English Heritage and National Trust v SoS for Communities and Barnwell Manor Wind Energy Ltd. [2014] EWHC 137 (Admin) (CDH.04)

Scheduled Ancient Monuments

- 4.9 Control of works affecting scheduled monuments is included in the Ancient Monuments and Archaeological Areas Act 1979 Part 1 Section 2. This controls works to physical fabric above ground and the potential for evidence below ground. Consideration of impacts upon setting of scheduled ancient monuments is considered within the context of the National Planning Policy Framework as it relates to all designated heritage assets.

Development Plan

- 4.10 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires a decision maker:

“To determine an application in accordance with the development plan unless material considerations indicate otherwise”

At the time of writing the Development Plan currently in force for the area comprises the Southwark Plan 2022 (adopted 23 February) (CDE.01) and the London Plan 2021 (CDD.021). An assessment of the proposal having regard to the Development Plan has to be framed by the statutory test for heritage assets and the NPPF policy approach. The requirement to conserve or enhance heritage assets and their settings is set out in Southwark Plan policies P19; P20; P21; P23; P24; and P26.

- 4.11 The immense significance of the Tower of London (TOL) WHS, one of four in the capital, engages a specific policy approach that preserves and, where appropriate, seeks to enhance the OUV, architectural and historic significance, authenticity and integrity of the site and its local setting. The Management Plan

for the TOL WHS (CDF.09) is a material consideration and supported by dedicated Supplementary Planning Guidance.¹⁰

- 4.12 The proposals also engage specific policies on tall buildings and protected views both within the London Plan, which support a plan-led approach to deliver buildings of high architectural quality on appropriate sites, and the Southwark Plan (policy P17).
- 4.13 The development of tall building policy for the capital has a long history and understanding that development in the context of the Tower of London World Heritage Site is important in consideration of the impacts of the proposals in both planning applications, but particularly for the 2018 proposals. Details of the early history of policy development on tall buildings in London with specific reference to the London World Heritage Sites of Westminster and the Tower of London is provided in *Appendix NPBM 4*. It should, however, be noted that the presence of tall or large buildings within the setting of the TOL WHS was first raised by UNESCO and the World Heritage Committee¹¹ at the time the site was put forward for inscription in 1988¹² and has remained a concern until the present day.

¹⁰ London Plan Policy D9 (CDD.021) and London World Heritage Sites SPG (March 2012) at CDD.025

¹¹ The World Heritage Committee was established under Article 8 of the 1972 World Heritage Convention as an intergovernmental Committee for the Protection of Cultural and Natural Heritage of Outstanding Universal Value.

¹² The Committee has expressed its regrets regarding the building of the Tower [now Gouman] Hotel, which would have best been avoided, and took note of the assurances of the United Kingdom authorities as to protection henceforth to be granted to the environment of the Tower of London.”

- 4.14 Under Article 11 paragraph 4 of the 1972 UNESCO Convention the World Heritage Committee (WHC), responsible for publishing and managing the World Heritage Site List, also has the responsibility of compiling a list of World Heritage in Danger. The danger can be the result of a number of factors¹³ but inclusion is considered against criteria defined by the Committee. Ongoing unease about the management of the setting of the TOL in relation to tall buildings first identified at inscription had grown until, in 2006, the World Heritage Centre and ICOMOS recommended the WHC to recommend “In Danger” listing because of the impact of development in the setting of the TOL on its ability to project its former role. This was not implemented.
- 4.15 The WHC Meeting in St Petersburg in June 2012 considered the Reactive Monitoring Mission Reports (CDF.017), which found:

“a) Tower of London Local Setting Study and visual integrity of the property

The State Party reports that the study provides guidance for managing change in the immediate setting of the Tower, essentially the area visible at ground level from its perimeter. It acknowledges the impacts on the visual integrity that have occurred as a result of past developments, but also notes that other proposals have been modified to lessen their potential impact which reflects efforts in protecting the historic environment. Strengthened policies now in place should lessen the risk of inappropriate development that could cause additional impact on the visual integrity of the property.

¹³ 1972 World Heritage Convention page 6 Article 11 paragraph 4 identifies *inter alia* “serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects; destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever; the outbreak or the threat of an armed conflict; calamities and cataclysms; serious fires, earthquakes, landslides; volcanic eruptions; changes in water level, floods and tidal waves.”

The mission noted that the visual integrity of the property has been compromised by the Shard of Glass which will be 310m tall on completion. It underscored the need to better regulate the further build-up of the area and recommends that if any tall buildings are planned, these should not exceed the height by which they would become visible above the on-site historic buildings that are part of the Tower complex. The mission considers that any additional tall buildings in the area would destroy the visual integrity of the property and severely compromise its Outstanding Universal Value (OUV), possibly beyond repair.”

- 4.16 In a response to a WHC Report and Decision of July 2017 following a mission to the Westminster WHS the State Party (UK Government DDCMS) in their State of Conservation Report stated:

“(inter alia) The Greater London Authority is currently undertaking a review of the London Plan. The revised plan sets out a range of overarching policies for London. A draft of the updated plan is now available. The draft contains a comprehensive policy on world heritage sites which provides a more robust approach to protection of the Outstanding Universal Value (OUV) of London’s four World Heritage Sites (WHS). Additionally, the updated plan includes further guidance on the effective management of WHS and their settings.

Policy HC2 of the London Plan places greater weight on the importance of WHS management plans, particularly to inform plan making and planning decisions.

In order to assess the impact of the cumulative impact of proposals, the Greater London Authority and boroughs are also utilizing 3D modelling. These models, particularly 3D virtual reality and other interactive digital models, should, where possible, be used to

inform plan-making and decision-taking, and to engage Londoners in the planning process".¹⁴

- 4.17 Updated Policy HC2 in the London Plan on World Heritage Sites and supporting text are clearer than the previous policy and provide protection for the Outstanding Universal Value (OUV) of London's four World Heritage Sites (WHS), including the effective management their settings. In addition, Policy D9: Tall Buildings adopts a more robust approach to protecting the OUV of London's WHS when compared to the equivalent policies of the 2016 LP. The policy requires that buildings in the settings of a WHS must preserve and not harm, the OUV of the WHS, and the ability to appreciate it (C1e).
- 4.18 It should be noted that one of the approaches to mitigating the potential impacts of tall buildings is the idea of clustering. This emerged as a concept in the context of the pressure for tall, office-led development within the City of London as part of strategic policy to support its role as world leading financial centre. Following an ICOMOS Mission the World Heritage Committee confirmed that it favoured clustering tall buildings in the City of London because confining them to a small area was a way of avoiding a spread of towers and therefore limiting harmful impact by safeguarding what remains of the openness of the setting of the WHS and specifically that of the White Tower. This should not be confused with the idea that clustering justifies further tall buildings. The issue was considered in the City of London context in the Inspector's report to the Secretary of State on the proposed 'Tulip' tower (CDH.10.) at paragraphs 14.7 and 14.8. As the Inspector said, confining tall buildings to a small area is a way of avoiding the

¹⁴ State of conservation Report for Westminster World Heritage Site including actions in response to WHC decision 41 COM 7B.55 with covering letter from Enid Williams World Heritage Policy Advisor (CDF.020)

spread of towers and limiting any adverse impact on the WHS. There is no implication that tall buildings are, of themselves, beneficial, or that it is necessarily positive to have modern skyscrapers standing near historic buildings.

National Planning Policy

- 4.19 The purpose of the planning system is to contribute to the achievement of sustainable development and the National Planning Policy Framework (NPPF) (*July 2021*) (CDD.01) There are three dimensions to sustainable development and the planning system has an economic role supporting growth; a social role supporting strong, vibrant and healthy communities by creating high-quality built environment; and an environmental role by contributing to protecting and enhancing the natural, built and historic environment.
- 4.20 The NPPF includes what the Court of Appeal has described as a “fasciculus” or bundle of paragraphs which lay down an approach which corresponds to the duty under section 66 of the LBCAA.¹⁵ Paragraphs 206 to 207 of the NPPF extend that approach to development within Conservation Areas, reflecting the parallel duty under section 72 of the LBCAA. The approach to the application of the relevant paragraphs of the NPPF has been addressed by the Court of Appeal in the *Bramshill* case¹⁶(at paragraphs 71 to 81) and recently by Mrs Justice Lang in the *London Historic Parks and Gardens Trust* case¹⁷ (at paragraphs 47 to 53).

¹⁵ Jones v Mordue [2015] EWCA Civ 1243 at paragraph 28 (CDH.13)

¹⁶ City and Country Bramshill Ltd. v. Secretary of State for Housing, Communities and Local Government [2021] EWCA Civ 320. (CDH.06)

¹⁷ London Historic Parks and Gardens Trust v. Minister of State for Housing [2022] EWHC 829 (Admin)(CDH.07)

- 4.21 A decision-maker should identify and assess the particular significance of the heritage assets that are affected by a proposal. They should take account of this assessment to avoid or minimise conflict between the heritage assets' conservation and any aspect of the proposal (NPPF paragraph 195).
- 4.22 Great weight should be given to the conservation of designated heritage assets. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification (NPPF paragraphs 199 and 200).
- 4.23 Whether harm is substantial or less than substantial (to use the terms of the NPPF) is a matter of judgement and the boundary between the two is not always clear cut. Harm is best thought of as a spectrum from negligible at one end to total loss of an asset at the other and the further along that spectrum you are the more important the clear and convincing justification becomes.
- 4.24 My approach in this case has therefore been to approach the assessment of harm based on a good understanding of the significance and special interest of the heritage assets affected by the proposal, as identified by national listing and following the guidance of the NPPF and NPPG. In addition, for the World Heritage site I separately consider the identified OUV which represents the significance of that asset as inscribed by UNESCO and the impact of the proposals upon that OUV including the ability to experience it.

5.0 GUIDANCE AND ADVICE

National Planning Policy Guidance (CDD.011)

5.1 The NPPG sets out how the possibility of harm to a heritage asset can be assessed.¹⁸ The key points to note are:

- What matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset which derives not only from a heritage asset's physical presence, but also from its setting;
- Within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated;
- It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting;
- in determining whether works to a listed building constitute substantial harm, an important consideration would be whether the adverse impact seriously affects a key element of its special architectural or historic interest.

Supplementary Planning Guidance on London's World Heritage Sites: Guidance on Settings (published March 2012) (CDD.025)

5.2 This document is part of the implementation framework for the 2011 London Plan. The national policy context has undergone some change with the introduction of the NPPF, but the policy hierarchy and context set out in the flowchart on page 8 remains relevant.

¹⁸ Paragraph: 018 Reference ID: 18a-018-20190723 Revision date: 23 07 2019 (CDD.011).

- 5.3 OUV includes attributes that fall outside the national planning system and therefore management plans for WHS are encouraged to be clear on those attributes that are within the planning framework. However, in order to assess impact of development upon the authenticity and integrity of all the attributes that constitute OUV, an assessment framework (Implementation Point 14) is provided in the SPG (page 65) and a 7-step process is illustrated. The framework is based on ICOMOS guidance but adapted for use in the UK context. It is consistent with other UK guidance and this multi layered analysis can be carried out as part of an Environmental Impact Assessment, or Heritage or Townscape Assessment. However, to ensure conservation of the WHS Universal Value, the assessment framework should be followed and should clearly focus on an analysis of the contribution that setting makes to the OUV of a WHS.
- 5.4 The cumulative effect of separate impacts should also be considered. This is impact that results from incremental changes caused by past, present or potential developments with planning permission, which cumulatively with the proposed development can have a significant impact on the setting of a WHS (pages 69-70 para 5.31). The assessment of cumulative impacts should also consider whether proposed developments will increase the likelihood of other similar developments occurring and any consequence of that.

*Historic England Good Practice Advice in Planning #2 Managing
Significance in Decision Taking in the Historic Environment (CDF.03)*

- 5.5 This provides information to assist local authorities and other interested parties on implementing historic environment policy in the NPPF and NPPG. The general advice is that development proposals affecting the historic environment are much more likely to gain necessary permissions if they are designed with the

knowledge and understanding of the significance of the heritage assets they may affect. The first step for all applicants is to understand the significance of any affected heritage asset and, if relevant, the contribution of its setting to its significance. Understanding the nature of that significance is important to understanding the need for and best means of conservation where conservation (for heritage policy) is defined as *“the process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.”* (NPPF Glossary Annex 2 page 66)

- 5.6 When assessing proposals if there is any apparent conflict between the proposed development and the conservation of a heritage asset then the decision-maker might need to consider whether alternative means of delivering development benefits could achieve a more sustainable result, before proceeding to weigh benefits against any harm.¹⁹
- 5.7 Both the NPPF and NPPG contain detailed guidance on why design is important and how good design can be achieved. Good design is inherently informed by its surroundings which is recognised in the National Design Guide (CDD.020). Included in the 10 characteristics for creating beautiful, successful and enduring places are demonstrating an understanding of local and wider context (C1) and valuing existing heritage and culture (C2), which helps to achieve built form that is appropriate (C12). This is not a new approach but one that underpinned the Historic England/CABE Building in Context (BiC) advice and subsequent Toolkit which provided 8 principles to support successful new development in historic

¹⁹ Historic England Good Practice Advice in Planning #2 published 2015: page 8 paragraph 26 (CDF.03)

contexts. The relationship between the BiC principles and the Model Design Guide characteristics are explained on the HE website.²⁰ The wider consideration of the design quality of the proposals is undertaken by Elizabeth Adams, but the response of the proposals to the historic context and established historic character of the area of the proposed development and its wider setting is relevant to assessing impact upon heritage significance.²¹

Historic England: The Setting of Heritage Assets - Good Practice Advice in Planning #3 (December 2017) (CDF.04)

5.8 Because harm can arise from loss of fabric but also from development within the setting of heritage assets, Historic England has provided advice on how to manage change within the setting of heritage assets. The Good Practice Advice does not seek to prescribe a single methodology or particular data sources but it is clear that alternative approaches will only be acceptable if they are demonstrably compliant with legislation, national policies and objectives. There is also an important distinction between setting and views. Whilst acknowledging

²⁰ [Historicengland.org.uk/ Advice /Planning /Design in the Historic Environment](https://historicengland.org.uk/advice/planning/design-in-the-historic-environment/) updated 7 February 2022 (CDF.08)

²¹ For the historic environment, factors that will make the scale, height, massing, alignment, materials and proposed use of new development successful in its context are:

- the history of the place;
- the significance of nearby assets and the contribution of their setting, recognising this as a dynamic concept;
- the general character and distinctiveness of an area in its widest sense;
- landmarks and other built or landscape features which are key to a sense of place;
- views into, through and from the site and its surroundings;
- and the current and historic uses in the area and the urban grain

Historic England Good Practice Advice in Planning #2 published 2015 page15 paragraph 53 (CDF.03)

that the extent and importance of setting is often expressed by reference to visual considerations, and that they play an important part in the way an asset is experienced, other environmental factors and intangible associations factors also have to be considered.

- 5.9 The suggested framework is a 5-step process and in order to comply with legislation, policy and national objectives steps 2, 3 and 4 are critical. Clearly establishing the contribution of setting and views to the significance of an asset or how it allows significance to be appreciated enables an effective and informed assessment of the effects of proposed development, whether beneficial or harmful. It also enables Step 4, the maximisation of enhancement and minimisation of harm to be secured, ideally at an early stage in the design process. Early assessment of setting can provide an effective way of agreeing the scope and form of development.²² Frameworks for considering both the contribution of setting and the assessment of potential attributes, and therefore impacts of a development, are provided. These have informed my assessment of both proposals (2018 and 2021) set out below.
- 5.10 It is recognised that the setting of a heritage asset will change over time but where the setting of a heritage asset has been compromised in the past by unsympathetic development, to accord with NPPF policies consideration needs to be given to whether additional change will further detract from, or can enhance, the significance of the asset. Negative change could include severing the last link between an asset and its original setting; positive change could

²² Good Practice Advice #3 pages 8-14 (CDF.04)

include the restoration of a building's designed landscape or the removal of structures impairing views of a building.²³

Tall Buildings Historic England Advice Note 4 (2nd Edition) 2022²⁴(CDF.07)

5.11 This has been issued to guide people involved in planning for and designing tall buildings so that they may be delivered in a sustainable and successful way through the development plan and development management process. It is recognised that if a tall building is not in the right place and well designed, by virtue of its size and widespread visibility it can also seriously harm the qualities people value about a place.

5.12 The approach to tall buildings in the advice is based on five principles:

- A plan-led approach to tall buildings to determine their location;
- An evidence base which explores alternative options for the location and heights of tall buildings;
- Decision making informed by understanding of place, character and historic significance;
- Tall buildings proposals which take account of local context and historic character; and
- Early and effective engagement at plan-making and decision-taking stages including the use of design review panels.

²³ Good Practice Advice #3 December 2017 Page 4 bullet titled Cumulative Change

²⁴ This edition updates Historic England's advice in light of changes to national planning policy and guidance, and recent experience of planning for tall buildings in the historic environment. It also reflects research from 'Assessing the Impact of Tall Buildings on the Historic Environment' report (Node, 2021). This Historic England Advice note supersedes 'Historic England Advice Note 4: Tall Buildings, first edition (2015)'.

5.13 In understanding the impacts of tall buildings on views the advice states:

There is a distinction between setting and views:

Setting is more comprehensive and can include contextual elements which deal with the relationship of an asset to its surroundings both in the present and in the past. This includes the way a heritage asset or place is experienced and perceived today.

Views are a more defined element of setting, and not every heritage asset will have significant views associated with it. Nonetheless, views can make a vital contribution to the setting of heritage assets and constitute part of an asset's significance, for example Liverpool's Cathedrals, Oxford's 'dreaming spires', or London's protected views of St Paul's Cathedral, the Palace of Westminster and the Tower of London. Townscape and landscape can be enlivened by views which are integral to how the historic environment is experienced and draws visitors, so it is important to understand the significance they have.²⁵

6.0 THE APPROACH TO SIGNIFICANCE AND SETTING

- 6.1 Significance for heritage policy is defined in the NPPF.²⁶ Significance is a term used in "*Conservation Principles: Policies and Guidance for the Sustainable Management of the Historic Environment*" published by English Heritage in April 2008. Significance is the sum of an asset's cultural and natural heritage values and only through understanding the significance of a place is it possible to

²⁵ Historic England Advice note 4 Tall Buildings Page 16 para 4.8

²⁶ (NPPF Annex 2: Glossary p7, CDD.011) *The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance*

assess how the qualities that people value are vulnerable to harm and loss.

Conservation Principles has been the subject of intended revision, primarily to align the language of the identified heritage values more closely with those terms used for identification of special interest for designation and those used for management in national policy and legislation.

