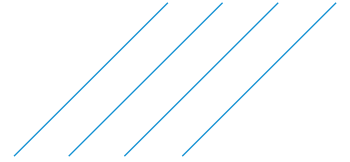




SNC • LAVALIN



New City Court, 4-26 St Thomas Street, London SE1

APPLICATION REFERENCES:

18/AP/4039 (Full Planning Application) and 18/AP/4040 (Listed Building Consent)

21/AP/1361 (Full Planning Application) and 21/AP/1364 (Listed Building Consent)

APPEAL REFERENCES:

APP/A5840/W/22/3290473 and APP/A5840/Y/22/3290477

APP/A5840/W/22/3290483 and APP/A5840/Y/22/32904790

PROOF OF EVIDENCE ON BEHALF OF SOUTHWARK COUNCIL

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PLANNING

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Michael Glasgow MRTPI

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1. Introduction

- 1.1. This Proof of Evidence has been prepared on behalf of Southwark Council (“the Council”) and is submitted in relation to the appeals submitted by Great Portland Estates (“the Appellant”) under Section 78 of the Town and Country Planning Act 1990 (as amended) for the redevelopment of New City Court, 4-26 St Thomas Street, London SE1.
- 1.2. The appeals relate to two development proposals each comprising an application for full planning permission and listed building consent. Applications 18/AP/4039 and 18/AP/4040 comprise the 2018 Proposal and applications 21/AP/1361 and 21/AP/1364 the 2021 Proposal. The appeals against the non-determination of these applications were submitted by the Appellant on 4 January 2022.

Qualifications and experience

- 1.3. My name is Michael Glasgow. I hold Undergraduate and Masters degrees in Urban Studies and Planning from the University of Sheffield and am a fully chartered member of the Royal Town Planning Institute. I am currently a Principal Strategic Planner within the London Planning team at Atkins and advise a number of, mainly public sector, clients on a wide range of issues spanning strategic planning and masterplanning, policy development/evidence base studies and development management matters.
- 1.4. I have been appointed by Southwark Council to act on their behalf as planning witness for the purposes of this Inquiry. Prior to my appointment in March 2022, I had no involvement with the proposed developments at the pre-application stage nor the determination stage for the respective applications. I have however visited the site and am familiar with the surrounding area.
- 1.5. I have 15 years’ experience working in the planning industry across both public and private sectors. This includes 10 years working in Southwark Council’s Planning Policy and Development Management teams. Prior to joining Atkins, I worked as a Team Leader in the Council’s Strategic Applications team, managing a diverse caseload of large-scale major applications and pre-application enquiries for residential, commercial and mixed-use developments. I was case officer for a number of prominent applications in Opportunity Areas and Town Centres, including award-winning developments at Canada Water and Elephant and Castle. I worked closely with Transport for London (TfL) to resolve strategic transport issues as part of the redevelopment of the Elephant and Castle Shopping Centre. Prior to this, I worked on the development of planning policies and guidance for a number of area-based planning documents across the borough, provided advice on the preparation of neighbourhood plans and contributed to the introduction of the borough’s Community Infrastructure Levy.

Scope of evidence

- 1.6. My evidence focuses on the planning assessment of the two development proposals relative to the prevailing development plan and other material considerations. The evidence is presented having regard to the likely reasons for refusal set out in the Council’s Statements of Case (CDI.03 and CDI.04) and the resulting Main Issues identified at the Case Management Conference on 21 April 2022. My evidence will address the level of material weight to be attributed to different policies in the Development Plan and draw conclusions on the overall planning balance as a result.
- 1.7. My proof of evidence is structured as follows:
 - Section 2: A description of the appeal site and its surrounding context

- Section 3: Descriptions of the developments proposed in 2018 and subsequently in 2021
- Section 4: Summary of the pre- and post- application processes and an overview of the Council's case
- Section 5: The legal and policy context
- Section 6: The principal issues
- Section 7: The other relevant Development Plan considerations
- Section 8: Public interest benefits
- Section 9: The heritage balance
- Section 10: Consistency with the Development Plan as a whole
- Section 11: The Planning Balance

Relationship with other proofs

- 1.8. While my evidence will present an assessment of the 2018 and 2021 proposals relative to the policies in the Development Plan, it should be read alongside the detailed evidence provided by Dr Nigel Barker-Mills and Elizabeth Adams. Dr Barker-Mills' evidence provides a detailed account of the impacts of the proposed developments on heritage assets and their settings, addressing the Council's likely reasons for refusal on this point. Ms Adams' evidence provides a detailed assessment of the impacts of the proposed developments in terms of townscape, the skyline and urban design, addressing the Council's likely reasons for refusal on this point.
- 1.9. My evidence should also be read in conjunction with the Main Statement of Common Ground that will be agreed between the Council and the Appellant to establish the areas of agreement, and the Statements of Common Ground on Servicing, Character and Appearance and Historic Environment between the Council and the Appellant and, where relevant, with Historic England and Transport for London (TfL), which are expected to be agreed shortly.
- 1.10. My evidence also references the range of planning conditions that have been proposed in the appendices to the Council's Statements of Case and the range of planning obligations that would need to be secured in a Section 106 Agreement in the event that planning permission were to be granted. The Council will work with the Appellant on the proposed planning conditions and on the drafting of the legal agreement.

2. The Appeal Site and its context

- 2.1. The New City Court site is located on the southern side of St Thomas Street and is a 0.37ha site comprising 4-16 St Thomas Street, 20 St Thomas Street and 24-26 St Thomas Street. To the south, the site runs along Kings Head Yard from which there is access into a small servicing yard, to the east the site adjoins the Guy's Hospital Campus and to the west it adjoins the rear of properties that front on to Borough High Street, including the Borough High Street entrance into London Bridge Underground Station.



Figure 1: red line boundary for New City Court site

- 2.2. The existing site comprises three principal elements that are all linked, are all in office use and that are identified on the location plan above: New City Court itself (20 St Thomas Street), the Georgian Terrace (4-16 St Thomas Street) and Keats House (24-26 St Thomas Street):
- New City Court is principally a 6 storey 1980s office building covering most of the site. It has a 2-storey frontage at the rear on to Kings Head Yards and 4-storey elements including the main entrance on St Thomas Street adjacent to Keats House and in the south-eastern corner. The office accommodation includes a sunken garden at lower ground level immediately to rear of the Georgian Terrace and a series of roof terraces for occupiers. The Kings Head Yard frontage retains the 2-storey Victorian façades.
 - The Georgian Terrace is Grade II listed and comprises what were original seven individual properties that have been substantially altered internally to create a contiguous office space. The terrace is physically linked to the principal New City Court office building.
 - Keats House is a distinctive 4-storey property adjoining the main entrance to New City Court on St Thomas Street. The property retains its original Italianate red brick and stone frontage, part of its side façade, lightwells and railings, but the remainder of the property was significantly altered as part of the redevelopment of the site in the 1980s.

- 2.3. These individual elements are identified in the axonometric image below, taken from the 2018 Scheme's Design and Access Statement (CD-A.06, Paragraph 2.15).

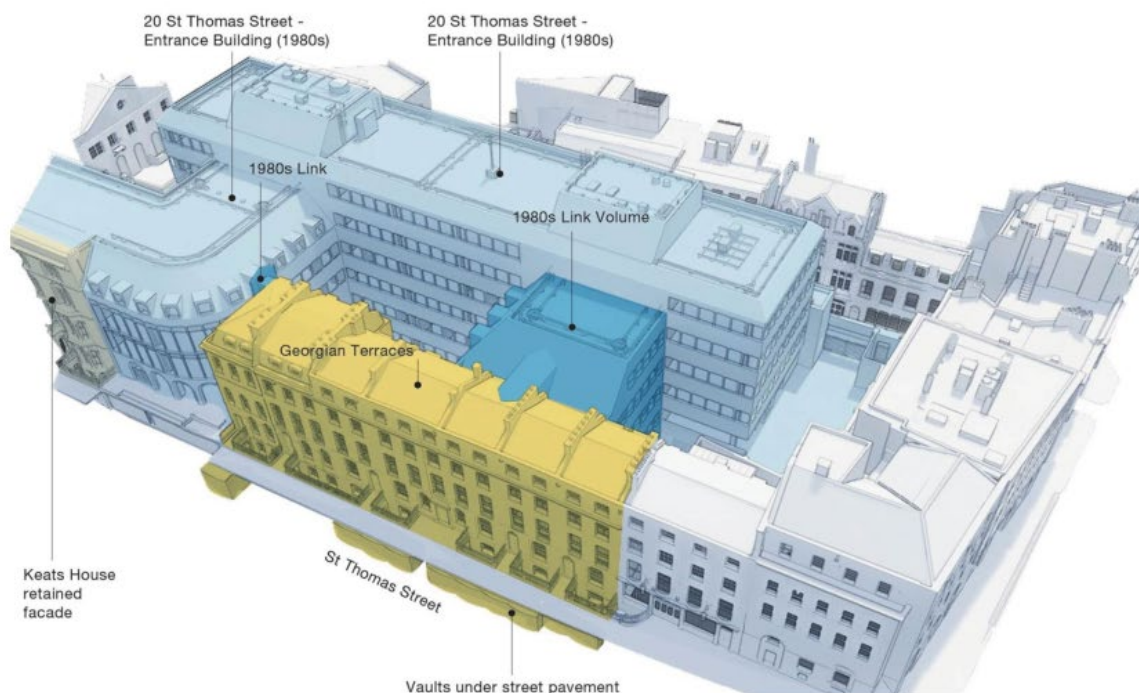


Figure 2 - diagram indicating the different buildings that comprise the New City Court site

- 2.4. The site is located within the Central Activity Zone, Bankside, Borough and London Bridge (BBLB) Opportunity Area, London Bridge District Town Centre and the Strategic Cultural Quarter. In terms of environmental designations, the site is located within Flood Zone 3 and Southwark's Air Quality Management Area. The site has a public transport accessibility level (PTAL) of 6b, the highest rating, as a result of its proximity to London Bridge rail and underground stations and to numerous bus routes. The site is not allocated as a development site in the recently adopted Southwark Plan.
- 2.5. The site is located within the background assessment area of two of the London View Management Framework (LVMF) views from Kenwood viewing gazebo (view 3)¹ and from Parliament Hill (view 2).
- 2.6. The context of the site within the London Bridge area is set out in section 3 of Ms Adam's evidence, which identifies four sub areas that have differences in character and scale of townscape and built space that are legible and easily perceived in travelling through the wider area.
- 2.7. The site is within the Borough High Street Conservation Area. The site contains listed buildings (the Georgian Terrace, Grade II listed, with its listing particulars set out in CDF.02) and unlisted buildings which make a positive contribution to the conservation area, as identified in the Borough High Street Conservation Area Appraisal (CDE.06). The heritage assets within the site are described in Dr Barker-Mills' evidence, which also contains a helpful revised version of Figure 47 from the Conservation Area Appraisal at page 109. The revised version shows all of the listed buildings in and around the site (some were missing from the original Figure 47) and the Conservation Area boundary.

¹ London View Management Framework SPG – CDD.024

- 2.8. There are several listed buildings adjoining and close to the site within this historic part of the borough. To the immediate west are the Bunch of Grapes Public House (2 St Thomas Street, Grade II listed). On the eastern boundary of the site is the Grade II* listed Guy's Hospital building, its Grade II listed gates, railings and Thomas Guy statue.
- 2.9. Facing onto the site across Kings Head Yard to the south is the Grade II listed Kings Head Public House. The northern side of St Thomas Street contains a terrace of listed buildings; 9, 9A, 11-13 St Thomas Street are each Grade II* listed, and 15 St Thomas Street is Grade II listed. A Grade II listed K2 telephone box is located on the pavement outside 17-19 St Thomas Street.
- 2.10. The historic context of the site, and the heritage assets whose setting would be affected by the proposals are described in Dr Barker-Mills' evidence. Due to the scale of the two proposed schemes, they each would affect the setting of heritage assets that are located at greater distance from the site, for example Southwark Cathedral (Grade I listed), the Tower of London World Heritage Site (which contains Grade I listed buildings) and St Paul's Cathedral (Grade I listed).
- 2.11. The site is within the North Southwark and Roman Roads Archaeological Priority Area.

Relevant planning history

- 2.12. The full planning history for the application site is set out in the Main Statement of Common Ground.
- 2.13. Section 3 of the Main Statement of Common Ground also makes reference to a number of proposed or approved developments within the wider area that either include tall buildings or are located within the Borough High Street Conservation Area. These include:

Table 1 - Relevant planning history in the vicinity of the site

Scheme name / address	Application reference	Status
Colechurch House	20/AP/3013	Application pending
Becket House	20/AP/0944	Planning permission granted
1 Bank End	19/AP/1649	Planning permission granted; Construction complete
Landmark Court	19/AP/0830	Planning permission granted
Kings College London	19/AP/0405	Application pending
40-44 Bermondsey Street	19/AP/0404	Application pending
Vinegar Yard	18/AP/4171	Mayoral call-in – resolution to grant planning permission
Capital House	18/AP/0900	Planning permission granted
Fielden House ("Shard Place")	14/AP/1302	Planning permission granted, construction nearing completion
Premier Inn, 127-134 Borough High Street	13/AP/1714	Planning permission granted; construction complete
The Shard of Glass	01/AP/0476	Planning permission granted; Construction complete.

- 2.14. The application of Development Plan policies relating to tall buildings and the plan-led approach to their distribution has been informed by a series of characterisation studies and evidence-based work. The evolution of policy, guidance and the evidence base underpinning the Council's approach to matters including the distribution of tall buildings, design quality and heritage impacts following the grant of planning permission for the Shard of Glass is detailed in Section 5.
- 2.15. These matters have resulted in tall buildings being focused in two distinct clusters in the vicinity of the site: the London Bridge Quarter (comprising the Shard, the News Building and Shard Place) and the emerging cluster further east along St Thomas Street comprising (from west to east) Capital House, Becket House, Vinegar Yard and 40-44 Bermondsey Street.
- 2.16. A number of the sites that are listed in Table 1 are yet to be redeveloped and have been identified by the Council as potentially suitable for tall buildings. Where this is the case, they are allocated as such in the Southwark Plan, with the site allocations including specific guidance on the approach to tall buildings for each site in order to ensure compliance with the overall ambitions and policies set out in the Plan.

3. The Proposed Developments

- 3.1. As set out above, the appeals relate to two separate planning applications for the redevelopment of the site, each accompanied by an application for listed building consent addressing proposed interventions to the listed Georgian terrace. Each Scheme is described below:

The 2018 Scheme

- 3.2. The Description of development for the application for planning permission (18/AP/4039) is as follows:

Redevelopment to include demolition of the 1980s office buildings and erection of a 37 storey building (plus two basement levels) of a maximum height of 144m (AOD), restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) and change of use of lower floors to Class A1 retail, and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide a total of 46,374sqm of Class B1 office floorspace, 765sqm of Class A1 retail floorspace, 1,139sqm of Class A3 retail floorspace, 615sqm of leisure floorspace (Class D2), 719sqm hub space (Class B1/D2) and a 825sqm elevated public garden within the 37-storey building, associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works'

- 3.3. The Description of development for the application for listed building consent (18/AP/4040) is as follows:

Restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including:

- *Demolition of 1980s fabric across the rear elevation and demolition of the attached 1980s office building, and reinstatement of the rear elevation of the terrace and provision of shopfronts.*
- *Rebuild the second floor, roof and chimneys of no. 16, reskin the side façade and creation of ground floor entrances.*
- *Rebuild the roof and chimneys of no. 14.*
- *Removal and replacement of roof slates with natural slate to nos. 4-12.*
- *Opening up the ground floor passageway between nos. 8 and 10 by removing 1930s door, and reinstate two adjacent door openings on front elevation.*
- *Replacement of two second floor windows on front elevation.*
- *Replacement of secondary glazing to front elevation.*
- *Alterations to the front elevation of the lower ground level and vaults beneath the pavement.*
- *Internal alterations within the terrace to rearrange the ground and lower ground levels for retail units (with new stairs between) and upper levels for office units, reinstate the plan form, internal features and providing a staircase in no.12.*
- *Cleaning the brickwork, works to repair sash windows, restore the railings and first floor balconettes.*

- 3.4. The 2018 scheme proposes the redevelopment of most of the site, including the demolition of the 1980s office building and façade on Kings Head Yard. It proposes the construction of a 37-storey tower building and two basement levels, alterations to the Georgian Terrace, and to take down and reconstruct the historic façades of Keats House in a detached building. The 2018 scheme would provide new public realm linking to a new entrance to the Borough High

Street access to the London Bridge underground station. There is an associated range of proposed highway works, car and cycle parking, basement servicing areas, waste stores and plant rooms.

- 3.5. The 2018 scheme proposes 54,501sqm GIA of floorspace in the following range of uses. Since the scheme was submitted to the Council, the Government changed the Use Classes to introduce Class E, but as a current application it is appropriate to continue to refer to the Class A, B and D uses:

Use	Proposed (GIA sqm)
Office (Class B1)	46,374
Retail (Class A1)	765
Food and beverage (Class A3)	1,139
Gym (Class D2)	615
Public garden (Class D2)	825
Hub space (Class B1/D2)	719
Servicing	1,918
Plant	2,146
Site wide total	54,501 sqm

The Tower

- 3.6. The proposed 37-storey tower, at 139m high (144m AOD), 52.4m wide and between 29m and 31.4m wide owing to the curved northern elevation, would be the principal element of the 2018 scheme. It would be sited in the south-eastern part of the site, set back from the St Thomas Street frontage and along the Kings Head Yard frontage. The tower would provide office floorspace, five retail units on the ground floor and mezzanine level and a two-storey retail unit at fifth floor, and basement gym. The Appellant has indicated through the legal agreement discussions that the tower would provide affordable workspace as part of an improved offer relative to that presented in the application documents, though its location within the tower has not yet been identified.
- 3.7. The tower's design has an exposed steel frame on the eastern and western elevations and glazing to all façades. The visual below indicates the frame, the positioning of the tower within the site, and the location of the raised garden and business hub (taken from the 2018 Design and Access Statement)(CDA.06).

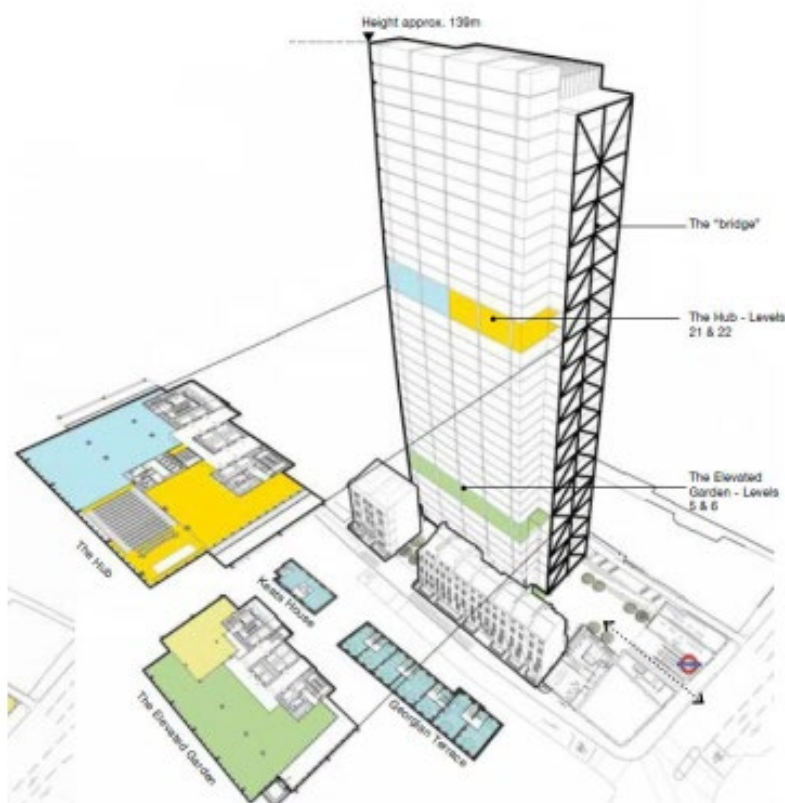


Figure 3 - Schematic of the 2018 Scheme identifying certain features within the building (CDA.06 section 4.19)

- 3.8. The appearance of the proposed tower is shown by the views provided within the Environmental Statement – Part 3: Townscape, Visual Impact and Built Heritage Assessment (CDA.12)



Figure 4 - The tower's northern facade alongside The News Building and The Shard (TVIBHA, CDA.12 view 57)



Figure 5 - The tower's southern facade from Guy's Hospital Courtyard (TVIBHA, CDA.12 view 48)

- 3.9. A publicly accessible and free-to-access internal 'garden' is proposed within the building at fifth and sixth floors, planted with tropical and subtropical planting. A retail unit at the eastern end of the garden would provide a shop or restaurant/café.
- 3.10. A 719sqm business hub space (a combined Class B1 and D2 use) would be provided at the 21st and 22nd floor levels with a 250-seat auditorium, foyer spaces, toilet facilities and outdoor terraces. This would be available to the office occupiers and be made available to others on the basis of terms to be agreed in the s106 Agreement.
- 3.11. The Design and Access Statement (CDA.06) in section 4.42, describes how the Appellant intends the ground floor of the tower to be an extension of the public realm as a "grand hall" with retail and seating for public use.
- 3.12. A gym is proposed in the first basement level, accessed from the eastern side of the building. The second basement level would provide the servicing area for light vehicles with three loading bays, two accessible car parking spaces and plant rooms.
- 3.13. The tower's roof would house the cooling towers, photovoltaic panels, building maintenance unit and a roof terrace.

Georgian terrace

- 3.14. Both the planning application and listed building consent application propose works to restore and refurbish the listed Georgian terrace. The 1980s additions to the terrace would be removed and replaced with more sympathetic materials and design. The terrace would provide 7x retail units at ground and lower ground levels (totalling 633sqm GIA), and 1,067sqm Class B1 office space on the floors above. It is proposed to introduce new shopfronts to the rear at ground floor, which would open onto the new public realm in the site. Two of the retail units are proposed as affordable retail space, and all of the office floorspace in the upper levels would be affordable workspace.

- 3.15. Other proposed works to the Georgian terrace include:
- Internal alterations to rearrange the ground and lower ground levels as retail units and upper levels for office units, the reinstatement of the historic plan form, internal features and providing a staircase in no.12.
 - Rebuilding the second floor, roof and chimneys of no. 16 at the eastern end of the terrace, re-skinning the side façade and creation of ground floor entrances.
 - Opening up the ground floor passageway between nos. 8 and 10 by removing the 1930s door, and reinstating two adjacent door openings on front elevation.
 - Rebuilding, refurbishment and replacement roofs, chimneys, windows, secondary glazing, railings, balconettes, and brickwork cleaning.

Keats House

- 3.16. Keats House was built in 1862. Only the front façade and short eastern façade, front lightwells and railings are historic fabric, with red brick, ornate carved stone window surrounds, bays and cornice. The rest of the building behind these façades is 1980s fabric.
- 3.17. The façades of Keats House are proposed to be either dismantled and reconstructed, or moved across, to a new location 2.7m to the west in a new detached building. Damaged brickwork, stonework and pointing in the historic façades would be repaired. The pitched roofs and the historic plan form of Keats House would be reinstated, and level access created on all sides. An extension would fill the space between the new Keats House and Conybeare House (part of Guy's Hospital). It would provide the service access point for deliveries and refuse into/out of the basement. This new Keats House would provide 208sqm GIA of food and beverage retail (Class A3) and 401sqm GIA of office (Class B1).

Public realm, raised garden and landscaping

- 3.18. A wall on the western boundary would be removed to create a new route into the Borough High Street entrance to the London Bridge underground station, subject to London Underground's agreement.
- 3.19. The passage through the Georgian terrace would be opened up. A series of new public spaces are proposed with trees and street furniture, which are shown on the visual below and comprise:
- King's Head Square - a courtyard on the western side next to the proposed underground station entrance and Kings Head Yard
 - New Yard - a passageway leading from King's Head Square along the northern side of the tower.
 - St Thomas Street Square at the St Thomas Street entrance.
 - East Yard on eastern side of the site along the boundary with Guy's Hospital.

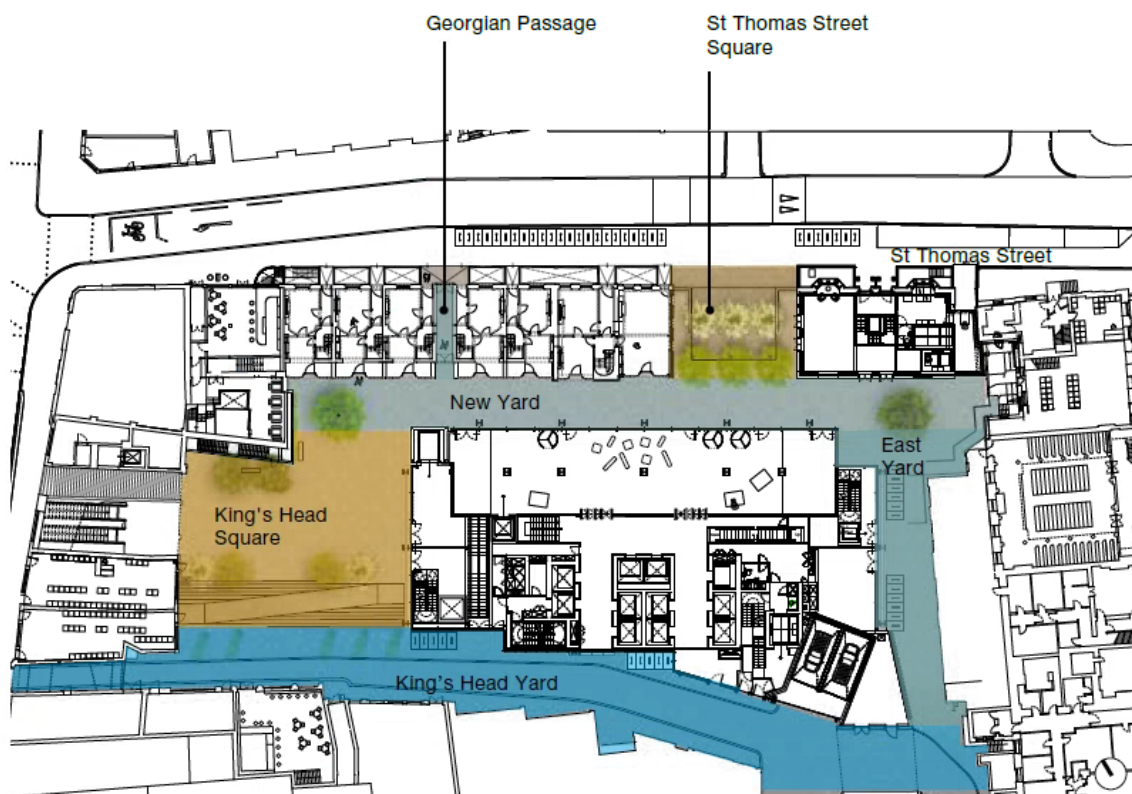


Figure 6 - 2018 Scheme Ground floor landscaping plan (CDA.06, section 4.36)

- 3.20. An elevated internal 'garden' is proposed at the fifth and sixth floor levels within the tower, with an area of approximately 640sqm and an outdoor terrace, both would be accessed by a dedicated lift for the public. The lighting levels and ventilation would be controlled to create the environmental conditions needed.



Figure 7 - Visual of the 5th floor garden (CDA.06 section 4.47)

Servicing, car and cycle parking

- 3.21. The existing office building is serviced via the yards, and St Thomas Street for larger vehicles due to the height constraint of the arches on White Hart Yard and Kings Head Yard. In the proposed scheme, the intention is for the servicing by vans and light goods vehicles to be undertaken in the basement, accessed from White Hart Yard and two vehicle lifts. Larger vehicles such as heavy goods vehicles and refuse collection vehicles would service the site on-street, on St Thomas Street. The proposal suggests highway works to relocate and extend the on-street loading bay, to widen the pavement on the southern side of St Thomas Street and provide visitor cycle parking.
- 3.22. Two accessible car parking spaces are proposed in the basement. Cycle parking for staff and visitors, as well as associated showers and lockers would be provided in the basement (with cycle stair and lift access) and in the vaults in front of the Georgian terrace.

The 2021 Scheme

- 3.23. The Description of development for the planning application (21/AP/1361) is as follows:

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

- 3.24. The Description of development for the application for listed building consent (21/AP/1364) is as follows:

Restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including:

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

- 3.25. The 2021 scheme proposes the redevelopment of most of the site, including the demolition of the 1980s office building and façade on Kings Head Yard. The 2021 scheme proposes a 27-storey tower with two basement levels, alterations to the listed Georgian terrace, and the relocation and reconstruction of the Keats House façades. It proposes public realm, a new entrance to the London Bridge underground station, highway works, an in-plot servicing yard, car and cycle parking, refuse stores and plant areas.
- 3.26. Across the site, a total of 55,461sqm GIA of floorspace is proposed, comprising the following quantum of different uses:

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

The Tower

- 3.27. A 27-storey tower forms the main part of the proposal. It would be 103m high (108m AOD), 65.5m wide east to west, and 31.7m wide north to south. It would be sited back from the St Thomas Street frontage and along the Kings Head Yard frontage. Most of the tower would be office space, including affordable workspace at first and second floors, with a retail unit at ground and mezzanine proposed to be flexible office or retail use, and at roof level a restaurant and a café.
- 3.28. The masonry façades would be constructed of pre-cast glass reinforced concrete with profiled and textured elements, and dark aluminium window frames. The images below firstly identify the principal elements of the tower, and secondly, provide rendered views of the tower from the Environmental Statement Part 3 Townscape, Visual Impact and Built Heritage Assessment (CDB.14).

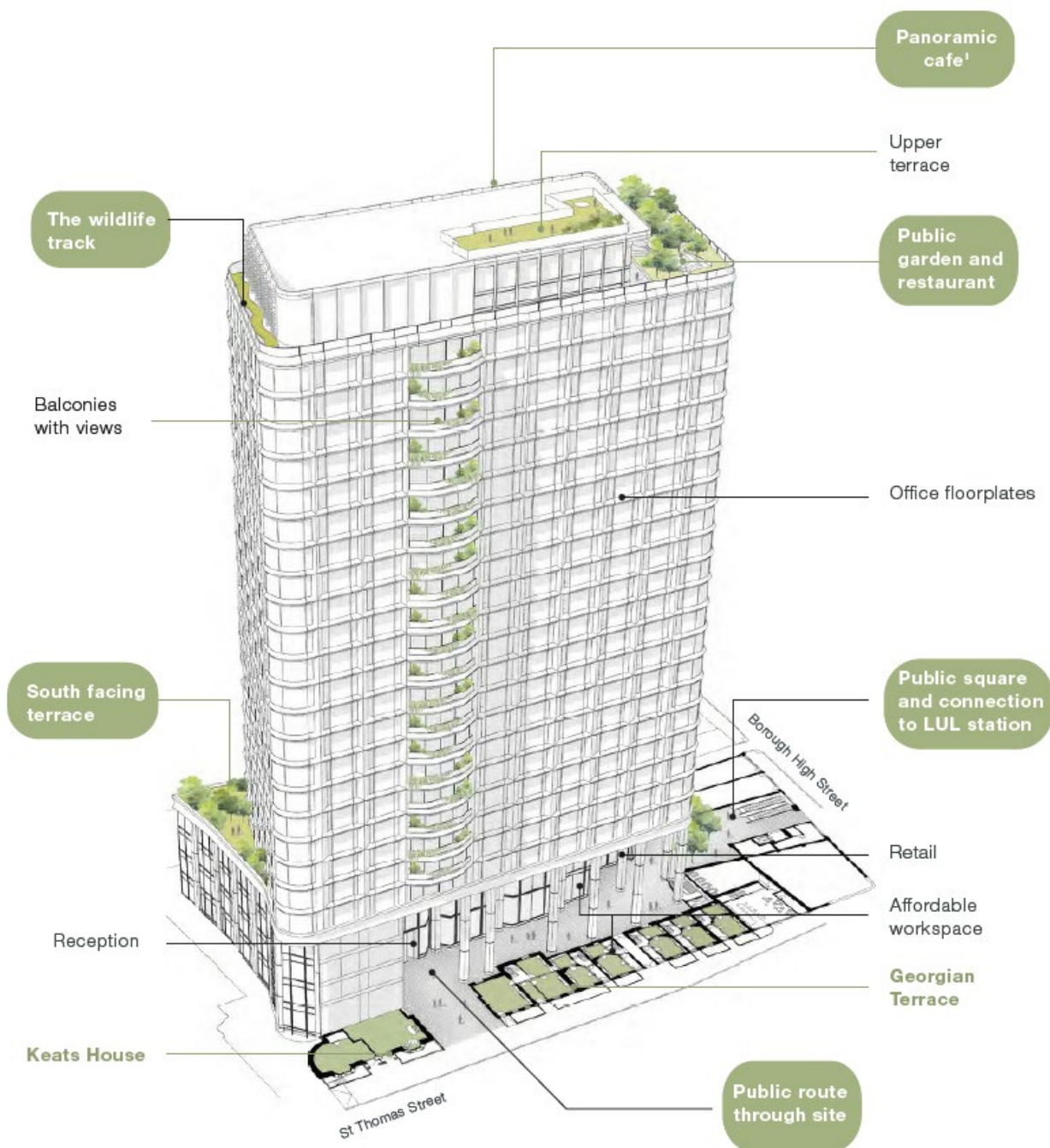


Figure 8 - Visual of the proposed tower's northern and eastern sides (from the Design and Access Statement, CDB.08, section 4.1)



Figure 9 - The tower's north facade alongside The News Building and The Shard (TVIBHA, CDB.14 view 54)



Figure 10 - The 2021 tower's southern facade from Guy's Hospital Courtyard (TVIBHA, CDB.58 view 40)

- 3.29. A colonnade beneath the tower would provide a new public route from the proposed underground station entrance, through the western square, out to St Thomas Street. The ground floor entrance to the tower would provide the reception, the access to the public roof

garden and a flexible office and retail unit (340sqm GIA). The eastern side of the tower's base would provide an off-street servicing yard with a dedicated access via St Thomas Street.



Figure 11 - Visual to show the colonnade at the base of the 2021 tower, as viewed from the proposed access to the London Bridge Underground station (CDB.14 section 3.6)

- 3.30. The floorplan at 24th floor is set back from each façade and would provide a public terrace on the western end and a planted path around the eastern side. A restaurant and café are proposed near the centre and roof top plant on the eastern part. The restaurant would extend to part of the 25th floor, which is otherwise taken up by the roof plant and building maintenance unit. A roof terrace for occupiers is proposed at the 26th floor, and photovoltaic panels are proposed at this level.
- 3.31. The two-storey basement would provide cycle parking, changing facilities, building management rooms, plant and refuse storage.

Georgian terrace

- 3.32. Works are proposed in the planning application and listed building consent application to restore and refurbish the listed Georgian terrace. The attached 1980s additions to the terrace would be removed and replaced with more sympathetic materials and design. The terrace would continue to provide office floorspace to all floors, as part of the affordable workspace offer.
- 3.33. Other proposed works to the Georgian terrace in the planning application and listed building consent application include:
 - Internal alterations to reinstate the plan form and the internal features, rearrange the circulation between the lower ground and upper levels.
 - Rebuilding the second floor, roof and chimneys of no. 16 at the eastern end of the terrace, re-skinning the side façade and creation of ground floor entrances.

- Opening up the ground floor passageway between nos. 8 and 10 by removing the 1930s door and reinstating two adjacent door openings on front elevation.
- Rebuilding, refurbishment and replacement roofs, chimneys, windows, secondary glazing, railings, balconettes, and brickwork cleaning.

Keats House

- 3.34. In the 2021 scheme, the historic façades of Keats House would be relocated (the Appellant suggests this would be done by moving it across in one piece) 6m to the west, to become a new building that links to the base of the tower. Damaged brickwork, stonework and pointing would be repaired. The new Keats House would provide a building management office and staff facilities at basement level, a security office at ground floor overlooking the adjoining servicing yard, and a double-height entrance to the affordable workspace at mezzanine, first and second floors. The damaged brickwork and stonework in the historic façades would be repaired. A pitched roof would be added and a new western elevation constructed.

Public realm, roof terrace and landscaping

- 3.35. As proposed in the 2018 scheme, a wall on the site's western boundary would be removed to create a new route into the Borough High Street entrance of the London Bridge underground station, subject to London Underground's agreement.
- 3.36. Two public squares are proposed with planting, trees and seating, one called "St Thomas Square" at the street frontage between the Georgian terrace and relocated Keats House, and one at the western side next to the underground entrance and Kings Head Yard called "King's Head Courtyard". The two spaces would be linked by the covered "gallery" beneath the tower. The proposed ground floor public realm areas total approximately 0.15 hectares.



Figure 12 - Proposed areas of public realm in the 2021 Scheme: (1) King's Head Courtyard; (2) Gallery; (3) St Thomas Street Entrance; (4) Beak Alley Connection

- 3.37. The passage through the Georgian terrace would be opened up. A link on the eastern side of the site between St Thomas Street and White Hart Yard is suggested, referred to as “Beak Alley” part of which is the servicing yard entrance, and part is located on the Guy’s Hospital site.
- 3.38. A public roof garden measuring approximately 32m by 13m at the 24th floor would be mainly on the north-western end of the building. It would have woodland planting, with the Appellant aiming to create a “biodiverse micro-woodland”. It would include a small circular pavilion which could host activities. A 3m wide planting strip would loop around the edge of the floor alongside green wall planting. The public roof level would have no entrance fee and its own dedicated lift access.
- 3.39. A roof terrace of 192sqm for office occupiers is proposed at third floor level on the south-eastern corner, and another at 26th floor level (280sqm) is proposed as an amenity space and could be used for events.
- 3.40. Planted balconies are proposed on the northern and southern elevations which the Appellant describes as a “green ribbon” to link up the façade to the roof gardens.

Servicing and parking

- 3.41. Servicing would be undertaken in a servicing yard on the eastern side of the site, accessed from St Thomas Street. Its access would be created by relocating the existing Keats House 6m to the west away from Conybeare House. The servicing yard would include a loading bay, turntable, and lift access down to the basement for goods and refuse collection.
- 3.42. Two accessible car parking spaces are proposed in the servicing yard. The two-storey basement would provide cycle parking spaces lockers and showers (with cycle stair and lift access). Cycle parking is proposed in the vaults underneath St Thomas Street, and in the public realm for short-stay visitor parking (including on the existing highway).

Post-submission amendments to the 2021 Scheme

- 3.43. The Appellant chose to make changes to the proposed scheme after it had been submitted to the Council. These changes include:
 - Changes to the detailed design of the southern elevation by incorporating integrated PV panels to two bays on each floor and a juliet balcony with planters to each floor, which amend the operational energy strategy and urban greening factor.
 - Reconfiguration of basement levels to facilitate the relocation of the Keats House façade, and respond to UKPN comments.
 - Amendments to the building management facilities in Keats House to enhance access and security measures.
 - Minor changes to the tower’s northern and eastern façades to allow for safety egress from the building maintenance unit through certain windows and to allow for the maintenance of the building.
 - Addition of a 1.1m balustrade to the 26th floor roof terrace.
 - Additional security measures, such as bollards to the servicing yard and along the edges of the new public realm on St Thomas Street and King’s Head Yard.
- 3.44. These changes resulted in amended proposed floorspace areas compared with the original April 2021 submission:

Table 2 - 2021 Scheme floorspace changes (DP9 covering letter, CDB.53)

Use	Use Class	Proposed (GIA sqm)	Comparison (GIA sqm)	Proposed (GEA sqm)	Comparison (GEA sqm)
Office	Class E	44,141	-171	46,422	-429
Affordable Workspace	Class E	4,908	-109	5,449	259
Flexible Office / Retail	Class E	328	-12	358	-2
Food and Drink	Class E	421	0	450	-142
Rooftop Garden Access	Class E	183	-25	194	-26
Shared Facilities and Plant	Class E	5,480	+237	5,897	-158
Total	-	55,461	-80	58,770	-498

- 3.45. The Appellant provided an updated suite of technical documents and addenda (for example, the Environmental Statement with a statement of conformity (CDB.45), the basement impact assessment (CDB.39), and design and access statement (CDB.43) which incorporate these amendments.

4. Summary of the pre-application and application process and outline of the Council's case

- 4.1. This section sets out a brief chronology of events from the initial pre-application meetings for the 2018 Scheme in 2015, to the Appeals being submitted in January 2022 and the Council's Planning Committee endorsing the Statements of Case in April 2022.

The 2018 Scheme

Pre-Application Stage

- 4.2. The Government's Planning Practice Guidance explains that pre-application engagement offers significant potential to improve the efficiency and effectiveness of the planning application system. It presents an opportunity to better understand relevant planning policies and other material considerations and by working collaboratively with interested parties at an early stage, a means to identify, understand and seek to resolve issues, improving the quality of applications and their likelihood of success.
- 4.3. A lengthy pre-application process was carried out, comprising 22x meetings between the Appellant and Council officers from August 2015 to November 2018. During this time the Scheme was presented to the GLA, TfL, Historic England and CABE.
- 4.4. The Council provided formal written advice to the Appellant in May 2018 and December 2018, initially focusing on the heritage considerations arising as a result of the proposal (CDC.01) and latterly providing a more comprehensive policy assessment (CDC.02). In May 2018, the Council outlined the statutory duty to have special regard to the desirability of preserving listed buildings and their settings² and to pay special attention to the desirability of preserving and enhancing the character and appearance of the conservation area³. Officers described the proposal as dominant and intrusive, overwhelming and insensitive in its context. The harm to the setting of Southwark Cathedral (Grade I), Guys Hospital (Grade II*) and to the character and appearance of the Borough High Street Conservation Area was described as substantial. Having considered the Appellant's mooted list of public benefits, the advice concluded that they did not outweigh the level of harm.
- 4.5. Further advice issued in December 2018 stated that the proposed tower had not changed markedly from that which was considered previously and as such the conclusion remained the same: that the harm to the setting of heritage assets and the conservation area would be irreconcilable with adopted and emerging policies. The Council stated that this message had been communicated consistently to the Appellant throughout the pre-application process. The Council's advice recognised a number of benefits associated with the proposal, including the restoration of the listed terrace and provision of new public realm within the site. The 5th floor public garden and business hub were acknowledged as benefits, subject to some reservations about the extent of public access, how legible these facilities would be and how they might be managed. Concerns were raised in relation to the intensification of vehicular access via White Hart Yard for servicing and deliveries and it was confirmed that the use of a loading bay on St Thomas Street for HGVs was unlikely to be acceptable given the potential conflict with pedestrian movement. The creation of a vehicular access from St Thomas Street into the site was advised, subject to approval from TfL in their capacity as highway authority. The feedback challenged the Appellant to be more ambitious in their sustainability and carbon reduction goals for the development, echoing the feedback provided by CABE at design review.

CABE Design Review Panel

² Planning (Listed Buildings and Conservation Areas) Act 1990 Section 66 (1)

³ Ibid, Section 72 (1)

- 4.6. The emerging proposal was the subject of formal design review via CAGE in May 2018 and October 2018 and detailed advice was issued following each review panel.
- 4.7. In their written feedback in June 2018, the Panel stated (CDC.09) that they believed the development would improve the built fabric and acknowledged the contribution the proposal would make to the economic and social life in the area. However, the Panel found it difficult to reconcile the scale of building and stated that it needed clearer justification. In their written feedback, they stated:

“The isolation of the tower from other tall buildings and its proximity to the historic buildings within the conservation area clearly lead to a significant impact on the conservation area and on historic views, both locally and within the LVMF”

- 4.8. The Panel noted the Appellant’s analysis of tall building clusters in London but did not find this a compelling justification for the approach owing to the relative isolation of the proposed tower from the other tall buildings at London Bridge; questioning whether the prevailing morphology could be considered a cluster.
- 4.9. The Panel commended other aspects of the proposal, including the creation of a new access into London Bridge Underground Station, identifying the ground floor lobby space as an extension of the public realm, enlivening Kings Head Yard and the provision of the publicly accessible garden within the body of the building.
- 4.10. The second CAGE review focused primarily on the impacts of the tall building rather than matters of design detail. The Panel acknowledged that a tall building would have very significant impacts, but it was not necessarily opposed to a tall building on the site subject to the design performing better in three key areas:
- environmental sustainability;
 - the identity, character and heritage of Southwark; and
 - the health and wellbeing of people on and around the site.
- 4.11. The Panel were not convinced that the [then] proposal was justified in these three respects and expressed concern that the project team were pursuing a significant tall building in spite of fundamental concerns being raised by the Council and Historic England. The evidence set out in this Proof and that of Dr Barker-Mills and Ms Adams demonstrates that both the 2018 Scheme and 2021 Scheme still exhibit substantial shortcomings and policy conflicts in relation to these three broad components of good design.

Historic England

- 4.12. The Scheme was presented to Historic England’s London Advisory Committee in June 2018. In the written advice that followed (CDC.04), Historic England set out that the proposal would cause serious harm to the historic environment and that the degree of harm would, in their view, border on substantial with regard to the character of the Borough High Street Conservation Area, the setting of Guy’s Hospital and the setting of Southwark Cathedral. The written feedback also questioned the benefit attributed to other heritage interventions by the applicant. The deconstruction and relocation of Keats House, a building identified as making a positive contribution to the conservation area⁴ was interpreted as demolition that would cause harm rather than a heritage-related public benefit. While the introduction of new public realm adjoining Kings Head Yard was acknowledged as a public benefit, Historic England regarded this to be at the expense of the long-established, intimate character to the rear of Borough High Street.

⁴ Borough High Street Conservation Area Appraisal (2006), CDE.06

- 4.13. The feedback concluded that Historic England would object to the Scheme at the application stage in the strongest possible terms and requested further pre-application discussions with the Appellant on a scheme that included a substantial reduction in height.

Transport for London

- 4.14. The Appellant attended a pre-application meeting with TfL on 14 August 2018 and TfL provided written feedback on 29 August 2018 (CDC.014). TfL's comments were drafted in the context of the then emerging London Plan and their ambitions for interventions along St Thomas Street to facilitate a reduction in vehicular traffic and road danger. The principal concern raised by TfL was the proposed servicing solution: both the need for additional vehicles to cross the footway on Borough High Street to enter White Hart Yard and the extension of the loading bay on St Thomas Street to accommodate a higher number of HGV deliveries. TfL recommended that off-site consolidation be explored to reduce servicing trips, that the relatively high proportion of HGV deliveries be reduced and that alternative on-site servicing options be explored with a direct access from St Thomas Street adjacent to the relocated Keats House.

Environmental Impact Assessment – Scoping Opinion

- 4.15. The Council issued a formal Environmental Impact Assessment (EIA) Scoping Opinion in October 2018 (CDC.025), setting out its expectations for the scope of the EIA that would underpin the Scheme and a number of detailed methodological points for the thematic chapters that would comprise the Environmental Statement. In the Scoping Opinion, the Council raised concerns that the significance of heritage assets was not mentioned as forming part of the heritage assessment, that the assessment should clearly identify how the heritage significance of each asset would be affected and that the understanding of heritage value and setting should more clearly be framed in relation to the NPPF and Historic England Guidance Notes.
- 4.16. On 11 December 2018, the Appellant submitted applications for full planning permission and listed building consent to the Council – the “2018 Scheme”. The Scheme substantively reflects that which had been the subject of extensive pre-application discussions.
- 4.17. The application was subject to various amendments and in October 2020 the appellant wrote to the Council requesting that the assessment of the 2018 Scheme be put on hold while they progressed an alternative scheme – the “2021 Scheme”.

The 2021 Scheme

Pre-application

- 4.18. 5x meetings were held between October 2020 and April 2021 and the Council provided written feedback in April 2021 (CDC.03). In this feedback, while commending the Appellant team for seeking to progress changes, the Council stated that the revised 25/26 storey building did not overcome the principal concerns expressed in relation to the 2018 scheme; that the development, by reason of its height and massing would result in significant harm to the setting of listed buildings and to the Borough High Street Conservation Area. Though it was acknowledged that the reduced height reduced the prominence of the tower in some sensitive views, it would still make an incursion in protected views of St Paul's Cathedral and from the Tower of London (ToL). The building was described as representing an incongruous incursion in a sensitive historic setting and it was noted that the increased bulk would likely create a more uncomfortable relationship with neighbours and harm their amenity as a result. The addition of a rooftop garden rather than the 5th floor garden was considered a more pragmatic solution.

- 4.19. The Council also highlighted its concerns with the way in which heritage impacts had been assessed as part of the Environmental Statement underpinning the 2018 Scheme. These concerns related to the method of assessment, the reporting of the environmental effects, the reporting of harm in the context of the NPPF and the way in which such harms had been balanced against the public benefits.

CABE Design Review Panel

- 4.20. The 2021 Scheme was not subject to formal design review, in conflict with London Plan Policy D4 'Delivering Good Design'. Policy D4 states that all proposals referable to the Mayor should have undergone at least one round of design review at an early stage of their preparation and in advance of a planning application being submitted.

Submission of the 2021 Scheme

- 4.21. On 21 April 2021, the Appellant submitted applications for planning permission and listed building consent for this revised proposal – “the 2021 Scheme”. The applications substantively reflected the proposals that had been the subject of pre-application discussions.
- 4.22. In the absence of a likely positive outcome for the applications, Appeals were lodged against the non-determination of the applications in January 2022.
- 4.23. The PINS timetable for the Appeal necessitated the preparation and issuing of the Council's Statements of Case in advance of the next available Planning Committee. The Council's Statements of Case were therefore prepared and issued pursuant to powers delegated to the Director of Planning and Growth. A bespoke Planning Committee was organised for 19 April 2022 at which the Statements of Case were presented and explained. The Committee members considered and unanimously endorsed the likely reasons for refusal.

Likely reasons for refusal

- 4.24. The Council's Statements of Case set out three likely reasons for refusal that are common to the two planning applications. In addition, other matters were identified in relation to each of the Proposals that were not advanced as separate reasons for refusal, but nevertheless remain unresolved or otherwise constitute harm to be weighed in the planning balance. A single likely reason for refusal was identified for the applications for listed building consent that accompany each application for full planning permission.

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

- 4.25. The Council's Statements of Case set out that the proposed developments by reason of their scale, height, form, arrangement and materiality would harm the significance of a large number of statutory listed buildings (including those of the highest order of significance) and have a harmful and dominant impact on the Borough High Street Conservation Area. Further harms to the Trinity Church Square Conservation Areas, Bank Conservation Area and to non-designated heritage assets are identified. The towers forming the principal element of the 2018 Scheme and the 2021 Scheme would cause less than substantial harm to heritage assets including harm to the Outstanding Universal Value of the ToL World Heritage Site (WHS), the Grade I listed Cathedral of St Saviour and St Mary Overie (Southwark Cathedral), the Grade I listed St Paul's Cathedral, the Grade I listed The George Inn, the Grade I listed The Monument and St Magnus the Martyr Church and the neighbouring Grade II* listed Guys Hospital.
- 4.26. The Council's evidence has had special regard to its statutory duties within the Planning (Listed Buildings and Conservation Areas) Act 1990 to the desirability of preserving a listed

building or its setting and paid special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

Reason for refusal two: Poor design, harm to townscape and local character

- 4.27. The Council's Statements of Case set out that the proposals fail to demonstrate exemplary design and that the excessive height, form, massing and materiality of the developments in this sensitive location results in wide-ranging harms to townscape and local character. While the site is located in a broad area in which the Southwark Plan expects tall buildings to be located, the site itself has not been identified as suitable for a tall building and has not been allocated as such in the Southwark Plan. The suitability for a tall building on this site is therefore left to be assessed against the detailed criteria of London Plan policy D9 and Southwark Plan policy P17. The Council's evidence will demonstrate that the Proposals are in clear conflict with the detailed criteria of these policies.

Reason for Refusal Three: Lack of a section 106 Agreement

- 4.28. In the absence of a signed section 106 Agreement, there is no mechanism to secure mitigation in relation to a number of identified impacts, to secure a number of the public benefits that figure in the planning balance and to otherwise ensure compliance with a range of development plan policies.
- 4.29. In the Statement of Case for the 2018 Scheme, planning obligations were anticipated to include:
- Provisions to secure the affordable workspace and affordable retail space and the terms that would ensure their affordability;
 - Jobs and training opportunities during construction and on completion and local procurement opportunities;
 - Delivery of public realm; its specification and rights of access to it;
 - The delivery of the publicly accessible (and free to access) garden at 5th floor level;
 - The terms under which the general public may access "the Hub" and the ground floor lobby area;
 - The delivery of a new access to London Bridge London Underground Station;
 - Highways works to St Thomas Street, White Hart Yard and Kings Head Yard;
 - A revised Delivery and Servicing Management Plan to detail the arrangements for consolidation of deliveries, other management principles and with an associated servicing deposit/bond;
 - Further transport mitigation including financial contributions towards improvements to cycle hire docking station and Legible London signage;
 - An updated Energy Strategy and associated carbon offset payment in order to make the development net zero;
 - Archaeological monitoring payment;
 - Wind assessment post-construction review;
 - Listed Building Monitoring contribution.
- 4.30. In the Statement of Case for the 2021 Scheme, planning obligations were anticipated to include:
- Provisions to secure the affordable workspace and affordable retail space and the terms that would ensure their affordability;
 - Jobs and training opportunities during construction and on completion, local procurement;
 - Delivery of public realm; its specification and rights of access to it;

- The delivery of the publicly accessible (and free to access) roof garden;
- The terms under which the general public may access “the Hub” and the ground floor lobby area;
- The delivery of a new access to London Bridge London Underground Station;
- Highways works to St Thomas Street, White Hart Yard and Kings Head Yard;
- A revised Delivery and Servicing Management Plan to detail the arrangements for consolidation of deliveries, other management principles and with an associated servicing deposit/bond;
- Further transport mitigation including financial contributions towards improvements to cycle hire docking station and Legible London signage;
- A carbon offset payment in order to make the development net zero;
- Archaeological monitoring payment;
- Wind assessment post-construction review;
- Listed Building Monitoring contribution.

- 4.31. The Council will continue to engage proactively with the Appellant to agree a draft Section 106 Agreement for both Schemes in accordance with the timeframe established at the case management meeting with a view to discussing further at the Inquiry itself.

Other matters

- 4.32. While not advanced as discrete reasons for refusal, the Council has identified the following issues in its Statements of Case as weighing in the planning balance:

Servicing (2018 Proposal)

- 4.33. The Appellant’s servicing strategy is contingent on a new inset loading bay being provided on St Thomas Street, part of the Transport for London Road Network (TLRN) for which TfL are the statutory highway authority. This loading bay would accommodate all Heavy Goods Vehicles (HGV) servicing the site, refuse collection, motorcycle couriers and general deliveries to the new office accommodation to be provided in the listed Georgian terrace. A basement servicing area accessed by smaller vehicles via White Hart Yard would accommodate deliveries for the principal office tower and a proportion of the retail space, with deliveries being subject to a booking system. Both the Council’s transport planning team and TfL have consistently raised concerns with the servicing strategy for the site and a satisfactory highways layout that is consistent with TfL’s wider ambitions for St Thomas Street is yet to be agreed. This issue is addressed in further detail in Section 6.

Daylight and sunlight (2018 Scheme and 2021 Scheme)

- 4.34. The height and massing of the proposed tower gives rise to significant reductions in daylight to a number of residential properties and student accommodation in the vicinity of the site. Properties would also experience reductions in annual and winter sunlight and areas of public realm be subject to overshadowing. The Council’s Statements of Case note that while the impacts are not so significant that they warrant being a separate reason for refusal, they nevertheless represent a harmful impact that weighs against the proposals.

Likely reason for refusal of the Listed Building Consent

- 4.35. The Council’s Statements of Case explain that the majority of the interventions to refurbish the listed Georgian terrace are supported. It is noted that the installation of shopfronts at the rear of the terrace in the 2018 proposal would not reflect the original plan form of the buildings and constitutes a small degree of harm at the lower end of less than substantial.

- 4.36. However, in the absence of an appropriate planning permission for replacement extensions that would allow the grade II listed buildings to be made water-tight following demolition of the 1980s extensions, removal of the roof and windows etc. and to secure their replacement with a scheme of appropriate design and detailing, the proposal would fail to safeguard the special historic and architectural interest of the terrace and would be contrary to Southwark Plan policy P19, policy HC1 of the London Plan and Section 16 of the NPPF.
- 4.37. In the event that the Inspector was minded to recommend that listed building consent be granted, the Council has drafted recommended planning conditions that would ensure that demolition of the extensions only occurs once a contract for the rebuild and method statements for the works have been provided (set out in the appendices to the Statements of Case, CDI.03 and CDI.04).

5. Legal and Policy Context

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that all planning applications should be determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 5.2. The statutory Development Plan in relation to the proposed developments comprises the London Plan (2021) (CDD0.21) and the Southwark Plan (2022) (CDE.01). The National Planning Policy Framework (2021) (CDD.01), Planning Practice Guidance and a number of supplementary planning documents are important material considerations. The full list of the planning policies and associated guidance that is relevant to the planning assessment for the development proposals will be included in the Main Statement of Common Ground.
- 5.3. As described in Section 2, the site is located in a conservation area and is adjacent to, or otherwise located in the setting of, a number of listed buildings. As such, of particular relevance is Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which places a statutory duty on decision makers to have special regard to the desirability of preserving the setting of listed buildings, and Section 72, which imposes a duty on decision-makers to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas (CDH.01).
- 5.4. In his evidence, Dr Barker-Mills draws attention to the particular duties established by the Act and to the *Barnwell* judgement, which made clear that “*preserving*” means “*doing no harm*” and that where harm to the setting of a listed building or to the character or appearance of a conservation area is identified this engages a strong statutory presumption against planning permission being granted. This is reflected in the Heritage Balance undertaken in Section 9 of my Proof of Evidence.