- 6.2 The purpose of the *Principles* is to provide a comprehensive framework for the sustainable management of the historic environment under six headlines.²⁷ Principle 4 (p 22) sets out how the values attached to a place should be managed and 4.3 indicates that the aim is to ensure that the place retains its authenticity- those attributes and elements which most truthfully reflect and embody the heritage values attached to it. At 4.6 in relation to new work the quality of the design and execution should include respecting the significance of a place in its setting.
- 6.3 The setting of a heritage asset is defined in the NPPF²⁸ and the contribution made by setting to the significance of a heritage asset can be physical, perceptual and associational.²⁹ In assessing whether, how and to what degree setting makes a contribution to the significance of a heritage asset, the starting point is an understanding of the asset itself. Consideration of potential attributes

²⁷ The six principles are: 1: The historic environment is a shared resource; 2 Everyone should be able to participate in sustaining the historic environment; 3 Understanding the significance of places is vital; 4 Significant places should be managed to sustain their values; 5 Decisions about change must be reasonable, transparent and consistent and; 6 Documenting and learning from decisions is vital.

²⁸ *The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. (NPPF Revised 2019, Annex 2: Glossary p71, CDD.01)*

²⁹ The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning #3 Historic England 2nd Edn December 2017, CDF.04

of the physical surroundings and how you experience the asset are in the checklist provided in the Good Practice Advice #3 at page 11 (CDF.04) and help to identify how the setting contributes to that significance or the ability to appreciate it.

6.4 Assessing the degree to which setting and views make a contribution to the significance of a heritage asset or the ability to appreciate that significance is Step 2 in the staged approach set out in the Good Practice Advice in Planning (GPAP) advice. There is a distinction drawn in the advice between Setting and Views (CDF.04 page 2 Part 1: highlighted box) which acknowledges that while the extent and importance of setting is often expressed by reference to visual considerations, the way we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses and our understanding of the historic relationship between places. An example is buildings which are in close proximity but are not visible from each other but may have a historic or aesthetic connection that amplifies the experience of the significance of each;³⁰ a relevant example would be the City of London churches reconstructed after the Great Fire by Christopher Wren.

6.5 It is recommended that the assessment should first address the key attributes (or values) of the heritage asset and then consider 4 key issues.³¹ Further detail to

³⁰ The distinction is particularly important in relation to tall building proposals as the new advice note sets out

³¹ The physical surroundings of the asset including its relationship with other heritage assets;
The asset's intangible associations with its surroundings, and patterns of use;
The contribution made by noises, smells, etc to significance; and

assist in the consideration of potential attributes of a development affecting setting (Step 3) is then provided in the highlighted box checklist on page 13. This is structured under four broad headings:

- Location and Siting
- Form and appearance
- Wider effects
- Permanence

6.6 This advice has formed the basis of my approach to assessing the contribution made by setting to the significance or ability to appreciate significance of the heritage assets affected by the 2018 and 2021 proposals as well as my assessment of the implications of the development upon it. (*Sections 7, 8 and 9 below*) The assessment is provided because in my professional judgement, the Appellant has not followed the approach of the Guidance in the assessment of impact provided with the application documentation.

7.0 HERITAGE ASSETS AFFECTED BY THE PROPOSED DEVELOPMENT

7.1 The heritage assets potentially affected by the 2018 proposals will be identified in the Heritage Statement of Common Ground (HSoCG). A reduced but still significant number of designated heritage assets are affected by the 2021 proposals. A list of those assets will also be included in the HSoCG. At the time of writing this Proof the draft HSoCG is not yet in agreed form but it is expected

The way views allow the significance of the asset to be appreciated, paragraph 26 CDF.04

to be finalised shortly and will include a list of the relevant assets for consideration.

- 7.2 I have prepared Summary Statements of Significance for the Heritage Assets for agreement with the Appellant and Historic England for inclusion in the HSoCG. At the time of writing this proof agreement was still being reached. It is hoped that these will be agreed, but to the extent that there is any dispute this should be identified in the HSoCG. In the paragraphs below I draw on the key attributes or interests of each of the assets which formed the basis of that draft in order to then consider the potential impact of the proposals upon the contribution made by the setting to those interests or significance, including the ability to appreciate them.

Tower of London WHS

- 7.3 The Tower of London (TOL) is one of England's most evocative ancient monuments. There is a tangible sense of history in every tower and around every corner, making it an endlessly fascinating place for visitors from all round the world. The buildings and layout that we see today stand as the culmination of a sequence which started around 1067: they have developed dynamically ever since, in line with the changing needs of the site's occupants, users and visitors.³²
- 7.4 The Tower was occasionally occupied as a palace by every king and queen until James I. Throughout its history, the Tower has also been used as the principal place of confinement for important State prisoners, from

³² The majority of the description is derived from the Tower of London WHS Management Plan 2016 (CDF.09)

the Norman Bishop Ranulf Flambard in the early 12th century to Rudolf Hess in the 20th. Today, the Tower is an unoccupied royal palace open to the public at stated times. It contains the Crown Jewels, the Royal Armouries, the headquarters of the Royal Regiment of Fusiliers and other offices, as well as accommodation for resident staff.

- 7.5 The TOL was inscribed as a World Heritage Site in 1988 (CDF.012). It met two UNESCO criteria for inscription:

ii) to exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town-planning or landscape design;

(A monument symbolic of royal power since the time of William the Conqueror, the Tower of London served as an outstanding model throughout the kingdom from the end of the 11th century. Like it, many keeps were built in stone, e.g. Colchester, Rochester, Hedingham, Norwich or Carisbrooke Castle on the Isle of Wight) and:

iv) to be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history.

(The White Tower is the example par excellence of the royal Norman castle in the late 11th century. The ensemble of the Tower of London is a major reference for the history of medieval military architecture.)”³³

7.6 The key values or attributes of the Tower are contained within the revised SOUV of 2011.³⁴ The property’s ‘attributes’ identified within the TOL Management Plan (CDF.09) are the features or relationships that express its OUV as identified in the agreed SOUV. Attributes are usually physical, but can also be processes or practices (such as traditions, or management regimes) that have an impact on physical qualities. The attributes that express the OUV of the Tower are:

1. An internationally famous monument
2. Landmark siting
3. Symbol of Norman power
4. Physical dominance (of the White Tower)

³³ An approved Statement of Significance for the property was agreed in 2008 based on the information at time of inscription. A comprehensive, revised SOUV for the Tower was prepared in 2011 and agreed by the 37th session of the World Heritage Committee in June 2013

³⁴ 1) Landmark siting, for both protection and control of the City of London (*Architectural and Historic interest*)

2) Symbol of Norman power (*Historic Interest*)

3) Outstanding example of late 11th-century innovative Norman military architecture (*Architectural and Historic interest*)

4) Model example of a medieval fortress palace which evolved from the 11th to 16th centuries (*Historic illustrative Interest and Architectural Interest*)

5) Association with State Institutions (*Historic interest*)

6) Setting for key historical events in European history (*Historic Interest*)

5. Concentric defences
6. Surviving medieval remains
7. Physical, historical (associative) evidence

7.7 In addition to the attributes identified above the Tower has additional significance at national and local level. This is illustrated by its designation as a Scheduled Monument, the listing of individual buildings within the complex and the designation of the Tower and its surroundings as a conservation area.

7.8 The Scheduled Monument status of the TOL provides the primary national protection for the fabric of the WHS and almost all works to the fabric require Scheduled Monument Consent from the Secretary of State (DDCMS), advised by Historic England. The management of significance in the development control planning process, in relation to proposals affecting the setting of the Scheduled Monument and the listed buildings within it, is carried out in the framework of the NPPF as supported by the WHS Management Plan and WHS Local Setting Study (CDF.010); both of which are material considerations when making planning decisions.

7.9 There are six entries on the National Heritage list for England (NHLE) at Grade 1 for buildings and structures inside the Tower of London. These comprise:

- The White Tower (located in the inmost ward)
- Inner Curtain Wall (located around the inner ward) including the Queens House
- Chapel of St Peter Ad Vincula (located in the inner ward)

- The Outer Curtain Wall (located around the outer ward)
- East Moat revetment wall (part of Grade 1 Tower Bridge)
- Middle Tower (on the approach to the west side of the moat)

7.10 All of these structures and buildings are essential parts of the key components of the attributes which contribute to the OUV of the WHS. They are also listed Grade 1 and are therefore in the top 3% of listed buildings nationally. The White Tower is the physical and symbolic heart of the concentric defences comprising inner and outer curtain walls and the Middle Tower. With the exception of the east moat revetment wall, all are readily experienced individually and in relation to each other as part of this internationally famous complex.

Listed Buildings outside the WHS

7.11 The heritage assets that are affected by either the 2018 or the 2021 proposals in the judgment of the Council have been set out in their Statements of Case (CDI.03 and CDI.04) The list entries (CDF.01 and CDF.02) broadly describe the appearance of the buildings and in some instances provide information on the potential reasons for designation. The descriptions are, however, non-statutory and simply identify the building that has been designated. A summary statement of the key interests for each asset, which effectively provide the reasons for designation has been put forward by the Council for the agreement of Historic England and the Appellant as part of the HSoCG. At the time of

completing this proof the HSoCG was not yet agreed.³⁵ The identification of key attributes or interests of the individual assets establishes a robust base upon which to then identify the contribution made by the setting of each asset to its significance and the ability to appreciate significance.

- 7.12 The equivalent information on the special character and appearance of the conservation areas, which justifies their designation, is also to be provided in the Heritage Statement of Common Ground.
- 7.13 The use of key attributes enables heritage interests that are common across several assets to be identified, including how individual buildings contribute to the wider conservation area within which they sit, where relevant. This comprehensive and holistic approach ensures that the subsequent assessment of impact upon the special interest of assets both individually and in combination can be robust.
- 7.14 I have drawn on this work to provide concise further analysis below. That analysis commences with the assets within the City of London, followed by those within the London Borough of Southwark. For those assets in Southwark, the highly graded individual assets are generally assessed first and their contribution, both individually and in combination, to the context and special character of the relevant conservation areas then follows.

³⁵ NPPF (as amended 2021) pp71-2 Significance for Heritage Policy: The value of a heritage asset because of its heritage interest- the interest may be archaeological, architectural, artistic or historic

St Paul's Cathedral

- 7.15 St Paul's Cathedral is an internationally recognised symbol of the capital and viewed by many as the masterpiece of its architect, Sir Christopher Wren. It was of primary importance for St Paul's to be rebuilt following the Great Fire and it has been at the heart of national life ever since. The attack on the Cathedral in World War II was captured in what has become one of the iconic images of the war, with the survival of the dome symbolic of the ultimate victory of the allies. Through photography, St Paul's under fire became a defining image in London, Britain and beyond for many more people than had seen it with their own eyes.



St Paul's Cathedral: taken 29 December 1940 by Herbert Mason © Imperial War Museum

- 7.16 The picture was published by the Daily Mail on 31st December with the caption "*War's Greatest Picture; St Paul's Stands Unharmd in the Midst of the Burning City*". However, Mason's original picture was modified by

the Daily Mail; it was cropped to focus more attention on the dome, and less on the ruins around it and there is evidence that brush strokes were added to the bombed-out windows to suggest flames. But the image was also used on the front cover of German newspaper, Berliner Illustrierte Zeitung (Berlin Illustrated Times), 23 January 1941 with a caption “*The City of London burns*”. It therefore illustrates the complex cultural values that can be attached to historic buildings and how they are seen.

- 7.17 The photograph was not simply “war’s greatest picture”, but also an important symbol in debates about post-war reconstruction which evoked the history of the cathedral itself, which was built after the Great Fire of London of 1666 had decimated the city. Famous names associated with the picture include the author J B Priestley, who wrote a book called “Britain Under Fire”, and American photographer Lee Miller, who took pictures for a book called “Grim Glory” and both publications featured versions of Mason’s picture on the cover.³⁶
- 7.18 The silhouette of the towers and particularly the dome became, and has remained embedded in national consciousness, not just as a nostalgic symbol, but also as a part of Post-War planning and the St Paul’s Heights policy still informs management of the City of London Skyline today. The ability to appreciate the outline and form of the Cathedral is for many the most tangible way to engage with and understand its cultural and historic importance, including architectural significance, over three centuries.

³⁶ Dr Tom Allbeson, Cultural Historian Swansea University

St Magnus the Martyr Church

- 7.19 Grade 1 Churches are the most significant repositories of a community's architectural and historic environment and their prominence in the historic environment is universally accepted. Many of our most important historic buildings are places of worship and this is reflected in the statutory lists: 45% of all Grade I listed buildings are churches³⁷. They are often repositories for the collective memories of local communities and their historic place of burial. With their strong claims to special architectural, archaeological, artistic, historic and cultural interest, places of worship deserve considerable respect and care.
- 7.20 There were 110 known parish churches in the medieval City of London, the majority of which did not survive the Great Fire in 1666.³⁸ The survivors of the Fire are, as a group, the most eloquent and informative structures illustrating the architecture and social history of the medieval City. Architecturally, although very different, the majority of the city churches share a common characteristic of an architectural emphasis on the west end, expressed as a tower, often elaborate, or alternatively appearing as a more modest belfry/bell turret. Whatever the form of this element of the architectural design, it is best seen against clear sky which allows maximum appreciation of the silhouette.

³⁷ Historic England: Designation: Listing Selection Guide: Places of Worship

³⁸ The first churches in the City appear to have begun as private chapels and 27 are datable on the basis of archaeology and documentation to before 1100. Many of these chapels became parish churches in the 11th and 12th Centuries alongside new foundations established in the medieval period. Some chapels only became parish churches as late as the 15th Century e.g. St Katharine Cree whilst others were adopted as parish churches following the Dissolution, having been monastic foundations; e.g. St Helens Bishopsgate.



C20 reproduction of engraving 1749 by S and N Buck for St Paul's and the City from the South

- 7.21 In the 18th century the towers and spires of the rebuilt city churches created a famously distinctive London skyline; often delicate counterpoints to the imposing visual dominance and might of the rebuilt St Paul's Cathedral which was the tallest building in the capital until the middle of the 20th century. The visual power and symbolism of the City churches was most easily and strikingly appreciated in the later 18th and 19th centuries and captured in famous views of the city by several artists including Canaletto. As the City has changed the visual dominance and coherence of the group has become fragmented, although their symbolic interest and historic associations remain strong.
- 7.22 The City churches have an additional component to their historic interest as they are recognised as an important group of Anglican buildings that have survived, or been constructed in response to a national catastrophe in the 17th century, only to have then again survived a further time of national crisis in the Second World

War. Collectively they are an outstanding illustration of the heritage significance of the City as a place. The geographical compactness of the City adds to this sense of connection and group identity and it is a feature of their presentation to the public.³⁹

- 7.23 St Magnus the Martyr therefore has to be appreciated within this wider architectural and historic context. Located adjacent to the earliest crossing point of the Thames it also shares a strategic relationship with St Mary Overy (literally St Mary over the river) in Southwark which sits at the southern end of the crossing. One of the most expensive of Wren's churches, the tower is considered to be one of the finest of the surviving city churches. It was originally visually prominent but is now less so; although crucially still with clear sky behind in certain views. Some views with clear sky behind enable an appreciation of the church with the topography of the south of London in the background and enable an easier appreciation of the silhouette of the upper stages of the design.

The Monument

- 7.24 The Monument is both a listed building and a Scheduled Monument. It was first listed in 1950, shortly after listing was introduced in the 1948 Town and Country Planning Act as a reaction to concern about the loss of historic buildings as part of immediate Post-War clearances. It was Scheduled in February the following year. Designed by Sir Christopher Wren and constructed in 1671-7 it is a memorial or monument to the Great Fire, one of the most significant events in the history of London. A colossal Doric column of Portland stone it has stood as

³⁹ The Diocese of London and Corporation of London produces Art of Faith city walks leaflets exploring contemporary art in the City churches; London tourism Guide has a City Churches walk; there are walking tours every Tuesday and Thursday with an expert city of London guide for Wren churches and there is a Friends of the City Churches organisation.

a landmark over London for centuries and is the tallest isolated stone column in the world. Visual prominence is a common and connecting thread for these civic buildings constructed by Wren (St Paul's, the Monument and St Magnus) and integral to their special architectural, artistic and historic interest.

Cathedral Church of St Saviour and St Mary Overy

- 7.25 Southwark was for many centuries the only substantial settlement on the south bank of the Thames and situated at the end of the only bridge crossing the river. The presence of a significant religious foundation at this point on the edge of a major settlement is characteristic of many historic cities in England. The original minster and subsequent priory would have been a source of hospitality and accommodation, supplemented over the succeeding centuries by the many inns and hostelries along the adjacent Borough High Street that catered for travellers to and from London. The role of the priory would therefore have been central to the identity and character of the area and its physical presence would have once been much more visually prominent than is the case today.
- 7.26 Following the Dissolution, the role of the building as a parish church for an area with a constantly shifting population was slightly different to many others and by the 19th century it was in a very poor condition. It was in danger of demolition to accommodate the new railway infrastructure being introduced into the heart of the capital. The retention and restoration of the church in the 19th century by Gwilt is a key chapter in its history and is obviously expressed architecturally by the embellishment of the crossing tower. The establishment of a new diocese and the award of Cathedral Status in 1905 elevated the ecclesiastical significance of the building in an echo of its former medieval importance so that it now has a significant and substantial role in supporting the varied communities of the area.

7.27 Guy's Hospital

Guy's Hospital is a complex based on axial planning and hierarchical design with an architectural expression based on the Vitruvian ideals of "*firmitas*" (strength); "*Utilitas*" (utility or functionality); and "*Venustasis*" (beauty) which underpins classical and neo classical buildings.⁴⁰ Great care was given to how the building was accessed from the street. The ranges to the south preceded the wings to the north which created the arrangement of a forecourt enclosed by the main range and balanced wings, which would be appreciable by anyone passing by; although access would be controlled. The sequence of spaces is described in the Borough High Street Conservation Area Appraisal as being "quite exceptional".⁴¹ The southern courts behind the main range would not have originally been freely accessible, reflecting a characteristic of much 18th century civic architecture or domestic building for the upper levels of society.⁴² The creation of space and sense of separation from surroundings for hospitals has its origins in ecclesiastical architecture, and the Church was the founder of many institutions providing support for the poor. St Thomas's Hospital opposite was one such example established by Southwark Priory and Guy's, a later charitable foundation stands within that tradition. The cultural and functional associations of

⁴⁰ These three ideals are still relevant today and are included in the National Design Guide in paragraph 4 of the introduction: *The long-standing, fundamental principles for good design are that it is: fit for purpose; durable; and brings delight.*

⁴¹ Borough High Street Conservation Area Appraisal (CDE.06) page 38 para 3.5.5

⁴² For example, the idea of the *enfilade* used in major country houses in the early 18th century based on French planning where how far you progressed from room to room was an indication of status; or the arrangement of the "apartment" plan form both for royalty and nobility with a larger reception room a smaller withdrawing room and then the smaller boudoir (female) or study/cabinet (male); a similar approach was used for country house planning in the middle and later 18th century of entrance hall leading to a saloon (with access to the gardens) flanked either side by dining room and library and then apartments with each room becoming smaller and more private

the surviving hospital buildings either side of St Thomas Street and their connections with the Cathedral are all part of their historic significance.