London Plan 2021

- 5.5. The current London Plan (CDD.021) was adopted in March 2021 and as such its policies are up-to-date. The London Plan establishes the strategic spatial planning framework for London as a whole, framing local planning policies developed by the London boroughs and setting out key issues to be considered when assessing development proposals. As set out in the Council’s Statement of Case, the proposed developments are considered to be contrary to London Plan policies: SD1, SD4, D3, D8, D9, HC1, HC2, HC3, HC4, T2, T4, T7, SI2 and DF1.

These policies, and others that figure prominently in the planning balance, are summarised below:

SD1 – Opportunity Areas

- 5.6. Policy SD1 establishes the strategic function of Opportunity Areas as drivers of growth and regeneration across London. The policy sets out that boroughs, through their Development Plans and decisions should set out how they will encourage and deliver the growth potential of Opportunity Areas, supporting developments that provide employment opportunities, housing and associated infrastructure to sustain inclusive growth. Importantly, the policy recognises that in pursuing growth, decisions should recognise the role of heritage in place-making and that development proposals should integrate within the surrounding areas.
- 5.7. The London Bridge/Bankside Opportunity Area is identified as maturing, with all development phases underway, infrastructure completed or under construction and limited remaining capacity for growth. The opportunity area has a modest indicative target of providing 5,500 new jobs, determined with reference to the London Employment Sites Database (2016-2041).

SD4 – The Central Activities Zone (CAZ)

- 5.8. Policy SD4 establishes the CAZ as the economic heart of Global London, explaining that it accommodates one third of London's jobs and that the nationally and internationally significant office function should be supported and enhanced. However, the policy also acknowledges the need to sustain and enhance the distinct environment and heritage of the CAZ, to improve the public realm and address traffic dominance via the application of the Healthy Streets Approach and for boroughs to develop locally sensitive policies to meet the Plan's overall objectives for the CAZ.

SD6 – Town Centres and High Streets

- 5.9. The policy provides that the vitality and viability of London's town centres should be promoted and enhanced by supporting the delivery of a range of main town centre uses in a high-quality environment that complements local character and heritage assets. The policy embeds the Healthy Streets Approach (See policy T2) in the development and management of town centres and high streets.

D1 – London's form, character and capacity for growth

- 5.10. Policy D1 is predicated on boroughs undertaking assessments to better understand local character and using this understanding of place to determine its capacity for growth. Amongst the issues to be included in such area assessments, the policy makes reference to urban form and townscape considerations, the area's historical evolution and heritage assets (including an assessment of their significance and contribution to local character), views and landmarks. In Planning for Growth, the policy advocated a design-led approach (See policy D3), stating (my emphasis underlined):

"The Plan provides a policy framework for delivering Good Growth through good design... and that understanding the existing character and context of individual areas is essential in determining how different places may best develop in the future"

- 5.11. The character assessments that have underpinned the Council's approach to townscape, tall buildings and patterns of growth are set out below. The extent to which the proposed developments demonstrate such an understanding is discussed in Ms Adams' Proof.

D3 – Optimising site capacity through the design-led approach

- 5.12. The policy sets out a fundamental principle that all development must make the best use of land by following a design-led approach. It advocates the consideration of different redevelopment options that respond to a site's context and capacity for growth with particular consideration given to the form and layout of development, how it would be experienced and quality and character.
- 5.13. Detailed design criteria set out that developments should positively respond to local distinctiveness, taking account of local layouts, building forms and scales, should deliver appropriate outlook, privacy and amenity, should respond to existing character and identify the special and valued features and characteristics that are unique to the locality, respecting, enhancing and utilising heritage assets and architectural features that contribute to this character. The policy also states that developments should be of high architectural quality and aim for high sustainability standards.

D4 – Delivering good design

- 5.14. Sets out an expectation that masterplanning, design codes and appropriate modelling and digital tools are used to develop and scrutinise designs and that major applications that are referable to the Mayor should undergo at least one round of design review. The policy states that Design and Access Statements should demonstrate that the design requirements of the London Plan have been met.

D9 – Tall buildings

5.15. Policy D9 establishes a detailed framework for the consideration of planning applications for tall buildings. The policy includes detailed criteria that relate to the visual impacts of tall buildings, the functional impacts, the environmental impacts and the cumulative impacts.

- *Visual impacts*: ranging from the impact of the building on the skyline in long distance views to the streetscene, pedestrian experience and neighbour amenity in more immediate views. Visual impacts are also stated to include spatial hierarchies, architectural quality and the impact on heritage assets and their settings. Specific reference is drawn to the need to preserve and not harm the Outstanding Universal Value of World Heritage Sites.
- *Functional impacts*: more practical considerations around how users interact with the building, whether it is safe and secure, ensuring that servicing does not cause disturbance or inconvenience to the surrounding public realm and ensuring no adverse impacts on aviation, navigation or telecommunications networks
- *Environmental impacts*: microclimate factors include daylight, sunlight and wind, air quality and noise
- *Cumulative impacts*: the range of impacts should be considered in conjunction with other planned and consented tall buildings in an area

5.16. The policy also sets out that tall buildings should provide free to enter publicly accessible areas and that they should normally be located at the top of buildings to afford views across London.

Policy E1 – Offices

5.17. Policy E1 establishes support for the delivery of a range of types of office space through new build and refurbishment to provide a range of flexible and adaptable working environments, particularly within the CAZ. The policy states that new offices should incorporate a range of affordable, lower cost workspaces.

Policy HC1 – Heritage conservation and growth

5.18. Policy HC1 provides that Development Plans and strategies should demonstrate a clear understanding of the historic environment and the heritage value of sites or areas and the relationships with their surroundings. This understanding should inform change by embedding the role of heritage in place-making, using the heritage significance of sites in the design process and integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses.

5.19. The policy states that development proposals affecting heritage assets and their settings should conserve their significance by being sympathetic to the assets' significance and appreciation of its surroundings. Development should avoid harm and identify opportunities for enhancement by integrating heritage considerations early in the design process.

5.20. The supporting text acknowledges that London's historic environment, represented by its built form, landscape, heritage and archaeology provides a depth of character that benefits the city's economy, culture and quality of life. London's heritage assets and historic environment are described as irreplaceable and an essential part of what makes London a vibrant and successful city and their effective management is a fundamental component of achieving good growth.

Policy HC2 – World Heritage Sites

5.21. The policy establishes that London's UNESCO WHS, which for the purposes of this development includes the ToL, are among the most important cultural heritage sites in the

world and are a key feature of London's identity. Part B of the policy sets out that development proposals in WHSs and their settings should conserve, promote and enhance their Outstanding Universal Value (OUV), including their authenticity, integrity and significance of their attributes. The policy explains that the consideration of views forms part of understanding the impact on the setting of World Heritage Sites. These considerations are discussed in detail in the evidence of Dr Barker-Mills.

Policy HC4 – London View Management Framework (LVMF)

- 5.22. Policy HC4 establishes the framework in which development that affects strategic views should be assessed, providing detailed guidance in relation to London Panoramas, River Prospects, Townscape and Linear Views and Protected Vistas. Development interacting with the LVMF views should not harm – and should seek to make a positive contribution to – the characteristics and composition of the views and should preserve or enhance viewers' ability to recognise and appreciate the landmarks in these views.

Policy T2 – Healthy Streets

- 5.23. The Healthy Streets Approach figures prominently in the London Plan and policy T2 states that development proposals should demonstrate how they will deliver improvements that support the Healthy Street Indicators identified in the Plan and associated TfL guidance. Reducing the dominance of vehicles and improving conditions for pedestrians and cyclists are at the heart of this approach.

Policy T4 – Assessing and mitigating transport impacts

- 5.24. Policy T4 sets out the range of issues that should be assessed as part of emerging development proposals to ensure their impacts are understood and mitigated. The policy states that Transport Assessments should reflect the Healthy Streets approach and that they should be supported by plans addressing servicing and deliveries, parking management, construction logistics and travel plans. The policy states that developments should not increase road danger. For schemes referable to the Mayor, it is strongly advised that engagement with TfL is undertaken at the pre-application stage to ensure all of the specified issues are addressed.

Policy T7 - Deliveries, servicing and construction

- 5.25. In relation to development proposals, policy T7 states solutions for servicing and deliveries should be safe, clean and efficient. This should include adequate space for servicing, storage and deliveries off-street, with on-street loading bays only used where this is not possible. It is expected that delivery and servicing plans are developed in line with TfL guidance and that provisions are made to secure servicing and deliveries outside of peak hours, in the evening and overnight.

Southwark Plan 2022

- 5.26. The Southwark Plan was adopted in February 2022 and as such its policies are up to date. The Plan sets out the targets for growth over the plan period, the visions for how different places in the borough are anticipated to change and the detailed policies against which developments should be assessed in order that proposals positively contribute to the aims and ambitions of the plan. As set out in the Council's Statement of Case, the proposals are considered to be contrary to the following policies: P13, P14, P17, P18, P19, P20, P21, P22, P24, P30, P50, P56, P69, P70, IP2, IP3.
- 5.27. These policies, and those that figure prominently in the planning balance, are set out below:

Strategic Vision & Targets

- 5.28. Southwark's overarching ambition is to comprise a series of successful, unique, historic and distinct places that combine affordable homes with business space, shops, amenities and open spaces and are well connected to each other and to the rest of London. This flows

through the Plan into visions for individual places, strategic and development management policies.

- 5.29. Strategic Policy ST1 'Southwark's Development Targets establishes a target of delivering 460,000sqm office floorspace between 2019 and 2036, around 80% of which would likely be delivered in the CAZ, and 76,670sqm new retail space, of which 19,670sqm is anticipated will be delivered in the CAZ and local town centres (i.e. outside of the Major Town Centres of Elephant and Castle, Canada Water and Peckham).
- 5.30. The policy sets a target for the creation of 58,000 new jobs over the plan period, of which, 10,000 new jobs would be targeted in the Borough, Bankside and London Bridge Opportunity Area.
- 5.31. The delivery of these targets is described as founded on an approach that combines regeneration with preservation; delivering growth that also preserves and enhances the history of places⁵. This principle of heritage-led regeneration and local distinction is further reflected in Strategic Policy SP2 'Southwark Together'.

London Bridge Area Vision

- 5.32. The London Bridge Area Vision describes the area as a globally significant centre for London, with prominent businesses, academic and health institutions and one of the UK's busiest and fastest growing transport hubs. The area is also described as being rich in heritage, with value ascribed to historic monuments, buildings, yards, vistas, spaces and the area's significant archaeological interest.
- 5.33. The vision sets out a number of principles that should shape development at London Bridge. Of particular relevance to the proposals are that the vision sets out that development at London Bridge should continue to attract global commerce and local offices and serve local needs through its town centre role, should support the development of St Thomas Street as a vibrant high street and should deliver a distinctive and inspiring world class environment through a mix of new architecture and other heritage revealed with 'placemarks', building on the fabric of local alleyways and yards to create quiet, green routes. The Shard should remain significantly taller and more visible than surrounding buildings as the station's landmark.
- 5.34. Strategic Policy ST2 sets out that delivery in the London Bridge Area is anticipated to comprise 56,574sqm employment floorspace and 2,132sqm retail, leisure and community floorspace.

Development Management Policies

P13 – Design of places

- 5.35. Policy P13 focuses on the response that development makes to place. It states that development must ensure that its height, scale, massing and arrangement respond positively to existing townscape, character and context. This principle is addressed in the detailed assessment in Ms Adams' evidence. The policy also states that development should contribute to place by incorporating routes, spaces, landscaping, public realm and other green infrastructure and that any such spaces should be accessible and inclusive.

P14 – Design quality

- 5.36. Policy P14 lists a series of wide-ranging criteria that will inform judgements about design quality. This includes physical considerations linked to architectural quality, but also the relationship with neighbours and the wider townscape or historic context, the interaction with the street, the way in which development facilitates active travel, whether adequate servicing is accommodated off-street and whether developments are designed to respond to climate

⁵ Southwark Plan (2022), Policy ST1 Page 46, CDE.01

change. These issues are addressed in the detailed evidence of Ms Adams and in my evidence below in Section 6.

P17 – Tall buildings

- 5.37. Policy P17 states that the areas where tall buildings are expected are shown on the adopted Policies Map. These are typically within the CAZ, Major Town Centres, Opportunity Area Cores and Action Area Cores. Where the Council has identified specific sites that may be suitable for tall buildings, this is set out in the respective site allocations. The policy identifies a number of characteristics that tall buildings must exhibit and a number of detailed design criteria that must be adhered to.
- 5.38. These matters include locational criteria, which are relevant to individual site suitability for a tall building, and for tall building of the particular height proposed. They also concern townscape, cumulative effects, strategic views, appropriate public space and the relationship with public realm, design quality, heritage and other environmental impacts. These issues are addressed in the evidence of Ms Adams, Dr Barker-Mills and my evidence below.

P18 – Efficient use of land

- 5.39. States that development will be permitted where it optimises land use without compromising neighbouring sites and while providing adequate space for servicing, circulation and access to, from and through the site. This issue is addressed below in the context of servicing of the 2018 Scheme and in the evidence of Ms Adams in the context of the overall design quality of the Schemes.

P19 – Listed buildings and structures

- 5.40. P19 states that development relating to listed buildings and their settings will only be permitted if it conserves or enhances their special significance in relation to issues including historic fabric, architecture, curtilage, layout, form, readability and land use. The policy recognises that special significance may be derived from the contribution of a building to its setting or its place within a group or that particular views may contribute positively to the significance of a building and/or its setting.
- 5.41. The policy states that any harm to the significance of a listed building or structure must be robustly justified.

P20 – Conservation areas

- 5.42. The policy states that development in conservation areas will only be granted where it preserves or enhances the character or appearance of the conservation area and their settings, taking into account their significance and views into and out of the area. It states that any harm to the significance of the conservation area or its setting as a result of development needs to be robustly justified.

P21 – Conservation of the historic environment and natural heritage

- 5.43. Policy P21 requires that development conserves and enhances the significance of a specified range of designated and non-designated heritage assets. Of relevance to the proposed development is part 10 of the policy, which refers to unlisted buildings of townscape merit. Keats House and the former hop sampling rooms along Kings Head Yard are both non-designated heritage assets that are identified in the Borough High Street Conservation Area Appraisal as making a positive contribution to the conservation area.

P22 – Borough views

- 5.44. Policy P22 identifies a series of borough views of significant landmarks and townscape that should be preserved and, wherever possible, enhanced by development proposals. In the case of protected linear views, the policy identifies a Landmark Viewing Corridor with a particular historic feature as its focal point and a Wider Assessment Area either side of this.

- 5.45. The Site is located adjacent to the Wider Assessment Area of View 1: The London panorama of St Paul's Cathedral from One Tree Hill. The Site is located within the Wider Assessment Area of View 2: *The linear view of St Paul's Cathedral from Nunhead Cemetery*; the area immediately adjacent to the identified Landmark Viewing Corridor. The policy states that development should not compromise this sensitive area to ensure that the viewer's ability to recognise and appreciate St Paul's Cathedral and its setting is maintained.

P24 – World heritage sites

- 5.46. Policy 24 states that development will only be permitted when the significance of the OUV of WHSs and their settings are sustained and enhanced. This should include views into, out of and across sites. The policy acknowledges the international importance that UNESCO attribute to such sites. The evidence of Dr Barker-Mills provides a detailed assessment of the impacts of the proposed Schemes on the ToL WHS.

P30 – Office and business space

- 5.47. Policy P30 sets out a requirement that employment floorspace is retained or increased on existing commercial sites in locations within the CAZ, Opportunity Areas and Town Centres. The supporting text references the target to deliver 460,000sqm of new office floorspace over the plan period in order to provide new jobs and ensure that there are available employment premises to allow businesses to grow. A marketing strategy should be provided to demonstrate how the employment space will meet current demand.

P50 – Highways impacts

- 5.48. Policy P50 considers highways impacts in a number of ways. Of relevance for this appeal – ensure safe and efficient operation of the local road network, the bus network and the TLRN; ensure safe and efficient deliveries and servicing that minimises the number of vehicle trips; incorporate servicing and deliveries within major development sites and not on highways land.

P56 – Protection of amenity

- 5.49. Policy P56 provides that development should not be permitted when it causes unacceptable loss of amenity to present or future occupiers or users. Amenity considerations are listed as including privacy, outlook, actual or perceived overlooking or enclosure, environmental nuisance including noise, odour, vibration or lighting, daylight, sunlight and wind or microclimate issues and issues arising as a result of residential layouts, context or design.

IP2 – Transport infrastructure

- 5.50. The policy provides that development must support the implementation of a range of strategic transport projects and initiatives including Healthy Streets projects and the expansion of cycle hire. The supporting text notes that improving opportunities for walking and cycling will improve quality of life and help to mitigate against climate change;

IP3 – Community infrastructure levy and s106 planning obligations

- 5.51. States that where development would give rise to potential adverse impacts that would make them unacceptable in policy terms, mitigation must be secured via planning conditions and/or, where they meet the statutory tests, via planning obligations.

Other relevant planning policy and guidance

National Planning Policy Framework (NPPF) (2021)

- 5.52. The NPPF establishes the Government's strategy for the delivery of sustainable development and is a material consideration in the determination of planning applications⁶. At the heart of the NPPF is the presumption in favour of sustainable development, though this does not

⁶ NPPF (2021) Paragraph 2, CDD.01

override the statutory status of the development plan as the basis of decision-making and development proposals that conflict with the Plan should not usually be granted.⁷

- 5.53. The Main Statement of Common Ground lists parts of the NPPF that are relevant to the assessment of the 2018 and 2021 Schemes. The key policies of relevance to the proposed developments include:
- 5.54. Chapter 6: *Building a strong competitive economy* sets out that planning policies and decisions should create the conditions in which businesses can expand and adapt, and that significant weight should be placed on the need to support economic growth, taking account of business needs and the wider opportunities for development. As summarised above and described further in Section 7, it is my view that the Council has taken a proactive approach to pursuing economic growth, have considered the opportunities for development and have established spatial visions and targets that are appropriate to context through the Southwark Plan.
- 5.55. Chapter 9: *Promoting sustainable transport* states that transport issues should be considered at the earliest stage when developing proposals so that potential impact on networks can be identified. It sets out that patterns of movement, streets and other transport considerations and integral to design and the creation of high-quality places⁸. This issue is addressed in Section 6 in the context of servicing and in Ms Adams' proof of evidence. The NPPF states that development should only be refused on highways ground where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe⁹. This issue is addressed by TfL in their written representations submitted in advance of the Inquiry.
- 5.56. Chapter 11: *Making efficient use of land* explains that in supporting development that makes efficient use of land, decision-makers should take account of the desirability of maintaining an area's prevailing character and setting or of promoting regeneration and change¹⁰. This issue is addressed further in this Proof, as well as in the proofs of evidence of Dr Barker-Mills and Ms Adams.
- 5.57. Chapter 12: *Achieving well-designed places* establishes that "the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve"¹¹. The criteria listed in Paragraph 130 make clear that this needs to be assessed by reference to the context in which a development sits. This is addressed in detail in Ms Adams' proof.
- 5.58. Chapter 16: *Conserving and enhancing the historic environment* sets out the process for considering the impacts of development on protected heritage assets should be founded on an understanding of their characteristics, intrinsic value and significance. It makes a distinction between substantial harm, which should normally result in a development being refused, and less than substantial harm, in which case the harm should be weighed against the public benefits of the proposal (see Section 9). Paragraph 199 states the more important the asset, the greater the weight should be given to the asset's conservation. It is stated that heritage assets of the highest value, including WHSs, are irreplaceable and should be conserved in a manner appropriate to their significance¹². The impacts on heritage assets, including their setting, is assessed in Dr Barker-Mills' evidence.

⁷ Ibid, Paragraph 12

⁸ Ibid, Paragraph 104

⁹ Ibid, Paragraph 111

¹⁰ Ibid, Paragraph 124

¹¹ Ibid, Paragraph 126

¹² Ibid, Paragraph 189

Supplementary planning documents/guidance

- 5.59. The full range of supplementary planning documents and/or guidance that relates to the policies engaged by the Schemes is listed in the Main Statement of Common Ground. Where appropriate, references are made to this guidance in Section 6.

Policy Evolution

- 5.60. In interpreting and applying a number of the policies referenced above, and in determining the amount of material weight to place in different policies when conducting the planning balance, it is important to understand how the policy approach has evolved in relation to some of the key issues that need to be addressed in determining the appeals. In particular, the approach to the consideration of impacts on the OUV of WHSs and their settings, the expectations concerning design quality and on the assessment of tall buildings.
- 5.61. In the section below, I summarise the principal changes and the background to these changes, so far as is relevant to these appeals. I draw attention to changes at the national level, those relating to the London Plan and those that are specific to the detailed approach undertaken in Southwark. I note that both Ms Adams and Dr Barker-Mills have considered these changes in their proofs of evidence and where relevant I cross-refer to rather than repeat their analysis.

Heritage – World Heritages Sites and tall buildings

- 5.62. As noted in the Inspector's Report for the Tulip appeal decision¹³, the Inspectors' draft Panel Report for the London Plan 2021 explained that its content "marks a shift in policy on heritage in general and WHSs in particular".
- 5.63. The key policy shifts associated with WHSs and the impact of tall buildings on the setting of WHSs in particular are in policy HC2 and policy D9. As is explained by Dr Barker-Mills in his evidence, policy HC2, and its supporting text, is much clearer than the previous policy in the 2016 London Plan and provides a more robust approach to the protection of the OUV of London's four WHSs and the effective management of them and their settings. With regard to tall buildings in particular, policy D9 C 1(e) specifically addresses WHSs and states that buildings in their setting "must preserve, and not harm, the OUV of the WHS and the ability to appreciate it". This represents a strengthened approach to the impact of tall buildings on WHSs when compared to the equivalent policy (policy 7.7) in the 2016 version of the London Plan.
- 5.64. Dr Barker-Mills explains in his evidence that development of tall building policy for the capital has a long history and understanding that development in the context of the ToL WHS is important in consideration of the impacts of the proposals in both planning applications, but particularly for the 2018 proposals. He explains that the impact of tall buildings in the setting of the ToL WHS was a concern of UNESCO and the World Heritage Committee (WHC) when the site was first put forward as a WHS in 1988 and that this concern remains today. Dr Barker-Mills provides a summary of the concerns raised by the WHC and ICOMOS¹⁴ in respect of inappropriate development in the setting of the ToL.
- 5.65. The evolution of policy seeking to protect London's WHSs in response to development, specifically of tall buildings, in their setting was also considered in some detail in the Inspector's Report for the Tulip, a tall building proposed to be located in the City of London in the setting of the ToL. The Tulip decision post-dated the adoption of the London Plan 2021 and so its content reflects the same policy position (in respect of the London Plan at least) as is relevant to these appeals. Although the Tulip's proposed location meant that it was

¹³ Tulip Appeal, IR, p. 14, para 3.12, CDH.10

¹⁴ The International Council on Monuments and Sites.

considered in the context of other tall buildings in the City Cluster rather than in Southwark, the Inspector's consideration of the relevant policy position and appropriate approach to take to the consideration of the impact of the proposal on the setting of the WHS provides helpful analysis that applies equally to these appeals.

5.66. The Inspector's report (CDH.10) noted the following:

- (i) A joint UNESCO-ICOMOS Reactive Monitoring Mission to the Tower took place in 2006. In the 2006 Mission Report the WHC noted "concern that proposed new developments around the [ToL] ... appeared not to respect the significance of the World Heritage properties, their settings, and related vistas"¹⁵;
- (ii) Following a proposal for a tall building called the Minerva Tower directly behind the Tower of London (that was not in the event built), the Report on the 2006 Mission raised the possibility of Danger Listing for the Tower of London. The WHC was content not to consider this if there was either statutory protection for the iconic view from the South Bank or a management plan was finalised. The LVMF Views were subsequently enshrined in the London Plan and the 2016 World Heritage Site Management Plan was put in place in response to this (IR, p. 138, para. 14.9);
- (iii) The 2011 Mission Report identified harm from the visual distraction from the Shard, attracting the gaze of visitors away from the Tower of London, as well as harm from 20 Fenchurch Street.¹⁶ The Government accepted these findings, and this is reflected in the Mayor's WHS Settings SPG¹⁷ and the 2013 Statement of Outstanding Universal Value itself (IR, p. 96, para. 8.37d);
- (iv) The 2017 Mission Report recommended that policy and guidance materials should be written in as concrete a manner as possible. The Panel Report into the London Plan 2021 took the 2017 Mission Report into account. The Panel Report explains that policy HC2 actively responds to the findings of the Mission Report, concluding that the current Plan had not been totally effective in preventing negative impacts on the outstanding universal value of London's WHSs (IR, p. 125 para. 9.52 and see also London Plan EIP Panel Report October 2019, p. 72, para. 330 page 72);
- (v) The Government has relied on implementing heritage policy to demonstrate to the World Heritage Committee that it is protecting the setting of WHSs. It is critical to WHC acceptability that this is implemented, including that which is in the Tower of London WHS Management Plan. Since previous permissions, this has now been strengthened in the London Plan 2021 with WHS policy (Policy HC2) which includes the authenticity and integrity of attributes and reference to the Government's commitment, set out in bold in the supporting text, to protecting, conserving, presenting and transmitting to future generations the outstanding universal value of WHSs and to protecting and conserving their settings. The Panel Report identified that this should mark a shift in policy on heritage in general and WHSs in particular. This should also be taken into account in identifying the significance of the WHS when applying the [then] NPPF paragraph 196 balance (IR, p. 140, para. 4.17);
- (vi) The differences in planning policy since the grant of previous permissions for tall buildings in the setting of the Tower of London provide a reason why little or no weight should be given to the previous permissions, or their justifications, as setting a binding precedent (IR, p. 140, para. 4.17);

¹⁵ The Tulip Appeal, IR, p. 21, para 3.42 (CDH.10)

¹⁶ Dr Barker-Mills' proof at paragraph 4.16 provides a quotation from the World Heritage Committee's consideration of the Mission Report, who were of the view that there was a need to better regulate the further build-up of the area around the Shard and who recommended 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.

¹⁷ WHS Setting SPG (2012)(CDD.025) – Page 22, which acknowledges harm to visual integrity from new tall buildings in a draft statement of Outstanding Universal Value.

- (vii) The changes in planning policy that were made at least in part in response to the concerns of the WHC “reinforce the greater weight that should now be given to heritage protection on account of the revised wording (IR, p. 140, para. 4.18).

- 5.67. From that review of the evolution of policy in respect of London WHSs, it is clear that the new strengthened approach to the management of development in the setting of the ToL WHS (and other London WHSs) reflects the discontent and alarm expressed by ICOMOS and the World Heritage Committee regarding the impact of tall building development on the setting of London WHSs, including tall buildings around London Bridge, and it represents the Government’s latest attempt to respond to that concern expressed over a number of years. I agree with the Tulip Inspector’s view that the enhanced policy position suggests that greater weight should now be given to heritage protection of WHSs in general and the ToL WHS specifically in the context of these appeals.
- 5.68. With regard to the approach to pre-existing tall buildings in the setting of the ToL, the fact that the planning system has approved tall buildings in its setting in the past does not mean that it can be assumed that they have not resulted in harm or that they would necessarily now be regarded as acceptable in the context of the setting of the ToL. For example, the advice from ICOMOS and the WHC is clear that development such as the Shard has resulted in harm and the Government’s acceptance of the findings of the Mission Reports indicates that it accepts that this is the case. In a context of a strengthened and marked shift in policy position, I agree with the Tulip Inspector’s view that little or no weight should be given to previous planning permissions as setting a binding precedent for the nature and form of acceptable development in the ToL’s setting.

Design

- 5.69. The most recent versions of the London Plan and the NPPF have placed increased emphasis on design quality. In respect of the changes to the NPPF, section 2 of Ms Adams’ proof of evidence explains that the July 2021 version of the NPPF strengthened the importance of good design for all proposed development in Chapter 12, entitled ‘Achieving well-designed places’. Ms Adams refers to and describes the key national design policy changes of relevance to these appeals. She also refers to and explains the relevant content of the new National Design Code, which is itself referenced and relied upon in the 2021 NPPF.
- 5.70. The revised policies in the NPPF seek to ensure that the appraisal of design quality is rooted in the local character and context of an area. This is achieved through focusing on the preparation by local planning authorities of local design guides and codes as well as placing emphasis on ensuring that development proposals “fit in” with the overall form and layout of their surroundings whilst also being “outstanding” or “innovative”¹⁸. I note that the Secretary of State, in his Decision Letter in respect of the Tulip appeal decision, referred to the revisions to the NPPF in relation to design and stated that he considers that “revisions to the Framework make clear that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (Framework paragraph 126)”.
- 5.71. The amendments made to the NPPF in respect of design are consistent with the approach taken in the London Plan 2021. Ms Adams’ proof of evidence at section 2 explains that the London Plan 2021 places much more emphasis on design quality than the equivalent policies in the 2016 version, particularly in relation to design scrutiny of proposals in general and in respect of tall buildings in particular, where – as noted above – policy D4 requires an enhanced approach to the independent design review for tall buildings. As Ms Adams explains, the London Plan 2021 also includes a much more detailed policy (policy D8) on the design of public realm, reflecting the importance of well-designed public realm.

¹⁸ Paragraphs 129 and 134 NPPF.

Tall buildings and design

- 5.72. As Ms Adams explains in her proof of evidence, London Plan policy D9 ‘Tall buildings’ marks a significant change in the policy framework for the assessment of the acceptability of proposed tall buildings when compared to the approach of the London Plan 2016. Part C of policy D9 provides a far more detailed set of criteria to guide the assessment of impacts when making decisions on individual proposals under the headings of visual, functional and environmental impacts. In particular in relation to design, the section of the policy that provides criteria in respect of visual impacts places emphasis on the potential for harmful impacts of tall buildings in both their immediate and wider context, and the careful attention that needs to be paid to their design.

Tall buildings in Southwark

- 5.73. The approach to the assessment of tall buildings in the Southwark Plan reflects this same evolution of policy and is informed by a series of detailed characterisation studies and appraisals, reference to which also explains the distribution of tall buildings identified in Paragraph 2.13 of this Proof and in the Main Statement of Common Ground.
- 5.74. In 2009/10 the Council produced a two-stage document to support the production of the Core Strategy and inform the draft Bankside, Borough and London Bridge Opportunity Area Planning Framework/SPD. The Stage 1 document is a Tall Building Research Paper for the Bankside, Borough and London Bridge (BBLB) Opportunity Area (CDE.018) and it set out the approach and analysis to establish suitable locations for tall buildings in the Opportunity Area. The Stage 2 document is a Tall Building Study (CDE.019) and contained detailed urban analysis to identify specific sites and urban design considerations for tall buildings in the areas identified in Stage 1.
- 5.75. The Stage 1 Research Paper outlined the urban design analysis used to determine appropriate or inappropriate locations for tall building development including an evaluation of the historic context and of the existing local character.¹⁹ The Research Paper also noted that even where the conclusion was reached that certain locations would support new tall building development ‘*we also acknowledge that there are also sensitivities in each of these areas which could provide constraints for new tall building development, particularly in areas which are within a Conservation Area*’²⁰ and ‘*all new development should preserve or enhance the historic character, setting and appearance of buildings or areas of historical or architectural significance. This will generally mean that tall buildings will not be acceptable in conservation areas*’²¹.
- 5.76. The London Bridge study area included in the Stage 2 Tall Building Study excluded the appeal site:

¹⁹ CDE.018 paragraph 3.1

²⁰ Ibid. paragraph 4.3

²¹ Ibid. paragraph 4.4.7

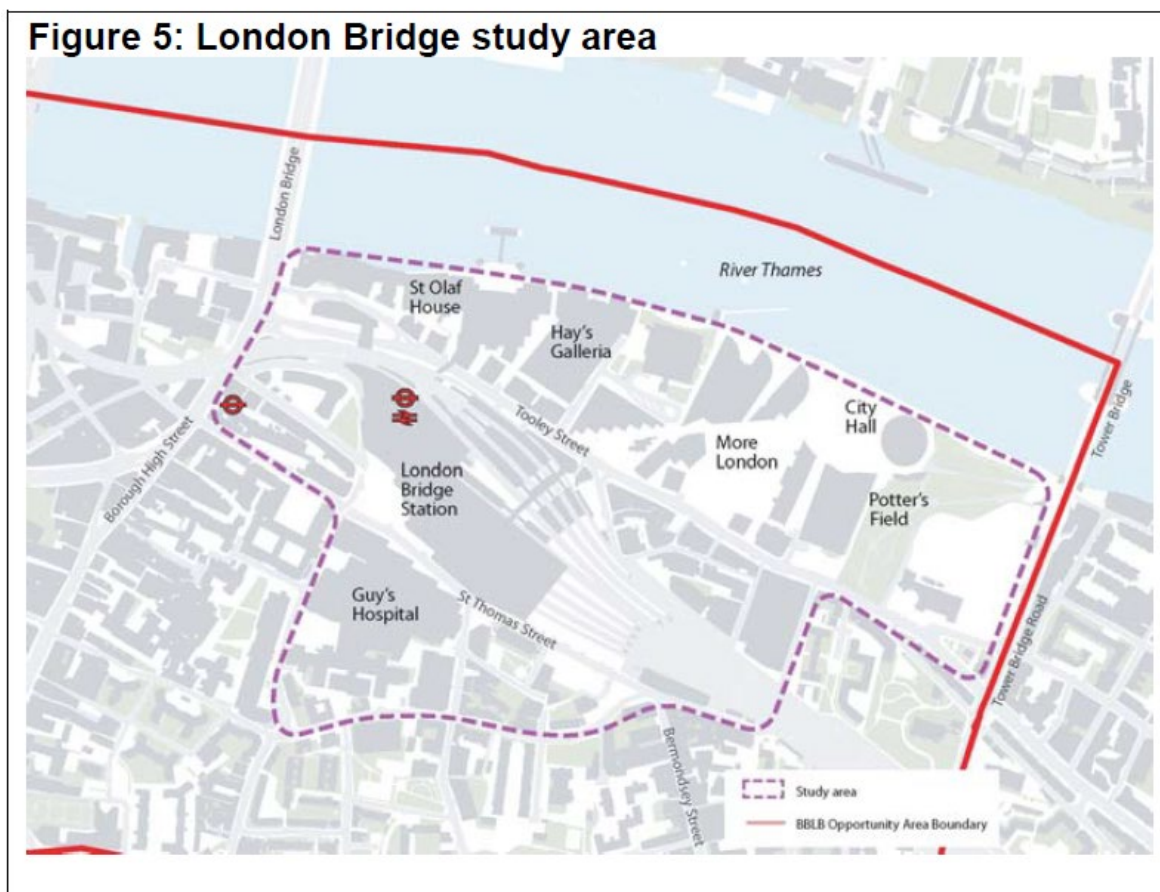


Figure 13 - Local Bridge Study Area in the Stage 2 Tall Building Study in the Stage 2 Tall Building Study

- 5.77. Appropriate locations for tall buildings in London Bridge, including the Fielden House site and the Capital House and Becket House site are identified in the Study²². However, sensitivities which could constrain tall building development are also identified and described and the sites around London Bridge Station, Guy's Hospital Campus and along St Thomas Street are considered to have *major* sensitivities relating to a series of urban design considerations including:
- strategic views
 - views of World Heritage Sites
 - impact on existing character and scale
 - conservation areas
 - listed buildings and structures
- 5.78. The draft BBLB OAPF/SPD (CDE.08), which was informed by the two stage Research Paper and Study, excluded the appeal site from the area around London Bridge identified as '*locations where tall buildings possible*'²³. The draft SPD considered '*Heights and tall buildings*' in the strategy for London Bridge and stated that '*tall buildings are not appropriate in the Borough High Street conservation area*'²⁴
- 5.79. In 2013, URS Infrastructure and Environment, working closely with the Council, was commissioned to produce the Bankside, Borough and London Bridge Characterisation Study (CDE.013) to inform the preparation of any future planning guidance for the Opportunity Area.

²² CDE.019. Paragraph 3.3.3

²³ CDE.08 Figure 9

²⁴ Ibid. page 32 (section 4.2.2)

The Characterisation Study was itself informed by the earlier work in 2009/10 and the adopted conservation area appraisals, including that for Borough High Street (CDE.06).

- 5.80. The Characterisation Study includes the appeal site in the Borough High Street character area '*...which stretches from the junction with Borough Road in the south to London Bridge Street in the north. To the west it borders the Borough and Borough Market character areas and to the east, Bermondsey, London, Bridge and Guy's Hospital and Tooley St*'²⁵ as shown by the figure below;



Figure 75: Borough High Street - Aerial Overview

Figure 14 - Borough High Street Character Area, as identified in 2013 Characterisation Study

- 5.81. The management principles for the Borough High Street character area state under the heading of Heritage that '*...development proposals within the Borough High Street Conservation Area should have regard to the rhythm and scale of the existing historic buildings. The scale and proportions of the many narrow alleyways should be sustained and new development should enhance the appreciation of their historical context*'²⁶. Further, under 'Urban structure and built form' the Characterisation Study concluded: '*Building heights should respect the prevailing context and should ensure that new buildings do not overwhelm heritage assets. The fine articulation of the historic streetscape, including the distinctive character of the conservation area and the setting of heritage assets such as the Church of St George the Martyr should be sustained*'.²⁷
- 5.82. The Characterisation Study includes the London Bridge character area, the boundary of which is to the immediate north and east of the appeal site. The descriptive section on 'Urban Structure and Built Form' states that '*The western end of St Thomas St is faced by narrow plots and the majority of buildings date from within a hundred years of the streets*'

²⁵ CDE.013 section 3.7, paragraph 3.7.1

²⁶ Ibid. paragraph 3.7.10 'Heritage'

²⁷ Ibid. paragraph 3.7.10 'Urban structure and built form'

*establishment. Modern infill development largely respects the vertical rhythm and continuous frontage....*²⁸

- 5.83. The character area management principles for London Bridge state that *'tall buildings may be appropriate and should reinforce the existing cluster of tall buildings; retain the pre-eminence of the Shard and provide a transition down in height to the lower heights in the surrounds; and conserve or enhance the setting of the neighbouring Bermondsey Street Conservation Area. Any proposal for taller buildings should adhere to the regional and local policies on tall buildings in particular those relating to strategic views and the setting and attributes of World Heritage Sites.'*²⁹ It is with these considerations in mind that Fielden House (now Shard Place) and Colechurch House were identified in this Characterisation Study as being potentially suitable locations for tall buildings.
- 5.84. Around this time preparations for the production of the new Local Plan in Southwark were underway. The Tall Buildings background paper (CDE.20) provides the policy context and evidence which supports the evolution of what is now policy P17 on tall buildings in the Southwark Plan 2022 (CDE.01). Section 7 of the background paper lists the documents of which the tall building strategy consists, including characterisation studies.³⁰ The implementation strategy for the tall buildings policy at Appendix D of the background paper refers to the Bankside, Borough and London Bridge character study as one of the character studies which *'set out principles for the future management of Opportunity Areas and responds to the question, how change for elements such as tall buildings can be managed alongside each of the unique character settings within an area'*.
- 5.85. The earlier studies have informed the evolution of the tall buildings policy in the Southwark Plan 2022 and the characterisation studies have informed the identification and analysis of site allocations within the Plan as set out below.
- 5.86. The executive summary of the background paper at section 1.3, in explaining the approach to tall buildings states that *'the Area Visions section of the [New] Southwark Plan establishes our ambitions for the Borough and different areas, which is detailed further through the site allocations which set out our aspirations to improve individual areas'*
- 5.87. The appeal site is within the London Bridge Area Vision Map in the Southwark Plan³¹ and there are four site allocations within London Bridge as follows:
- NSP52: London Bridge Health Cluster
 - NSP53: Land between Melior Street, St Thomas Street, Weston Street and Fenning Street³²
 - NSP54: Land between St Thomas Street, Fenning Street, Melior Place, and Snowfields³³
 - NSP55: Colechurch House, London Bridge Walk
- 5.88. Each of the site allocations details the approach to tall buildings as one of a series of urban design considerations that also considers potential impacts on listed buildings and undesignated heritage assets, conservation areas and protected views. The detailed guidance in the site allocations is based on robust urban design assessment and analysis through the

²⁸ Ibid. paragraph 3.8.4

²⁹ Ibid.3.8.10

³⁰ CDE.20. page 29

³¹ CDE.01 page 92

³² This Allocation containing planning permissions for Capital House (18/AP/0900) and Becket House (20/AP/0944)

³³ This Allocation containing pending planning applications for Vinegar Yard (18/AP/4171) and 40-44 Bermondsey Street (19/AP/0404)

plan-making process. Based on this assessment and analysis the Council has set out how the development of tall buildings within the Opportunity Area should be managed.

- 5.89. Acknowledging the requirement in the London Plan for identification of tall building locations on a map, the background paper states that the *‘areas identified as most appropriate for tall building developments are mapped in figure 3, however applications will be assessed on a site-by-site basis and other areas might be deemed as suitable where appropriate’*³⁴. This approach is reflected in the Tall Buildings and Views map on page 42 of the Southwark Plan, which identifies “Potential Locations for Tall Buildings”, including the wider BBLB Opportunity Area. The potential of individual sites to accommodate tall buildings is then either set out in site allocations, or, if outside a site allocation, would have to be assessed against all relevant development plan policy, including the tall building and heritage policies that are informed by the studies discussed in this section.
- 5.90. Whilst the policy sets out an expectation that tall buildings will typically be in the CAZ, OA and town centres, it is clear both from the breadth of areas covered and the application of the detailed criteria in policy P17 and other policies in the Development Plan, that tall buildings would not be considered suitable on every site in those areas. The potential of sites within the BBLB Opportunity Area to accommodate taller buildings has been assessed as part of the process of developing and consolidating the evidence base for the Southwark Plan, and it is clear that this site has never been identified as a suitable location for a tall building.

³⁴ CDE20.paragraph 1.5

6. The Principal Issues

- 6.1. In this section I will consider each of the principal issues arising from the Council's case. For each of the Main Issues, I will summarise the detailed assessments set out in the Proofs of Dr Barker-Mills and Ms Adams, presenting their technical assessment in the context of the relevant Development Plan policies and guidance. I will present an assessment of the Further Issues identified by the Council. This is followed in section 7 with an overview of the level of compliance with the remainder of the Development Plan, referring to the Main Statement of Common Ground where appropriate.
- 6.2. A number of the policy issues presented below apply to each Proposal equally, but in other cases, each Development Proposal interacts with prevailing policies in a different way due to its form and composition. Where necessary, the policy assessment distinguishes between each of the Proposals in order to set out the level of compliance and the degree of material weight that should be attached to particular issues in determining the planning balance.

Main issue 1: Heritage harm

- 6.3. The impact of the proposed developments on a large number of heritage assets and their settings formed one of the Council's likely reasons for refusal and has been raised consistently as a significant concern by the Council, Historic England, CABE and other consultees throughout the pre-application and application stages. This issue is addressed in detail in the proof of evidence prepared by Dr Barker-Mills.
- 6.4. Dr Barker-Mills' proof identifies the heritage assets affected, discusses the significance of these assets, the contribution of setting to their significance and then assesses the impact upon the significance of these assets, and the ability to appreciate that significance, that arises as a result of the proposed development.
- 6.5. In approaching the assessment, Dr Barker-Mills clearly explains how some of the key principles and concepts that underpin his assessment have been informed by the NPPF, associated PPG and a series of detailed guidance notes issued by Historic England.
- 6.6. In assessing the impacts of the proposed developments on the significance of heritage assets and their settings, Dr Barker-Mills draws on Historic England guidance³⁵ which suggests framing the impacts based on the following attributes of the development in question: location and siting, their form and appearance, wider effects and the degree of permanence. Harm is described as a spectrum, which in the terminology used in the NPPF is either less than substantial or substantial harm. The PPG states that where less than substantial harm is identified, it is necessary to specify where on the spectrum of less than substantial harm the harm sits. This is the approach undertaken by Dr Barker-Mills in the assessment presented in his evidence.
- 6.7. The full list of heritage assets affected by the proposed developments is to be set out in the Statement of Common Ground for Historic Environment. These assets can be broadly grouped into three categories:
 - The ToL WHS
 - Listed Buildings outside of WHS
 - Conservation Areas.

³⁵ Historic Environment Good Practice Advice in Planning 3: The Setting of Heritage Assets (second edition) (2017), CDF.04

- 6.8. The impacts of the proposed developments on heritage assets and their setting within each of these categories is considered in turn below with reference to the relevant development plan policies, associated guidance and other material considerations that influence the assessment. Where the 2018 Scheme and 2021 Scheme would give rise to differential impacts on the identified heritage assets, this distinction is presented:

The Tower of London World Heritage Site

- 6.9. The London Plan identifies the ToL, and London's three other WHSs, as among the most culturally significant heritage assets in the world and a key part of London's identity.³⁶
- 6.10. In addition to being a UNESCO designated WHS, the ToL complex includes six Grade I listed buildings and structures, is a registered Scheduled Ancient Monument and sits at the heart of the Tower Conservation Area. These designations engage numerous statutory and policy protections.
- 6.11. Dr Barker-Mills' evidence sets out a detailed assessment of the impact of the proposed developments on the OUV of the WHS. The key values and attributes of the WHS that are identified in its Management Plan are used to frame a methodology for the impacts of the proposed developments on the OUV. The specific attributes are identified in his Proof and the components within each are identified and referenced in order to describe the impacts with greater precision.
- 6.12. In determining the significance of the impact on the OUV of the ToL, Dr Barker-Mills' assessment considers the impact from a number of locations and describes the harms arising in each case. Dr Barker-Mills explains that both the 2018 and 2021 proposals would be seen above the ToL in a number of views, extending the visual intrusion of new development into the sense of enclosure within the ToL and the degree of separation between the WHS and its setting. The 2018 Scheme is also described as reducing the visual prominence of the White Tower and the concentric defences, exacerbating the harm caused by the Shard. Dr Barker-Mills concludes that the harm to the OUV of the ToL arising as a result of the 2018 Scheme is considered less than substantial towards the middle of the range, while for the 2021 Scheme, the harm is described as less than substantial towards the lower end of the range.
- 6.13. London Plan policy HC2 states that development proposals in the setting of WHSs should conserve and promote their OUV, including the authenticity, integrity and significance of their attributes. Dr Barker-Mills' evidence demonstrates a clear conflict with this policy and, as such, also with London Plan policy D9 Part E, which requires tall buildings within the setting of WHSs to preserve, and not harm, the OUV of the site and the ability to appreciate it. Both the 2018 and 2021 Schemes would similarly conflict with Southwark Plan policy P24, which requires that development sustains or enhances the significance of the OUV of WHSs and their settings.
- 6.14. In determining the degree of weight to attach to these policy conflicts, the NPPF is instructive. It states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be placed on the asset's conservation. This principle applies whether the level of harm is described as substantial or less than substantial and the more important the asset, the greater the weight should be³⁷.
- 6.15. As a WHS, the ToL is a heritage asset of global significance. As set out in section 5, policy has evolved to apply greater protection to the WHSs and this is supported by Government. In its 2020 State of Conservation Report regarding the Palace of Westminster and Westminster Abbey WHS, the Government explained that it was looking to ensure "OUV is both clearly

³⁶ London Plan (2021) Paragraph 7.21, CDD.021

³⁷ NPPF (2021), Paragraph 199, CDD.01

articulated in policy and OUV is given the maximum weight possible in decision-making” and this principle was highlighted in the *Albert Embankment* appeal decision³⁸. It is also reflected in the Tulip appeal decision, where the Secretary of State said that the protection of the WHS should be given the highest level of weight for any heritage asset³⁹. The State of Conservation Report also drew attention to [then] emerging policy P24 in the Southwark Plan as evidence of this approach. The London Plan acknowledges that the ambitions to protect, conserve, present and transmit the OUV of WHSs to future generations is largely discharged through the effective implementation of planning policies⁴⁰.

- 6.16. The objection to the 2018 Scheme from Historic Royal Palaces states out that the development would be “extremely intrusive and thus visually damaging to the Inner Ward” (CDC.08) and would exacerbate the harms identified by UNESCO that threaten the ToL’s status as a WHS. Historic England also identify the harm arising to the OUV of the ToL as a result of the 2018 development being visible from within the Inner Ward and above the roof line of the Grade I listed Queen’s House. It is noted that while Historic Royal Palaces identify a perceptible impact from the 2021 Scheme on the White Tower and that this represents a cumulative harm, they did not object to this application (CDC.017).
- 6.17. Both the 2018 and 2021 Schemes would harm the OUV of the ToL WHS and in doing so would conflict with London Plan policies HC1, HC2 and D9 (Part C 1e) and Southwark Plan policies P24, P19 and P17 (Part 3.2). In determining the weight to be attached to this policy conflict in the planning balance, I have considered the level of harm identified by Dr Barker-Mills, the strength of objection raised by statutory consultees, the global significance of the ToL WHS and the way in which the planning policies pertaining to WHSs have been strengthened with the intention that through their effective implementation WHS can be given the highest degree of protection in the planning decision-making process. Taking these factors into account I am on the view that the identified policy conflicts should attract very significant weight in the planning balance in the case of the 2018 Scheme and significant weight in the case of the 2021 scheme.

Listed buildings outside of the WHS

- 6.18. As well as directly affecting the historic fabric and the setting of the Grade II listed Georgian terrace at 4-16 St Thomas Street which forms part of the site, the proposed developments would affect the setting of a large number of listed buildings, including some of the borough’s and south London’s most important⁴¹. This includes the Grade I listed Southwark Cathedral and The George Inn, the Grade II* listed Guy’s Hospital, 9, 9A and 11-13 St Thomas Street, Grade II* listed Church of St George the Martyr and the Grade II listed Bunch of Grapes Public House, 15 St Thomas Street and Kings Head Public House.
- 6.19. The height and scale of the proposed towers is such that the effects on the setting of heritage assets extends beyond the borough, as noted in the objections raised by the City of London in terms of the harmful impacts on the setting of the Grade I listed St Paul’s Cathedral, St Magnus the Martyr Church and the Monument (CDC.013).
- 6.20. In his Proof, Dr Barker-Mills discusses the key characteristics of each of the affected listed buildings – both in Southwark and the City of London - and the contribution made by their setting as a basis for assessment. It is intended and expected that the full information on these matters will be included in the Historic Environment Statement of Common Ground.

³⁸ SoS decision letter on 8 Albert Embankment, Paragraph 21, CDH.11

³⁹ SoS decision letter on “the Tulip”, Paragraph 27, CDH.10

⁴⁰ London Plan (2021), Paragraph 7.2.1

⁴¹ Borough High Street Conservation Area Appraisal (2006)(CDE.06), Section 3.1.1

- 6.21. Dr Barker-Mills' assessment identifies that both the 2018 and 2021 developments would lead to less than substantial harm to all of the listed buildings identified, with the extent of harm at various positions on the range. In the case of the adjoining Grade II* listed Guy's Hospital, the harm is described as at less than substantial at the upper end of the range and in relation to the Grade I listed Southwark Cathedral, above the middle and towards the upper end of the range.
- 6.22. In their objection to the 2018 Scheme (CDC.05), Historic England states that the proposal would be *"exceptionally and irrecoverably harmful to some of England's most important historic sites"*. They describe the impacts on the significance of Southwark Cathedral and Guy's Hospital arising as a result of both the 2018 and 2021 proposals to be bordering on substantial harm.
- 6.23. The evidence presented in Dr Barker-Mills' Proof demonstrates that the developments fail to conserve the significance of a number of prominent listed buildings, that the proposals are in no way sympathetic to the significance of these assets and that the proposals would harm the way in which they are appreciated in their context. The proposals are in conflict with London Plan policy HC1 and (subject to an assessment of heritage balance, which I carry out further below in Section 9) also conflict with Policy D9 part C(d). In failing to conserve or enhance the special significance of the listed buildings in the vicinity of the site and not robustly justifying the harm that has been identified, the proposals are contrary to Southwark Plan policy P19. The harms identified also lead to conflict with the detailed design criteria set out in Southwark Plan policies P13 'Design of Places' and (subject to an assessment of the heritage balance) P17 'Tall Buildings' Part 3.2.
- 6.24. In determining the level of weight to attach to the impacts on listed building, I have had regard to the detailed assessment presented in the evidence of Dr Barker-Mills – in particular the level of less than substantial harm - the significance of the assets affected, the consultation responses submitted by statutory consultees and the relevant policies in the development plan. In the case of both schemes, I consider that very significant weight should be attached to the impacts on the setting of the Grade I listed Southwark Cathedral and to the Grade II* listed Guys Hospital. I attach a significant amount of weight to the impact on the range of other listed buildings listed in the Council's Statement of Case, including St Paul's Cathedral and Grade II listed properties in close proximity to the site on St Thomas Street

Conservation Areas

- 6.25. The site is located within the Borough High Street Conservation Area; an area described as covering some of the most historic parts of Southwark and containing some of south London's most significant structures: Southwark Cathedral, Guy's Hospital and London Bridge⁴². The Conservation Area Appraisal (CAA) explains that this extensive history has led to an eclectic townscape of varying materials and details and that as a result the area's identity is as much to do with its scale and form⁴³. The CAA identifies distinct sub-areas, with the site being located in sub area 4 – St. Thomas Street. – described as having a "particularly distinguished historic character, centred on several Grade II* listed buildings". The ensuing guidance in the CAA draws out "those themes that are essential to the Conservation Area's historical character"⁴⁴. It states that the overall heights of buildings should respond to established street envelopes and remain with the range of heights of the block in which they are sited.
- 6.26. The scale, height, massing and materiality of development is such that these harmful impacts extend to the setting of the Trinity Church Square Conservation Area and the Bank

⁴² Borough High Street Conservation Area Appraisal (2006); Section 3.1.1 (CDE.06)

⁴³ Borough High Street Conservation Area Appraisal (2006); Section 3.1.6

⁴⁴ Borough High Street Conservation Area Appraisal (2006); Section 5.1.1

Conservation Area. Dr Barker-Mills also discusses the impact of the proposals on the Tower Conservation Area.

- 6.27. In his Proof, Dr Barker-Mills provides an overview of the key characteristics of each of the conservation areas and, for those that are located beyond the site, the way in which their setting contributes to their significance or allows their significance to be appreciated. Further detail on these issues is expected to be provided in the Historic Environment Statement of Common Ground.
- 6.28. Dr Barker-Mills concludes that both schemes would introduce tall buildings completely out-of-scale with the historic context of the Borough High Street Conservation Area. He identifies that they would involve the removal of historic fabric and interrupt the prevailing morphology and urban grain that are integral to the significance of this part of the conservation area. The visual dominance in views throughout the conservation area is such that the proposals are described as creating a new focal point that shifts the emphasis away from the existing historic landmarks. Dr Barker-Mills also describes the extent to which the visual dominance of the tower proposals within the 2018 and 2021 scheme would cause harm to the significance of the Trinity Square, Bank and Tower Conservation Areas, despite them being located some distance from the site.
- 6.29. In relation to the 2018 Scheme, Dr Barker-Mills concludes that the harm to the Borough High Street Conservation Area would be less than substantial towards the upper end of the range, that the harms to the Trinity Church Square Conservation Area and to the Tower Conservation Area would be less than substantial towards the lower end of the range and that in relation to Bank Conservation Area the harm would be less than substantial at the lowest end of the range. Dr Barker-Mills draws the same conclusion for the degree of harm to the Borough High Street Conservation Area as a result of the 2021 Scheme, but finds that the level of harm is reduced to the other conservation areas.
- 6.30. Similar assessments of the harm arising to the significance of the Borough High Street Conservation Area in particular have been submitted by a number of statutory consultees. In their formal response to the 2018 Scheme, Historic England set out their strong objections to the proposed development and consider that the level of harm to the Borough High Street Conservation Area would be bordering on substantial (CD.C05). In their response to the 2021 Scheme, Historic England reached an essentially similar view, stating that the harm to the “exceptional” conservation area would be broadly similar to the 2018 Scheme, and possibly slightly more severe (CDC.018)
- 6.31. In their response to the 2018 proposal, Save Britain’s Heritage considered that the proposed tower would “radically harm the special character of the Borough High Street Conservation Area”. The Victorian Society response stated that the 2021 Scheme would cause “unjustifiable harm to the [Borough High Street] conservation area” (CDC.022) and the Georgian Group considered that the proposal would result in significant harm to the Conservation Area due to the inappropriate scale relative to prevailing building heights (CDC.021).
- 6.32. As is demonstrated in Dr Barker-Mills’ Proof and identified in the objections of statutory consultees, the harms identified to the significance of the conservation areas as a result of the 2018 and 2021 Schemes would be in direct conflict with Southwark Plan policy P20 ‘Conservation Areas’, which states in part 1:

Development relating to conservation areas will only be granted where it preserves or enhances the character and appearance of the conservation area and its settings, taking into account their significance, views into and out of the conservation area and its positive characteristics identified in Conservation Area Appraisals and Conservation Management Plans”

- 6.33. In failing to conserve and enhance the local historic environment or conserve and enhance the significance of heritage assets (and subject to the heritage balance undertaken in Section 9), both Schemes would conflict with part 2 of Southwark Plan policies P13 and P17.
- 6.34. Further conflict would arise in relation to London Plan policy HC1, which in Part (c) states that development affecting heritage assets, and their settings, should be sympathetic to the asset's significance and appreciation, and should avoid harm. Having identified that the tall buildings in each of the Schemes would cause harm to the character and significance of conservation areas, the proposals would also conflict with London Plan policy D9 C(d) and Southwark Plan policy P17 Part 3.2 (subject to the application of the heritage balance, considered below).
- 6.35. In determining the amount of weight to attach to the impacts on the conservation areas, I have had regard to the evidence presented by Dr Barker-Mills and Ms Adams, the responses of statutory consultees and the policies identified above. I place very significant weight on the impacts on the Borough High Street Conservation Area and a limited amount of weight on the impacts on the character and appearance on the Trinity Church Street, Bank and Tower Conservation Areas.