Guy's Hospital the loggia and courtyards of the original range

9; 9a; and 11-13 St Thomas Street (Grade II*) and 15 St Thomas Street (II)

- 7.28 These former hospital and residential buildings along the north side of the street share the historic connections identified in relation to Guy's Hospital above. They include the landmark of the tower of the former Parish Church of St. Thomas on the northern side of the street: its plain Queen Anne style and simple square plan form are particularly distinctive. The tower stands at one end of a slightly tapering street space in front of the fine brick terrace of houses between 9 and 15, which is then closed by the elevation of number 17.⁴³ These buildings are also of added importance as surviving examples of early 18th century architecture of a type that changed the character and appearance of many

⁴³ Borough High Street Conservation Area Appraisal (CDE.06) page 37 para 3.5.2

historic towns and cities across the country. The departure from the timber framed or vernacular tradition which survived in urban contexts until the mid-later 17th century was driven in part by practicalities, including fire risk, but also from ideas that associated regularity, balance and an understanding of classical architecture as evidence of education and civilisation which emerged across north-western Europe⁴⁴. The use of consistent building lines for structures of brick with sash fenestration draws on continental examples (particularly Dutch cities but also some in France) and were the basis for the urban square that came to exemplify London.

Church of St George the Martyr

- 7.29 This is the third known church on this site and an important civic building for the local communities over the centuries. It was the nearest church to the prisons in Borough High Street and many of those who died in prison were buried there. During the last major restoration in 2005-7 when the church was closed, the parishioners worshipped in Guy's Hospital Chapel. The intangible architectural associations of the current church with the wider history of 18th century church building, particularly in the City of London and the east end of London (St George's in the East and St Anne Limehouse) are extensive. They include the attempts to reconcile the temple form of classical architecture with the more

⁴⁴ These ideas emerge in the works and publications of architects like Philibert de L'Orme in France in the mid-C16 and are developed by Salomon de Brosse in his works around Paris and Rennes including the Palais de justice and the Palais de Luxembourg, many of which were known to English architects including Christopher Wren. *Salomon de Brosse and the Development of the Classical Style in Architecture* by Rosalys Coope (published by Zwemmer). Wren, famously, struggled to adopt continental ideas into his designs for St Paul's including the centralised plan form but met with resistance from the cathedral authorities which overcame by architectural "sleight of hand".

traditional requirement for a steeple with which to announce the presence of the building. This was often achieved by placing the tower at the west end of the church, forming part of the entrance sequence and constructed of higher quality materials and with more investment into architectural and artistic expression. This is clearly illustrated by St George's. The west tower is a landmark in views along Borough High Street from both the north and south due to the curve in the street at this point where it now meets Great Dover Street.⁴⁵

Bunch of Grapes PH; 4-8 St Thomas Street, 12-16 St Thomas Street

- 7.30 These buildings are an illustration of the later Georgian terrace as it nears the end of its tradition. The ideas that were associated with the early adoption of classically inspired architecture for residential buildings in an urban context (see paragraph 7.28) have little resonance by this date; but the qualities of consistency, particularly in terms of materials, height, building line and the visual suppression of the roof form, proved enduring. This was in great measure because they were economical and therefore ideal for the speculative approach to residential development, based on the leasehold system, that was characteristic of London. The two sides of the St Thomas Street therefore show the early phases and later phases of what is regarded as one of England's greatest contributions to architecture, the urban terrace. The buildings along the two sides of the street are approximately a century apart but the consistency of architectural approach is clearly appreciable and remarkable.

⁴⁵ Borough High Street Conservation Area Appraisal (CDE.06) page 29 paragraph 3.3.3

Kings Head PH

- 7.31 Many historic public houses were hidden away in a small court or alley and there are examples across the historic parts of the City of London, Holborn and the inner suburbs of the capital as well as in the centres of other historic towns and cities across the country. The approach to the Kings Head Yard through an arch from Borough High Street is evocative of its origins but, except for the street pattern, (*emphasis added*) little remains of early significance and most of the development is modern offices.⁴⁶ The association of a yard with many public houses is in part because of their origins as accommodation for travellers, whose horses, mules etc would require stabling. The often hidden or discreet location would also be because of the somewhat unsavoury reputation that alehouses could acquire, particularly in coastal areas, and the view that emerged in the later 18th century, and particularly in the Victorian period, that public houses were not the place for respectable families or women.⁴⁷ The King's Head is therefore set within that historic tradition and the Tudor revival architectural style of the building draws on the association with Henry VIII (the king in the Kings Head) who was regarded as the epitome of a larger-than-life character and popularly famed for his enjoyment of food and drink.

7.32 The George Inn

The George Inn (listed Grade I) is an example of the inn for travellers and has some early fabric surviving in the cellar. Documented as an Inn by the 16th century it later became a coaching inn arranged around a central yard. The

⁴⁶ Borough High Street Conservation Area Appraisal (CDE.06) page 39 paragraph 3.5.6

⁴⁷ This is distinct from the tradition of local alehouses, often run by women (alewives) which often involved brewing in rear rooms of buildings or sheds in yards to the rear and served mainly local customers. Several of the larger establishments would also have offered horses for hire, becoming coaching inns as the network of roads across England gradually improved in the 18th and 19th centuries.

current building is only one wing of the original building, the majority of which was pulled down in the 19th century. Its strategic location adjacent to the London Bridge meant it would be convenient for visitors to stay outside the city, which could be reached fairly easily on foot or by river crossings which could also take you to Westminster. The Inn is also of significance as an illustration of the urban planning and associated timber framed tradition, originating in the medieval period, based on burgage plots facing onto the main street which result in a characteristic grain of long, narrow sites.

Conservation Areas

7.33 The development is within the Borough High Street Conservation Area and therefore the Statutory duty imposed by Section 72 of the P(LBCA)A is engaged. In addition, under the NPPF the significance of a conservation area and the contribution made by setting to that significance, as a designated heritage asset, is required to be considered as part of its conservation. The following conservation areas are also affected by the development.

- Trinity Church Square Conservation Area;
- The Bank Conservation Area
- Tower Conservation Area

Borough High Street Conservation Area⁴⁸



Southwark depicted in the Newcourt map of 1658

- 7.34 The complex character of the conservation area reflects the great time depth of occupation in this, the original Roman suburb of *Londinium*, which is unrivalled anywhere else in the capital outside of the City of London. The north-south route of Borough High Street is the backbone of the area, in existence from the Roman period and displaying in its northern section the overlay of the tight grain of a

⁴⁸ This summary is drawn from the Borough High Street Conservation Area Appraisal (CDE.06)

medieval settlement with long, narrow plots facing onto a market place. The alleys and courts leading from the High Street still survive in part. The location of Southwark was convenient for processes that had unpleasant environmental impacts, for example tanning, which would be located outside the city, and therefore the presence of industry and particularly brewing has a long association with the area. The diversity of the conservation area is also reflected in the four distinct sub-areas of which it is composed as identified in the conservation area appraisal. Two sub areas (1 and 2) reflect the changing character of the High Street itself, whilst the other two are influenced by the river and its associations (3) and the Georgian street planning of the medical quarter (4). The junction of Southwark Street and the High Street is the landmark location of the conservation area⁴⁹ bounded by key civic and commercial buildings and having a rich diversity of architecture but of generally compatible scale and height. The single visual focus of the conservation area to the south is the Church of St George the Martyr.

7.35 Sub area 3 is the location and setting of the Cathedral of St Saviour and St Mary Overy. The importance of the river frontage and surviving warehousing is an

⁴⁹ Ibid page 25 paragraph 3.2.2.

In addition, paragraph 4.4.2 notes: *Borough's importance as a historic metropolitan centre is reflected in monuments and memorials that stand independently in public spaces. Again, some are listed. The key ones are:*

- *The War Memorial in front of Town Hall Chambers, Borough High Street;*
- *The statue of Thomas Guy, in the entrance courtyard to Guy's Hospital.*

important element of its character. The changes associated with the redevelopment of Minerva house in the 1970s are noted as being beneficial to the setting of the Cathedral by opening up an excellent axial view from the north embankment of the river to the Cathedral tower. The eastern end of the group is well terminated by Hibernia Chambers, providing an excellent abutment to London Bridge.⁵⁰

- 7.36 Sub area 4, in which the development site is located is, in contrast to the rest of the conservation area, obviously planned with distinguished buildings based on Georgian urban architecture. Numbers 2-16 St Thomas Street are identified as a key building frontage on the southern side; the terrace of 4 storey houses and the Bunch of Grapes pub at no 2 are listed and the group includes the corner, unlisted, bank building at Borough High Street. The sequence is very intact, with a continuous roof parapet line at 4 storeys, although the bank fits 3 taller storeys into the same height. With basement railings, it provides a classic early 19th century street frontage.⁵¹ Guy's Hospital forecourt is described as being the focus of the street.⁵²

Trinity Square Conservation Area

- 7.37 Trinity Square Conservation Area is a part of an estate that was developed in the first half of the 19th century, and particularly between 1820 and 1850. The relatively short period of development in combination with the control exercised by the freeholder of the land, the Corporation of Trinity House, over the type,

⁵⁰ Ibid page 47 paragraph 4.3.18

⁵¹ Ibid page 50 paragraph 4.3.31

⁵² Ibid page 50 paragraph 4.3.32

siting and general design of housing in the area results in a markedly consistent character and appearance. As the Conservation Area Appraisal (CDE.014) notes

“..it is not so much the individual buildings that create the character of the Conservation Area, but the overall effect of their uniform design, colour, appearance and massing. Pevsner’s guide to South London describes Trinity Church Square as “an admirably complete composition”.

The planned approach comprising a square with enclosing terraces and a central feature, often a garden but in this case a former church, is found across the capital with further examples in other large cities.

Bank Conservation Area

- 7.38 Bank Conservation Area, the largest in the City of London is its commercial heart. It is focused on Bank junction and includes the radiating historic streets, yards and interlinking alleys. The re-building of the Bank area following the great fire laid the foundations for the character and appearance of the conservation area today. The hierarchy of streets became more pronounced following improvements and new regulations relating to materials are reflected in today’s contrasting use of stone on principal buildings and streets, and brick on secondary routes. In the 19th Century, street improvements included the imposition of new cross streets on the medieval layout, the most notable of which was King William Street laid out in 1829-35 to connect the new London Bridge, designed by John Rennie, to Bank and Moorgate completed in the 1840s. Bank is an area where buildings and streets are harmonised by their predominant use of solid masonry facades with regular punched openings, enriched by abundant classical modelling and surface detail and is an area of large-scale commercial buildings set on principal thoroughfares. Gracechurch Street forms the eastern boundary of the conservation area.

Tower Conservation Area

- 7.39 The Tower Conservation Area designated by Tower Hamlets Council incorporates the TOL WHS which occupies its western half. The Conservation Area Appraisal (CDE.016) identifies that there is a complex pattern of overlapping developments over two thousand years. The TOL itself is by far the most significant site, due to its symbolic, historic and architectural value. The White Tower remains the focal point of the western part of the Conservation Area. The eastern part of the Conservation Area around St. Katharine's Dock has undergone significant changes since the closure of the docks and the character of buildings and spaces are more varied. The Appraisal identifies that:

The White Tower's sense of detachment from the rest of the city, its aloofness and its inaccessibility are essential aspects of its visual character and evidence of its historic purpose. They make a critical contribution to its architectural and historic value, but they are also vulnerable to damage from development elsewhere in London, including tall buildings well outside the Conservation Area.

8.0 CONTRIBUTION OF SETTING TO SIGNIFICANCE OF HERITAGE ASSETS

- 8.1 The second step of the Historic England Good Practice Advice Note #3, after identification of the assets and their settings that are affected by the proposal (Section 6 above), is to assess the degree to which these settings make a contribution to the significance of the heritage assets or allow significance to be appreciated. This requires the key attributes of the assets themselves to have been identified (see paragraph 7.11).
- 8.2 While setting can be mapped in the context of an individual application or proposal, it cannot be definitively and permanently described for all time as a

spatially bounded area or as lying within a set distance of a heritage asset. This is because the surroundings of a heritage asset will change over time, and because new information on heritage assets may alter what might previously have been understood to comprise their setting and the values placed on that setting and therefore the significance of the heritage asset.⁵³

- 8.3 Consideration of setting for assets in urban areas because of their numbers and proximity often overlaps with considerations both of townscape/urban design and of the character and appearance of conservation areas but it is crucial to ensure that the difference between setting and townscape is understood. The contribution of setting to the significance of a heritage asset is often expressed by reference to views, or a purely visual impression. Contribution of setting as expressed by reference to views will vary and not all views are equal. Views which contribute more to understanding the significance of a heritage asset include those where composition within a view was fundamental to the design or function of the asset or those views with historical or cultural associations.
- 8.4 The setting of the designated heritage assets affected by the proposals at New City Court has changed over time, with the scale and pace of that change accelerating particularly in the later decades of the 20th century and the first two decades of the 21st. The majority of these heritage assets are within a lively and developed urban context with considerable bustle, movement and activity. This does have an impact upon the ability to experience the assets but can make a positive contribution for those assets of a commercial character, or those that are visitor attractions, as an illustration of their success.

⁵³ Historic England: The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) page 3 paragraph 8 (CDF.04)

- 8.5 There are, however, exceptions where factors including a sense of enclosure, privacy or intimacy make a contribution to significance or the ability to appreciate significance. This is particularly important where those qualities add to the intended function of the building, for example as a place of worship or contemplation. The role of separation and the sense of being apart is not just about tranquillity but can also be the express requirement for those assets with a military purpose where separation can indicate safety or control. The most obvious example of the assets under consideration to which this applies are the Tower of London; the Cathedral of St Mary Overy (to a degree) and Guy's Hospital

Tower of London

- 8.6 The Tower was specifically located to control and protect the City of London, making use of the raised topography of the north bank of the River Thames, which once provided strategic sightlines eastwards along the river corridor. Of the seven attributes which express the OUV of the TOL those which are key are:
- *internationally famous monument*, one of England's most iconic structures and emblematic of the effect of the Norman conquest;
 - its *landmark siting* as the gateway to the capital, the new Norman kingdom, and its strategic site and demarcation point between the City and the monarchy, both protecting and controlling;
 - that of a *symbol of Norman power*;
 - that for centuries it expressed its *physical dominance* through the White Tower soaring over its surroundings set against a clear sky.

All these attributes of its significance rely to a great extent on its setting, and this is recognised in both the Settings and LVMF SPGs. It is important to note that the attributes of the TOL that relate to physical location are appreciated through visibility (landmark siting; physical dominance; and concentric defences) whilst the symbolic attribute of Norman power also relies on how the Tower relates to its setting, both immediate and wider. The relationship between the Tower and its setting is therefore at the heart of the significance or OUV of this WHS, as well as contributing to an ability to appreciate significance. The area that immediately surrounds the Tower has, for most of its history, provided a clear defensive open space, known as the Liberties, over which the Tower had jurisdiction.

- 8.7 The current setting of the Tower includes its relationship to historic features visible in the urban landscape and its evolving visual relationships to that landscape. It has been the subject of a Setting Study⁵⁴. The *local setting* of the Tower comprises the spaces from which it can be seen from street and river level, and the buildings that enclose, or provide definition to, those spaces⁵⁵ whose boundary is heavily influenced by views across the Thames. The *immediate setting* of the Tower is that part of the local setting that is on the north bank of the Thames. The *wider setting* of the Tower comprises buildings and areas beyond the local setting (defined in the study of 2010) that are inter-visible with the Tower, or which could (if redeveloped) have an effect on its setting. The wider setting is therefore not fixed, and is proportionate to the scale of

⁵⁴ Tower of London Local Setting Study: *An Assessment of the Local Setting of the Tower of London and Guidelines for its Management*. August 2010 by LUC and Colin Buchanan (CDF.010)

⁵⁵ Tower of London World Heritage Site Management Plan 2016 paragraphs 2.4.7-2.4.10 define the setting of the world heritage site with reference to Figure 4 on page 23. (CDF.09)

development in the vicinity of the Tower - the taller the development, the further its visual impact will extend. The effective curation of the setting of the Tower means maintaining its visual dominance in both immediate and wider settings, and particularly its local setting where enclosure and definition of space without visual distraction illustrates and conveys the original functions of the complex that gained it such a fearsome reputation over many centuries.

- 8.8 The buildings within the complex share a setting which has the mixed character of a military fortress and site of ceremonial, but also that of a residential community, which is most easily appreciated around the open green in the Inner Ward to which access by the public is controlled. In views looking north from the south-east and southern edges of The Green there is an attractive variety of buildings of domestic character, interspersed with more obviously military and “civic” elements including the Beauchamp Tower and the Chapel of St Peter Ad Vincula⁵⁶ The result of organic development over centuries, these structures have a harmonious quality which is the product of their vernacular materials and compatible architectural scale, that results in a traditional village character with the chapel as an integral element. Appreciation of the chapel itself and as part of this group has been harmed by the visual intrusion of tall buildings, including 20 Fenchurch Street and some of the more recent buildings in the City of London “Eastern Cluster” of tall buildings which rise abruptly above the rooflines and visually dominate in certain views.

⁵⁶ The buildings attached to the curtain wall and facing Tower Green include No 8 Tower Green which are Warders quarters of 1866-9 by A Salvin; No 7- two houses now flats and Early 18th century in date; The Queens House 1540, with earlier fabric incorporated, altered and extended in late 17th century and 18th century, originally the Lieutenant’s lodgings now residence of the Governor of the Tower; 4&5 Tower Green two late 17th century houses; No 2 Tower Green House 1700-1720; and No 1 Tower Green a mid-18th century house.

- 8.9 The Queens House forms the south-west corner of The Green and in addition to being one of the most decorative and distinctive of the residential buildings in the fortress it is also one of the most important as the residence of the Governor of the Tower. It was formerly the Lieutenant's lodgings.



Yeoman Warder guided tour party at Tower Green

The experience and character of the area of the Inner Ward in front of the Waterloo Barracks, North and North East of the White Tower is very different. A hard landscape and open space used for parades and events, it is also the hub for visitors seeking to visit the Crown Jewels.

- 8.10 For many visitors the experience of the “inner” setting of the TOL is through the hugely popular Yeoman Warder Tours. These tours commence near the entrance at the Middle Tower and head east along the southern edge of the Inner Ward towards Traitors Gate before turning north under the Bloody Tower and ascending the steps up to Tower Green. The route has established points at

which the history and significance of the site is presented to the visitor with two key stops being immediately SW of the White Tower and just south of the Chapel of St Peter Ad Vincula; both of which locations have a small mounting block to allow the Yeoman Guide to be heard.⁵⁷ The colourful but immensely informative tale told by the Warders emphasises the power and strength of the site as a fortress and also a place of execution. Key to an immersive experience, understanding and appreciating both of these roles of the Tower, is the sense of separation and seclusion from the outside world.

8.11 The Outer Ward comprises a sequence of tightly-enclosed, largely hard-paved, spaces between the inner and outer concentric defensive walls. The Casemates behind the outer walls house many of the Tower's resident community. The essentially private character of these areas (except on the south) contrasts with the public spaces of the Inner Ward. The views of the river and Southwark to the south are part of the visual linkages that enable an appreciation and understanding of the role of the Tower in controlling access to the city particularly from the east.

8.12 **Tower Conservation Area**

The conservation area appraisal identifies the Inner Ward of the Tower of London as a space that is at the heart of its historic character and appearance and an important location for appreciating and understanding the significance of the site. The analysis of its special character and appearance identifies the same or very similar characteristics to those in the SOUV. The Green is identified in the appraisal as space a deliberately designed response to allow space for the

⁵⁷ The Tower Access Guide 2019 indicates accessible and less accessible routes.

buildings along the inner curtain wall that have developed over the centuries. The sense of enclosure and separation from the world outside adds to the experience of being within a very special place and whilst not tranquil everywhere, because of the number of visitors and activity within the world heritage site, there is still a sense of privacy to parts of the Inner Ward as sections are kept separate.

St Paul's Cathedral

- 8.13 An important element of the architectural and historic significance of St Paul's Cathedral was the need to demonstrate that the City of London was being reborn after the Great Fire, as illustrated by the carving of a phoenix above the inscription "resurgam" in the pediment of the south transept.⁵⁸ Also important to the architectural significance and historic symbolism of the Cathedral is its intended visual prominence and views enabling an appreciation of the formality and architectural expression of the design. The values represented in the views are equally integral to the significance of this building as the visual prominence and dominance is for the TOL; although in this case it is to celebrate rather than to cow and oppress. The distant views of the Cathedral when built would have been the first signal for a traveller that they were within reach of the capital and for much of the succeeding centuries these views would have been dramatic. The distances involved meant that it was the silhouette of the Cathedral and the interplay between the towers and the dome rising above the surrounding development against clear sky that were the most easily appreciable part of the architectural composition. As the setting has changed over time, the ability to appreciate the originally intended visual power of the dome and its relationship

⁵⁸ This idea is used by St Paul's to support Key Stage 1 learning: *Resurgam: St Paul's Cathedral and the Phoenix* -an activity sheet available at www.stpauls.co.uk/resources

with the towers as part of the silhouette of the building has become ever more precious.

- 8.14 The setting of the Cathedral has changed particularly within the last 30 years, with the emergence of Canary Wharf and, latterly, the Eastern Cluster in the City of London. An emerging group of tall buildings along the south bank of the Thames also has the potential to change the setting further. The once wide panorama within which St Paul's dominated has become over the latter 20th century and early 21st century closed down by development; despite attempts to sustain the visual prominence of the Cathedral. The defined viewing corridors of the LVMF in relation to St Paul's are a recognition that in order for the landmark quality of the building to be sustained, sky space is required both in the foreground and the background of the Cathedral's setting. However, in recent years tall buildings have been pressing up against the boundaries of the viewing corridors and significantly reducing the breathing space around the dome and the silhouette of the Cathedral. These changes to the setting have harmed the ability to appreciate the architectural significance of the Cathedral and eroded the contribution made by the setting to its intended visual prominence.

St Magnus the Martyr and the Monument

- 8.15 The original setting of these heritage assets would have comprised the rebuilt Post fire City of London and they would have provided landmarks or way-finders for those not familiar with the medieval network of lanes and streets which survived the fire, despite the plans by Wren, Hooke and others to rebuild the city in a planned, continental fashion. Until the 19th century, the visual prominence of The Monument and the City Churches was largely unchallenged and they were set within a largely residential context; but rebuilding for commercial activities, including banking and insurance gradually changed the character of that context

and the height of the development. Post War redevelopment of the extensive areas of the City that suffered bomb damage introduced development of increased height, initially as isolated examples, and later as a cluster of tall buildings. The juxtaposition of the new commercial development with the ancient street pattern and surviving historic buildings is often noted to be a particular characteristic of the Square Mile.⁵⁹

- 8.16 These changes have substantially eroded the former visual connections between the City churches and other civic buildings and monuments and where those connections now survive they hold particular importance as illustrations of the previous significant rebuilding of the area. St Magnus the Martyr and The Monument is an example of such a connection where they can be seen together along Gracechurch Street. Those views unfold just south of 33 Gracechurch Street adjacent to the junction with Fenchurch Street when the tower of St Magnus first appears. The Monument is subsequently revealed as you head further south to 55 Gracechurch Street where the road bends west. Along this stretch of the road the two heritage assets are seen against clear sky which enhances their intended visual prominence and enables an easier appreciation of the architectural affinities between the two.

Cathedral Church of St Saviour and St Mary Overy

- 8.17 The original setting of the then Priory, and later cathedral, comprised the lower inter-tidal stretches of the Thames to the north with the church atop higher ground. The historic crossing of the river, for many centuries the only one in the

⁵⁹ The Inspector advising the Secretary of State in the “Tulip” case (CDH.10) considered the concept of Juxtaposition in paragraph 14.11 of his report. He noted that just because new and historic juxtapositions have previously been identified as positive, it does not mean it will always be positive for every proposal or for every asset.

capital, was a major structure to the east leading to the spine of Borough High Street and its tight urban grain of courts and yards. Although physically separated by its precinct walls from the High Street and the market, the Priory would have been visible in the surrounding areas to east and west until the nineteenth century when the development of significant warehousing, industrial and commercial buildings, many of which were associated with the Port of London to the north, radically changed the setting and visibility of the church. To the east the introduction of the railways elevated above the existing buildings of the High Street and passing in close proximity to the south of the church further isolated it visually from parts of its setting. The visual connection between the church (later cathedral) and the Thames was important historically, and continues to make an important contribution to an appreciation of the church, enabling an understanding of its strategic location and the connections between the north and south banks of the river. Changes to the setting of the Cathedral in the 20th century including the creation of Montague Close and Minerva Square has reinforced those connections and provide new views that contribute to the appreciation of the architectural and historic significance of the building. These changes enable an experience of the Cathedral from a quiet public square immediately adjacent to the river which is in contrast to the remainder of the setting of the Cathedral which is busy, noisy and vibrant in parts. The creation of the square and the trees along the northern edge identify the space in mid-distance views from the other side of the river and draw the eye towards the Cathedral tower, seen for the most part against a clear sky and appreciable as an historic landmark.

Guy's Hospital; 9; 9a; 11-13 St Thomas Street (Grade II*); 15 St Thomas Street (II); Bunch of Grapes PH; 4-8 St Thomas Street; and 12-16 St Thomas Street

- 8.18 This is a case where the settings of several listed buildings nest within each other but the main contribution to the significance and ability to appreciate the significance of the assets is the consistency of architectural scale and language of buildings adjacent or in close proximity. The hospital is planned as a civic building in a formal manner with controlled access from St Thomas Street to the north and through gates that place you immediately on one of the central axes of the forecourt. The approach from the west along St Thomas Street is through an obviously planned 18th/19th century street with a strongly consistent building line of primarily terraced housing to the south and earlier town houses set back slightly along the north side. That consistency enhances the impact of both the church Tower of St Thomas Hospital but also the civic grandeur of Guy's. Although the southern terrace post-dates the completion of the hospital, this part of the street most closely resembles the original setting of the hospital and the appreciation of the architectural coherence of the buildings is enhanced by relationship with clear sky. The west wing of the hospital continues the consistent building line of the south side of the street, although the hospital complex itself is set slightly at an angle. The relationships between the architecture of the hospital complex and the heritage assets along St Thomas Street are strengthened by the historic functional relationships, because many of the houses were the homes of surgeons and staff of the hospital(s). The approaches from the east and west originally made a greater contribution to the sense of arrival at an important civic building, which has been diluted because of major change in the 20th and 21st centuries.

Church of St George the Martyr

- 8.19 The setting of this church has changed considerably over time. The original churchyard and burial ground were small and had to be enlarged in the later 18th century by purchasing buildings to the north and clearing them away, as well as exchanging land with the Marshalsea (Prison). Originally, a much narrower road to the south of the church called Church Street led into Kent Street (now renamed Tabard Street) and was the historic route to Dover. Due to the volume of traffic, Great Dover Street was cut through parallel to Kent Street in 1750 as part of the road network enhancements for one of the first road crossings west of London Bridge. Tabard Street was later extended through the churchyard on the north side of the church, leaving it as the focus to what was a road island, the east side of which is pedestrianised. The tower and spire remain a landmark in views north and south up and down Borough High Street as noted by Pevsner and Cherry in the *Buildings of England*. The associations between this church and the other Queen Anne's Churches in both the City of London and the east end include a common classical design approach, particularly in the attempt to reconcile the approach of classical architecture to harmony and proportion with the required architectural emphasis of a spire characteristic of Anglican church design.

Kings Head PH

- 8.20 The contribution of the setting to the listed building is primarily in the small-scale and intimate space that is experienced and perceived as a narrow lane. The Borough High Street Conservation Area Appraisal notes that the yards and inns on the eastern side of Borough High Street are all completely contained by buildings. In many instances the buildings are of limited architectural note, but certain groups have strong townscape value in containing narrow spaces. This includes the 2-storey colonnaded commercial buildings dating from the 19th/20th

century along the north side of Kings Head Yard⁶⁰. The consistent and curving building line of the former hop sampling buildings opposite the listed building to the north and their single and two storey heights are complementary; even though they are in effect simply a façade and have been redeveloped behind. That adaptation includes modern development set back above the façade. The Shard is set further back and further to the north. The impact of this later development can be appreciated, although very much in the background when coming into the alley from the High Street. The presence of Guy's tower terminating the view along the alley is experienced as more prominent, although appreciated as being some distance away. The experience of discovering the Kings Head slightly hidden away down an alley off a busy route survives.

The George Inn

- 8.21 The earlier dimensions of the yard can be appreciated in part although redevelopment of the range of buildings to the west facing the High Street and, more significantly, the recent developments to the north and east rising above the modern buildings on the boundary of the space weaken the sense of enclosure that would have originally been experienced. In the Borough High Street Conservation Area Appraisal, this enclosure of the yard by modern development is regarded as a positive feature. The 20th century buildings along the north and east sides of the yard attempt to re-interpret the galleried typology of the historic Coaching Inn, including the strong horizontals on the elevation. The experience of the setting today is compromised by later tall building developments which erode the sense of enclosure and atmosphere of the yard. The best views of the listed building are those facing south where the galleried

⁶⁰ Borough High Street Conservation Area Appraisal page 45, paragraph 4.3.12 (CDE.06)

range can be appreciated without distraction. The historic associations with Guy's Hospital, which once owned the site, add to an appreciation of the history of the area and the building is now owned by the National Trust. The intangible cultural relationships with Shakespeare and particularly Dickens provide links with St George the Martyr and the Cathedral of St Mary Overy and are physically celebrated in the plaques attached to the building.

Bank Conservation Area

- 8.22 The setting of the conservation area to the east and south east includes the tall buildings of the Eastern Cluster. Along the western boundary the setting includes views south down Gracechurch Street towards The Monument and St Magnus the Martyr church, both illustrating the post Fire reconstruction of the city which is also an important phase in the history of the conservation area itself. Views of these structures help to locate the conservation area within its geographical and historic context.

Trinity Square Conservation Area

- 8.23 Appreciation of the architectural coherence of the estate including the consistent height, scale, grain and layout of the housing is enhanced by a setting that does not include visual distraction or development of markedly different character. The emphasis on the vertical elevation and visual suppression of roofs along the terraces is characteristic of this form of urban architecture and enables the grander architectural gesture of the central church building with its tower and

crowning feature based on the ancient Tower of the Winds to be appreciated to best effect.⁶¹

9.0 HERITAGE IMPACTS OF THE PROPOSALS

9.1 Step 3 of the Historic England GPA#3 (CDF.04) suggests an approach to assessing heritage impact using four attributes of proposed development as a framework for assessment. The attributes are not self-contained and the impacts will therefore overlap to some degree, but they are intended to be used as a helpful framework. The attributes all relate to the physical impact of a proposal and primarily, how it will be seen in relation to an asset. The factors listed under each attribute in italics are not intended to be exhaustive but are to be used as prompts for consideration to ensure a comprehensive assessment. This approach has not been used by the Appellants in their application documents despite reference to the guidance and I set out the reason for drawing that conclusion in Section 10 of my proof. My assessment commences with general observations using each of the attributes in turn before a more detailed analysis of impact directly related to the assets. The impact of the 2018 proposals and the impact of the 2021 proposal are considered consecutively. The general observations provide the framework for the individual assessments and illustrate the principles upon which the assessment is based, thereby reducing repetition.

⁶¹ A Commissioners' Church, it was designed by Francis Bedford in 1823-4. Bedford designed several other impressive Greek Revival Churches in south London at the same time. This church had a curious plan with the portico and tower above on the north side and the porch opposite on the south, but internally the altar was located to the east as was traditional. *Pevsner Buildings of England London 2: South* (1983) p575. The Tower of the Winds in Athens was built as a timepiece or *Horologion* probably around 50BC and featured a sun dial, water clock and wind vane. It is extensively referenced in 18th century architecture and was illustrated in Stuart and Revett's *Antiquities of Athens* publication (1762) which was owned by many leading eighteenth century architects in Britain.

General Observations

- 9.2 **Location and siting** *including proximity to asset; position in relation to key views to from and across; degree to which location will physically or visually isolate asset*; Proximity alone does not necessarily cause impact upon the contribution made by setting to the significance of a heritage asset or the ability to appreciate that significance. However, if there is an adverse impact on views of the asset which are important to significance or an appreciation of architectural or historic significance, form and function, then it causes harm. The assets where appreciation of form, or silhouette contribute to significance are the TOL; St Paul's Cathedral; St Magnus the Martyr; The Monument; the Church of St George the Martyr and The Cathedral Church of St Saviour and St Mary Overy. Because of the particular nature of the architectural significance of these assets the issues to be considered are the extent of visual distraction, visual challenge or even obscuring/visual severance.
- 9.3 For the assets which are physically located within close proximity to the proposals (both 2018 and 2021) the relationship between the new development in terms of mass, height, scale, materials and detailing is all easily appreciable and experienced at close quarters. The issues of how the relationship between the historic context has informed the design approach of new development is brought into particular focus because of this proximity between new and existing. The aim is to ensure that the positive contribution made by setting is sustained as part of the change and opportunities are taken to enhance those parts of setting that detract. Where there is close physical proximity between new development and the historic environment success or failure will be readily evident and failures in the response to scale, mass, height or grain will be clearly and directly experienced at close quarters.

- 9.4 **Form and appearance** including *prominence, dominance, or conspicuousness, competition with or distraction from the asset; dimensions scale and massing; visual permeability or reflectivity; materials; introduction of movement or activity; diurnal or seasonal change*; The ability to appreciate the architectural and historic significance of all of the heritage assets identified in Section 7 above could be eroded by failing to respond effectively to all or any of these factors. The precise impact will vary because of diurnal and seasonal change. The degree of impact will also be related in part to the originally intended visual dominance of a heritage asset. The numbers and proximity of heritage assets in urban areas mean that the protection and enhancement of setting is intimately linked to townscape and urban design considerations. These include the degree of conscious design or fortuitous beauty and the consequent visual harmony or congruity of development which often relates to townscape attributes such as enclosure, definition of streets and spaces. However, unlike an appreciation and analysis of townscape it is important to recognise that the contribution of setting to significance does not depend upon public rights or the ability to access it.
- 9.5 The impacts arising from the 2018 and 2021 proposals will be different because of the very different architectural approaches in terms of height, mass, silhouette and materials; but issues of visual competition with, and distraction from, designated heritage assets are common to both. The nature of the proposals, tall buildings within a sensitive and complex historic environment, brings the same challenges to each scheme. The contribution made by setting to heritage assets differs but for a number of assets, including those with designations at a high level (Grades I; II* and WHS inscription) setting is integral to significance.
- 9.6 **Permanence** including *anticipated lifetime and reversibility*.

This applies to both 2018 and 2021 Proposals. Both buildings are substantial structures and reversibility, in this case demolition, if required would not be easily achieved.

Detailed assessment of impact

- 9.7 In order to assist the Inquiry in establishing the full impact of both the 2018 and the 2021 proposals upon the setting of heritage assets, the Council requested permission from the Appellant to use Vu City modelling to provide kinetic views for assessing the impacts including in relation to the TOL; the church of St George the Martyr and the Cathedral of St Saviour and St Mary Overy. In the recent public inquiries into proposals for the “Tulip” and The London Custom House (Grade 1 listed), Vu City images were included in the evidence to supplement the verified views that had been provided in support of the applications. The purpose of inclusion of Vu City modelling was to demonstrate areas within the setting of heritage assets where the proposals would be seen, particularly in kinetic views. Impact on setting cannot be captured by the single viewpoint of a verified view; a view that is often chosen for its townscape importance or because it is identified in a policy document (for example the London View Management Framework) and not primarily for illustrating its contribution to the appreciation of heritage significance.
- 9.8 Whilst verified views are rightly regarded as providing important representations of proposals, and I have had regard to them in this case they do have some limitations in terms of illustrating impact. As an example (Appendix NPBM 3) I include the illustrations of the Tower Local Setting Study View 1 provided in the Environmental Statement for the Capital House for comparison with the equivalent view provided in the 2021 ES for New City Court, both of which state they are the local Study Setting study view 1. The panorama provided by the

Capital House example shows more of the extent of Tower Green and the Inner Ward which is consistent with the experience on site. The ES for the New City proposals only provides the central image which also appears to be more focussed or from a slightly different viewing place. This has the result of changing the appearance of the potential impact.

- 9.9 Unfortunately, the Appellant refused to give permission for the Council to use the model so as to produce images of the schemes for the purposes of the Inquiry. In the absence of the Vu City images I have relied upon photographs taken on site visits in combination with considerable experience and professional judgement to provide an assessment of the potential impact of the proposals for those assets where kinetic views using Vu City modelling would otherwise have been used. I consider that the use of the Vu City Model would have been helpful to the Inspector in obtaining a better understanding of the impact of the proposed tall buildings on the contribution made by the setting to the significance of the TOL WHS, St George the Martyr and the Cathedral of St Saviour and St Mary Overy.

Tower of London WHS

- 9.10 The components of the identified attributes for the Tower of London developed in the management plan provide a method of assessing impact upon the OUV. Each attribute has several key components and these can be used to identify with greater precision potential impacts of proposals. Each component can illustrate more than one attribute and the most relevant in the context of the proposals for tall buildings within the setting of the TOL all refer to the ability to appreciate the form, visual dominance, skyline and visual linkages of the property which are essential to convey its OUV.