Conclusions

- 6.36. Both the 2018 and 2021 Schemes engage the statutory duties set out in Section 66 and Section 72 of the Planning (Listed Buildings and Conservation Areas Act) 1990 as to the desirability of preserving a listed building or its setting, or preserving and enhancing the character or appearance of a conservation area, respectively.
- 6.37. Any harm to a listed building or its setting, or to the character or appearance of a conservation area, gives rise to a strong presumption against the grant of planning permission (*Barnwell Manor Wind Energy Limited v. SSCLG* [2014] EWCA Civ 137).
- 6.38. Great weight should be given to the conservation of a designated heritage asset, and considerable importance and weight must attach to any harm to a designated heritage asset. Beyond this starting point, the further weight that is to be attributed to the harm is a product of the extent of assessed harm and the heritage value of the asset (*Palmer v. Hertfordshire Council* [2016] EWCA Civ 106).
- 6.39. The general statutory duty imposed by section 66(1) of the PLBCAA applies with particular force where harm would be caused to the setting of a Grade I listed building (*Barnwell Manor*).
- 6.40. As set out above, Dr Barker-Mills' Proof demonstrates that both the 2018 and 2021 Schemes would lead to significant less than substantial harm to the significance of a large number of heritage assets, including to those that are of international and national significance. The proposed developments are demonstrably in conflict with those policies relating to heritage impacts in the London Plan and Southwark Plan. The proposed developments are therefore contrary to London Plan policies SD1, SD4, D3, D9, HC1, HC2, HC3, HC4, Southwark Plan policies P13, P14, P17, P19, P20, P21, P24 and the NPPF is clear that when considering the impact on heritage assets, the greater the significance of the asset, the greater the protection should be.
- 6.41. Having considered the large number of heritage assets affected, their significance and the degree of conflict with the Development Plan as a result, I am of the view that very significant weight should be placed in this harm when conducting the planning balance. While I acknowledge that the degree of harm arising for each of the Schemes is different in some respect, including in particular in the case of the harm to OUV ToL WHS, having established that the WHS should receive the greatest level of protection through the planning decision-

making process and having regard to the statutory duties in the PLBCAA, my overall conclusion on the very significant weight that should attach to the overall harm caused to heritage assets remains the same for both Schemes.

Main issue 2: Townscape harm

- 6.42. The Council's second likely reason for refusal focuses on the design quality and townscape impacts of the proposed developments. The appeal site has not been identified as suitable for a tall building and when the proposal is assessed against the detailed criteria of the Southwark Plan and London Plan policies on tall buildings (and associated policies), the proposals clearly are in conflict with the requirements established in those policies. Ms Adams' proof of evidence addresses this reason for refusal for each Scheme.
- 6.43. Ms Adams explains that for a development of this scale to be successful and result in a high-quality design, it needs to be founded on a careful consideration of the suitability of the site and its context if it is to accord with the Development Plan, the National Design Guide and the NPPF and the proof discusses the extent to which this is evident in the 2018 and 2021 proposals.
- 6.44. Ms Adams' evidence addresses, in turn, the design story and the evolution of the schemes that form the basis of the appeal, their height, scale and massing, design and architectural quality, the public realm and the impact of each Scheme on local townscape and character and on the skyline.
- 6.45. For each proposal, Ms Adams considers the design story that led to the proposed development and finds that each lacks an appropriate assessment of what is distinctive about the appeal site and its context including in respect of the kind of place it is, an analysis of built scale across the immediate area, and what it is like to live, work or travel through this part of London. Her assessment of the design process describes the absence of assessment in respect of how existing built scale and conditions have informed the proposals to include tall buildings in each proposed development. In respect of the design scrutiny process, Ms Adams explains that the 2021 proposal did not go through an independent design review process (by contrast to the 2018 scheme which was reviewed by CABE) and does not therefore accord with policy D4 of the London Plan and the enhanced scrutiny expected by it of proposals for tall buildings.
- 6.46. In respect of the height, scale and massing of the proposals, Ms Adams considers that each proposal fails to respond positively to local townscape, character and context, including in respect of the historic environment. Her evidence identifies conflict with London Plan policy SD4 part C's requirement that *'the distinct environment and heritage of the CAZ should be sustained and enhanced', the general policies of the London and Southwark Plan that require new development to respond positively to local character and distinctiveness, including the historic context (D3 and P14), the specific tall building policies that require development that responds positively to existing character and townscape (D9 and P17), as well as the design policies of the NPPF, in particular the requirement at paragraph 134 that development 'fits in' with the overall form and layout of its surroundings. In respect of the first two criteria of policy P17 of the Southwark Plan, Ms Adams concludes that the appeal site is not located at a point of landmark significance in accordance with the definition in the Southwark Plan and nor is either proposal of a height that is proportionate to 'the existing urban character, the significance of the location nor size of the Site'.*
- 6.47. With regard to the architectural design quality of each proposed tall building, Ms Adams considers that neither proposal meets the London Plan and Southwark Plan's 'exemplary' standard for tall buildings (policy D9 and policy P17) nor the good design requirements of the NPPF and the National Design Guide. The assessment that she undertakes in respect of the base, middle and top of each proposal in accordance with the 'visual impacts' section of policy

D9 of the London Plan results in a conclusion that each proposal is inappropriate for its immediate (for example, the overbearing relationship of the tall buildings and the Georgian terrace on St Thomas Street) and wider context. In respect of visual impacts from long-range views, Dr Barker-Mills' Proof addresses the adverse impacts of each proposal in respect of strategic and borough views, contrary to the requirements of Policies HC3 and HC4 of the London Plan, policies P17 para. 4 and P22 of the Southwark Plan and the London View Management Framework SPG. Ms Adams' Proof explains that these adverse impacts are relevant not only to impacts on heritage assets but also to the success of the design of the proposals.

- 6.48. In relation to the design of the public realm for each proposal, Ms Adams considers that the proposed public realm will be constrained, narrow, limited in variety and predominantly overshadowed and will be dominated by the scale of the tall building. The constrained and compromised nature of the public realm means that it does not comply with the detailed criteria set out in London Plan Policy D3, D5, D8 nor Southwark Plan policies P13 and P17. For the 2018 proposal, Ms Adams also explains the limitations of the publicly accessible internal 'garden'.
- 6.49. With regard to the impact of the proposals on townscape, Ms Adams explains that the proposals would disrupt the Shard's status as a landmark and would result in a tall building that would stand out, visually dissociated, from the London Bridge cluster, and which would undermine the spatial hierarchy of the local and wider context and the clarity of the conservation area and the relationship between the conservation area and the London Bridge cluster. Though the height of the 2021 Scheme is reduced, Ms Adams demonstrates in her assessment that the increased bulk and solidity results in a similarly harmful impact on the prevailing townscape. Her view is that the proposals would be contrary to AV.11 London Bridge Area Vision in the Southwark Plan, which requires that the Shard remains significantly taller and more visible than surrounding buildings as the station's landmark, as well as London Plan Policy D9 C 1b) and the policies referred to above in respect of height, scale and massing that require a positive and appropriate response to existing context and character.
- 6.50. In respect of the 2018 proposal only, Ms Adams refers to my explanation of the unresolved issues and impacts associated with the proposed servicing arrangements for the scheme and explains that in the light of these matters, she does not consider the arrangements proposed to be a successful design solution contrary to the requirement of London Plan Policy D9, which states that tall buildings should be 'serviced, maintained and managed in a manner that will preserve their safety and quality, and not cause disturbance or inconvenience to surrounding public realm' and Policy P14 of the Southwark Plan, which requires adequate servicing within the footprint of the building and the site.
- 6.51. Ms Adams also refers to my explanation of the outstanding energy and sustainability issues associated with the proposals in relation to achieving BREEAM standards for both proposals and the 40% on-site carbon reduction for the 2018 proposal, and views them as further negative factors in her consideration of the overall design quality of the proposals.
- 6.52. Ms Adams sets out that the design is conceptually flawed as a result of its failure to respond to the prevailing character of the area. She considers that the site is unsuitable for a building of the scale proposed and that the appellant places too much emphasis on the 'evolution of the urban landscape' as justification for developments that would be dramatically in contrast to their immediate context. As a result, her assessment demonstrates that neither proposal demonstrates exemplary design or could be said to represent a successful place that integrates and enhances its context. Ms Adams assessment points to conflict with a range of policies in the Development Plan and guidance in the NPPF, in particular London Plan policy D9 and Southwark Plan policy P17, both of which provide a detailed framework for the assessment of tall buildings. It is apparent that further policy conflicts arise in terms of London

Plan policies SD4, D1, D3, D8, D9 and HC4, as well as policies P13, P14, P18 and P21 of the Southwark Plan.

- 6.53. In considering the amount of material weight to attach to this issue, I have had regard to the range of policy conflicts highlighted in Ms Adams' proof of evidence and the way in which these conflicts are aligned to the detailed criteria in the tall buildings policies in the Development Plan. I have also considered the sensitivity of the context, the location within the Borough High Street Conservation Areas, Ms Adams' assessment of intermediate views and the longer distance views discussed by Dr Barker-Mills. I attach very significant weight to the conflicts arising in terms of the lack of contextual response and the townscape impacts of both proposals.

Other issues

Servicing – 2018

- 6.54. The strategy for servicing and deliveries comprises a series of physical interventions and management measures. It is proposed that servicing and deliveries are accommodated in a basement servicing area accessed via White Hart Yard and a 14m inset loading bay on St Thomas Street.
- 6.55. The basement servicing area would contain 3x loading bays and would be accessed via 2x vehicle lifts – one for entering, one for exiting. The basement servicing area (and the lift access) is sized to accommodate deliveries via LGVs and cars given that the constrained height and width of the existing entrances into White Hart Yard and Kings Head Yard preclude HGV access.



Figure 15: Access to basement servicing yard via White Hart Yard

- 6.56. The basement servicing yard would be reserved for the principal office tower, with servicing and deliveries associated with the refurbished Georgian terrace and Keats House instead using the loading bay on St Thomas Street. All HGV movements, including refuse collection, will by necessity use the loading bay on St Thomas Street. Motorcycle couriers would also be expected to make use of the loading bay on St Thomas Street.

6.57. An existing in-carriageway loading bay would be relocated east along St Thomas Street to the location of an existing taxi rank outside Keats House, extended to 14m in length and inset within a widened footway. This would better relate the loading bay to the refurbished Keats House, in which would be building management services, a dedicated goods lift used to access the basement levels and a holding area for bins.

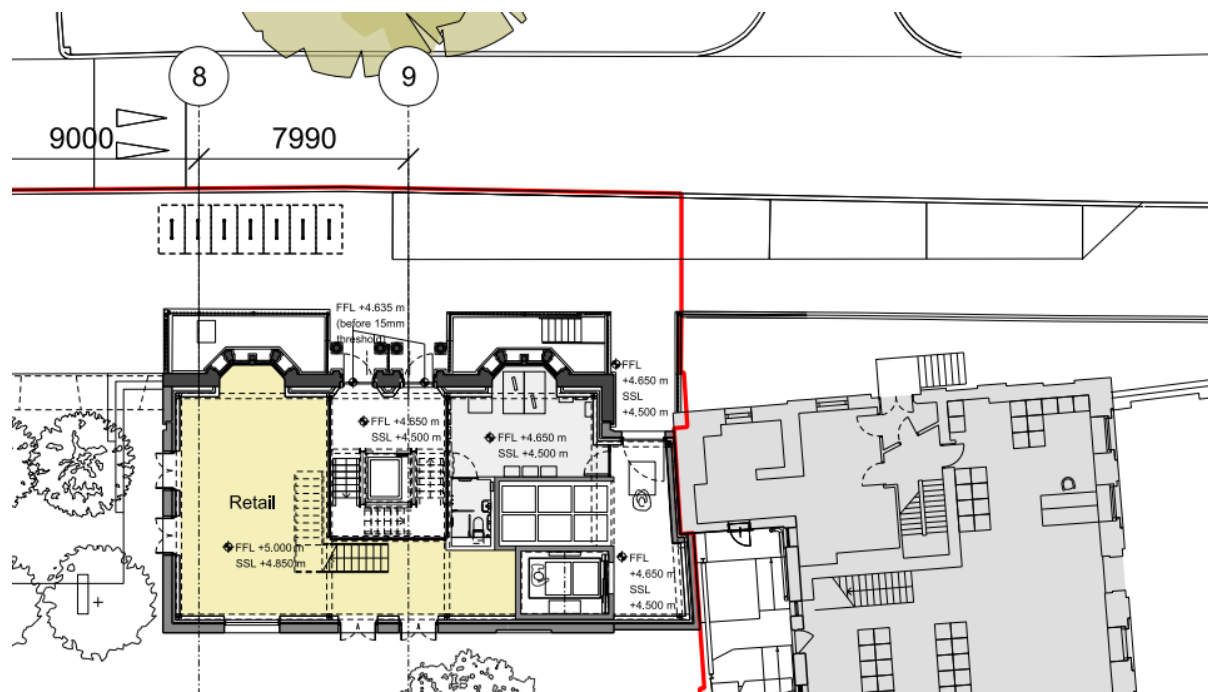


Figure 16: Proposed loading bay (and parking adjacent) outside Keats House, St Thomas Street

6.58. With St Thomas Street and Borough High Street being part of the TLRN and White Hart Yard and Kings Head Yard being the responsibility of Southwark Council, both highways authorities have assessed the potential impacts of this solution and the associated physical interventions to the network. Both highways authorities have raised significant concerns with the servicing strategy since the pre-application stage and at the time of writing this proof the principal issues raised remain unresolved.

Vehicle numbers

6.59. The Appellant's original delivery, servicing and waste management plan (CDA.05) explains that a survey undertaken over three consecutive days in 2016 revealed the existing New City Court building generates 9x 2-way servicing trips on a daily basis. This comprised 5x LGVs, 2x HGVs and 2x Motorcycles and these vehicles were noted to make use of the loading bay or pay and display bays on St Thomas Street, despite the presence of a servicing yard accessed via White Hart and Kings Head Yards.

6.60. In determining the likely servicing demands of the proposed scheme, the Appellant was unable to find suitable comparators via the TRICS database and so commissioned a survey of the 240 Blackfriars Road development (29,823sqm B1 GEA and 620sqm A3 GEA) and carried out a sense-check using smaller office schemes within the Appellant's portfolio.

6.61. It was estimated that the development would generate between 126 and 161 2-way daily servicing trips (i.e. 252 to 322 vehicle movements). Roughly half of these trips would serve the office tower and retail and be undertaken by cars and LGVs via the basement, while all servicing activity associated with the office and retail accommodation located in Keats House, the Terrace and all HGV trips would be undertaken via St Thomas Street. This would require deliveries to be trolleyed across the footway.

Table 3 – Servicing trips prior to consolidation (sensitivity test in brackets)

Land use	Cars and LGVs	HGVs	Motorbikes
Office in Tower + 1,058sqm retail	61 (82)	18 (24)	20 (27)
Office in Keats House and Georgian Terrace	2 (2)	0 (1)	1 (1)
Remaining 1,716sqm retail	15 (15)	4 (4)	5 (5)
Total	78 (99)	22 (29)	26 (33)

- 6.62. In response to concerns raised by TfL and the Council's transport planning and highways teams, an amended delivery and servicing plan was submitted that was predicated on the use of a consolidation centre outside London to reduce the number and frequency of vehicles accessing the site. A further commitment suggested by the Appellant would be made for deliveries to be undertaken outside of peak pedestrian times (7am – 10am and 4pm – 7pm).
- 6.63. With this consolidation strategy in place, the Appellant anticipates that servicing demands could be reduced to 38x 2-way vehicle trips per day (a 70% reduction in overall servicing numbers). Of these trips, the Appellant identifies 5x HGV and 8x motorcycle using the St Thomas Street loading bay on a daily basis and 23x LGV movements that would be divided between the loading bay and the basement servicing area. Refuse collection would be unaffected by consolidation with two daily refuse trucks making use of the St Thomas Street loading bay.
- 6.64. The reduction in servicing trips is significant and goes some way to addressing the concerns raised by Transport for London and the Council. However, at this stage, the Appellant has simply identified that consolidation centres are available that may enable this reduction in servicing trips. The extent to which such a reduction in servicing trips would be possible would be contingent on the eventual tenant mix, lease and other commercial agreement(s) being secured for the lifetime of the development and a robust enforcement regime. This would require a series of prescriptive obligations in a s106 Agreement, but as set out below, a number of concerns remain with servicing via St Thomas Street and White Hart Yard even with the reduced vehicular movements that a robust consolidation strategy might facilitate.

St Thomas Street

- 6.65. TfL's detailed concerns regarding the proposed interventions on St Thomas Street are set out in their consultation responses on the 2018 application and their written representations submitted to the Inquiry since the appeals were lodged. They are expressed in the context of Healthy Streets and Vision Zero, both integral pillars of the Mayor's Transport Strategy 2018 (CDD.035) and the London Plan (CDD.021).
- 6.66. The Healthy Streets approach represents a shift in emphasis away from streets as supporting vehicular movement, to streets as places that people interact with and through which they experience the city. Fundamentally, the Healthy Streets approach is about prioritising people, health and well-being and quality of place and these ambitions have been distilled into ten indicators. These indicators relate to qualitative issues including the look and feel of streets, whether they are sufficiently sized and easy to use/cross for pedestrians, environmental considerations such as noise and air quality, microclimate and safety. Policy T2 Healthy Streets of the London Plan states that the design of new and enhanced streets must demonstrate how they deliver against these indicators. Further, it states that all development proposals should demonstrate how the Healthy Streets indicators are being delivered and should reduce the dominance of vehicles on London's streets, whether stationary or moving.

- 6.67. London Plan policy T7 Part G states that provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible. London Plan policies D3 and D9 and Southwark Plan policies P14 and P18 identify the provision of adequate off-street servicing facilities as being an integral component of good design and the optimising the capacity of individual sites.
- 6.68. The Pedestrian Forecast and Landscape Assessment (CDA.23) submitted with the application notes that the south side of St Thomas Street is one of the dominant pedestrian routes in the vicinity of the site (the other being the east side of Borough High Street). The Southwark Plan identifies London Bridge as one of the country's fastest growing transport hubs and with the proposed development(s) delivering an uplift of c2,000 jobs, providing new retail frontages on to St Thomas Street and with cumulative impacts associated with the occupation of Shard Place and the potential for further major developments east of St Thomas Street, the level of pedestrian activity would very likely increase.
- 6.69. TfL have clearly and consistently expressed a view that the introduction of an on-street loading bay on St Thomas Street is not compatible with the existing and increased pedestrian use that would be expected, the detailed criteria set out in policy T2 and their wider ambitions for Healthy Streets inspired interventions on St Thomas Street. The height and width restrictions on White Hart Yard and Kings Head Yard mean that all HGVs delivering to the site would need to use the loading bay on St Thomas Street – this includes daily refuse collection. In addition, this loading bay would be used by all servicing and deliveries to the offices within Keats House and the Georgian terrace. It is suggested by the Appellant that the retail tenants within the terrace would make use of the basement servicing yard, though the plans do not show a direct route from the basement to these units and it appears that any transfer of goods from the basement holding areas would require a convoluted journey via other tenanted space or via the new public realm. In practice, the relative convenience of direct access from the St Thomas Street frontage could lead to delivery vehicles making use of this space. Any vehicles making use of this bay would need to trolley materials across the footway – and potentially a cycle lane – introducing new, regular conflict with users of the street.
- 6.70. TfL consulted on plans for Healthy Streets interventions along St Thomas Street in 2018. A series of options were developed comprising an expanded footway, a narrowing of the carriageway to accommodate one-way vehicular traffic and the introduction of a contraflow cycling lane. Temporary measures have been introduced during Covid-19 pandemic (including suspension of the loading bay) and TfL anticipate that work on the more permanent solution is likely to resume. TfL may be in a position to provide an update on these proposals during the Inquiry and the extent to which the proposed servicing on St Thomas St may undermine or be prejudicial to their aspirations on St Thomas Street.
- 6.71. Refuse collection would require a convoluted, management intensive process whereby Eurobins are transferred from the basement to a holding area in Keats House before being trolleyed across St Thomas Street. It is assumed that retail and office tenants in the Georgian terrace would need to transfer their waste to the basement storage area via the proposed public realm. This would occur on a daily basis for general and recycling waste. The estimated daily waste arisings mean that this would require multiple trips between the basement and the street. It would be necessary for the waste collection regime to be undertaken outside of the morning and evening peaks and this would need to be reflected in the s106 Agreement.
- 6.72. The efficient operation of the servicing regime is predicated on the use of a booking system, however, there is a practical impediment in that an on-street loading bay would be for general use rather than dedicated to this development and so cannot be the subject of a booking system. At 14m, the bay is only sized to accommodate a single HGV and so legitimate use of the bay by other businesses or unauthorised use by other vehicles could undermine the servicing strategy for the site, potentially leading to further unauthorised parking at kerbside or queues in the highway. It is noted that the applicant has studied the use of the existing

loading bay and identified spare capacity – and the reduction in servicing trips due to consolidation would reduce this risk.

Basement access via White Hart Yard

- 6.73. No concerns have been identified as to the basement's capacity to accommodate the specified level of servicing activity, but the intensification of vehicular access via White Hart Yard has been raised as a significant concern by both highways authorities since the pre-application discussions.
- 6.74. Borough High Street is very busy with pedestrians and cyclists and servicing vehicles accessing the basement would need to cross the footway to enter into the yards. The nature of the access is such that visibility is particularly poor for any servicing vehicles exiting the yards; TfL in their formal consultation response described this condition as "totally unsatisfactory". The concern is that the increased use of White Hart Yard – even with consolidation in place – increases the risk of collision between vehicles, pedestrians and cyclists within the yards themselves, but particularly on the access/exit point with Borough High Street, and the potential for wider highways impacts as a result of queuing vehicles.
- 6.75. White Hart Yard itself is very narrow and presents very few opportunities for 2-way vehicle movement. Though the proposed booking system could limit such conflicts arising as a result of this development in isolation, White Hart Yard is used for some existing servicing activity of the student accommodation, offices and Hospital campus beyond. This includes refuse collection. The Yard acts as the principal entrance to Orchard Lisle House (student accommodation), Chaucer House and provides access to the Guy's Campus. An area of on-street cycle parking is also located outside these Orchard Lisle House. Despite this, the transport assessment identifies White Hart Yard as having particularly low pedestrian comfort levels. In their consultation responses, Better Bankside and Team London Bridge (the two respective Business Improvement Districts) highlight their work with the Council to improve the quality of White Hart Yard as a pedestrian space and pleasant low-emission route linking Borough High Street, through the Guys Campus to London Bridge Station. Without careful management, the increased use of the yard for servicing activity would be at odds with this ambition.
- 6.76. The reductions in vehicular numbers via consolidation and the use of a booking system would mitigate these adverse impacts within the Yards and this improvement is acknowledged, but the physical constraints of the White Hart Yard access and the poor visibility cannot be mitigated. Fundamentally, the increase in the number of vehicular crossings across the footway on Borough High Street increases the risk of conflict between pedestrians, cyclists and vehicular traffic.

Conclusions

- 6.77. Many of the issues summarised above were identified at the pre-application stage and through the determination period by TfL and the Council, but the design has not been amended to address these servicing concerns. While the GLA's Stage 1 response suggested that the Appellant had demonstrated that it was not practicable to accommodate access into a service yard from St Thomas Street, the 2021 proposal shows that this is achievable. As set out in TfL's detailed written submission to the Inquiry, at this time there are a number of servicing issues that are unresolved. While restricting deliveries to times outside of the morning and evening peaks and further detail on the consolidation proposals could be secured via s106 Agreement, these matters would not fully address the additional harms outlined above and it is not yet clear that there is a package of highways interventions on St Thomas Street that would be approved by TfL in its capacity as Highways Authority. The issues described result in conflicts with London Plan policies D3, D9, T2, T5 and T7 and P14, P18 and P50 of the Southwark Plan.

Servicing – 2021

6.78. The 2021 Scheme includes a servicing area at ground floor level accessed directly from St Thomas Street, immediately to the east of the relocated Keats House.



Figure 17: 2021 Proposal - Ground floor layout incorporating servicing

6.79. As with the revised 2018 Scheme, the servicing strategy is predicated in the use of an off-site consolidation centre to reduce the number of vehicles travelling to the site and the implementation of a booking system. Following consolidation, it is suggested that 126x 2-way vehicular trips can be reduced to 38x vehicles per day. It is estimated that this would require a maximum of 6 deliveries (i.e. 12x vehicle movements) per hour.

6.80. The proposal would result in increased vehicular movement along St Thomas Street and an increase in vehicles needing to cross the footway (and potentially a cycleway), but this solution would negate the need for materials to be trolleyed across these areas, for vehicles to be parking in the highway and would result in the management of servicing and deliveries all being undertaken within the confines of the site.

6.81. As noted in the Statement of Common Ground, while a number of management principles would still need to be set out in the s106 Agreement, including restrictions on the timing of deliveries within the peaks, this proposal is generally consistent with the relevant policies in the development plan and the aspirations expressed by the highways authorities during the pre-application discussions and throughout the determination period for the developments proposed.

Other issues: Daylight and sunlight

6.82. The ES underpinning each planning application includes a chapter addressing daylight, sunlight and overshadowing impacts. These assessments have been undertaken in accordance with industry standard guidance prepared by the Building Research

Establishment (BRE) (Site Layout Planning for Daylight and Sunlight: A guide to good practice) and set out the impacts of the proposed developments on properties within the vicinity of the site.

- 6.83. The daylight assessment comprises the Vertical Sky Component (VSC) and Daylight Distribution/No Sky Line (NSL) and the Annual Probable Sunlight Hours (APSH) test to determine the impacts on levels of sunlight received annually and in winter. Further assessments have been completed to consider the impact on levels of sunlight reaching amenity spaces in the local area and a series of images are presented to demonstrate transient overshadowing impacts at different times of the year.

Daylight

- 6.84. The VSC test measures the angle of visible of light falling on the plane of the window and the assessment identifies any reductions arising due to obstruction presented by new development. The BRE guidance establishes a target VSC level of 27% and states that where a proposed development would reduce an existing VSC value to a figure beneath 27% and to less than 0.8 times its original value, this would result in a noticeable impact for occupiers. The NSL test measures the area of a room from which the sky is visible before and after a development takes place. As with VSC, the BRE state that where existing levels are reduced to 0.8 times their original value as a result of development, this will result in a noticeable impact for occupiers.
- 6.85. The ES Chapter identifies the magnitude of the impact relative to the BRE guidance and presents the significance of the overall effect by combining this with the sensitivity of the property in question and the application of professional judgement. Determining the significance of the effect in this manner broadly accords with that advised in Appendix I of the BRE Guidance. It is noted that the Council's ES advisors, Land Use Consultants (LUC), have raised no issue with this approach.

2018 Scheme

- 6.86. The original daylight assessment in the 2018 Scheme's ES considered the impacts on 18 buildings depicted in the image below and listed in Table 4. These properties include residential units above commercial premises fronting Borough High Street, several buildings within the wider Guy's campus, including student accommodation, and the Shard Place development that was under construction (to redevelop the Fielden House site), located north-east of the application site on St. Thomas Street. Supplementary assessments of the potential impacts to Guy's Chapel and Southwark Cathedral were submitted during the determination process. Commercial buildings immediately north of the site on St Thomas Street have been omitted from the assessment.
- 6.87. The VSC test comprises an assessment of the impact on 2,127 windows, though just over half of these are within Guy's Tower. The No Sky Line test considers the potential impact on 775 rooms within these buildings. Floorplans have only been obtained for 5 of these buildings and in other instances an assumed room layout has been adopted. Floorplans were obtained for Orchard Lisle House, Iris Brook House and Shard Place, the three buildings most affected.