- 9.11 The potential impact of tall buildings can be identified in relation to “*the form and visual dominance of the iconic White Tower including its fabric* and “*the concentric defences around the White Tower, their visible structure and three-dimensional form*”. The attributes of OUV to which these components relate are The Tower as a symbol of Norman power; the physical dominance (of the White Tower); the concentric defences; and the surviving medieval remains. These values overlap and are interrelated in the same way as historic and architectural interest often overlaps in listed buildings. The three-dimensional form and visible structure of the concentric defences can be experienced both from within the TOL and externally. The layers of defences culminating in the central keep are best appreciated from the southern and eastern approaches, but the approaches from the north and the entrance from the west also provide opportunities to appreciate the layers of concentric defences, albeit in the context of visually intrusive roads and transport infrastructure.
- 9.12 There is no impact upon the fabric of the White Tower but its visual dominance will be affected by the proposals. Visual dominance is the result of scale, position, materials and design and how they are perceived within a setting. In the case of the White Tower, visual dominance is at the heart of its significance both functionally as a defensive keep and symbolically as a structure that was intended to demonstrate the power and intended permanence of occupation by the Normans.
- 9.13 The form and visual dominance of the White Tower are best appreciated and understood against a clear sky which allows its position as the central hub of a series of concentric defences to be best expressed. This relationship between the central tower/keep and the curtain walls is appreciated from the close setting

of the fortress in an arc from west to east. On the landward side the angled views from the north-east and progressing south along the east side provide an appreciation of the White Tower in relation to the river defences and the wharf below. These views of the TOL are harmed by the distracting presence of the Shard which rises above the fortress and tracks across the complex, at times appearing directly above the White Tower itself. The White Tower can also be appreciated from close quarters from within the Inner Ward, which is reached from the western entrance at the Middle and Byward Towers. The route to the Inner Ward enables an experience of the topography of the site as the ground rises and the visitor ascends the steps after passing through the Bloody Tower. As the visitor travels the route, the sense of separation from the wider context of the fortress increases until the Inner Ward and The Green is reached. It is at this moment that the Eastern Cluster of tall buildings is seen rising above the Chapel of St Peter Ad Vincula. 20 Fenchurch Street (the Walkie Talkie) is a distracting and visually prominent building seen to the west above the inner curtain wall and then on turning south towards the river the Shard is also seen rising above the inner curtain walls and the attached buildings forming the southern edge of The Green.

9.14 Impacts of the 2018 Proposal

The visual impacts of the proposed tall building on the visual dominance of the White Tower would be experienced principally from outside the TOL in the northern and eastern parts of its setting. The approaches to the Tower from these areas of its setting are varied. The view from the southern end of route 10 (Mansell Street) opens out into a wide panoramic view of the Tower, although its impact is reduced by the presence of the main road junction and associated street furniture. The role of the Tower for protection and control of the City of London is revealed by the defensive architecture, which is apparent from the

southern end of the route. There is also clear visibility of the White Tower and the rare ensemble of royal buildings, which evolved from the 11th to 16th centuries, including the Inner and Outer Curtain Walls with the Brass Mount at its north-eastern corner. The Salt Tower is also visible, if partially obscured by traffic. The association with State institutions is represented in this view by the presence of the White Tower and visual links to the Royal Mint. The roof and dormer windows of the New Armouries are also visible. In these views Guy's tower and the Shard can be seen visually attached to the TOL and to the White Tower itself. As Tower Bridge Approach is reached Guy's tower drops below the skyline but the Shard remains prominent, located immediately behind the SW corner turret of the White Tower. (This approximates to the TVHBIA view 29).⁶²

- 9.15 The New City Court tower would rise above the TOL to the right of the Shard as one reaches the southern end of the approach route, above the central battlemented turrets of the Waterloo Barracks. It would exacerbate the harm caused to the prominence of the White Tower by the juxtaposition with the Shard and increase the extent of glazed tall buildings in the immediate backdrop of the fortress. The Appellant's assessment in TVIHBA concludes that the degree of visibility in the highly sensitive view is minor and that the significance of the impact would be minor to moderate and neutral. However, this is an assessment of impact on the view and is based only from one viewpoint. It is not an assessment of impact upon the contribution made by setting and specifically upon the ability to appreciate the significance or OUV of the WHS.

⁶² The TVIHBA view (CDA.12) is taken from one position at the north-eastern corner of the junction of the roads, further views can be obtained by moving east towards the mint or south closer to Tower Bridge Approach

- 9.16 If the assessment followed the approach of the identification of key attributes of significance and how the setting contributes by enabling an appreciation of that significance, any development rising behind the central battlements of the Waterloo Barracks erodes the ability to appreciate its architectural design. It similarly affects appreciation of the concentric defences immediately adjacent and therefore causes harm. The impact cannot be neutral if a key component of the concentric defences is their visible structure and three-dimensional form. The degree of that harm, whilst less than substantial, will vary within that spectrum depending upon where you are placed when looking towards the TOL in this part of its setting. In some locations less of the new tall building would be visible whilst just a few yards away more would be appreciated and potentially have a greater impact.
- 9.17 On moving south from Mansell Street to the western end of the route 11 approach (East Smithfield) the Shard tracks east, rising behind the NE corner turret (Appendix NPBM 2 Photographs 8 and 9), before, at the northern end of Tower Bridge Approach and St Katherine's Way and the western end of approach route 12 (Commodity Quay), it moves further east and leaves the silhouette of the White Tower once more appreciable without visual interference (Appendix NPBM 2 Photographs 10 and 11).
- 9.18 The new tall building would appear to rise to the right of the Shard in these views and therefore would track across the TOL in the same manner, albeit at a lower height. A Vu City kinetic series of views could demonstrate potential impact. The new tall building would therefore exacerbate the visual distraction caused by the Shard eroding the visual prominence of the key defensive structure at the heart of the fortress. As one progresses south along Tower Bridge Approach, on the eastern side, the visual relationship between the new tall building and the White

Tower would evolve, with the proposed new development potentially tracking over the southern defences and eroding the ability to appreciate the protective role of the Tower, particularly in relation to the river.

- 9.19 The impact of the proposal on the experience of the Inner Ward to the south and west of the White Tower, where the evolution of the defences into accommodation to provide for other functions is best appreciated, would change as you move around the area. The precise visual relationship between the heart of the WHS and the proposed new buildings would therefore vary depending on the viewer's location. The new tall building would be appreciated as closer to the historic structure at the heart of the WHS from certain angles but always in a visual relationship with the Inner curtain walls and its attached structures, which form the foreground and provide the enclosure to the Green. This impact will be underestimated if only a single viewpoint is used (TVIHBA view 28) and whilst the viewpoints in the TOL Local Setting Study are identified as the ones that exemplify the OUV of the Tower, including local setting study view 1 from the scaffold site, the study explicitly acknowledges that there are many views from which to appreciate the OUV and that often the Tower is seen from a series of points within an area.⁶³
- 9.20 The upper section of the proposed new tall building would be experienced from the North of the White Tower on the parade area immediately to the south of the Waterloo Barracks (Grade II listed) when looking south and south-west across Tower Green. The new tall building would rise directly above the historic buildings along the inner mural walls that form the western edge of the green and

⁶³ TOL Local Setting Study August 2010 page 76 Section 7.2 Methodology (CDF.010)

will be seen in combination with The Shard and, in certain views, Guy's Tower. The buildings along the west side of the green include the Queen's House and numbers 4 and 5 Tower Green, which have generally consistent heights and ridge-lines and a roofscape enlivened by attic gables which provide coherence to buildings of different eras and materials. As one moves around the space to the north of the White Tower the Shard tracks behind the buildings along the west side of the Green and is a constant distraction to their coherence, affecting the sense of enclosure and separation that would otherwise be experienced. The new tall building would be experienced in a similar manner although without having the singular, tapering silhouette of the Shard.

- 9.21 To the east of the White Tower views are available over the southern defences towards Southwark and London Bridge (Appendix NPBM 2 Photograph 14). The Shard and Guy's Tower grouped together rise above the curtain wall ramparts that link the Lanthorn Tower in the south-east corner of the Inner ward and the Wakefield and Bloody Towers to the west. The New City Court tall building would rise above the concentric defences to the right of the Shard and therefore be seen in conjunction with the Bloody and Wakefield towers and eroding the ability to appreciate their three-dimensional form. The glazed exterior of the new tower would provide some contrast to the masonry of the historic defences below. The new tall building would appear to be in closer proximity to the White Tower which is a prominent feature in the foreground, but the increased group of tall buildings would appear more distracting and the cumulative impact would further erode its visual prominence.

9.22 Impacts of the 2021 Proposal (TVIHBA views 21 and 23)

The new tall building would be appreciable from within both the eastern and western areas of the Inner Ward. The upper sections of the building would be

appreciated at the height of the stacks above the ridge line of the Queens House and numbers 4-5 Tower Green from the area to the north of the White Tower. Little detail of the building would be appreciable from this distance and it would appear to be a continuation of the adjacent Shard Place. Unlike the strong contrast between the tapering proportions of the Shard and the historic buildings along the inner curtain wall, which might be regarded as dramatic, the relationship between the upper sections of New City Court and the Inner curtain wall would be uncomfortable. In views from the eastern part of the Inner Ward adjacent to the Lanthorn Tower the upper third (approximately) of the building would rise above the concentric defences between the Shard and the battlements of the Water Gate and Bloody Tower at the same height as Guy's Tower. The detailed elevational treatment would not be appreciable from this distance, although the basic articulation of the bays and pattern of fenestration would be apparent. This would reduce the contrast between the new building and the historic building. It would also affect the ability to appreciate the three-dimensional form of the concentric defences and the sense of separation and control that was their main function. In the longer distance views from the north eastern part of the setting the New City Court building would be largely obscured by the existing historic fortress.

- 9.23 The ICOMOS Mission Report of 2011 (CDF.013) raised a clear concern about the impact of tall buildings, both completed and permitted at that stage, indicating that the visual integrity of the property had been compromised by the Shard of Glass. The Mission underscored the need to better regulate the further build-up of the area and recommended that if any tall buildings were planned, they should not exceed the height by which they would become visible above the on-site historic buildings that are part of the Tower complex. The Mission considered that any additional tall buildings in the area would destroy the visual integrity of

the property and severely compromise its Outstanding Universal Value (OUV), possibly beyond repair. The WHC regard the setting of the TOL as already eroded and as having potentially reached its limit in terms of the additional tall buildings it can accommodate without harm to the OUV of the property. The Shard was regarded as a harmful intervention in terms of the OUV and the visual integrity of the TOL.

- 9.24 In the period since that Report, permissions have been granted for a number of tall buildings around London Bridge and Bankside including Shard Place, Capital House, Vinegar Yard and Beckett House. These proposals can and would be seen above the on-site historic buildings of the WHS and therefore have had some cumulative impact upon the visual integrity of the WHS.
- 9.25 The 2018 and 2021 proposals for a tall building located to the west of the other consented tall buildings would introduce a new development that would extend the visual intrusion of new development into the sense of enclosure within the TOL and erode the degree to which the WHS is visually enclosed within its setting. From this important perspective the new buildings would not appear to be obviously part of a curated cluster and they would appear visually detached from the existing group in some views, particularly from the eastern part of the Inner Ward. The 2018 proposal would also reduce the visual prominence of the White Tower and the concentric defences by appearing as a distracting feature in the sky space adjacent and above the curtain walls as one progresses around the NW part of the setting of the WHS. This would add to the harm already caused by the Shard.

Heritage Assets outside the World Heritage Site

St Paul's Cathedral

9.26 The proposed development is not in close proximity to St Paul's, being approximately a kilometre to the south-west, but as it is a tall building it will appear within the setting of the Cathedral particularly when it is appreciated from the higher ground to the north and south of London. Some of these views are included within the London View Management Framework (CDD.024) or local borough views and St Paul's is either the major heritage asset of strategic importance in the view or an important component of the view. Because of the distances involved, the principal impacts to consider are the height, mass and silhouette of a proposed tall building and how far it distracts, challenges or erodes the capacity to appreciate the cathedral or elements of its silhouette where they remain appreciable.

9.27 Impacts of the 2018 Proposal (TVIBHA views 5; 9 and 10)

In views south from prominent high ground to the north of the Cathedral its setting is extensive with the clusters of tall buildings at the City of London to the east and Vauxhall Nine-Elms to the west providing the framing for the generally lower, finer-grained skyline between. This lower and finer-grained skyline contributes to an appreciation of St Paul's which rose prominently above surrounding development until the construction of Guy's tower, which is positioned in close proximity and is visually attached to the cathedral in some views within the setting. This causes noticeable harm to the ability to appreciate the silhouette of the dome and its relationship to the main body of the cathedral. The construction of the Shard has further harmed the contribution made by the setting to an ability to appreciate St Paul's because in some views it rises behind and above the dome, whilst in others its proximity and form distract from the dome and challenge its former landmark quality.

- 9.28 From the viewing gazebo at Kenwood (LVMF view 3A1) (TVIBHA view 5.1) it is still possible to discern the dome and the western towers of the Cathedral and therefore to gain an understanding of the architectural composition of St Paul's and the towers, diminutive features in comparison to the dome, are seen against a backdrop of greenery and mid-rise development. The proposed tall building at New City Court would emerge immediately behind the north-west of the two towers of the cathedral and appear as a strongly vertical mass severing the visual connection between the north-west tower and its backdrop. The position of the New City Court tall building would also be appreciated as being closer to the Cathedral obscuring parts of Guy's tower in certain views, and would present a strong vertical face between the dome and the western towers. The materiality of the new tall building would provide some contrast to assist in distinguishing the historic cathedral but the visual competition and distraction arising from the new building would still be harmful to the ability to appreciate St Paul's and would exacerbate the harm already being caused by Guy's tower. The glazed materiality would have the potential to increase visual impact arising from internal light spillage at times of dusk and winter months when general daylight levels are lower.
- 9.29 Two views within the setting of the Cathedral to the south have been identified as making a particular contribution to the ability to appreciate St Paul's; LBS View 1 (north facing view from One Tree Hill) and LBS view 2 St Paul's Cathedral from Nunhead Cemetery (TVIBHA views 9 and 10). In the first view the same morphology of London, with the clusters of taller development in the city to the east and Vauxhall-Nine Elms to the west can be seen, although as the backdrop to a more heavily wooded foreground. The cupola of the Cathedral dome just breaks the ridge line of high ground beyond to the north, which helps with its

visual prominence; although because of the distance involved this is not readily appreciated. The Shard and Guy's tower are to the south-east of the cathedral, which otherwise enjoys some breathing space because of what appears as subservient development in its immediate vicinity. The New City Court tower would be seen as a further tall building to the south east of the Cathedral and towards the foreground. It would be appreciated as similar in height to the existing Guy's tower and would bring the group of tall buildings along St Thomas Street closer to the cathedral in this view. The different materiality of the building (not rendered in the TVIHBA view) would make it distinct from Guy's tower and the Cathedral and it would represent a distraction to an appreciation of St Paul's; although not a serious challenge to the visual prominence of the Cathedral in this view. At times of lower natural daylight, the visual prominence of the new tall building has the potential to increase.

- 9.30 In the other local view, from Nunhead Cemetery, the setting of St Paul's is appreciated as the middle ground of a view framed by mature woodland vegetation in the foreground in an almost a pictorial manner. This view is probably one of those closer to how the Cathedral would have been experienced in the past when being seen by visitors, those who lived in the area and those passing on their way to London; although only as an echo of that previous condition. The Cathedral is the focus of the view and its visual prominence is enhanced by the ability to appreciate how, singularly, the dome rises above the background ridge of higher ground, even at this distance. The proposed New City Court tower would be appreciated as a building in the middle ground of the view, but closer and significantly taller than the Cathedral and would also break the skyline formed by the high ground in the background. The effect would be to immediately attract attention and visually challenge the Cathedral as the dominant building in this particular view. The contribution made by the clear sky

setting and ability to appreciate the relationship of the Cathedral to the background topography would therefore be eroded and harm would be caused.

- 9.31 In their consultation response (CDC.013) the Corporation of the City of London raised concerns about impacts on views of the Cathedral from Farringdon Lane. The views in the TVIBHA (views 58, 59, 60 and 61) illustrate the impact at specific viewpoints, including adjacent to Ray Street Bridge from Vine Street Bridge and Clerkenwell Bridge. The impact would also be appreciable from the sections of Farringdon Lane linking these bridges. At present the dome of St Paul's is a focal point in views and the silhouette of both drum and dome can be seen against clear sky, with a critical gap retained between the Cathedral and Guy's Tower immediately to its left (east). The new building would close that gap and whilst it would be constructed in contrasting materials it would appear visually attached to the drum and therefore would erode the ability to appreciate its relationship with the dome which is the iconic central feature of the composition.

Impacts of the 2021 Proposal (TVIBHA views 5.1; 8 and 9)

- 9.32 The proposed tall building would appear in front of Guy's tower and to the right of the dome of the Cathedral. It would be perceived as a broad form rising behind the western towers. The articulation of the façade would not be easily appreciable. The building would remain below the ridgeline of the high ground in the backdrop of the cathedral and it would not appear visually attached and directly dominating the dome of St Paul's in the same manner as Guy's tower. However, the new tall building would exacerbate that harm by completing a circle of tall development that visually isolates the dome from the western towers. In the local views from One Tree Hill and Nunhead Cemetery the impacts identified in relation to the 2018 proposal would still be experienced, although they would

be reduced because the broader mass and lower height would affect the distraction caused by the visual prominence of the new building. The 2021 proposal would appear approximately at the height of the wooded ridgeline in the background of the cathedral, or just below it so that the impact upon an appreciation of the relationship between St Paul's and its setting would be reduced.

St Magnus the Martyr and The Monument

- 9.33 The elements of the setting that contribute to an appreciation of the architectural significance of these assets have been identified above (paragraphs 8.15-16). Because of the nature of the architectural significance of both assets, the ability to appreciate silhouettes against clear sky is particularly vulnerable to distracting development.

Impacts of the 2018 Proposal (TVIBHA view 23 and on-site Assessment photograph by Miller Hare)

- 9.34 The proposed New City Court tall building is depicted as a wireline in the photograph of the view along Gracechurch Street at the junction with Lombard Street. The Monument is a landmark in the view with the upper third of the structure appreciated against clear sky. Immediately adjacent in the view is the tower of St Magnus Martyr, the lower sections of which are obscured by modern development and with modern commercial development immediately behind to the south and east. Importantly the crown of the tower and spire finial can still be appreciated against clear sky. The decorative finials of the two structures are clearly complementary. The new development would be seen immediately behind the tower of St Magnus in this view, although because of the bend in the street its position relative to the church does change a little as one progresses along Gracechurch Street.

- 9.35 The effect of the proposal would be to sever the church tower from its background setting and to occupy the clear sky space, rising behind and above in a visual challenge to the historic tower. It is the broadest elevation of the proposed tall building that would be appreciated in this view and it would extend into the space between the tower of St Magnus and The Monument, diminishing the visual presence of the former and providing a visual challenge to the latter. The development would be appreciated as a tall building in a setting characterised by mid-height commercial buildings. This change would erode the contribution made by the setting and the breathing space afforded by clear sky to the ability to appreciate the architectural qualities of both The Monument and, more severely, the tower of St Magnus the Martyr.
- 9.36 This is a view in the setting of the assets that is recognised as being of importance and is one of those identified in the City of London's Protected views SPD (CDE.017) where an element of the protection relates to what are described as the "*kinetic views on approach from Gracechurch Street as far back as Bishopsgate*"⁶⁴ and concerns are raised about the potential impact in the approach to the sequence of The Monument and St Magnus.

Impacts of the 2021 Proposal (TVIBHA view 17)

- 9.37 The new tall building would appear in the remaining sliver of sky space to the right of the spire and dome of St Magnus the Martyr, between the church and Adelaide House. The extent to which the upper sections of the church tower and dome are appreciated against the clear sky changes slightly as you approach

⁶⁴ Consultation response from the City of London 3 December 2019, CDC.013

along Gracechurch Street, but the ability to appreciate the three-dimensional form of the tower and lantern and its silhouette without development in the background is an important contribution made by the current setting to the significance of the church. The upper floors of the new tall building would appear behind the octagonal upper stage of the tower and would also appear to be visually attached to the lower parts of the dome. The precise extent of that attachment would again change depending on your position along Gracechurch Street. The distance between the new tall building and the church means that elevational detail would be difficult to discern and it is the height and what can be seen of the mass that would have the main impact. The role of the church as a focal point in the views along Gracechurch Street would be eroded and the ability to appreciate the architectural similarities between the free-standing Monument and the church tower would also be affected.

Cathedral Church of St Saviour and St Mary Overy

- 9.38 The presence of the Cathedral in middle distance views is marked by the central crossing tower and its pinnacles. In the parts of the setting that are closer to the building, the new views from the north along Montagu Close and associated spaces enable the best appreciation of the architectural composition of the building.

Impacts of the 2018 Proposal (TVIHBA views 24; 55 and 56)

- 9.39 In approaching from the north across London Bridge the Cathedral is an important feature, although perceived as being of modest scale and height in comparison to the commercial buildings, including the Shard, to the east side of the bridge. The clear space between the Cathedral tower and these commercial buildings provided by the bridge, leading down to the historic high street is easily legible and provides a corridor between east and west that makes an important

contribution to an appreciation of the Cathedral. The proposed new building would occupy much of that space, bringing the modern commercial character much closer to the Cathedral and challenging its visual prominence. It is the broad northern elevation of the new development that would be appreciated at a distance above the lower development and the articulation of the mass provided by the step back on the western elevation of the building does little to ameliorate the impact.

- 9.40 The impact upon the experience of the Cathedral in the areas of its setting immediately to the north, including Minerva Square is primarily the visual challenge caused by a new tall building located in much closer proximity. The series of static TVIHBA views is intended to demonstrate the experience of moving in an arc from west to east around the north side of the cathedral. In this kinetic series of views it is the upper sections of the glazed building that would appear, initially above the nave. In this part of the setting the presence of the Shard is at its most prominent in relation to the Cathedral and its harmful juxtaposition with the central tower of St Mary's is illustrated in TVIBHA views 56.1 and 56.2. As you approach from the west and move north the Shard becomes visible and is appreciated as being immediately behind the central tower of the Cathedral and visually attached to the north-east corner (view 56.1). The relationship between the apex of the Shard and the NE pinnacle of the Cathedral tower is particularly harmful where they align and the upper section of the Shard is usually illuminated at times of low light which increases its impact.
- 9.41 In approaching the Cathedral from the north on Montague Close the setting becomes more expansive and the Cathedral rises above the modern northern additions with the decorative pinnacles and chequer-work battlements of the tower appreciated against a clear sky. The modern commercial buildings of the

London Bridge area are visually prominent but appreciated as distinct and beyond the Cathedral. The proposed new tall building would rise behind the central tower of the Cathedral, and would appear to be visually attached to its south-west profile. The angle of the building and its visually assertive patterning of girders and glazing, would have an arbitrary relationship with the historic building. The clash between the two forms would erode the ability to appreciate the composition of the Cathedral tower which is the central crossing point of the plan and therefore expressed externally by increased height. As you move around the NW quadrant of the setting of the Cathedral the central tower would always have a new building in its immediate sky space and at times they would be visually attached to alternate profiles. As you progress east towards Millennium Court and the northern entrance to the Cathedral (TVIBHA view 56.3) the proposed new tall building would move behind the Cathedral, emerging on its eastern side and would be visually attached to the north-east profile of the central tower, rising above the battlements to intrude into the clear sky between the decorative northern pinnacles.

- 9.42 The views approaching and within the Millennium Courtyard (TVIBHA 56.4 and 56.5) are now the last remaining ones without the significant visual intrusion of tall buildings. The courtyard is also used as a café space in summer. This part of the setting of the Cathedral allows a good experience of the scale of the central tower against a clear sky and an appreciation of its relationship with the chancel to the east. Although not complete, there is a sense of enclosure created by the new buildings designed by Richard Griffiths architects to the east and along the main body of the Cathedral to the south and the space is a refuge from the noise and bustle of visitors and those employed in the area. The upper sections of the new building would appear above the east end of the Cathedral at the perceived junction between the new cathedral buildings and the chancel of

the church (TVIBHA 56.5). Two elevations of the new tall building would be appreciated, the broad northern elevation and the western elevation with its distinctive pattern of girders. The visual intrusion, particularly to the east, into what is currently perceived as an enclosed space separate from the streets outside would be significant and distracting. In views from the NW corner of the courtyard the new tall building would still be detached from the Cathedral but would appear distinctly closer to the central tower. An appreciation of the east end of the Cathedral and the chancel, already harmed by the appearance of Guy's tower, would be further harmed by the new tall building immediately to the right and it would appear visually attached to the north transept of the Cathedral which is now its main entrance.

9.43 The views from Minerva Square have not been modelled in the TVIBHA, but these currently allow the whole of the north elevation of the Cathedral to be appreciated against clear sky and without visual distraction (Appendix NPBM 2 Photographs 12, 13 and 14).

9.44 A series of Vu City images from the northern river edge of Minerva Square would have assisted in demonstrating the potential impact of the tall building which would be located to the east of the Cathedral. At present the Cathedral is experienced as the dominant building framed by later 20th century commercial development and without any visual distractions in the background when looking south from the eastern half and centre point of the northern boundary of the square. Moving west along the edge of the square to the north west corner (Appendix NPBM 2 Photograph 14) the east end and tower of the Cathedral and the new buildings along the eastern edge of Millennium Courtyard are seen largely against clear sky. The degree to which a new tall building as proposed in the 2018 and 2021 applications would be seen has not been demonstrated but

as one progresses south and onto Montagu Close views of the proposed tall building would be gained.

Impacts of the 2021 Proposal (TVIBHA views 18; 47; 49; 50-53)

- 9.45 The important breathing space between the existing tall and large-scale buildings to the east and the tower of the Cathedral to the west when approaching over London Bridge would be infilled by the proposed New City Court building. The increasing proximity of this large-scale commercial development which reduces the clear sky space against which the Cathedral tower can be appreciated and understood begins to challenge for attention. The legibility of the river crossing and the position of the Cathedral in relation to that crossing is affected and erodes the contribution made by this part of the setting to the significance of the heritage asset. The impacts of the new tower upon the ability to appreciate the scale and architectural interest of the Cathedral from within the conservation area would be most experienced when approaching from the west and moving in an arc around the northern side of the Cathedral along Montagu Close and Minerva Square.
- 9.46 Approaching from the west and Winchester Walk (view 47) the new tall building would be experienced as a substantial commercial building in closer proximity to the Cathedral and rising above the railway viaduct, partly obscuring Guy's tower. The visual challenge to the prominence of the Cathedral presented by the building would be considerable. The new tall building would appear in an extremely unfortunate visual relationship with the Cathedral in views from the north western area of the setting, where new public realm and views from which to enjoy the Cathedral were created in the 1980s by the demolition of warehouses. The new tall building would appear immediately behind and visually attached to the central crossing tower of the Cathedral but below the upper

stage. The broad mass of the new building would appear at the junction of the tower with the nave roof and as one moves around the north it would appear to shift east emerging at the junction of the Cathedral tower with the north transept (view 50). The increased width of the proposal in comparison to the 2018 tall building results in the clear sky setting being lost on both the east and western profiles of the tower and the simple clarity of the silhouette of the Cathedral is eroded. The horizontal articulation of the design with the insistent bays would add to the visual impact of the new building in these closer views, which is demonstrated by TVIHBA view 51. In this view the new building would be separated from the Cathedral tower by clear sky but it would rise above the east end and the junction with the new café buildings of the Millennium Courtyard. The building would immediately draw the eye as you approach and distract from the Cathedral and the courtyard which now provides the main public entrance into the complex.

Guy's Hospital

- 9.47 The special architectural interest of the listed building relies on its formality and axial planning in combination with the symmetrical approach to the articulation of the principal facades which address the entrance court. The limited palette of materials is also found in associated heritage assets within the setting of the hospital. The consistency of planning, materials, and the historic functional associations between Guy's Hospital and the other heritage assets in St Thomas Street are all positive contributions made by the setting to its significance and an ability to appreciate significance. It is this quality of coherence which is vulnerable to the intrusion of tall buildings into the heart of this area.

Impacts of the 2018 Proposal (TVIBHA views 47-49; 51)

- 9.48 The relationship between the proposed tall building and the architectural formality of the entrance court would be extremely damaging to the significance of the Grade II* composition of the hospital. The space is currently clearly and carefully composed with three edges defined by classical buildings and the fourth, northern side bounded by walls, gate piers and railings marking the transition between the public street and the private hospital. The statue of the founder deliberately placed in the centre of the court and separately listed, continues an established architectural tradition established of placing a memorial to the founder of an institution in a prominent location; for example, over a gateway, in the pediment of classical building or as a free-standing monument. It is a tradition that continues to modern times.
- 9.49 The setting of the complex has changed over time and those changes are appreciated as part of approaches to the hospital along St Thomas Street primarily from the west. As one enters the court the Guy's tower rises above the eastern, rebuilt wing of the hospital and affects the experience of the forecourt. It is possible, however, to still experience the composition of the entrance façade to the south and the chapel range to the west without the visual intrusion of the hospital tower. If one turns around to face north the Shard is appreciated outside the hospital, but not as a feature affecting the experience of the space and clearly separated by the street.
- 9.50 Approaching the listed building from the north-east the new tower would rise abruptly above the west wing, dominating the hospital wing as well as the adjacent listed terrace. This is acknowledged by the TVIBHA which describes

the degree to which the development dominates the street scene as being “considerable”.⁶⁵

- 9.51 Inside the court the overwhelming visual prominence of the new development would be inescapable and with an equally, if not more prominent impact than the Guy’s tower because of its form and materiality. The precise nature of the conflict between the development and the architectural significance of the listed hospital is most clearly illustrated by the axial view of the west, chapel wing. The rational planning of the space with the deliberate placement of the statue on the centre line of the architectural composition of all three wings, and marking the intersection of the N-S and E-W axes, is an important and key characteristic of the design. The emphasis provided by this placement to the design of the principal front of the central, five bay, pedimented range of the 15-bay west wing elevation is clearly seen and the placement of the clock in the tympanum directly over the central window of the elevation continues the composition.
- 9.52 The new development would rise behind the central pedimented block of the west wing but would be off the central axis and at an angle. The dissonance of the relationship would be further emphasized by the girder pattern and this would accentuate the visual intrusion of the new building. If constructed, it would be impossible to experience the hospital forecourt without the harmful presence of tall buildings disrupting the architectural coherence of the heritage asset and this effectively means that the building is being severed from its setting.

⁶⁵ TVIHBA p257 paragraph 5.624, CDA.12

- 9.53 The development would also intrude into the experience of the enclosed quads or courts of the hospital in the historic core to the south and would exacerbate the harm already being caused to an appreciation of their historic and architectural importance. These spaces were not designed to be architecturally grand but careful thought went into the scale massing and architectural expression which results in attractive spaces. The rebuilt eastern court is now visually dominated by Guy's tower and the Shard to the north. The western court with its central statue is also affected by these buildings but as one progresses down the spine corridor and enters the court along the east side it is still currently possible to experience the space in a setting that closely resembles the one at the time of construction. That is with clear sky and no visual intrusion from development to the north and east. The New City Court development would rise above the angle of the north and west wings of the quad presenting its eastern and southern elevations to the quad and at an angle. The relationship between the architecture of the court and that of the new development would appear arbitrary and the distraction caused by the visual prominence of the building would be greater than that caused by the Shard (TVIBHA para 5.588). The experience of the space as enclosed and separate would be diminished as a consequence.
- 9.54 The south side of the hospital retains a symmetrical composition despite the reconstruction to the east and west wings and the addition of an attic with pediment in the Baroque style carried out in the late 19th/early 20th century. The symmetry of the composition, with the triple arched loggia to the central spine corridor forming the central axis has already been harmed by the introduction of the Guy's Hospital tower and the Shard to the north and north west, and the more recent Shard Place which rises behind the central pedimented block. The new tall building would rise above the western wing and present its widest, south

elevation to view, which would totally dominate the hospital below and exacerbate the harm already caused by existing tall buildings. The spaces beyond to the south of the hospital are not formally planned in the same manner as experienced in St Thomas Street at the northern part of the setting of the hospital and the degree of change to this part of the setting over time has been much greater. There is not the same coherence and the contribution made by the setting to the appreciation of the character of the listed building is not as great, but the space created between the buildings to the south of the hospital responds in part to the symmetry of the earlier complex and enables the important axial view to be appreciated.

Impacts of the 2021 Proposal (TVIBHA views 39; 40-43)

- 9.55 The impacts from the proposed new building would be very similar to those of the 2018 proposal. This is because both proposals are for a tall building that has little affinity with the consistent historic grain and character of the setting that makes such a positive contribution to the significance and appreciation of significance made by the current setting. The pronounced contrast in scale in very close proximity to the hospital would be particularly harmful to the carefully balanced and planned nature of the hospital complex including the quads. The articulation of the elevations would be appreciable in these close views and the rhythm of the bays and grid arrangement of the windows is particularly challenging to an appreciation of the existing classical architecture of the west wing of the forecourt and the north-west corner of the western quad. The building would rise immediately behind the west wing at an angle and just off axis, all of which add to the dissonance between the historic building and the new development.

9; 9a; and 11-13 St Thomas Street and 15 St Thomas Street

- 9.56 These buildings have historic interest as part of a rebuilding scheme for old St Thomas's Hospital between 1680 and 1732, of which only nos. 9a, 9, 11 and 13, and 15 remain. With the other buildings noted above, 9a forms the focal point of a well-preserved terrace of buildings and forecourt defining part of the north side of St Thomas Street and the complete setting of nos.9-17 and their forecourt is of special note.

Impacts of the 2018 Proposal (TVIBHA views 50; 52)

- 9.57 The coherence of St Thomas Street is appreciated as one exits London Bridge station on the north side and to the east of the conservation area boundary. The consistency of scale and architectural style of the buildings on both sides of the street in views west is immediately apparent and makes the different architectural character of Keats House on the south side of the Street quite prominent. Along the north side of the street the listed buildings are set back behind railings and forecourts so that the modest brick tower of the former St Thomas Chapel appears to stand forward and is a visual landmark. The height of the tower is appreciated as similar to the end of the west wing of the listed Guy's Hospital on the south side of the Street and also as equivalent to Keats House opposite. The setting to the listed buildings on the north side of the street is appreciated as consistent in character and of high quality. The heights of the listed buildings on the north and south of the street are generally balanced.
- 9.58 The main impact of the proposed tall building which is opposite these listed buildings would be on the coherence of the setting and the contribution that makes to an understanding and appreciation of the architectural significance of the buildings along the north side of St Thomas Street. As acknowledged by the TVIBHA when considering the view, the degree to which the development

dominates the existing street scene from this viewpoint would be considerable, and the coherent quality of the existing view would be disrupted.⁶⁶ In terms of setting the features that make the positive contribution to the significance of the listed buildings are the qualities that would be most harmed by the introduction of this totally dominating tall building. The visual prominence of the chapel tower is significantly reduced within all parts of its setting to the south along the street.

9.59 Impacts of the 2021 Proposal (TVIBHA views 42; 44)

The impacts of the proposal are similar to those arising from the earlier 2018 application because both applications propose a tall building within an historic context of very different architectural character and urban grain. The proposal to extend the development right up to the boundary of the listed terrace to the north and closer to the hospital to the east, as well as extending further west increases the impact as the mass of the building would extend further along the street, which would be particularly evident when progressing east-west along the northern side. The coherent quality of the views of the street would be significantly disrupted and the visual prominence of the historic church tower would be substantially eroded.

Bunch of Grapes PH; 4-8 St Thomas Street; and 12-16 St Thomas Street

- 9.60 The proposed development would be located immediately to the side and rear of the listed terrace (numbers 21-16) on the south side of St Thomas Street. The proposals include physical alterations to the existing terrace, the removal of the existing building on the site and the relocation of Keats House as part of creating a new access from the street into the site.

⁶⁶ TVIHBA View 50: page 257 paragraph 5.624, CDA.12.

9.61 The proposals for the terrace are subject to separate applications for listed Building Consent which accompany the applications for planning permission. In the 2018 proposals the listed terrace houses would become retail units with new entrances along the southern, rear façade and facing onto the new route created to link St Thomas Street. The interior alterations would re-introduce the cellular plan form of discrete houses and therefore reverse the previous opening up and historically anachronistic connections made as part of the 1980s alterations. The demolition of the existing office building facing St Thomas Street would expose the eastern flank wall of the terrace which would have to be made good. The 2021 proposals would involve a similar approach to reconfiguring the internal plan form, although the eastern end of the terrace would be rebuilt. This end had previously been substantially rebuilt so it is anticipated that there would be no loss of historic fabric. The Council are supportive of the proposals in both the 2018 and the 2021 applications but objects to the works being undertaken in the absence of an appropriate planning permission for replacement extensions and external elements.⁶⁷

Impacts of the 2018 Proposal (TVIBHA views 50-54)

9.62 The proposed new development involves the demolition of the existing building to provide an access to the tower which is set behind the historic terrace. This access exposes the end wall of the terrace and the side wall of Keats House to view. The buildings would become used for retail, although only on the ground floor of the terrace, and new entrances would be provided in the newly exposed side elevations. The entrance court is shown as being planted with trees and

⁶⁷ Historic England has issued authorisation for the listed building consent works.

further trees are proposed for the route behind the terrace which leads to the new square to the north of Kings Head Yard. The creation of the gap to provide access to the new development breaks an otherwise remarkably consistent building line which is a positive feature of the setting of the listed buildings along the south side of the street, including Guy's Hospital and the terrace itself. The planted entrance court is an anomaly in an otherwise historically hard urban setting.