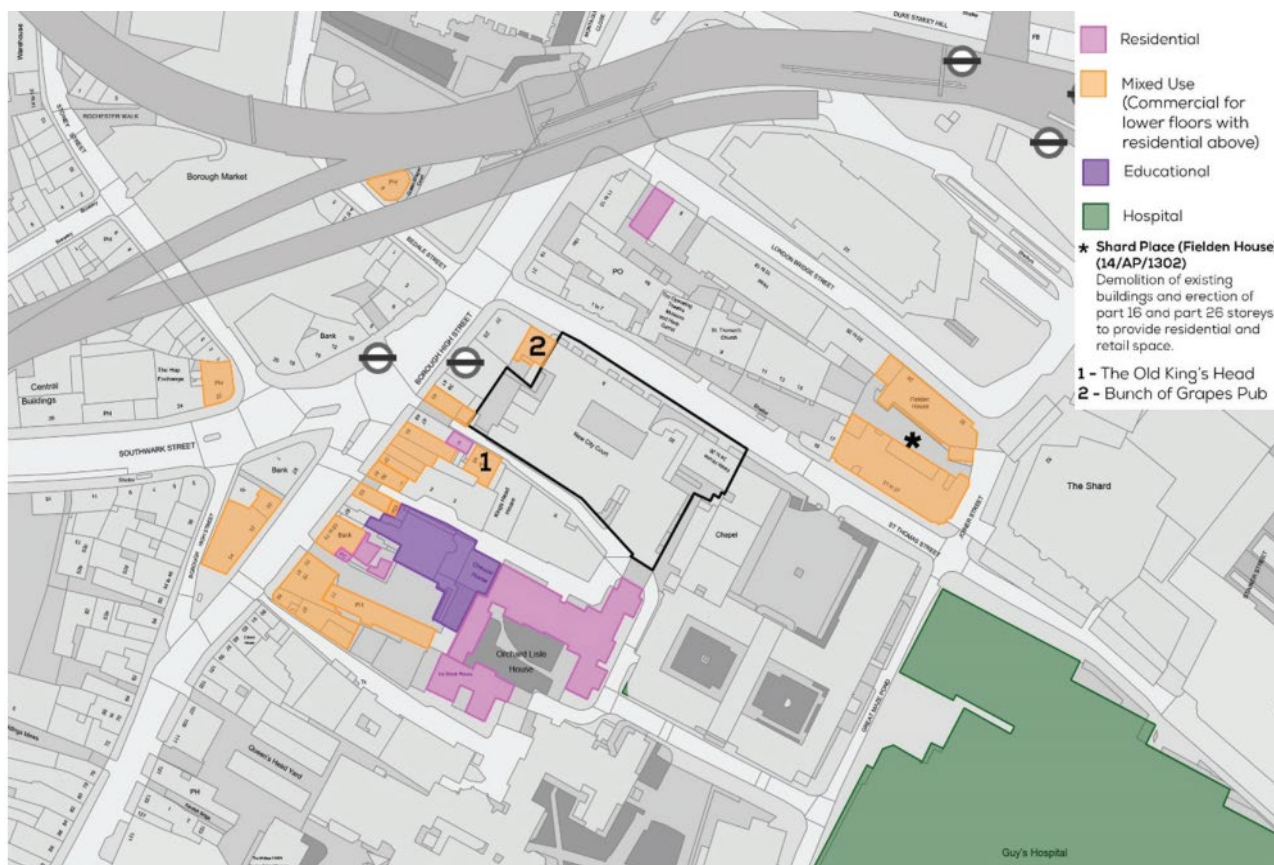


Figure 18: Daylight and sunlight model (2018 Proposal)

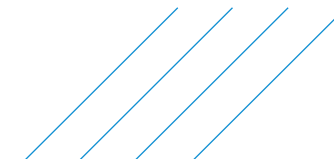
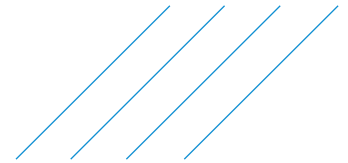


Table 4: Daylight assessment for 2018 Scheme

Property	Land use	Vertical Sky Component (VSC) Test					No Sky Line (NSL) Test					Significance of adverse effect in the ES
		Total windows tested	Meets BRE guidance	Reductions beyond the BRE guidelines			Total rooms tested	Meets BRE guidance	Reductions beyond the BRE guidelines			
				20 – 29.99%	30 – 39.99%	40% +			20 – 29.99%	30 – 39.99%	40% +	
6 London Bridge Street	Residential	12	3	5	4	0	12	12	-	-	-	Moderate
43 BHS	Residential	9	2	6	1	0	8	5	3	-	-	Minor
51 BHS	Residential	2	0	2	0	0	2	0	0	1	1	Minor
53-55 BHS	Residential	5	1	4	0	0	4	4	-	-	-	Minor
57 BHS	Residential	3	0	2	1	0	3	2	1	-	-	Minor
59-61 BHS	Residential	17	16	1	0	0	8	8	-	-	-	Insignificant
63a BHS	Residential	20	9	7	2	2	15	12	-	1	2	Moderate
3 Kings Head Yard	Residential	8	8	0	0	0	3	3	-	-	-	Insignificant
The Old Kings Head	Residential	23	21	0	2	0	8	8	-	-	-	Insignificant
22 Southwark Street	Residential	28	28	0	0	0	24	24	-	-	-	Insignificant
St Thomas Church	Residential	8	6	0	0	2	4	4	-	-	-	Insignificant
Iris Brook House	Student	71	19	3	34	15	48	30	11	9	11	Moderate
Orchard Lisle House	Student	131	6	36	2	87	97	38	1	2	69	Moderate
Guy's Campus – Tower Wing	Hospital	1083	1080	2	0	1	240	240	-	-	-	Insignificant
Guy's Campus – Southwark Wing	Hospital	103	102	1	0	0	29	29	-	-	-	Insignificant
Bunch of Grapes Pub	Residential	3	3	0	0	0	3	3	-	-	-	Insignificant
Chaucer House (London School of Commerce)	Education	82	37	19	20	6	20	20	-	-	-	Minor
Shard Place	Residential	519	412	39	41	27	221	201	11	-	9	Moderate
Totals		2,127	1753	127	107	140	775	643	27	13	92	



- 6.88. Additional daylight testing was provided for Southwark Cathedral, 8 Borough High Street (commercial) and the Globe Tavern. All windows and rooms at these additional properties tested would comply with BRE guidance on VSC and NSL. Of 30 windows tested at Guy's Chapel, only 18 would meet the BRE guidelines. The windows were identified as serving 4 rooms, all of which would comply with BRE guidance in relation to daylight distribution.
- 6.89. The ES identifies that the majority of the properties in the immediate vicinity of the site would experience reductions in daylight levels beyond the levels set out in BRE guidelines. The magnitude of impact is mixed, even in relation to individual buildings, with impacts ranging from negligible to major adverse (in part) at 63a Borough High Street, St Thomas' Church, Shard Place, Orchard Lisle House and Iris Brook House.
- 6.90. When factoring in considerations such as land use, existing daylight levels and the particular windows/rooms affected, the ES sets out that the significance of these effects can be described as follows:

Significance of effect	
Major adverse	-
Moderate adverse	63a Borough High Street, Shard Place, Orchard Lisle House, Iris Brook House, 6 London Bridge Street
Minor adverse	Chaucer House, 43 Borough High Street, 51 Borough High Street, 53-55 Borough High Street, 57 Borough High Street
Insignificant	Guy's Campus Tower Wing, Guy's Campus Southwark Wing, 3 Kings Head Yard, The Old Kings Head, 2 St Thomas Street (Bunch of Grapes PH), 22 Southwark Street, 59-61 Borough High Street, St Thomas' Church

- 6.91. **Orchard Lisle House** is a 6 storey block of student accommodation that is currently let on a nomination agreement to Kings College London. It is located to the south of the appeal site, fronting on to and wrapping round White Hart Yard. Many of the affected windows are for single aspect studios that would look directly on to the site. Of the windows tested, 66% would experience major reductions in their VSC levels and 71% a major reduction in daylight distribution. Further, the categorisation of impact in the ES underplays the true nature of the impact on these bedrooms, with a large proportion experiencing reductions in daylight levels in excess of 60-80% in the VSC test and up to 85% reductions in Daylight Distribution/NSL.
- 6.92. **Iris Brook House** is a 6 storey block of student accommodation located just south of Orchard Lisle House and so further from the application site. While the reductions in daylight levels are not as substantial as with Orchard Lisle House, 69% of the windows tested would experience moderate or major reductions in VSC levels and 66% of rooms would experience moderate or major reductions in terms of the NSL test. Having obtained floorplans, the appellant states that 22 of the 52 windows affected serve non-habitable accommodation.
- 6.93. With **Shard Place** (Fielden House) being a relatively new development, the Appellant's consultant has obtained floorplans to better understand the daylight impacts at these properties. The 107 windows that would see a noticeable reduction in VSC serve 43x living-kitchen-dining rooms (LKDs) and 19x bedrooms.

- 6.94. The LKDs tend to be served by multiple windows and so a higher proportion of these rooms meet the BRE guidance in terms of the NSL test – while 107 windows would fail to meet BRE guidelines (21%), 20 rooms (10%) would fail to meet BRE guidance in terms of the No Sky Line. Noticeable reductions occur to one of the bedrooms in a 2-bedroom flat and because floor layouts are repeated in the tower, this is a recurring feature on each floor. It is acknowledged that the composition of the floorplate means that this particular unit has a more limited outlook and is more sensitive to obstruction as a result.
- 6.95. The residential accommodation on the upper floors of **6 London Bridge Street** has low VSC levels in the existing condition, making it more sensitive to further losses. All rooms pass the NSL test. The reductions in daylight levels are not considered to significantly affect the amenity of occupiers.
- 6.96. **63a Borough High Street** straddles the arched entrance into White Hart Yard and extends into the yard. 11 windows and 3 rooms would fail to meet the BRE guidelines. The windows most affected are at 1st to 3rd floor level and have a northerly aspect towards the site. The existing VSC levels are very low and so any reduction will appear proportionally large. The reduction in the daylight distribution is more significant, with the reductions of 37%, 73% and 90%. The properties on the lower floors do tend to have lower levels of daylight in the existing condition, but the development would further reduce these levels and in the case of the daylight distribution in two of the 15 rooms tested, dramatically so. The impact to the property as a whole is not considered significant, but individual occupiers may experience a reduction in the quality of their living environment and their established level of amenity.

Sunlight

- 6.97. Following the methodology prescribed by the BRE, the assessment considers the sunlight hours received annually and in winter for those buildings in the vicinity of the site that include windows with an orientation within 90 degrees of south. The BRE guidelines set out that occupiers would experience a noticeable reduction in sunlight where they receive less than 25% of annual probable sunlight hours or 5% of winter sunlight hours and would receive less than 0.8 times the existing value and experience an absolute reduction of more than 4% of annual sunlight hours as a result of the proposed development.
- 6.98. Of the properties subject to this assessment, only properties at Shard Place and 6 London Bridge Street are identified as failing to meet the BRE guidelines.
- 6.99. At **Shard Place**, 31 rooms would experience noticeable reductions in annual sunlight hours: the significance of this effect is described as being minor adverse in 4 rooms, moderate adverse in 16 rooms and major adverse in 11 rooms. In Winter, 12 rooms would experience reductions of major adverse significance. As with the daylight assessment, this effects a living/kitchen/dining room in the same location on the floorplate for the first 13 floors of accommodation and a bedroom in the same location on every floor of accommodation.
- 6.100. At **6 London Bridge Street**, 12 rooms are identified from first floor to fourth floor level. All 6 rooms at first and second floor levels and a single room at 3rd floor level would experience a noticeable reduction in their annual sunlight levels and have a resulting APSH level below that recommended by the BRE. The use of these rooms is not specified in the assessment. The ES describes these impacts as major adverse in 3 instances, moderately adverse in 1 instance and minor adverse in 3 instances. The upper floors would experience a similar reduction in sunlight levels, but have retained sunlight levels in excess of the recommended BRE minimum.
- 6.101. Other properties include rooms that would experience significant reductions in sunlight, notably the residential accommodation at St Thomas Church (>50% reduction), but retained sunlight levels continue to be in excess of the minimums recommended by the BRE. Properties immediately to the west of the site would experience some marginal improvements

in sunlight levels as a result of the new public square having the effect of increasing the separation distance at the rear of these properties.

- 6.102. Further testing of the sunlight impacts at Southwark Cathedral, 8 Borough High Street, the Globe Tavern and Guy's Chapel. In all cases the impacts on the windows tested would comply with the BRE's guidelines for annual and winter sunlight levels. In response to concerns raised by Historic England, a further study was undertaken to understand the levels of light reaching the stained glass windows in the Chapel. The study assessed the levels of sunlight at different times in the year, noting the reductions that would occur. The assessment revealed a modest reduction in sunlight reaching the chapel windows over the course of the summer months. The BRE guidance does not offer standards or recommendations in relation to this issue, but Historic England may wish to comment further on whether this affects the significance of the Chapel in their evidence to the Inquiry.

Overshadowing

- 6.103. The assessment extends to considering the shadowing impact on areas of public realm and amenity space in the vicinity of the development site, as shown in Figure 18. The assessment applies the BRE's Sun on the Ground test, which states that open spaces should receive 2hrs direct sunlight on the 21 March over 50% of the space if they are to be considered well-lit. As with the other tests, the BRE contend that reductions of more than 20% to the existing condition would result in a noticeable impact.

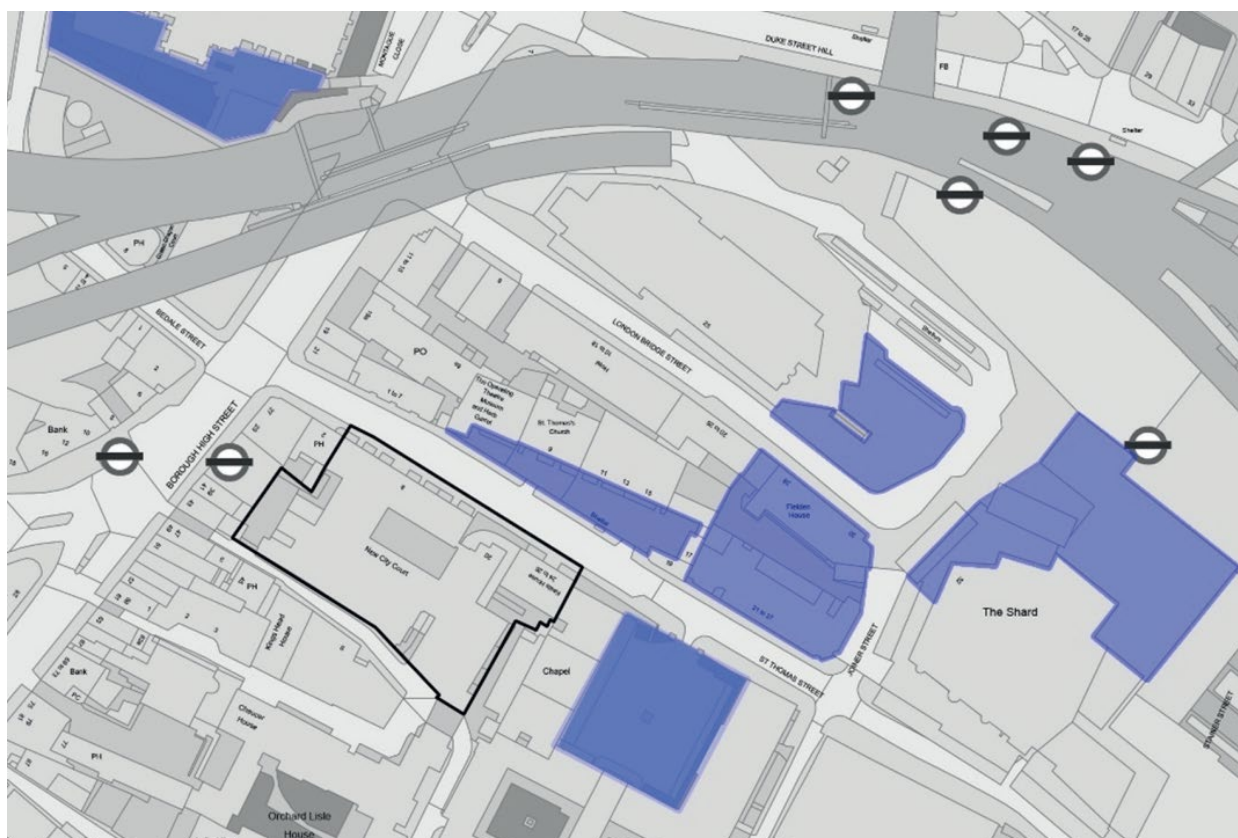


Figure 19 - Public realm & amenity spaces subject to sun on the ground test

- 6.104. The figure above identifies the areas of public realm that were tested to understand the overshadowing impact. The results were as follows:

- **London Bridge Station Plaza** – would experience a modest reduction of 3% such that 30% of the overall space would receive the recommended 2hrs of sunlight. This would not be considered a harmful impact.

- **The News Building public plaza** – while this space would experience a 50% reduction (from 22% down to 11%), the plaza is used as a transitional space by people walking to and from London Bridge Station rather than a space where people would sit and enjoy. While the reduction would affect the way in which people experience this space, it would not undermine its function or unduly affect people's enjoyment of the space. This reduction in sunlight hours is not considered harmful.
- **Shard Place amenity areas** – The three amenity spaces tested would either retain their existing levels of sunlight or experience very minor reductions that would not be noticeable to users of the space.
- **St Thomas Street** – 63% of the area in front of the former church would receive 2hrs direct sunlight, as would the entire area outside 9 St Thomas Street. The cobbled area outside the remainder of the Terrace (11-19 St Thomas Street) has not been tested, though images of transient overshadowing indicate that the space would receive sunlight in the morning until the early afternoon. It is not considered that the tower would give rise to harmful impacts in terms of the sunlight reaching this space.
- **Southwark Cathedral** - 85% of the courtyard on the southern side of the building receives 2hrs direct sunlight in the existing condition and this would remain the case with the development in place

6.105. A supplementary note on overshadowing of the Borough Market was submitted following the Market's objection to the proposal. The note provides a commentary on the transient overshadowing images prepared for 21 March, 21 June and 21 December. In each case, the imagery suggests that the development would lead to additional overshadowing of the main glazed roof in the morning, with sunlight levels unaffected in the afternoon. As such, it is not considered that the development would cause a significant loss of sunlight to the Market that would unduly harm the amenity of the space.

2021 Scheme

6.106. The 2021 daylight assessment includes 8 'new' receptors relative to the 2018 schemes: 10-18 London Bridge Street, Southwark Cathedral & Southwark Cathedral Annex, 24 Southwark Street, 8 Bedale Street, Shepherds House, Guys Hospital and Guys Campus. The land uses of each of the affected properties is identified in Table 6 below. Across 26 buildings, 2,797 windows are included in the VSC test and 1,005 rooms in the NSL test.

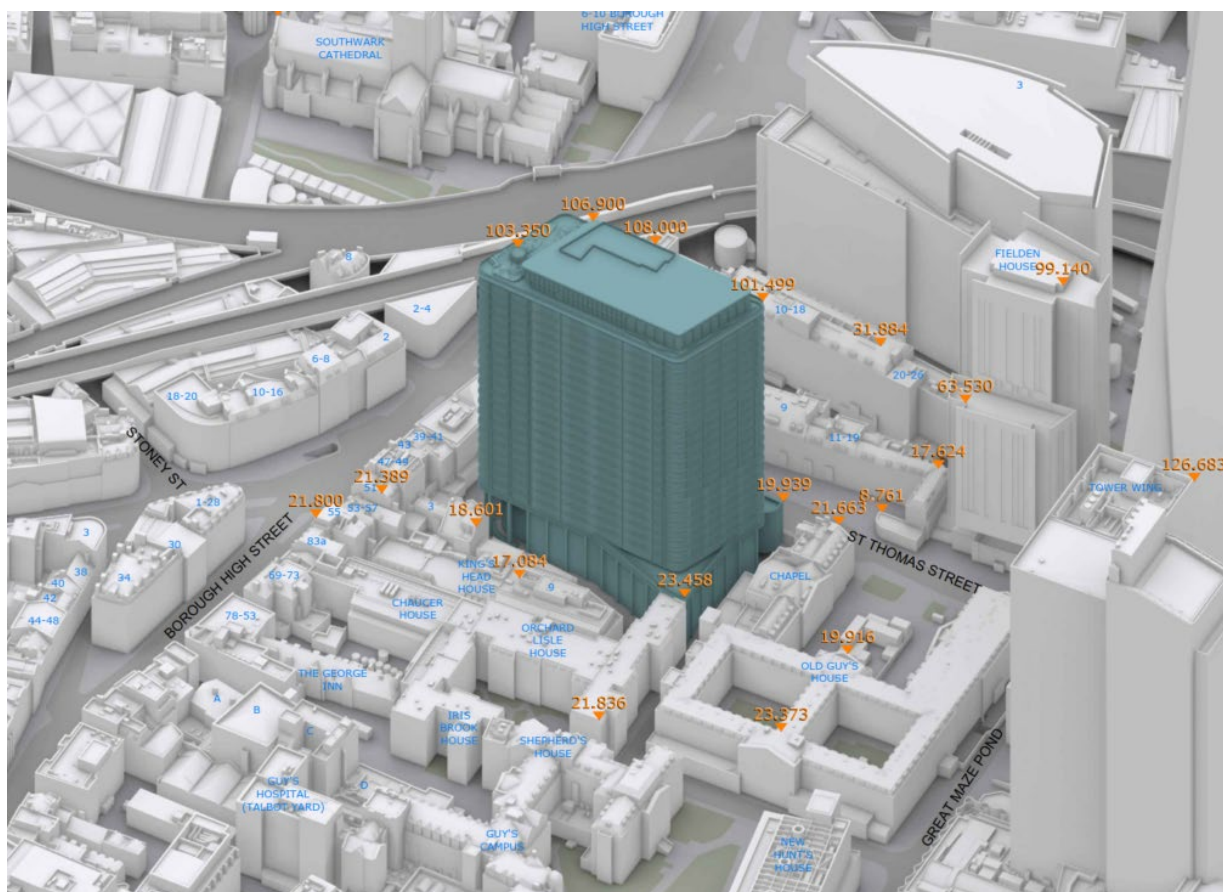


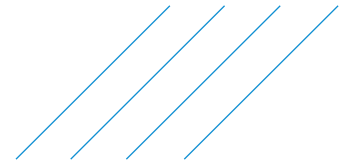
Figure 20: Daylight and sunlight model (2021 Proposal)



Table 5 - Daylight assessment for 2021 Scheme

Property	Vertical Sky Component (VSC) Test						No Sky Line (NSL) Test					Significance of adverse effect in the ES
	Land use	Total windows tested	Meets BRE guidance	Reductions beyond the BRE guidelines			Total rooms tested	Meets BRE guidance	Reductions beyond the BRE guidelines			
				20 – 29.99%	30 – 39.99%	40% +			20 – 29.99%	30 – 39.99%	40% +	
6 London Bridge Street	Residential	12	4	5	2	1	12	12	-	-	-	Moderate No floorplans
10-18 London Bridge Street	Hotel	102	10	3	28	61	86	14	3	12	57	Moderate No floorplans
Southwark Cathedral	Cathedral	102	102	-	-	-	6	6	-	-	-	Insignificant
Southwark Cathedral Annex	Cathedral	246	246	-	-	-	19	19	-	-	-	Insignificant
43 Borough High St	Residential	9	1	-	8	-	8	5	3	-	-	Moderate Obtained Floorplans
51 Borough High St	Residential	2	0	2	-	-	2	1	1	-	-	Minor No floorplans
53-55 Borough High St	Residential	5	1	4	-	-	4	3	1	-	-	Minor No floorplans
57 Borough High St	Residential	3	0	3	-	-	3	2	1	-	-	Minor No floorplans
59-61 Borough High St	Residential	17	17	-			8	8	-			Insignificant
63a Borough High St	Residential	20	11	5	2	2	15	12	-	-	3	Moderate
3 Kings Head Yard	Residential	8	4	4	-	-	3	3	-	-	-	Minor Obtained floorplans
The Old Kings Head	Residential above pub	23	2	6	3	12	8	8	-	-	-	Moderate No floorplans
22 Southwark Street	Residetail above pub	28	28	-	-	-	24	23	1	-	-	Insignificant No floorplans
24 Southwark Street	-	30	30	-	-	-	26	26	-	-	-	Insignificant

8 Bedale Street	Residential	10	10	-	-	-	5	4	1	-	-	Insignificant Obtained floorplans
2 St Thomas Street (Bunch of Grapes)	Resi above pub	3	0	0	2	1	3	2	1	-	-	Minor No floorplans
St Thomas Church	Residential	8	4	2	-	2	4	4	-	-	-	Minor No floorplans
Iris Brook House	Student	61	18	6	29	8	54	20	7	5	22	Moderate Obtained floorplans Different no. windows to 2018
Shepherds House (Talbot Yard)	Office	136	46	34	48	8	64	52	3	6	3	Minor No floorplans
Orchard Lisle House	Student	107	2	15	13	77	97	26	-	2	69	Moderate to Major Obtained floorplans
Guy's Hospital	Chapel	31	16	-	-	15	6	3	-	-	3	Moderate No floorplans
Guy's Campus – Tower Wing	Hospital	1083	1063	19	-	1	240	240	-			Insignificant No floorplans
Guy's Campus – Southwark Wing	Hospital	103	102	1	-	-	29	29	-			Insignificant No floorplans
Guy's Campus - KCL	Education	48	46	-	-	2	38	31	3	4	-	Minor No floorplans
Chaucer House (London School of Commerce)	Education	82	23	12	10	37	20	15	5	-	-	Minor No floorplans
Shard Place	Residential	518	442	26	32	18	221	213	3	5	-	Moderate Obtained Plans
Totals		2797					1005					



6.107. The majority of the buildings assessed would experience reductions in daylight levels beyond the levels recommended in the BRE guidelines and the impacts are variable in respect of individual buildings. The assessment identifies that 14x buildings would experience major adverse reductions in VSC levels and 6x buildings terms of the NSL test. A further 11x buildings would experience impacts ranging up to moderate adverse reductions or 6x properties NSL. Sixteen properties would experience minor adverse reductions in VSC; 13x minor adverse impact NSL. The impacts at Southwark Cathedral (and its Annex), 22 and 24 Southwark Street, 8 Bedale Street, Guys Campus Tower and Southwark Wings are described as negligible.

6.108. Taking account of the sensitivity of the buildings and applying professional judgement to the interpretation of the numerical values, the significance of the effect is summarised in the 2021 ES as follows:

Significance of effect	
Major adverse	-
Moderate to Major adverse	Orchard Lisle House
Moderate adverse	Iris Brook House (student), Shard Place, 6 London Bridge Street, 43 BHS, 63a Borough High Street and Old Kings Head (all residential), Guy's Hospital Chapel and 10-18 London Bridge Street (Hotel)
Minor adverse	51 Borough High Street, 53-55 Borough High Street, 57 Borough High Street, 3 Kings Yard, Bunch of Grapes Public House, St Thomas Church and Chaucer House (London School of Economics) and Shepherds House and St Thomas Church
Insignificant	Guy's Campus Tower Wing, Guy's Campus Southwark Wing, 3 Kings Head Yard, The Old Kings Head, 2 St Thomas Street (Bunch of Grapes PH), 22 Southwark Street, 24 Southwark Street, 59-61 Borough High Street, 8 Bedale Street, Southwark Cathedral and Annex

6.109. The additional bulk and massing of the 2021 development and the increased proximity to neighbours means that a larger number of neighbouring properties than in the 2018 Scheme would experience reductions in daylight levels in excess of the levels recommended by the BRE.

6.110. At **Orchard Lisle House**, the significance of the impact is regarded to moderate to major adverse. Of 107 windows tested, the impact would only meet BRE guidelines in 2 instances, relative to 77 windows experiencing major reductions in daylight levels. As with the 2018 Scheme, the ES actually masks the true reductions in VSC: 52 windows would experience reductions in excess of 60% and a further 14 windows in excess of 70%. 64 of the 97 rooms tested would experience reductions in daylight distribution in excess of 60%. Even accounting for the fact that this is student accommodation and that occupiers will only be resident for a limited period of time, this represents a significant reduction in the standard of amenity that would be enjoyed by occupiers of the affected rooms.

- 6.111. At **Iris Brook House**, the significance of the impact is regarded as moderate adverse. Of the 61 windows tested, 8 would experience major reductions in VSC and a further 29 moderate reductions. The largest reductions in VSC relate to rooms that have very low levels of daylight in the existing condition. However, the results of the NSL tests bear out a similar pattern of reduced daylight, with half of the rooms tested experiencing a major or moderate reduction in daylight distribution.
- 6.112. **10-18 London Bridge Street** is a hotel and so it is assumed that the building comprises single aspect rooms directly facing the site. Of the 102 windows tested, 61 would experience major reductions in daylight reaching the window. In the ES, the significance of these impacts is influenced by the fact that occupiers of these rooms would only likely stay for a brief period and, as such, hotels are regarded as less sensitive to daylight changes. This is considered a reasonable position.
- 6.113. At **43 Borough High Street** all of the windows serving residential accommodation above the ground floor level would experience reductions in VSC in excess of 30%, however the retained VSC levels would be between 11 and 20%.
- 6.114. Over half of the windows serving residential accommodation above the **Old Kings Head** would experience major reductions in VSC, however, the Appellant's daylight report suggests that the daylight distribution in the rooms served by these windows would improve.
- 6.115. The initial daylight test for **Guy's Chapel** identified that while half of the windows tested would meet the BRE guidelines, half would experience a major reduction in both VSC and NSL. The major reductions are a result of extremely low daylight levels in the existing condition, meaning that only a marginal reduction in absolute terms represents a large % reduction. A further heritage-based assessment was undertaken to consider whether the reductions in daylight would have a material impact on the way in which the stained glass windows are appreciated. The report concluded that while the lighting levels would change, this would affect the legibility of the windows nor reduce the contribution they make to the heritage significance of the Chapel.

Sunlight impacts

- 6.116. An assessment of the impacts on the amount of sunlight received has been undertaken for all buildings with the exception of those located to the south of the application site, to which the proposed development would not have an overshadowing effect. The majority of the buildings assessed were found to comply with the BRE guidance, the exceptions to this are summarised below:

Table 6 - Sunlight assessment for 2021 Scheme

Property	Number of rooms	Number meeting BRE Guidance	Annual Probable Sunlight Hours			Winter Sunlight Hours			Significance of effect
			20 – 29.9%	30 – 39.9%	>40%	20 – 29.9%	30 – 39.9%	>40%	
10-18 London Bridge Street	82	64	-	2	13	-	1	7	Moderate
6 London Bridge Street	12	4	2	-	2	-	1	4	Moderate
Shard Place	144	123	2	8	11	-	-	12	Moderate
2 St Thomas Street	3	2	-	-	-	-	-	1	Minor

6.117. At 10-18 London Bridge Street, almost all of the hotel rooms assessed would experience reductions in annual sunlight levels of in excess of 40%, but most rooms from the second floor and above would retain in excess of the 25% sunlight hours recommended by the BRE. A small number of room at Shard Place would experience major reductions in annual and winter sunlight hours, but the ES regards the significance of this effect as moderate adverse given the overall levels of compliance with the BRE guidelines.