- 9.63 The principal impacts of the proposed tall building would be the jarring and abrupt jump in mass and height which has no regard for the existing architectural scale or language of both the terrace and the adjacent 18th century houses, including those opposite. The current contribution of setting to significance are the qualities of consistency, which illustrate rational planning and architectural formality and they remain close to the character of original setting, therefore making a strong contribution to an ability to appreciate significance. The main changes to the setting of this group are further east, with the introduction of new development around London Bridge Station, including the Shard Development and on the south side of the street, the introduction of the Guy's Hospital tower. In the majority of the setting of the terraces and the listed buildings opposite on the north side of the street, these tall buildings are not appreciated in direct conjunction.
- 9.64 The existing tall buildings appear in views east looking east along St Thomas Street (TVIBHA 53 and 54). In view 53 the lower sections of the Shard are screened in views to the west of Borough Market, but it becomes more prominent in views further east (view 54) as Borough High Street is reached. Because of the position of the Shard relative to the High Street and St Thomas Street it is appreciated as a background feature, although very prominent.

- 9.65 Guy's tower has a greater impact as it is on the south side of St Thomas Street and is seen rising directly behind and above the terrace; although, again because of its position relative to the terrace, it is clearly a background feature. The terrace is clearly appreciable as an architectural entity in this view but the presence of Guy's tower challenges for attention and harms appreciation of the architectural qualities of the listed building. That challenge diminishes as St Thomas Street is reached and it is possible to still appreciate the terrace against a clear sky which is the optimal condition to appreciate the consistent massing and articulation of the listed buildings, the roofs of which are obscured in the traditional manner.
- 9.66 In contrast, the proposed tall building would rise in close proximity behind and above the terrace and the architectural qualities of the listed building would be completely disrupted. The proposed tower would be visually dominant above the terrace and completely overpower the surviving 18th century buildings in close proximity. In views east the proposal would be an overwhelming feature and would completely dominate the listed terrace below. As a result, the presence of the terrace would be severely diminished. The strongly contrasting architectural expression of the proposal with an insistent pattern of cross framing and the curving form are all alien to, and would damage, the contribution made by the positive elements of the existing setting. These include the consistent height, scale and architectural expression within this part of St Thomas Street. To the extent that Guy's tower remains visible in these views, the proposal would compound the harm it causes to an appreciation of the listed terrace.
- 9.67 These harmful impacts of the proposed tall building would be even more apparent within St Thomas Street, both opposite the site and to the east when

approaching from London Bridge Station (TVIBHA 50; 51 and 52). It is in these areas that the ability to experience and appreciate the terrace as part of a surviving area of Georgian development, which is distinctly different and cohesive in character and appearance, is at its best. The consistent building line and roof lines of development along the south side of the street, which is respected by later development including Keats House and the existing New City Court building are counterbalanced by the modest height of the church tower on the north side of the street; all of which are seen against an open sky and they are characteristic of an historic environment.

- 9.68 The consistency and coherence evident in this part of the street, is resonant of many other areas of London developed in the Georgian period and provide an effective frame for Guy's Hospital. The hospital is set back behind an entrance court with its east and western wings terminating at the same building line as the terraces, although at an angle relative to the street. The gates and railings link the ends of the wings and enable an appreciation of the thoughtfully planned formal courtyard in front of the hospital. This approach to urban planning which carefully integrated residential and civic buildings in a harmonious manner is again characteristic of the Georgian period, evident across large parts of London and including in other areas of Southwark; an obvious example being the Trinity Church Square Conservation Area.
- 9.69 These qualities are particularly vulnerable to significant changes of scale as is demonstrated by TVIBHA views 50 and 51. The disruption of the setting of the terrace by a large tower rising behind the terrace, with a small set back, and that draws all the attention would be considerable. The presence of the proposed tall building would be inescapable, visually dominating St Thomas Street. The curved façade adds to the sense of the tall building towering over the terrace and

the full width of the new tower would be experienced as one progressed along the street. The existing church tower would also be dominated and the careful framing of the hospital forecourt which is provided by the west wing and the terrace beyond would be disrupted and significantly undermined. The listed terrace itself would become reduced in status and its scale diminished at street level in some views.

9.70 Impacts of the 2021 Proposal (TVIBHA views 42-44; 46)

The proposed new tall building would fill the whole of the space behind the terrace and enclose the adapted rear elevation within the covered route to the entrance lobby of the development. At level three the tall building would be immediately above and over the rear walls of the terrace as it then rises to level 26, the roof. The terrace would be totally dominated by the new building, reduced to the role of a plinth at street level, and understood as a façade which is completely subservient to the new development. The consistency of the setting that contributes to an appreciation of the architectural and historic interest of the terrace is further eroded by the relocation of Keats House to enable a service access into the site from St Thomas Street. This service access in combination with the break into the building line caused by the demolition of the existing 1980s building, would harm the visual relationship between the terrace and the hospital buildings further east.

- 9.71 The monolithic mass of the new building extending along almost the whole of the terrace would totally dominate its context and the setting of the other heritage assets along the northern side of the street, particularly in views looking west. The abrupt change of scale caused by the introduction of a new tall building onto the south side of the street and further west than the existing tall buildings would

have a significantly detrimental impact upon the architectural coherence that characterises the setting of the heritage assets along St Thomas Street.

Church of St George the Martyr

- 9.72 Despite the changes to its setting, the landmark of the west tower remains in views north and south along Borough High Street. In those views the emergence of taller development along St Thomas Street to the north can now be seen in conjunction with the church. There remains one stretch of Long Lane to the south of the church where the south elevation and tower can still be appreciated against a clear sky without significant visual distraction at high level (Appendix NPBM 2 Photograph 3). This is in contrast to other views looking north where the Shard tracks behind the church as one travels east to west. In the 2018 TVIBHA view 39 looking north-east from the underground station the Shard is a prominent feature of the skyline, adjacent to the West tower and clearly challenging its former landmark status (Appendix NPBM 2 Photographs 5 and 6). The Guy's tower is similarly visible above the church in some views although a much less visually prominent feature (Appendix NPBM 2 Photograph 7).

9.73 Impacts of the 2018 Proposal (TVIBHA view 39)

The impacts of the proposed development would be to introduce a further tall building to the north of the church where it would rise above the roof of the nave and track along the silhouette of the building in a manner similar to that of the Shard. The last remaining opportunity to experience the church from the south against clear sky without visual distraction would be removed and in some parts of the setting in the south west, (Appendix NPBM Photograph 7) the New City Court tower could appear visually attached to the historic church tower.

9.74 Impacts of the 2021 Proposal (TVIBHA view 31)

The impact of the proposal would be the introduction of a tall building of broad proportions into the northern part of the setting of the church where it would rise above the roof of the nave and track along the silhouette of the building as you move east to west to the south of the church. The form of the building would appear monolithic from this distance and its broadest elevation would be the one experienced in relation to the listed building. The challenge to the visual prominence of the tower and its landmark quality would be considerable. The last remaining opportunity to experience the church from the south, without visual distraction other than in close proximity would be lost.

Kings Head PH

9.75 Impacts of the 2018 Proposal (TVIBHA view 45)

The main impact of the proposed tall building would be upon the intimate scale of the alley and the contribution that makes to understanding the historic interest of the Kings Head. The increase in width of the former alley and loss of the historic building line along the north side would remove the historic sense of enclosure. The abrupt change in height of development between the two sides of alley would also effectively erode the historic sense of enclosure and the listed building would no longer be set opposite development of a similar architectural language and employing similar materials that complements and contributes positively to an appreciation of its architectural and historic significance. Immediately opposite the listed building would be a new space accessed by steps and ramps characteristic of modern commercial development, particularly in the City of London, but not found in the historic urban grain of the setting of the Kings Head which makes an important contribution to its significance. The architectural language of the tall building is stated to derive in part from 19th century transport infrastructure in the area, but this is at best a tenuous and

superficial link because the height and mass of the building mean that it would be clearly understood to be a contemporary, 21st century office development.

9.76 Impacts of the 2021 Proposal (TVIBHA view 37)

The impact of the new building would be the loss of the historic building line along the northern edge of the alley provided by the former warehouses that share a similar architectural language and are complementary to the listed building and which make a positive contribution to an appreciation of its architectural and historic significance as part of the setting. The warehouse facades are non-designated heritage assets. The new building would introduce an abrupt change in scale within the alley and opposite the listed building. The relationship between the listed building and the alley would be completely transformed by the new building and the manner in which it addresses the alley. The impact of the transformation would be to diminish the Kings Head by dominating its setting. The curved glazing of the lower four floors of the new development would be set back under a soffit. Steps would be placed between flanking planters leading to the proposed underground station entrance and the covered route that leads to the entrance lobby of the tower and St Thomas Street to the north. These are features that would substantially change the historic character and scale of the immediate setting of the listed building.

The George Inn

Impacts of the 2018 Proposal (TVIBHA 46)

- 9.77 The new tall building would rise above the modern range of buildings forming the northern boundary of the yard and would be perceived as being immediately adjacent. The considerable change in scale introduced into the setting would result in total visual dominance of the historic space by the new development. The assessment by the Appellant (paragraph 5.574) is that the new tower will

“reinforce the sense of proximity of London Bridge to this space”. This demonstrates that the relationship of the building to the setting of the historic building appears not to have been a concern or considered as part of the proposal. The impact of how this considerable change would affect the contribution of the current space to both the significance of the Inn and the ability to experience and appreciate that significance is not discussed. However, the analysis confirms that what is left of the sense of enclosure and separation, part of the experience of being in an historic coaching Inn would be substantially eroded.

Impacts of the 2021 Proposal (TVIBHA 38)

- 9.78 The new tall building would have a similar impact to the 2018 proposal in terms of visual dominance which is a result of its height and proximity to the historic yard of the coaching Inn. The increased width of the southern elevation of this proposal would further reduce the sky space appreciable from within the yard and the strongly articulated façade is visually assertive. The suggestion that the bay width is related to the burgage plots width of the High Street is a reference that is not obvious and rather tenuous. The contribution of the yard as a discrete space enclosed and separate from the High Street and the wider context, which is an important component of the historic character of the conservation area in this location east of the High Street will be substantially eroded by the introduction of development of this height and mass and much closer to the site than existing tall buildings.

Borough High Street Conservation Area

- 9.79 The diverse character and appearance of the conservation area includes places where a consistent height and grain make a major positive contribution to significance. The introduction of a tall building onto the southern side of St

Thomas Street, to the west of London Bridge, brings the potential impacts into the heart of an historic area where visual prominence is currently reserved for major civic buildings, including the Cathedral and St George the Martyr, the latter being the single visual focus in the southern part of the conservation area. The tight urban grain and distinctive appearance of the northern part of the High Street around the landmark location with Southwark Street is integral to the special character of conservation area.

Impacts of the 2018 Proposal and 2021 Proposals

- 9.80 Both applications would introduce a tall building that is completely out of scale with its historic context in the heart of the conservation area. Both proposals would involve the removal of the existing building which follows the historic arrangement characteristic of the conservation area in terms of its relationship to the highway and its plot boundaries. The proposed site of the tall building is in a sub-area of the conservation area that contains groups of buildings with strong street elevations and a key building frontage along the south side of the St Thomas Street. The street also has an existing landmark in the form of the modestly scaled tower to the former church of St Thomas⁶⁸. Both proposals would combine the formerly separate plots to the rear of the listed terrace into one site which is developed as one monolithic building. By proposing to develop what is in effect the rear of several plots with a significant new building, the approach goes directly against a grain of historic development where the rear of existing plots is characterised by yards or alleys flanked by buildings of subservient scale behind development addressing the street.

⁶⁸ Borough High Street Conservation Area Appraisal (CDE.06) page 50 paragraphs 4.3.29-4.3.32

- 9.81 Both applications would create a visually dominant landmark that would be seen in important views identified within the conservation area including the narrowing of the street between 17 St. Thomas Street and Guy's Hospital which are the focal features of views along St. Thomas Street⁶⁹; views of the landmark central tower of the Cathedral⁷⁰ ; notable views focussed on landmark locations, generated by the angles of street intersections (the prime example is Town Hall Chambers)⁷¹; and would also introduce a new visual focus within the conservation area when approaching from the south challenging one of the most significant landmarks in the area, the Church of St George the Martyr. These views are all in the different sub areas of the conservation area and illustrate the potentially wide-ranging impact of a tall building in this location and the shift in focus that it would represent.
- 9.82 The existing site contains two non-designated heritage assets, Keats House addressing St Thomas Street (*see figure below*) and the former hop sampling rooms along Kings Head Yard. Both of the buildings have qualities that meet the criteria for the identification of buildings that make a positive contribution to the conservation area.⁷²

⁶⁹ Ibid page 39 paragraph 3.5.7

⁷⁰ Ibid page 36 paragraph 3.4.17

⁷¹ Ibid page 27 paragraph 3.2.10

⁷²Conservation Area Appraisal, Designation and Management Historic England Advice Note 1 (Second Edition) page 21 table 1 (CDF.05)



Figure 47 (Revised to show the CA boundary and the listed buildings along the South side of St Thomas Street) on page 49 of the Borough High Street Conservation Area Appraisal showing sub character Area

The Conservation Area Appraisal identifies that the main defining elements of the conservation area are groups of buildings that combine into frontages that define streets, spaces and views. Often this group value of buildings is as important as the individual characteristics of listed buildings, and the scale, containment and background character that they provide is essential to the character of the

conservation area.⁷³ The loss of the hop sampling rooms and the contribution they make to the historic urban grain by enclosing the north side of Kings Head Yard would therefore represent harm to the conservation area. The proposals for Keats House involve relocation which is usually a last resort for heritage assets because of the harm caused to their integrity and authenticity. The architectural character of Keats House includes fine quality brickwork and stone decoration which is particularly vulnerable to damage from dismantling and the current building sits above a basement and “area” which adds to its significance. It is not clear that these features will be retained and also relocated, but it is unlikely to be practical to do so. In addition to the physical impact upon the integrity of Keats House, the introduction of significant gaps into the formerly consistent and coherent building line along St Thomas Street would harm the architectural qualities that makes this subarea of the conservation area distinctive.

Trinity Square Conservation Area

Impacts of the 2018 Proposal (TVIBHA view 62)

- 9.83 The proposed tall building would be visible in the setting of the conservation area from the southern side of Trinity Square and most prominently from the SW corner. There are a small number of tall buildings that currently appear above the terraces around the square including The Strata building to the south and Guy’s tower and the Shard to the north east. Guy’s tower and the Shard are particularly prominent in views from the south east corner of the square looking north. The impact of these buildings is to distract from the architectural unity of the square, catching the eye and drawing it upwards. The New City Court tower

⁷³ Borough High Street Conservation Area Appraisal (CDE.06) page 42 paragraph 4.3.1

would be unfortunately located at one of the points where the roofs of the terraces along the north side of the square drop down. It is currently just possible to discern the very top of one of the buildings in the City of London Cluster so the sky space is not clear in this location, but the proposed tall building would rise much more prominently behind the terrace at the junction between the western and northern terraces. This location exacerbates its impact as it distracts at an important point. The Shard already distracts from the tower of what is now the Henry Wood Hall, and the further proposed tall building would continue to draw the eye away from the central feature of the square.

Impacts of the 2021 Proposal (TVIHBA view 56)

- 9.84 The top two or three floors of the new tall building including the roof plant would be visible above the roofline of the houses at the western end of the northern range of terraces. The position of the proposed development, which would be perceived to be in the corner of the square at the junction of the northern and western ranges, and at a point where the roofline of the terrace drops down, would add to its distracting qualities. The perceived height of the new building would align with the existing stacks on the terraced houses and would replace the silhouette as currently appreciated against clear sky. At times of low light, the upper floors which contain a restaurant and café above office space would be internally illuminated in contrast to the slate roof slopes below. This could also increase the visual prominence of the building.
- 9.85 The TVIHBA view 56 presents the building with unbroken greenery along the south side at roof level which is somewhat misleading and does not align with the plans. The central section of the southern side of the building would contain air source heat pumps units and lift overruns at level 25 with flat roofs above on level 26 either side of the units which would be used for photovoltaic panels.

There would be minimal screening along this section of the building and the roofscape would appear more defined and hard-edged.⁷⁴ The visual impact of the new tower would be primarily experienced along about a third of the south side of the square, before the Henry Wood Hall blocks the view. The new tall building would drop below the ridge line of the historic terraces after a short distance as you progress north along the western side of the square.

Bank Conservation Area

- 9.86 The impacts of both proposals upon the contribution made by a part of the setting to Bank Conservation Area are similar. Both proposals would cause harm to views of significant heritage assets just outside the conservation areas. The ability to appreciate these assets which were designed to be visually prominent and which have cultural, historic and architectural relationships with the Bank Conservation Area contributes to an understanding and appreciation of its significance. To the extent that the ability to appreciate and understand these relationships would be compromised harm would be caused to the conservation area.

Tower Conservation Area

- 9.87 The potential impacts from the proposed tall building in both the 2018 and 2021 proposals largely overlap with the potential impacts upon the OUV of the WHS. Those impacts are considered above (paragraphs 9.10-9.21).

⁷⁴ Plan ref 20065 X (00) P145 P03 and -P146 P03 (CDB.152 and 153)

Summary Assessment of Impact on Heritage Assets

9.88 Having taken all of the aspects relating to the potential impact of the proposal upon the identified designated heritage assets into account above, my judgement is that in all cases the harm is less than substantial in terms of the NPPF.

9.89 For the 2018 proposals the level of impact would be:

- Tower of London World Heritage Site less than substantial just below the middle of the range
- St Paul's Cathedral (Grade 1 listed) less than substantial towards the lower end of the range
- St Magnus the Martyr (Grade 1 listed) and The Monument (Grade I listed and Scheduled Monument) less than substantial and towards the lower end of the range
- The Cathedral of St Saviour and St Mary Overy (Grade 1 listed) less than substantial above the middle and towards the upper end of the range
- Guy's Hospital (listed Grade II*) including the railings statue of Thomas Guy (both separately listed at Grade II) Less than substantial above the middle and towards the upper end of the range
- 9, 9a, and 11-3 St Thomas Street (listed Grade II*) less than substantial below the middle of the range
- St George the Martyr (listed Grade II*) less than substantial below the middle of the range
- 15 St Thomas Street (listed Grade II) less than substantial below the middle of the range
- 4-8 and 12-6 St Thomas Street (listed Grade II) less than substantial around the middle of the range

- The Bunch of Grapes St Thomas Street (listed Grade II) less than substantial around the middle of the range
- The Kings Head (listed Grade II) less than substantial towards the lower end of the range
- The George Inn (listed Grade 1) less than substantial towards the low end of the range
- Borough High Street Conservation Area less than substantial above the middle and towards the upper end of the range
- Trinity Church Square Conservation Area less than substantial towards the lower end of the range
- Bank Conservation Area less than substantial at the lowest end of the range
- Tower Conservation Area less than substantial towards the lower end of the range.

9.90 For the 2021 proposal the level of impact would be:

- Tower of London World Heritage Site less than substantial at the low end of the range
- St Paul's Cathedral (Grade 1 listed) less than substantial towards the lower end of the range
- St Magnus the Martyr (Grade 1 listed) and The Monument (Grade I listed and Scheduled Monument) less than substantial and towards the lower end of the range
- The Cathedral of St Saviour and St Mary Overy (Grade 1 listed) less than substantial above the middle and towards the upper end of the range
- Guy's Hospital (listed Grade II*) including the railings statue of Thomas Guy (both separately listed at Grade II) less than substantial above the middle and towards the upper end of the range

- 9, 9a, and 11-3 St Thomas Street (listed Grade II*) less than substantial below the middle of the range
- St George the Martyr (listed Grade II*) less than substantial below the middle of the range
- 15 St Thomas Street (listed Grade II) Less than substantial below the middle of the range
- 4-8 and 12-6 St Thomas Street (listed Grade II) less than substantial around the middle of the range
- The Bunch of Grapes St Thomas Street (listed Grade II) less than substantial around the middle of the range
- The Kings Head (listed Grade II) less than substantial towards the lower end of the range
- The George Inn (listed Grade 1) less than substantial towards the low end of the range
- Borough High Street Conservation Area less than substantial above the middle and towards the upper end of the range
- Trinity Church Square Conservation Area less than substantial at the lower end of the range
- Bank Conservation Area less than substantial at the lowest end of the range
- Tower Conservation Area less than substantial towards the lowest end of the range.

Impacts upon LVMF Views

- 9.91 The proposals for the tall building at New City Court would appear in some views designated within the LVMF. The Environmental Statement considers a number

of LVMF views⁷⁵ including six London Panoramas (A1.A; 2B.1; 3A1; 4A1; 5A.2 and 6A.1); three River Prospects (10.A1; 17B.2 and 20B.1); and one Townscape View (26A.1). In all of the London Panoramas and two of the River Prospects St Paul's Cathedral is identified as a strategic Landmark in the view. In some views St Paul's is identified as the only strategic landmark.

9.92 The approach of the LVMF acknowledges while it is neither desirable nor necessary to preserve in stasis every aspect of a Designated View, changes to them should be managed in a way that does not harm the composition of the view or key elements of its character. New development that will be visible in a Designated View should be of appropriate height and incorporate excellent architectural design quality. It should safeguard the setting of landmarks (including Strategically Important Landmarks and World Heritage Sites) and, where tall, should ideally contribute to the development or consolidation of clusters of tall buildings that contribute positively to the cityscape.⁷⁶

9.93 The proposals in both the 2018 and the 2021 applications would cause harm to the setting of the Grade 1 listed St Paul's Cathedral. By causing harm the proposals would also fail to comply with the Visual Management guidance of the LVMF as they would fail to safeguard the setting of landmarks in the view.

⁷⁵ LVMF views 1A.1 Alexandra Palace; 2B.1 Parliament Hill; 3A.1 Kenwood viewing gazebo; 4A.1; 5A.2 Greenwich; 6A.1 Blackheath Point; 10A.1 Tower Bridge; 17B.2 Golden Jubilee (Hungerford) bridge; 20B.1 Victoria Embankment; and 26A.1 St James's Park

⁷⁶ LVMF Section 5 Visual Management Guidance page 29 paragraph 57 (CDD.024)

Heritage Benefits claimed by the Appellant

- 9.94 There are three heritage benefits identified by the Appellant which are common to both the 2018 and the 2021 applications. In summary these are the restoration of the listed terrace (Numbers 4-8 and 12-16 St Thomas Street) and the potential ability for a greater number of people to be able to appreciate the assets by the introduction of the new route from St Thomas Street to the proposed entrance to the London Bridge Underground Station. The Appellant also identifies the replacement of the existing New City Court building by a development they regard as being of high architectural quality as a benefit to the conservation area.
- 9.95 The works proposed to the listed building will effectively reverse the previous opening up of the interiors and restore a plan form of individual terrace houses. The plan for each house is replicated in the manner traditionally found in historic terraces. This will be a heritage benefit. The ability to appreciate the terrace by the opening up of the new route is not a heritage benefit as it does not deliver any enhancements directly related to the significance of the building. The opportunity for more people to be able to see the and experience the listed building could potentially be a public benefit although the nature of that proposed experience being delivered by the proposals has to be carefully considered. In the 2018 proposals the rear facades of the buildings would be completely new construction with new retail facades facing the office lobby to the south. There would be no sense of historic character to this route and the retail facades along the rear of the terrace are not characteristic of this building type. In the 2021 proposals the rear of the terrace would again face the new route but it would be a space of an internal character, enclosed by the new tall building above and which is supported on substantial piers that are placed immediately adjacent to the rear of the listed building. The rear façade of the terrace would comprise a number of small windows irregularly placed along the ground floor, but with a greater

number above. It would be possible to appreciate the easternmost terrace house against the sky but the others further west would be subsumed within the new development.

- 9.96 The demolition of the existing building could cause harm to the conservation area by eroding the urban grain that is characteristic of the Georgian street. Although the existing building is not of great architectural value it does share similarities of scale and follows the existing building line along St Thomas Street. The existing building also includes the retained facades of the hop sampling rooms to the south which form the northern edge of Kings Head Yard. In both locations the built edge of the existing development which makes a positive contribution to the significance of adjacent heritage assets would be replaced by public realm and spaces that would erode that contribution and are also not characteristic of the character and appearance of the conservation area.

10.0 APPELLANT'S ASSESSMENT OF HERITAGE IMPACT

- 10.1 This section of my proof provides a short critique of the Appellant's assessment⁷⁷ of heritage impact with regard to setting and the contribution it makes to significance or the ability to appreciate significance. My approach to this critique has been to consider whether the Appellant's assessment is properly to be regarded as objective, balanced and robust. An assessment of the historic environment both within and adjacent to the development site was carried out by the Appellant as part of their planning application in 2018 and then amended for

⁷⁷ The assessment of heritage impact is provided by the Peter Stewart Consultancy and draws on the heritage statements prepared by KM Heritage for the heritage assets on the site.

the 2021 Application. The approach to the identification of heritage assets and the methodology for the analysis is the same for both applications.

- 10.2 The initial assessment of impact is contained within the Environmental Statement supporting the 2018 applications. The relevant sections of the 2018 ES (CDA.10 to CDA.14) are Part 3: Townscape, Visual Impact and Built Heritage Assessment (TVIBHA); Volume IV Heritage statement by Peter Stewart Consultancy and supporting appendices prepared in December 2018. In June, 2020 a Built Heritage Clarification Report was issued by Peter Stewart Consultancy to take into account updates to relevant legislation, policy and guidance since the submission of the December 2018 ES TVIBHA (CDA.48). Part 2 of the clarification is stated to provide:

“...further information on the attributes of each’s heritage asset’s setting that contribute to its significance. As that information is not suited to tabulation, it is supplied as a separate document”.

- 10.3 What is provided is a commentary on the earlier, December 2018, Heritage Statement followed by a description of the setting of the relevant heritage asset; but, generally, with little further information on the attributes of setting that contribute to significance. This document is then incorporated into the Environmental Statement which accompanies the 2021 application (CDB.12 to CDB.16) the relevant parts of which are again Part 3: the TVIBHA and Part 4 The Listed Building Heritage Statement by KM Heritage which relates to the assets on the development site itself. The analysis below draws on the 2021 ES.
- 10.4 Part 3 of both the TVIBHA’s is organised into discrete sections, the first of which is an assessment of the likely significant effects on townscape and visual

amenity as a result of the Development at New City Court.⁷⁸ Whilst heritage assets are contained within the townscape and noted where relevant, this is not an assessment of the contribution of setting to the significance of heritage assets. That latter assessment should be contained within Section 2 of Part 3. The assessment of townscape and visual amenity of the 2018 scheme is carried out by reference to 62 verified views and of the 2021 scheme by reference to 56 verified views.

- 10.5 The Built Heritage Assessment (BHA) is pp 301 onwards and the structure of the assessment mirrors that for the TVIA process. It is also clear that the assessment of impact upon the built heritage has used the same verified views as employed for the TVIA. At paragraph 10.14 the report states:

“Not all HAs seen in the accurate visual representations (AVRs) of agreed views in the TVIA (Section 1 of Part 3 of the ES) are included in the Built Heritage Assessment. Some of these views are from a considerable distance from the Site and the Development would not affect the heritage significance of these HAs over and above consideration of their visual or townscape setting (an aspect of their heritage setting). The effect of the Development on these views, and the townscape setting of noticeable HAs within them, is considered in the TVIA”.

- 10.6 The methodology for assessing impact is stated to rely on a sensitivity matrix based on heritage importance and an assessment of heritage significance. The identification of heritage importance (page 307 table 3.3 of the TVIBHA) aligns

⁷⁸ TVIBHA 2021: page 11 **Introduction** para 1.1 (CDB.14)

with designation from highest to lowest, but the identification of extent of impact does not relate to heritage significance, it relates to what is described as sensitivity to change. Paragraph 10.21 states:

The assessment of the sensitivity of the receptor under consideration takes into account a judgement about its quality, including the quality of its setting. For example: a conservation area or a listed building may have a good or a poor setting, and a good quality setting is more sensitive to change than a poor-quality setting; conservation areas include within them areas of greater and lesser quality; and so on.

- 10.7 At the heart of this approach is not an assessment of significance (it is noticeable that the word significance is not used in the paragraph) but a notion of quality. It is the quality of the setting that is identified as being sensitive to change, with that sensitivity being related to whether it is judged good or poor. The sensitivity of the heritage asset which derives from its particular significance is clearly not the primary concern. Setting is being treated as independent from the contribution it makes to the significance of the heritage asset in an approach that is basically the same as that used for townscape assessment.
- 10.8 The identification of the magnitude of effect that then follows is solely concerned with readily noticeable or perceptible change to the heritage asset or its setting, rather than to the heritage asset or the contribution to significance or ability to appreciate significance that is made by the setting. Again, heritage significance does not appear in this part of the process which equates magnitude of effect with degree of change. NPPG paragraph 18 (CDD.011) is clear in stating that what matters in assessing whether a proposal might cause harm is the impact on the significance of the heritage asset. It is the degree of harm to the asset's

significance rather than the scale of the development (or in this case change) that is to be assessed.

- 10.9 What is carried out within the ES for the assessment of impact of the proposals (both 2018 and 2021) on heritage assets is actually largely the impact of the proposal upon setting and specifically upon views. Despite the acknowledgement in the TVIBHA that designated heritage assets may vary in the sensitivity to change in their settings that does not appear to have been the basis on which analysis and assessment has been taken forward. The starting point of the analysis has, in my judgement, been the existing townscape and not the significance of the heritage assets and how setting contributes to that significance, which is step 2 of the HE guidance (CDF.04). The issue of what matters and why and how the current setting contributes to the key attributes of the heritage asset under consideration has not been grappled with.
- 10.10 The assessment has also been based solely on the identified views included as part of the TVI process. The analysis accompanying these views is repeated or referenced without alteration and used as the assessment of impact upon the contribution made by setting to significance. This is despite the two things, settings and views being very different and the former being the subject of a specific statutory duty to have special regard to the desirability of its preservation.
- 10.11 The use of this type of methodology without understanding the crucial difference between setting and views results in conclusions such as those in relation to the listed terrace on the site which is set out in paragraphs 12.51-12.57 of the 2021 TVIHBA.

10.12 A major change in the setting immediately adjacent to the listed building which harms the contribution made by that setting to an ability to appreciate the significance of the heritage asset is considered by the appellant largely in relation to 2 views. It is acknowledged in the analysis provided that the degree to which the development dominates the street scene (and therefore the heritage assets within that street) would be considerable (12.51) and disrupting the coherent quality of the view, but the conclusion is that the overall effect on the listed building is beneficial (12.56). This conclusion is reached despite the fact that the view is coherent and therefore presumably of good quality and that coherence is a direct result of the architectural form of the historic terrace and adjacent heritage assets which share its characteristics. In my judgement this serves to demonstrate that this is not a robust or credible methodology. It is both fundamentally flawed and lacks objectivity.⁷⁹ In considering the outcome of the analysis by the appellant for both the 2018 and 2021 proposals it is also instructive to see that the conclusions are almost identical, despite the very different forms of the proposed development.

10.13 The summary of the analysis provided by the appellant in relation to heritage impacts is set out in tabular form in both editions of the ES. In the TVIHBA provided as part of the 2018 proposals this is Table 3.6 (pp359-60 of CDA.12). It provides a conclusion on “residual effects” arising from the development when completed and identifies required mitigation measures. In the very few

⁷⁹ Other examples of this flawed approach can be found at 12.287-291 St Magnus the Martyr and 12.303-307 The Monument (of the 2021 TVIBHA) where the development is described as part of the evolving landscape consistent with the urban landscape without any consideration of how this evolution has affected the ability to appreciate significance.

examples of harm identified by the appellants (for Southwark Cathedral, Guy's Hospital and Borough High Street CA) it is stated that no mitigation is required. The same conclusions are reached with regard to the 2021 proposal.

- 10.14 This is exactly the type of rote analysis that the Historic England Guidance on Setting cautions against. A sensitivity matrix can only provide supporting material for a clearly expressed and non-technical narrative argument using expert judgement to set out what matters and why in terms of heritage significance and the setting of the assets affected⁸⁰. To be effective evidence, the matrix has to demonstrate a good understanding of heritage significance and be applied consistently. The matrix should be used to set out a similarly clearly expressed expert assessment of the effects of development upon heritage significance. In the TVIHBA's submitted in support of the applications that narrative is minimal and it is often not clear whether it is the setting itself or the townscape that is being assessed with regard to the effects of the development.
- 10.15 The other significant flaw in the appellant's approach to assessing the impact of their proposals upon heritage assets concerns its response to the fact that there are already tall buildings in their settings. The impact of these existing tall buildings on the ability to appreciate the significance of the heritage assets, for example, is not assessed and no judgment reached on whether their impact is beneficial, neutral or harmful in terms of heritage significance. Therefore, the impact of a further tall building upon the contribution made by the setting to that significance and whether that exacerbates any existing harm is not robustly considered. The TOL WHS has been identified as particularly vulnerable to tall

⁸⁰ HE Good Practice in Planning Advice Note #3 Setting of Heritage Assets (2nd Edn) Highlighted box page 8 (CDF.04)

building development and the development of policy, with Government support based on acknowledgement that harm has been caused, has responded to that concern. The assessment of the impact of the proposals with regard to the TOL should therefore be carried out with an awareness that the form of development proposed is one to which the OUV or significance of the Tower is particularly vulnerable and that existing tall buildings have caused harm.

10.16 In the Appellant's assessment of impact upon townscape and to a lesser degree on Built Heritage there is a reliance on the claimed architectural quality as a benefit, including to heritage assets. Claimed architectural quality is not of itself justification for harm. I note that the weight to be given to the benefit of design and architectural quality in relation to tall and large buildings has been recently considered by the Court in a challenge to the SoS conclusions regarding architectural excellence and the position of tall buildings in sensitive locations. The Court concluded that there was no contradiction between a conclusion that a proposal meets the policy standard of "high architectural quality" in the (then) London Plan Policy 7.5, but that it nevertheless conflicts with the (then) London Plan Policy 7.7 which opposes tall buildings in sensitive locations which have an unacceptably harmful impact on their surroundings.⁸¹

⁸¹ Starbones Ltd. v. SoS [2020] EWHC 526 (Chiswick Curve) at [67]-[72] (CDH.14)

11.0 SUMMARY AND CONCLUSIONS

- 11.1 The best practice approach to conserving the historic environment and heritage assets is to use the understanding of significance or special interest in the development of proposals for change. This is not the approach taken by the Appellant in this case. Put at its simplest these proposals are for a tall building in the wrong place. This type of development is almost inevitably visually prominent and often over middle and longer distances. Mitigation of this prominence where it causes harm to the historic environment and heritage assets is not achievable by refinement to elevational treatments.
- 11.2 The visual impact of the 2018 proposal would result in harm to heritage assets of the highest significance, including the TOL WHS. It would exacerbate the harm already caused by recent developments within the City cluster and in Southwark to the visual integrity and authenticity of the WHS and would do so in a very conspicuous and unacceptable manner. The 2021 proposal would be less conspicuous but would also have similar impacts with regard to heritage assets in close proximity to the site, particularly those along St Thomas Street.
- 11.3 The extensive impact can be appreciated by considering the number of heritage assets that are affected by the development, located in close proximity but also at some distance from the site. They include iconic assets that are for many the international identity of London as a world city. In assessing that impact, I have approached the analysis using the best practice guidance provided by Historic England. I have undertaken a thorough analysis of significance of each individual asset affected and how its existing setting contributes to that significance and the ability to appreciate it. I have employed the helpful checklist table in the Historic England Guidance on Setting as a framework for

consideration of impact and employed my experience and professional judgement to determine the effect of that impact.

- 11.4 My assessment is that the impact on the heritage assets considered above would be overwhelmingly harmful with that harm ranging from less than substantial above the middle and towards the upper end of the range down to the lower end of the range. In contrast the appellant's approach has failed to follow best practice and the analysis of heritage and the impact on setting has not been consistent, or robust. The analysis has also conflated setting and townscape in many cases.
- 11.5 The identification of harm to designated heritage assets creates a strong statutory presumption in favour of refusal pursuant to the 1990 Act. The NPPF requires heritage assets to be conserved in a manner appropriate to their significance which requires harm to be avoided or minimised. Where harm is being caused it has to be convincingly justified. The weight to be attached to the avoidance of harm in the planning balance is great, and the more significant the heritage asset the greater the weight to be attached.
- 11.6 The heritage assets that would be harmed by the proposals include those of the highest order, which are within the top 8% of those listed on the National Heritage List for England
- 11.7 But the list of assets harmed also includes one of the very highest significance The Tower of London World Heritage Site, whose significance is global. Any harm to heritage assets has to be clearly and convincingly justified, but in the case of this asset the proposed impact upon its significance would require particularly compelling justification.

- 11.8 In both proposals the assets harmed are all irreplaceable and great weight is therefore attached to the conservation of their significance. The more important the asset, the greater the weight should be. The TOL WHS is an asset of the highest significance and the less than substantial harm that would be caused by the 2018 proposal is just below the middle of the range. The greatest weight must be attached to its conservation and avoiding that harm. That weight still applies in the context of the 2021 proposals even though the degree of harm to the WHS would be considerably less.