Policy assessment

- 6.118. Southwark Plan policy P56 provides that development should not cause an unacceptable loss of amenity to occupiers, including by way of reduced daylight and sunlight. However, it is generally accepted that in the CAZ, Opportunity Areas and town centres, prevailing patterns of development will be of higher densities and this may lead to lower levels of daylight and sunlight, both in the existing condition and as new development is proposed. It is important that in managing these impacts, consideration is had to the design-led approach to site capacity that is described in London Plan policy D3. Policy D3 provides that the optimum site capacity should be pursued, not the maximum capacity, and that this should be informed in part by delivering appropriate outlook, privacy and amenity [for new and existing occupiers].
- 6.119. This principle is continued in policy D7 ‘Tall buildings’, which requires that the environmental impacts, including daylight and sunlight penetration, should be carefully considered. The supporting text recognises that tall buildings can have detrimental environmental impacts where they are in inappropriate locations and/or are of poor design. Such design considerations are also embedded with the Southwark Plan. Policy P14 “Design Quality” recognises achieving adequate daylight and sunlight for new and existing residents as being one component of design quality and policy P17 states that tall buildings should avoid harmful and uncomfortable environmental impacts, including overshadowing.
- 6.120. The results of the daylight assessment demonstrate that the proposal, by reason of its height, massing and the tight-knit urban grain in this part of the Borough High Street Conservation Area, will have a noticeable and significant adverse impact on the current conditions enjoyed by occupiers of several buildings and in doing so will harm their amenity. The most significant impacts relate to student accommodation at Orchard Lisle and Iris Brook Houses. In both cases, reductions in daylight levels for a large number of rooms are in excess of 70%. While the reductions in daylight levels are therefore substantial, student accommodation is typically considered to be less sensitive to reductions in daylight and sunlight because it is only

occupied by any one individual for a limited period of time. Even accounting for this, the ES still regards the environmental effect to be moderate adverse in the case of the 2018 Scheme and moderate to major adverse in the 2021 Scheme.

- 6.121. Both Guy's and St Thomas' Charity and Kings College London have highlighted concerns in their consultation responses that the reductions in daylight levels will have a detrimental impact upon their staff and students, affecting their welfare and ability to study and work.
- 6.122. As noted above, providing access to adequate levels of natural light is a key aspect in determining design quality and is a factor that can influence health and well-being. The reductions in daylight identified for the student accommodation in particular would mean a reliance on artificial lighting and an associated increase in energy consumption and cost. Rightly, the Development Plan guards against such impacts unless they can be robustly justified by other policies in the Plan.
- 6.123. A number of residential properties would experience moderate and minor reductions in daylight levels as a result of both the 2018 and 2021 proposals and where such impacts are identified it indicates that the level of reduction in daylight levels extends beyond that recommended in BRE guidelines. As described above, in some instances there are mitigating factors linked to the configuration of individual buildings or the existing levels of daylight.
- 6.124. Though the common reference point for understanding daylight and sunlight impacts, the BRE set out that their guidance is not an instrument of planning policy; that it should be interpreted flexibly and any impacts considered in their context.
- 6.125. The Council has not deemed the daylight and sunlight impacts of the proposed developments to be so significant or widespread that they warrant distinct reasons for refusal for either the 2018 proposal or the 2021 proposal, however the impacts are of such magnitude and significance for the two student accommodation blocks that it represents a conflict with policy P56 and should be afforded material weight in the planning balance. I consider that the impacts at Orchard Lisle House and Iris Brook House are so significant that they should be afforded moderate weight in the planning balance, but that the impacts on other properties are of an order than is commonly found in town centre developments. To these wider daylight and sunlight impacts, I attach limited weight.

7. Other Development Plan Policies

- 7.1. The main Statement of Common Ground establishes the areas in which the Council and the Appellant have reached agreement on a number of planning issues. This section provides a brief overview of the other matters to set the context for my consideration of overall compliance with the Development Plan later in my proof of evidence.

Land use

- 7.2. Both the 2018 and 2021 Schemes would deliver a significant uplift in employment floorspace: 46,374sqm in the 2018 Scheme and 44,141sqm in the 2021 Scheme. In land use terms, this would accord with the ambition to increase office supply in the CAZ that is set out in London Plan policy E1 and in Southwark Plan policy P30. These policies require the retention or uplift in employment floorspace on existing employment sites in the CAZ, Opportunity Areas and Town Centres. Both proposals would provide flexible employment provision by combining the large floorplates of the office towers (that could be subdivided) with smaller spaces in the refurbished listed terrace that would be suitable for different types of businesses. This aspect of the proposals is consistent with London Plan policy E2(D).
- 7.3. Retail use is considered a Main Town Centre use in the NPPF definition and its provision in this location within the London Bridge District Centre is acceptable in principle. The introduction of a retail frontage along St Thomas Street in the 2018 Scheme would contribute to the vitality of the town centre, would provide an active frontage in an area of high footfall and a link between retail provision on Borough High Street, at London Bridge Station and in the refurbished railway arches that extend east along St Thomas Street. This is consistent with the requirements of Southwark Plan policy P35 and the London Bridge Area Vision AV.11). The 2021 Scheme proposes affordable workspace within the refurbished terraces, which would provide a lesser degree of activity, but the reinstatement of the original plan form and use of the original front doors would nevertheless improve the interaction between the listed terrace and the street in this regard.

Efficient use of land and employment floorspace

- 7.4. Although the proposed land uses are appropriate in this location, the quantum of employment floorspace that the proposals seek to deliver comes at the cost of undermining some of the other core functions of the CAZ and Opportunity Areas that are described in London Plan. Heritage and the built environment are recognised as strategic functions of the CAZ⁴⁵ that need to be balanced alongside the other strategic functions having regard to local circumstances⁴⁶. London Plan policy SD1 establishes the way in which Opportunity Areas should fully realise their growth potential. Part B of the policy identifies that this includes supporting development that creates employment opportunities, but that this should recognise the role of heritage in place-making (part B4) and ensure that development proposals integrate into the surrounding areas (Part B8). The proofs of Dr Barker-Mills and Ms Adams explain the full extent of the policy conflicts presented by both Schemes in these regards. Further, policy SD1 Part B5 states that the capacity for growth in Opportunity Areas should take account of the indicative capacities for growth set out in the accompanying table – in the case of London Bridge/Bankside, 4,000 homes and 5,500 jobs. This issue is addressed below.
- 7.5. Policy D3 of the London Plan states that all development must follow a design-led approach to establish the optimal capacity of individual sites. This process should involve the appraisal of a range of options that respond to a site's local context and capacity for growth having regard to: the form and layout of the proposal, the experience of the development and the quality and character of development. The detailed criteria under these sub-headings require

⁴⁵ London Plan (2021) Policy SD4 Paragraph 2.44

⁴⁶ Ibid, Paragraph 2.45

that development positively responds to local distinctiveness through their layout, scale and appearance, having regard to street hierarchies, building types forms and proportions (D1); facilitate efficient servicing (D2); provide appropriate outlook, privacy and amenity (D7); respond to existing character by identifying special features and characteristics of the locality (D11); enhance and utilise heritage assets and architectural features that contribute towards local character (D11); aim for high sustainability standards and take account of the circular economy (D13). More succinctly, Southwark Plan policy P18 states that development should optimise land use without unreasonably compromising neighbouring sites and while providing adequate servicing facilities. These issues are discussed in detail above, and in the Proofs of Dr Barker-Mills and Ms Adams.

- 7.6. The London Plan is clear that London's growth needs to be inclusive and responsible and that optimum site capacity does not equate to maximum capacity⁴⁷. It is clear that the quantum of floorspace proposed to be provided in both the 2018 Scheme and 2021 Scheme gives rise to numerous policy conflicts and a design that fails adequately to respond to context and, as such, represents an overdevelopment of this site.
- 7.7. In light of the harms identified, I have considered the extent to which the Council would be able to achieve the wider growth ambitions and delivery of employment floorspace set out in the Southwark Plan and the London Plan without the additional floorspace proposed to be provided on this windfall site.
- 7.8. Southwark Plan policy ST1 establishes a target for the delivery of 460,000sqm of office floorspace over the plan period. Of this, approximately 80% is anticipated to come forward in the CAZ and c57,000sqm at London Bridge via the site allocations in the Plan. The Council's evidence as to how these targets will be achieved is set out in the Site Allocations Methodology Paper⁴⁸ (CDE.09) that was prepared to justify the Southwark Plan policies at the Examination in Public (EiP), particularly the approach to determining site capacities and to evidence that the strategic targets of the Plan were deliverable.
- 7.9. The majority of the uplift in employment floorspace is accounted for in site allocations. The Council has estimated that 445,130sqm of employment floorspace could be provided in site allocations across the CAZ areas: Bankside/Borough, London Bridge, Blackfriars Road and Elephant and Castle. As described in the Sites Methodology Paper (CDE.09), each site allocation has been subject to options testing and capacity assessment to ensure that their capacities are credible in their particular context and having regard to the wider development plan.
- 7.10. Further, the Council are able to identify a healthy pipeline of employment schemes. In the evidence underpinning the EiP, the Council identified 27,542sqm uplift in office space at Skipton House (planning permission 18/AP/4194) and 5-9 Rockingham Street (planning permission 19/AP/0750)⁴⁹. More recently, Art Invest Real Estate's proposed office-led development at Canada Water Dockside (21/AP/2655) has received a resolution to grant planning permission and would deliver 143,780sqm employment floorspace, subject to the completion of a s106 Agreement.
- 7.11. The Council estimate that a combination of site allocations, recent consents, the use of vacant railway arches, uplift from commercial schemes in the CAZ and the intensification of industrial sites in South Bermondsey could result in the delivery of between 534,916 and 770,964sqm office floorspace across the borough over the plan period⁵⁰. These figures are comfortably in excess of the Strategic Target expressed in Southwark Plan policy ST1 and demonstrate that the Council has identified sufficient sites to fulfil its aspirations for employment growth over

⁴⁷ London Plan (2021) Policy D3 Paragraph 3.1.1

⁴⁸ Southwark Plan – Site Allocations Methodology Report (May 2021)

⁴⁹ Ibid, Paragraph 4.52

⁵⁰ Ibid, Paragraph 4.64

the plan period without the need to accept the scale and extent of harms that have been identified in relation to the Appeal Schemes.

Affordable workspace

- 7.12. Both Schemes would include the provision of affordable workspace, as required by London Plan policy E3 and Southwark Plan policies SP4 and P31. In the case of the 2018 Scheme this would equate to 9.7% of the overall office provision and so require an additional financial contribution to bridge the gap to the 10% policy requirement, while the 2021 Scheme provides the requisite 10% on-site. A s106 Agreement would be required to set out the headline terms for the lease to ensure that this space is affordable with reference to rents and service charges, the level of fit-out for occupiers, how it would be marketed to prospective occupiers and should secure the space as affordable workspace for a minimum of 30 years.

Employment and jobs

- 7.13. The Economic and Health Report submitted in relation to the 2018 Scheme anticipates that the demolition and construction activity would lead to an average of 575 construction jobs on site throughout the demolition and construction period and an uplift of 2,060 jobs (1,905 FTE) on completion of the development⁵¹ and this is recognised as a benefit of the proposal. SP4 sets a target for the delivery of 10,000 new jobs in the BBLB Opportunity Area and the development would make a sizeable contribution towards this target. However, the number of jobs arising is commensurate with similar developments in the local area. Becket House is anticipated to provide 1,900 jobs⁵² and Vinegar Yard approximately 900FTE jobs⁵³. In contrast, the Canada Water Dockside development would potentially provide between 8,200 and 10,875 FTE jobs alone⁵⁴.
- 7.14. The draft s106 Agreement being progressed with the Appellant would include a range of obligations to secure employment and training opportunities for local people throughout the demolition/construction process and on completion of development, as required by Southwark Plan policy P28 and London Plan policy E11. This principle is agreed with the appellant and it is expected that such terms will reflect the detailed guidance in the Council's s106 Planning Obligations and CIL SPD (CDE.04).

Environmental Assessment

- 7.15. Both development proposals would be considered to be Urban Development Projects, as defined in Schedule 2 Article 10(b) of the Town and Country Planning (Environmental Impact Assessment)(England) Regulations 2017 (as amended)("The Regulations") and both planning applications are underpinned by Environmental Statements (ES) as a result. Additional information was submitted via addenda to the Environmental Statement during the determination process of each Scheme.
- 7.16. As set out in Section 4, the scope of the ES was agreed in advance of the submission of the 2018 Scheme with the Council. The ES has been prepared broadly in accordance with the Regulations, establishing the baseline position before determining the magnitude of potential impacts, the degree of permanence, the scale of impact and the sensitivity of receptors to determine the significance of any environmental effects. The assessment considers the potential for cumulative impacts to arise in an appropriate manner.
- 7.17. As explained elsewhere in this proof, concerns have been consistently raised with the methodology for the heritage assessment; the extent to which it presents a sound

⁵¹ Economic and Health Report (2018) Paragraphs 2.2 and 2.6, CDA.08

⁵² Becket House (20/AP/0944) - Planning Committee Report – Paragraph 92

⁵³ Vinegar Yard (18/AP/4711) - GLA Planning Report – Paragraph 209

⁵⁴ Canada Water Dockside (21/AP/2655) – Planning Committee Report - Paragraph 147

understanding of the significance of heritage assets and the way in which setting contributes to significance. This issue is addressed in Dr Barker-Mills' proof.

- 7.18. A separate Scoping Opinion was not sought by the Appellant in advance of the submission of the planning application for the 2021 Scheme. However, in issuing their pre-application advice on the 2021 Scheme (CDC.03), the Council explained that the methodological concerns identified in relation to the heritage assessment for the 2018 Scheme had not yielded any change in approach. As a result, the Council considered that heritage assessment to be inadequate and recommended that the 2021 Scheme be underpinned by an updated heritage assessment to avoid the same issue arising. The methodological flaws that the Council contend are apparent in the heritage assessment are also addressed in Dr Barker-Mills' proof of evidence.

Impacts on amenity

- 7.19. Southwark Plan policy P56 provides that development should not be permitted where it would cause unacceptable loss of amenity to present or future occupiers or users. It lists relevant considerations as being impacts on privacy or outlook, actual or perceived overlooking or enclosure, environmental nuisance including odour, noise, light or vibration, daylight, sunlight and wind or other impacts arising due to layout, context and design issues. Designing developments to avoid such impacts is central to the design-led approach to determining site capacity that is detailed in London Plan Policy D3. A number of supplementary planning documents and guidance provide further detail on various aspects of amenity and this guidance has been reflected in the assessment below, where appropriate. A detailed review of the daylight, sunlight and overshadowing impacts is set out in Section 6.

Outlook and privacy

- 7.20. As set out in the Main Statement of Common Ground it is agreed that sufficient distance is maintained between the proposed 2018 Scheme and existing neighbours to ensure that the development would not give rise to an undue level of overlooking or loss of privacy. This is largely the case for the 2021 Scheme, though obscure glazing or screening would likely be required in the south-western corner to reflect guidance in the Council's Residential Design Standards SPD(CDE.07) that aims to prevent overlooking and a loss of privacy of residential properties. In the event that the application were approved, a planning condition is recommended that will address whether obscure glazing, screening or architectural devices can be installed to prevent overlooking of residential properties.

Noise, vibration and odour

- 7.21. Noise arising through demolition and construction activities cannot be fully mitigated and there would be an adverse residual impact, but noise monitoring and the timing of noisier activities could be addressed in demolition and construction management plans. These management plans would need to be secured by condition and would be expected to adhere to guidance issued by the Council's Environmental Protection Team. Once completed, noise from mechanical plant and noise from servicing activity are noted as potential harmful impacts. The consolidation of servicing trips and implementation of a strict booking system for vehicles entering the servicing yards would reduce adverse impacts from servicing vehicles. Noise from plant, the opening hours of external terraces and impacts associated with kitchen extraction and ventilation could be adequately mitigated by the imposition of planning conditions. A condition to require details of the noise and vibration mitigation for the basement gym in the 2018 Scheme is recommended for any permission in the interest of neighbour amenity.
- 7.22. The intensification of the site's use, provision of new public realm and the creation of a new access into the London Bridge Underground station would all lead to increased pedestrian activity in the vicinity of the site and could give rise to noise. However, given the prevailing

noise environment in this town centre location, such noise impacts are not considered to be unreasonable or unacceptably harmful to amenity.

Air quality

The site is located in an Air Quality Management Area and the technical assessment presented in each ES addressed the potential impacts that might arise in terms of nitrogen dioxide and particulate matter. It is agreed that impacts during demolition and construction would require mitigation and it is recommended that construction management and construction logistics plans are secured via planning conditions.

Air Quality Neutral Statements have been submitted for both schemes to demonstrate compliance with London Plan policy SI1 and the associated Mayoral guidance. This is reflected in the Statement of Common Ground.

Solar glare and light pollution

- 7.23. Each ES includes an assessment of whether the glazed facades of the tower would give rise to solar glare by reflecting sunlight that might have a dazzling effect on drivers of road-based vehicles or trains and in so doing create a safety risk to these people directly and to the wider public.
- 7.24. In the 2018 assessment, 27 locations were tested, including signalised junctions and pedestrian crossings proximate to the site. Four of these locations were identified as experiencing a minor to moderate adverse effect:
- **Borough High Street near the junction with Marshalsea Road** – reflection from the top of the southern façade from 11am to noon in mid-November to mid-January, which can be cut out by the driver putting down the visor.
 - **Southwark Street near the junction with Thrale Street** – reflection from the top of the southern facades from 6pm to 7pm for 10 months of the year and can be mostly cut out by the driver's visor.
 - **Railway tracks coming into London Bridge Station from the north-west, near to Clink Street** – reflection from the lower parts of the western facade may occur from 6pm to 8pm from mid-April to mid-August. There is no signal in this area. It is noted that the proposed tower would screen the currently visible sun in the morning so on balance the overall impact is considered to be acceptable.
 - **Railway tracks coming into London Bridge Station from the west, near to Southwark Bridge Road** – reflection from the top of the southern façades in November to January from 10am to 11am and would be cut out by the driver's visor. Reflections from small areas of lower parts of the southern facades may occur between 6pm and 7pm for 4 months of the year.
- 7.25. In the 2021 assessment, 26 locations were tested. Of these, a negligible impact was recorded at 12 locations and a minor impact at the remaining 14 locations.
- 7.26. The proposed glazed facades of the tower are considered not to raise significant reflected glare and highway safety issues to drivers in the local area. If the event that the application were to be approved, the proposed materials condition would make explicit reference to the selection of glazing that would reduce the risk of glare. In the event that planning permission is approved, it is proposed that details of artificial lighting are secured by planning condition in order to protect neighbours from light pollution.

Climate Change and Sustainability

Energy and carbon reduction

- 7.27. The submitted 2018 Energy Assessment set out that the development would achieve a 40.7% reduction in regulated carbon dioxide emissions relative to Building Regulations 2014. This would be primarily through fabric efficiency measures and with some modest savings attributed to air source heat pumps (for the terrace) and photovoltaic panels (for the tower).
- 7.28. Shortly after submission, the GLA adopted new guidance on energy assessments to reflect the decarbonisation of the National Grid and the resulting carbon saving benefits attributed to electrical solutions rather than gas. Correspondence between the Appellant and the GLA's Energy team has demonstrated that the application of the methodology prescribed in the updated guidance results in an overall carbon saving of 32% for the 2018 Scheme, below the minimum requirement of a 40% on-site saving required by Southwark Plan policy P70. This is common ground with the Appellant.
- 7.29. The Appellant contends that a revised energy strategy predicated on an "all-electric" solution would result in on-site carbon savings that exceed the minimum required by the Southwark Plan. Such a strategy is yet to be prepared and so it is not yet possible to confirm that this is technically feasible, what the detailed strategy might entail or whether there would be associated changes to the plant or building fabric of the 2018 Scheme. The s106 Agreement would therefore need to include a mechanism for the submission of an updated Energy Strategy and an update to the corresponding carbon offset payment prior to the commencement of development.
- 7.30. The Energy Strategy underpinning the 2021 Scheme demonstrates a 49% reduction in regulated carbon emissions. Passive design measures account for 31% of these reductions and the remaining savings are attributed to a combination of air source heat pumps and photovoltaic panels. This reduction in carbon emissions exceeds the minimum targets set out in Southwark Plan Policy P70 and London Plan policy SI2. The s106 Agreement would ensure compliance with the Energy Strategy, payment of a carbon offset payment, and on-going monitoring and reporting to achieve the zero carbon requirements of the Development Plan.
- 7.31. The 2018 Energy Strategy sets out that attempts were made to contact Guy's & St Thomas' Hospital NHS Trust to investigate the potential for the Schemes to connect to the District Heat Network (DHN) in operation across the site but a lack of response means that this has not been proposed at this time. A tentative location for future connection to a DHN is identified in Basement (-B2), but this location appears impractical for connecting to a Network at street level or the other plant rooms located on the opposite side of the basement. A more logical location at basement (-B1) is identified in the 2021 Scheme. In order to ensure the proposal is consistent with London Plan Policy SI3 it is expected that obligations will be set out in the s106 Agreement that would require further detail on safeguarding a suitable space for future DHN connection as part of any updated energy strategy.

Whole Life Cycle Carbon & Circular economy

- 7.32. For the 2018 Scheme, no strategies have been submitted to address the London Plan requirements on whole lifecycle carbon and circular economy in relation to the 2018 Scheme, set out in Policies SI2(F) and SI7(B) respectively. In the event that planning permission were to be granted, planning conditions would be required to secure these strategies and to demonstrate compliance with the London Plan. For the 2021 Scheme, the submitted initial Whole Life Cycle Carbon and Circular Economy strategy better address the London Plan requirements, but conditions are proposed to ensure further details are submitted to fully comply with the requirements set out in the above policies.

Wider sustainability and BREEAM

- 7.33. The sustainability statements submitted with each application summarises the wider sustainability credentials of the proposals. This includes summarising the approach to policy themes including energy, water consumption, materials, waste management, microclimate,

pollution, ecology and BREEAM accreditation, which combines many of these issues into a single assessment.

- 7.34. The Appellant acknowledges that Southwark Plan policy P69 sets out a minimum policy target of achieving a BREEAM rating of “Excellent” for new build non-residential developments and refurbishments over 500sqm.
- 7.35. BREEAM Pre-Assessments are appended to each sustainability statement and suggest the new build office tower could achieve BREEAM “Excellent” but that the refurbished terrace would fall just short of the threshold for “Excellent” and would not obtain some of the necessary, mandatory credits in the energy category. The pre-assessment shows the refurbished terrace would achieve BREEAM “Very Good” as a result, contrary to Policy P69.
- 7.36. The Appellant has since stated that an improved BREEAM rating of “Outstanding” would be targeted for the new buildings of the tower and Keats House and that “Very Good” would be targeted for the Terrace because of the limited scope for intervention due to its listed status. Updated pre-assessments were submitted on 14 June 2022 that identify the credits that would need to be targeted to achieve BREEAM “Outstanding”. This ambition would be supported and recognised as a benefit of the scheme since it would exceed the minimum requirement set out in policy P69. Conversely, the short statement provided by the Appellant that the listed status of the Georgian Terrace means that BREEAM “Excellent” is unachievable is not accepted in the absence of a more detailed analysis. Though parts of the building envelope are original, much of the internal accommodation has been subject to extensive alteration and modernisation and the rear and side walls are to be rebuilt, and so it is not evident that the listed status precludes BREEAM “Excellent” from being achieved. I note that the Appellant intends to provide further information on this point ahead of the Inquiry.

Urban Greening and ecology

- 7.37. The site is lacking in greenery and biodiversity in its current state and redevelopment will provide an opportunity to enhance its urban greening. Both schemes include tree planting within the ground floor public realm and in their respective garden spaces within the office tower. The 2021 scheme includes planting rising up the north and south facades as a ‘ladder’ on the feature balconies. In the event that planning permission is granted, a landscaping condition would make reference to achieving an urban greening factor of 0.3 and a further condition would secure the installation of bird boxes in each Scheme.

Wind

- 7.38. A wind assessment has been included in each ES and describes the impacts of the proposed developments on a range of locations in the vicinity of the site. The assessment makes reference to the Lawson Comfort Criteria to identify the types of activities that could comfortably be enjoyed in the vicinity of the site, within the new public realm and on external terraces as a result of the prevailing wind speeds before and after development. The assessment considers conditions in summer and winter. It is agreed that with mitigation incorporated within the design, including screens and tree planting, that any residual impacts can be addressed. It is recommended that this is addressed via planning condition and it is expected that a post-construction review of the scheme will be secured by a planning obligation.

Flood risk and drainage

- 7.39. The appeal site is located in Flood Zone 3a (high probability) and as such a detailed Flood Risk Assessment (FRA) has been provided for each scheme. Subject to the measures outlined in the FRA being secured via planning conditions, the proposed developments would comply with policies P68 and SI12.

- 7.40. Technical information on contaminated land, basement impact, water network impact and drainage were provided in submitted documents for each Scheme, which have informed (along with consultee responses) proposed conditions to ensure compliance with development plan policies on these topics.

Transport

- 7.41. The broad development plan requirements on transport and travel are largely addressed in the Main Statement of Common Ground, with the exception of servicing, which is addressed in this proof and the separate servicing Statement of Common Ground that is expected to be agreed between the Appellant and TfL.

Access to London Bridge Underground Station

- 7.42. Both Schemes would facilitate a new access to the London Bridge Underground station entrance on Borough High Street by knocking through the wall between the existing entrance and the site. This would open up on to the new area of public realm – the main square of each scheme – providing a more direct access between the London Underground and the development and an alternative route to the station via the site or Kings Head Yard that would avoid the need to enter the station via Borough High Street. It is expected that its provision prior to the occupation of the development would be secured by a planning obligation within the Section 106 Agreement, to which TfL will be a signatory. Provided that it is secured, this is recognised as a public benefit of the proposed developments and detailed as such in Section 8.

Public realm and permeability

- 7.43. The provision of new public realm and improved permeability are generally supported by the development plan and are specific policy requirements in relation to tall buildings, as set out in policies P17 and D9. Both Schemes would provide new public squares fronting on to St Thomas Street and to the west of the site between the proposed towers and the new entrance to the London Bridge Underground station. While the provision of new public realm is supported in principle, Ms Adams' proof demonstrates that the spaces and routes that are proposed would be ungenerous in their scale and would fail to deliver the requisite quality of place required to support the provision of tall buildings of the scale of those proposed.

Active travel

- 7.44. Both proposals would be supported by sufficient cycle parking to meet the minimum required by planning policy. Cycle stores are located at basement level (-1) and would be accessed via a dedicated lift or via a stair with the necessary gully that would allow bikes to be wheeled down. Supporting facilities including showers and changing rooms are proposed in order to encourage workers to travel to work by bike. In both proposals, short-stay visitor cycle parking would be located within the public realm and on St Thomas Street, though it is noted that TfL have yet to endorse the proposed layout of St Thomas Street. Financial contributions are proposed for both schemes in relation to the expansion of cycle hire. A travel plan would be secured by condition to demonstrate how the applicant would facilitate, and subsequently monitor, a modal shift towards more active travel. Limited car parking is proposed in each Scheme, as is expected by policies for a central London site with the highest public transport accessibility level (PTAL). These provisions are broadly in accordance with Southwark Plan policy P53 and IP2 and London Plan policies T4 and T5.

Miscellaneous issues

Archaeology

- 7.45. The site was subject to substantial excavation and archaeological investigation in the 1980s as part of the development of the existing New City Court building. As such, the Council's archaeologist has confirmed that any remaining archaeological interest could be adequately managed through conditions that would secure a programme of works in accordance with a written scheme of investigation and subsequent reporting. A financial contribution would need to be secured in a s106 Agreement in accordance with the Council's Section 106 Planning Obligations and CIL SPD (2015).

Fire safety and security

- 7.46. The 2018 Scheme was submitted prior to the adoption of the current London Plan, which introduced a requirement for a Fire Statement to be prepared for all major developments. No Fire Statement has been provided and so this would need to be secured via a pre-commencement planning condition to ensure compliance with London Plan policy D12.
- 7.47. The planning Statement of Common Ground sets out that the Fire Statement submitted in relation to the 2021 Scheme complies with the requirements of London Plan policy D12 and it is proposed that a compliance with the Statement would be secured by planning condition. Further conditions are proposed to ensure the provision of fire evacuation lifts to comply with London Plan policy D5.
- 7.48. Comments from the Metropolitan Police on the Secured by Design aspects of the applications and security measures have informed proposed conditions on each Scheme to comply with London Plan policy D11 and policy P16 of the Southwark Plan.

Aviation

- 7.49. Subject to details of crane lighting being incorporated within a demolition/construction management plan, it is common ground that the proposed developments would not give rise to any concerns in terms of aviation safety and are in compliance with the functional requirements stated in London Plan policy D9 Part 2(f). It is noted that the safeguarding teams at NATS and Heathrow Airport have both confirmed that they have no objections to either of the proposed Schemes.

TV, radio and telecommunications

- 7.50. Similarly, it is common ground that both Schemes would be unlikely to give rise to any adverse impacts on television, radio or telecommunications networks and are consistent with London Plan policy D9 Part 2(f) in this regard. Arqiva has confirmed that it does not anticipate that the towers would impact on transmissions from their infrastructure, though this does not preclude interference or impacts on signal strength at individual properties. It is recommended that in the event planning permission is granted, a strategy is secured by condition that would set out a methodology for detailed surveys to determine any impacts and the approach to mitigation should harm be identified.

Planning Obligations

- 7.51. The absence of a section 106 agreement to secure the necessary mitigation to make the proposed developments acceptable in planning terms and to otherwise ensure compliance with the development plan and associated guidance in a number of regards was identified by the Council in its Statements of Case as a likely reason for refusal for both Schemes. The Council continue to work proactively with the Appellant on the draft s106 Agreement and

further detail will be presented at the Inquiry as to whether the detailed terms that have been agreed are sufficient to overcome this objection.

8. Public Interest Benefits

- 8.1. A number of public benefits are identified in the Main Statement of Common Ground. These public benefits can be broadly summarised as:

Land use and employment benefits

- The provision of high-quality office space (including the hub space for the 2018 Scheme) and associated retail space
- The provision of affordable workspace
- Construction jobs during the demolition and construction period
- A significant uplift in on-site employment on completion of the development and associated increases in local expenditure

Public realm, public amenity and urban greening

- High quality public realm (at ground floor level) and publicly accessible, free of charge garden/terrace spaces within the tower

Transport

- New access to the London Bridge Underground Station linked directly to new public realm

Sustainability

- The 2021 Scheme would achieve a 40% reduction in regulated carbon emissions and would target BREEAM “Outstanding” accreditation

CIL and s106 contributions

- Mayoral and Southwark CIL
- S106 contributions

- 8.2. Where the actions and interventions proposed by the Appellant would extend beyond the minimum policy requirement or simply mitigating the impact of the development and deliver additional public benefit, this is recognised below. This section sets out the weight that I consider each of the identified benefits should attract in striking the heritage balance (section 9) and the overall planning balance (section 11).

Land use and employment benefits

- 8.3. The proposed developments would deliver a significant uplift in office accommodation: 33,611sqm for 2018 Scheme and 36,286sqm for the 2021 Scheme. Further, the proposed developments would include different workspace typologies to accommodate a variety of occupiers. In the case of the 2018 Scheme, this includes “the Hub”, an auditorium and events space, which, subject to terms yet to be agreed in the s106 Agreement, would be a resource for the general public as well as tenants. The delivery of retail space within the scheme would contribute to the district centre and the existing provision on St Thomas Street and Borough High Street. The NPPF sets out that planning policies and decisions should place significant weight in the need to support economic growth⁵⁵, however this needs to be considered in the context of the development plan as a whole.
- 8.4. I have explained in Section 5 and Section 7 that the Council, through the Southwark Plan, has set out a strategy for the delivery of economic growth over the plan period and has demonstrated that its strategic targets for the delivery of employment floorspace can be comfortably achieved without the uplift in floorspace that the proposed developments would provide. The boroughwide approach is founded on Area Visions that identify how different

⁵⁵ NPPF (2021) Paragraph 81

places in the borough should evolve and grow in order to achieve an overarching spatial strategy that aligns regeneration with preservation⁵⁶ and this echoes the approach for a design and heritage-led approach to regeneration that is set out in the London Plan.

- 8.5. For the reasons outlined above, I place moderate weight on the public benefit associated with the uplift in employment floorspace.

Affordable workspace

- 8.6. The 2018 and 2021 schemes would provide 9.7% and 10% of their office floorspace as affordable workspace respectively. This equates to between 4,500 and 5,000sqm of affordable workspace and the precise amounts would need to be defined in the s106 agreement. For the 2018 scheme, the s106 Agreement would need to secure an additional payment in lieu of direct provision to bridge the gap to the 10% minimum required by Southwark Plan policy P31. The provision of flexible, affordable workspace suitable for small and independent businesses is identified in the Southwark Plan as a strategic target and described in P31 as being vital to the Southwark economy. In determining how much weight to attach to its provision, I have acknowledged that the Southwark Plan identifies the provision of affordable workspace as a strategic priority and that this sits just below or meets the minimum amount specified as a requirement in P31. At this stage, I have made the assumption that the detailed terms that would need to be secured in the s106 Agreement would be appropriate, though these are still under discussion with the Appellant. I consider that significant weight should be attached to the provision of affordable workspace.
- 8.7. The 2018 Scheme would also provide 181sqm of affordable retail space. While there is no explicit policy requirement for affordable retail space, it would contribute to the high street feel of St Thomas Street as set out in the London Bridge Area Vision (AV.11). Given the scale of the provision, I attach very limited weight to this issue.

Jobs

- 8.8. The proposed applications would deliver a significant uplift in jobs, both during demolition/construction and on completion. The Appellants estimate that on completion the proposed developments would result in an uplift of approximately 2,000 jobs in the 2018 Scheme⁵⁷ and 2,940 in the 2021 Scheme⁵⁸ and this would make a sizeable contribution towards the target of providing 10,000 jobs across the BBLB Opportunity Area over the plan period. It is expected that the s106 Agreement would include a framework to secure opportunities for employment and training for unemployed local residents, both during construction and on completion of the development.
- 8.9. The provision of new jobs and training opportunities is a clear economic benefit of both developments and in determining the weight to attach to this issue I have considered the number of jobs to be provided relative to the jobs created by other comparable office-led developments in Southwark (see Paragraph 7.13) the overall targets expressed in the Southwark Plan and the London Plan. Notably, the Appellant's Scoping Report for the 2018 Scheme set out that *"whilst [this] job creation is large in number, will contribute towards job creation targets and is clearly an economic benefit, these jobs are unlikely to be materially significant in the context of the wider London area"*⁵⁹. I acknowledge this as a public benefit and one to which I attach moderate weight.

Public realm

⁵⁶ Southwark Plan (2022) Policy ST1, Reasons - Paragraph 1

⁵⁷ Economic and Health Report (2018) – Paragraph 2.7

⁵⁸ Marketing Report (2021) - Paragraph 1.8

⁵⁹ Environmental Impact Assessment Scoping Report (2018) – Paragraph 5.1.1

- 8.10. The provision of public realm is established as a key policy requirement for tall buildings in policies D9 and P17, but well-designed public realm can offer a wider public benefit than simply enhancing the setting of a tall building. Both Schemes would include new areas of public realm at ground level around the perimeter of the tower building and these spaces are described in detail in Ms Adams' proof of evidence.
- 8.11. The 2018 Scheme would provide 1,305sqm of public realm at ground level comprising the new squares adjacent to the St Thomas Street entrance and at the west of the site adjacent to the proposed access to the Underground station and "yards" that link these squares and run around the perimeter of the site. The delivery of the eastern link is contingent on an agreement being reached with the neighbouring landowner. The new public realm would provide a public benefit insofar as it provides a new pedestrian route between St Thomas Street and the Borough High Street entrance to London Bridge Underground Station. This new route would provide some relief to the busy footways along St Thomas Street and Borough High Street and would complement TfL's stated ambitions for Healthy Streets projects on both of these streets. However, as detailed in Ms Adams' proof of evidence, the contribution of the public realm to the overall quality of the design, and of the place, is limited. Ms Adams' proof sets out that the ground floor public realm for both proposals would be ungenerous, would be largely overshadowed and would be a place to pass through rather than to linger and enjoy. Ms Adams concludes that quality of the ground floor public realm would not contribute to the overall quality of the design or the place and would fall short of the policy aspirations for the creation of high quality, people focused spaces that are comforting and inviting, as set out in the London Plan. These shortcomings are evident in both Schemes, but particularly so in the 2021 Scheme, which delivers a lower quantum of public realm and around half of the overall provision is overshadowed by the office building, eroding its quality and utility.
- 8.12. The two principal public realm interventions are also described in the proofs of Ms Adams and Dr Barker-Mills as being at odds with historic character of the area. The "Main Square" is described as adversely affecting the intimate character of Kings Head Yard that is a good example of the spaces that characterise the Borough High Street Conservation Area and from which much of its value is derived, while the northern square is described as interrupting the rhythm of St Thomas Street by creating a notable 'gap' in the building line between the listed Georgian terrace and Keats House.
- 8.13. Both proposals provide further public amenities in the form of a free-to-access enclosed 'garden' at the 5th and 6th floor level for the 2018 Scheme and a more conventional roof terrace for the 2021 Scheme. The enclosed 'garden' would be linked to a public café and would be accessed via a dedicated lift that would be accessed from the new square to the west of the tower in the 2018 Scheme. The roof terrace in the 2021 Scheme would similarly be accessed via a dedicated lift and would contain distinct zones focused on woodland planting and wildlife/biodiversity alongside the terrace. Subject to further details being secured around their detailed design, management and extent of public access, these spaces have the potential to be more successful than the ground floor environment.
- 8.14. Having reflected on the amount of public realm to be delivered on the site, the assessment of its qualities and likely utility, and the contribution that it makes to the overall quality of the design as set out in Ms Adam's proof, I attach limited weight to the public realm as a public benefit. While the two schemes provide a different public realm offer, in considering the ground floor public realm alongside the public amenity to be provided within the Towers, I am of the view that the overall offer in each Scheme is comparable.

Transport

- 8.15. Though a relatively simple intervention, the provision of an alternative access into the London Bridge Underground Station would help to relieve congestion on the crowded footway on the eastern side of Borough High Street. I consider that the principal beneficiaries of the new

access would likely be those employed within the development itself given that the new access would open directly on to the public square adjacent to the proposed tower and this new access would not be very legible or obvious for those approaching from the east along St Thomas Street. The new access would also provide a more convenient access into the Underground station from the wider Guys campus via Kings Head Yard and Beak Alley, but as noted in Section 6, there is at present a tension in the 2018 Scheme between encouraging greater pedestrian activity in the yards while proposing to increase the level of servicing activity in this location. The successful implementation and enforcement of a consolidated servicing strategy and restrictions on the timing of servicing activity to be secured in the s106 Agreement may serve to mitigate that tension. I attach moderate weight to this intervention as a public benefit.

- 8.16. It is expected that the s106 Agreement would identify a range of highways improvement works for St Thomas Street and Kings Head/White Hart Yards, would secure the expansion of cycle hire facilities, Legible London signage and a financial contribution towards TfL's Healthy Streets initiative. These issues collectively form public benefits, though at this point in time the weight to be ascribed to these issues in the planning balance are contingent on agreeing the detailed wording of the relevant Sections of the s106 Agreement and, particularly in the case of interventions on St Thomas Street, the agreement of TfL in its capacity as Highway Authority. In the event that these issues were to be agreed with TfL, I consider that they would attract moderate weight as public benefits.

Sustainability

- 8.17. As set out in Section 7, the submitted energy strategy for the 2018 Scheme fails to achieve the minimum 40% reduction in carbon saving that is required by Southwark Plan policy P70, though the applicant has committed to an updated strategy being provided should planning permission be granted. Further the application is not yet supported by a whole lifecycle energy assessment or a circular economy statement, it is recommended that both issues be addressed via planning condition in the even that planning permission is granted.
- 8.18. A commitment to deliver 49% saving in regulated carbon emissions across the site is set out in the 2021 Scheme. In the context of the Council's declaration of a climate emergency and the ambition to be net zero borough by 2050, the reduction in regulated carbon emissions can be deemed a public benefit. However, the level of on-site reduction is only a modest improvement on the minimum policy requirement and would require a sizable carbon offset contribution required to bridge the gap to Net Zero. The offset contribution would be used to invest in various projects across the borough that deliver carbon saving benefits aligned to the Council's stated climate ambitions.
- 8.19. As noted in Section 7, a BREEAM Pre-Assessment was submitted to the Council on 14 June 2022 identifying the various credits that could be targeted in order that the new build office building could achieve BREEAM "Outstanding" (shell and core) accreditation. This would exceed the minimum requirement of BREEAM "Excellent" that is set out in Southwark Plan policy P69. However, at this stage, the appellant has simply identified the credits that could be targeted to achieve BREEAM "Outstanding" without any accompanying commentary on how the pursuit of this accreditation has influenced design decisions or how it might influence the construction process, for example. BREEAM is an holistic environmental assessment methodology and some of the components within it could deliver public benefit, but the assessment also focuses on technical building performance for the benefit of owners and occupiers and it is unlikely that those benefits would extend far before the confines of the site.
- 8.20. In light of the above, I attach very limited weight to the sustainability benefits of the 2018 Scheme and limited weight to those associated with the 2021 Scheme.

CIL

- 8.21. Section 143 of the Localism Act 2011 states that funding via the community infrastructure levy is a local financial consideration that should be taken into account by the decision-maker in the determination of planning applications.
- 8.22. The site is located within the MCIL2 Central London Zone and Southwark CIL Zone 1 and based on information provided by the Appellant, the Council has calculated the approximate CIL liabilities as follows (both figures subject to indexation):
- | | | | | |
|--------------|----------------------------|---------------|--------------------|-----|
| 2018 Scheme: | £11,578,217.07, comprising | £7,824,484.52 | Mayoral CIL | and |
| | | £3,753,732.55 | for Southwark CIL. | |
| 2021 Scheme: | £11,690,706.45, comprising | £7,937,249.79 | Mayoral CIL | and |
| | | £3,753,456.66 | Southwark CIL. | |
- 8.23. MCIL2 is intended to fund Crossrail 2 while the Southwark CIL would fund a combination of strategic infrastructure projects across the borough (70% of CIL receipts) and investment in local infrastructure priorities as identified in Community Investment Plans (25%)(the remaining 5% being an administration fee).
- 8.24. While the CIL amounts appear relatively large in isolation, as a tariff to be charged on a sqm basis, the CIL amounts are commensurate with similar sized developments throughout the borough.
- 8.25. The collection and spending of CIL receipts on strategic and local infrastructure will deliver public benefits and in determining the weight to attach to this I have had regard to the CIL monies arising through other major commercial developments along St Thomas Street and at Canada Water. As such, I have attached moderate weight to the public benefit to be derived from CIL payments.

S106 obligations

- 8.26. As noted in paragraph 7.50, the draft s106 agreement is still being negotiated with the Appellant. The current scope of the draft s106 agreement suggests that it will principally deal with matters of policy compliance or address public benefits that are otherwise reflected in this section. This is the case for the transport interventions, employment and training, carbon offset and the provision of and access to public realm within the building, for example.
- 8.27. At the present time, I do not consider that any further weight needs to be attached to the Agreement as a public benefit in its own right. A further update on the degree of weight to attach to the any additional planning obligations that might be regarded as public benefits will be provided at the Inquiry, if necessary.

9. The heritage balance

- 9.1. Paragraph 202 of the NPPF sets out that where development proposals would lead to less than substantial harm to a heritage asset, this should be weighed against the public benefits of the proposal. As explained earlier in my proof, the requirement for a balance to be struck between heritage harm and benefits is also reflected in a number of development plan policies.
- 9.2. The detailed evidence provided by Dr Barker-Mills clearly demonstrates the significant harm to a wide range of heritage assets, including those of the highest levels of significance – concluding that the impacts of the 2018 Scheme and the 2021 Scheme would be “overwhelmingly harmful”. The assessment demonstrates that both Schemes would result in significant less than substantial harm to the OUV of the Tower of London World Heritage Site, a substantial number of Grade I, Grade II* and Grade II listed building and conservation areas, particularly the Borough High Street Conservation Area. In several instances, the harm is described as sitting at the upper range of less than substantial.
- 9.3. The NPPF is clear that when considering the impacts of development on designated heritage assets, great weight should be given to the asset’s conservation irrespective of whether the harm could be described as substantial. Further it states that the more important the asset, the greater this weight should be⁶⁰ and this principle was confirmed in *Palmer*⁶¹. In this case, the harms include that to the OUV of the ToL WHS, which should be afforded the maximum level of protection possible through the planning system^{62,63}, to the setting of the Grade I listed Southwark Cathedral and to a lesser extent to the setting of St Paul’s Cathedral and the Monument.
- 9.4. The extent of harm and the importance of the assets affected are also reflected in the strong objections raised by Historic England, Historic Royal Palaces and the City of London, as well as amenity societies including Save Britain’s Heritage and the London and Middlesex Archaeological Society (LAMAS).
- 9.5. Given the degree of harm identified to a large number of heritage assets, including those warranting the highest order of protection, and the statutory duties engaged as a result, I consider that the heritage harms arising as a result of the Schemes should be afforded very significant weight in the decision-making process.
- 9.6. A number of public benefits are identified in the Main Statement of Common Ground and are further detailed in Section 8. Principally, these public benefits include the economic benefits linked to the uplift in employment and retail and the subsequent employment opportunities during construction and on completion that would be completed. To these benefits I have attributed moderate weight. Recognising the importance that the Southwark Plan places on the provision of affordable workspace to provide accommodation for the borough’s large number of small and independent businesses, I have attached significant weight to the delivery of affordable workspace. The Schemes would deliver a new access into London Bridge Underground Station from the site, relieving pressure on the Borough High Street entrance. To this benefit I give moderate weight. Subject to the agreement on the wider range of transport and highways obligations that would secure investment in cycle hire expansion, Legible London signage and the Healthy Streets initiative for St Thomas Street, I also attach moderate weight. It is acknowledged that new public realm would be created at ground level, however, the quality of the public realm is compromised by its relationship with the principal office towers, which exert an overbearing influence on these spaces and plunge a significant proportion into shadow for much of the year. The two proposals would include free-to-access garden spaces

⁶⁰ NPPF (2021) Paragraph 199

⁶¹ *Palmer vs Hertfordshire Council* 2016 EWCA Civ 106

⁶² *Tulip Decision* – Paragraph 27

⁶³ *Albert Embankment Decision*

within the body of the building or at roof level, but their provision is not sufficient to overcome the shortcomings of the ground floor environment. For the reasons set out in this Proof, I ascribe limited weight to these benefits. It is further acknowledged that the Scheme would result in a Mayoral and Southwark CIL payments, to which I give moderate weight.

- 9.7. Overall, for Schemes of this magnitude, I find that the range of public benefits is modest and in a number of cases tempered by unresolved issues in the s106 Agreement or instances where the proposal would conflict with policies in the Development Plan.
- 9.8. It is clear to me that the significant and widespread harms to heritage assets and their settings, including assets of the very highest level of significance, would not be outweighed by the public benefits associated with the proposed developments. While the differing forms of the 2018 Scheme and 2021 Scheme mean that the nature and extent of these harms vary in relation to certain heritage assets, the conclusions drawn remain emphatically the same. Even if the decision-maker were to ascribe additional material weight to the public benefits delivered through the developments, I do not believe that this would be sufficient to overcome the strong statutory presumption in favour of preserving heritage assets that is set out in Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990, the relevant policies in the Development Plan and the NPPF.

10. Consistency with Development Plan as a whole

- 10.1. Planning law requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise⁶⁴. For the purposes of the Appeal, the Development Plan comprises the London Plan (2021) and the Southwark Plan (2022) and in this proof I have assessed two Appeal Schemes against the key policies that determine whether they can be said to comply with the Development Plan.
- 10.2. The decision as to whether a proposed development accords with the Development Plan taken as a whole is a question of planning judgement. Different policies may pull in different directions and this judgement should be informed bearing in mind factors such as the importance of policies which are complied with or infringed and the extent of compliance or breach.
- 10.3. Below I provide an overview of that assessment, identifying the degree of consistency or conflict with the relevant policies, concluding that both the 2018 and 2021 Schemes would give rise to substantial conflicts with a number of important development plan policies.

Principle of development and employment

- 10.4. The principle of the redevelopment of the site for employment uses and associated town centre uses is broadly supported by the development plan. The land uses proposed are consistent with the location of the site within the CAZ, the BBLB Opportunity Area and the London Bridge District Centre and redevelopment that secures an uplift in employment space is in principle consistent with policies P30 and E1. More specifically, the provision of affordable workspace (through direct provision and a payment in lieu for the 2018 Scheme) would contribute to the diversity of workspace in the area and contribute to the strategic targets and policies aspirations set out in Southwark Plan policies SP2 and SP4. Similarly, the provision of a modest amount of affordable retail space in the 2018 Scheme is recognised as a benefit that would contribute to the same policy ambition. Both developments would deliver a significant number of jobs during demolition/construction and on completion, with targeted initiatives expected to be secured in the s106 Agreement to ensure employment and training opportunities are extended to local communities in accordance with Southwark Plan policy P28.
- 10.5. However, in this ambitious pursuit for a significant uplift in employment floorspace, the proposed developments fail to demonstrate the wider aspects of sustainable development described in the NPPF, resulting in substantial conflict with numerous important development plan policies. As is demonstrated in my assessment and in the detailed evidence presented by Dr Barker-Mills and Ms Adams, both schemes fail to reflect a form of regeneration and growth that is rooted in its local and wider context and is respectful of the characteristics that make it special. The proposals fail to adhere to the “preservation and regeneration”⁶⁵ approach articulated in the Southwark Plan and fail to demonstrate the design-led approach to determining site capacity that is set out in London Plan policy D3. In failing to demonstrate this balance, the proposals also conflict with London Plan policies SD1 and SD4 and fail to accord with the London Bridge Vision (AV.11) set out in the Southwark Plan.

Urban design and design quality

⁶⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990

⁶⁵ Southwark Plan (2022) Policy ST1 - Reasons Paragraph 1

- 10.6. Application of the development plan policies for urban design and design quality requires consideration of a number of important design considerations, including the suitability of the site for a tall building, whether the proposals have demonstrably followed a design-led approach to determining site capacity, whether they can be said to exhibit exemplary design and the impacts of the proposal on the prevailing townscape, the character of the Borough High Street Conservation Area and the setting of a large number of heritage assets, including those of the highest order of significance.
- 10.7. In her proof, Ms Adams demonstrates that the design process has not included a properly considered assessment of site capacity taking account of the detailed criteria relating to form and layout, experience and quality and character that are listed in London Plan Policy D3. With the site not being allocated in the Southwark Plan, the suitability of the site for a tall building falls to be assessed against the detailed criteria in Southwark Plan Policy P17 and the corresponding policy in the London Plan, D9. In her proof of evidence, Ms Adams demonstrates that the site is unsuitable for a tall building and that both schemes would conflict with the vast majority of the criteria in P17. The appeal site is not a point of landmark significance and the proposal to develop the site for a tall building would adversely affect the skyline, local character, townscape, strategic views and the setting of a large number of heritage assets of great significance. Ms Adams finds that architectural language of both schemes is incongruous, and that the failure to properly engage with the local context and to contribute to high-quality placemaking undermines the extent to which the proposals could be described as exhibiting exemplary architectural design. It is noted that the 2021 Scheme was not subject to design review as required by London Plan policy D4, this despite the Council making clear at the pre-application stage that the proposals did not go far enough to address the harms they had identified in relation to the 2018 Scheme. For these reasons the proposed schemes conflict with Southwark Plan Policies P13, P14, P17, P22 and London Plan policies SD1, SD4, D1, D3, D4.

Heritage impacts

- 10.8. The importance of pursuing sustainable growth that respects Heritage is a central theme in the London Plan and Southwark Plan. Despite the strong imperative for growth, London Plan policies on the CAZ and Opportunity Areas both identify the importance of heritage and the spatial strategy expressed in the Southwark Plan is predicated on conserving and enhancing the character of the borough and its many heritage assets. The evidence demonstrates that the appeal proposals would cause wide-ranging harm to the setting of a significant number of heritage assets, including those requiring the highest order of protection through the planning system. Dr Barker-Mills' proof of evidence considers the impact on the setting of the ToL WHS, numerous Grade I, Grade II* and Grade II listed buildings, on the character and appearance of the Borough High Street, Bank, Trinity Church Square and Tower Conservation Areas and on protected Strategic Views. In relation to both Schemes, Dr Barker-Mills' analysis identifies less than substantial harm to the setting of all heritage assets assessed, at various places on the scale. Given the number of heritage assets affected and their significance, the extent of harm and the absence of countervailing benefits capable of outweighing them there is obvious conflict with Southwark Plan policies SP2, P13, P17, P19, P20, P21, P22, P24 and London Plan policies SD1, SD4, HC1, HC2, HC4, D1, D3 and D9.

Transport

- 10.9. In transport terms, both the 2018 Scheme and the 2021 Scheme would facilitate the creation of a new pedestrian access to the Borough High Street entrance of the London Underground station. Subject to detailed terms being agreed in the s106 Agreement to secure its delivery, this is regarded as a positive benefit of the developments. It would provide an alternative link to the Underground network for eventual occupiers in the development and the wider Guys Campus area, avoiding the need to use the footways on Borough High Street and St Thomas Street, which can become busy and congested in the peaks. The proposals would both provide cycle parking that meets the minimum requirements of Southwark Plan policy and

London Plan Policy T5, as well as associated facilities that would enable workers to cycle to work. A contribution towards the expansion of cycle hire is expected to be secured in the s106 Agreement and a Travel Plan would be secured for both schemes to demonstrate continuing efforts to deliver a modal shift in patterns of travel to work.

- 10.10. In the case of the 2021 Scheme, the servicing solution would comprise a dedicated on-site ground floor servicing yard accessed via St Thomas Street and management measures including the use of off-site consolidation and a booking system that ensures all deliveries are undertaken outside the morning, lunchtime and evening peaks. Subject to the detailed design of the highway works, this would comply with Southwark Plan policies T4, T7 and D9. While the servicing strategy for the 2018 Scheme shares common management principles, the use of an on-street loading bay on St Thomas Street for HGV deliveries and the intensification of servicing vehicles using White Hart Yard to access a basement servicing yard would increase the risk of collision between pedestrians, cyclists and vehicles and conflict with the Healthy Streets principles outlined in the London Plan. This approach is contrary to Southwark Plan policies P17, P18 and P50 and London Plan policies T2, T7 and D9.

Amenity impacts

- 10.11. The impacts of the proposed developments on the amenity of neighbouring occupiers in terms of privacy and outlook, daylight and sunlight and environmental issues including noise, odour, vibration and air quality has been assessed and in most cases the impacts of each scheme are found to be acceptable and broadly compliant with Southwark Plan Policy P56. The separation distances between the proposed developments and residential neighbours generally exceed the distances recommended in the Council's residential design standards SPD and will safeguard a reasonable degree of privacy. The larger footprint of the 2021 Scheme may lead to some localised impacts for those properties directly facing the site on Kings Head Yard, but this can likely be mitigated through detailed design.
- 10.12. The detailed daylight and sunlight assessments for both Schemes reveal some significant impacts on a small number of properties, notably Orchard Lisle House and Iris Brook House, both blocks of student accommodation. At both properties, the proposed developments would result in reductions in daylight levels significantly in excess of the levels recommended by the BRE. In the case of the 2021 Scheme, the residual impacts at Orchard Lisle House are considered to be of moderate to major adverse significance (in relation to the 2018 Scheme they are moderate adverse). Reductions of this magnitude would have a tangible impact on the conditions experienced by occupiers, making these single aspect rooms gloomier and heavily reliant on artificial lighting. While the daylight, sunlight and overshadowing impacts to other properties are not as significant, the degree of impact at these properties and the number of rooms affected represent a partial conflict with Policy 56.

Sustainability and urban greening

- 10.13. The 2018 Scheme fails to achieve the minimum level of carbon saving specified Southwark Plan policy P70, though the Appellant has committed to providing an updated Energy Strategy that will meet the minimum requirement. Neither a whole lifecycle carbon assessment nor a circular economy statement have been provided to demonstrate compliance with the requirements in the London Plan, though these will be addressed via condition. BREEAM Pre-Assessments have been submitted that state the Appellant will target BREEAM "Outstanding" for the new build office tower and BREEAM "Very Good" for the refurbished Georgian Terrace, both relative to a requirement in Southwark Plan policy P69 to achieve BREEAM "Excellent". At this stage, the commitments made by the applicant suggest that the Council's sustainability aspirations can be achieved for parts of this Scheme, though policy compliance is yet to be evidenced.

- 10.14. The same BREEAM targets have been identified for the 2021 Scheme, though the Energy Strategy identifies a 49% saving in regulated carbon emissions, which would exceed the minimum target expressed in Southwark Plan policy 70. Both Schemes would be future-proofed to allow for a possible connection to a DHN should the opportunity arise, in compliance with London Plan policy SI3.
- 10.15. The appellant has recently provided information about the 2018 Scheme's biodiversity net gain and urban greening factor, which the council will review ahead of the Inquiry. Conditions are proposed to secure biodiversity improvements and urban greening measures. The 2021 Scheme would deliver a 433% biodiversity net gain.

Consistency with the Development Plan as a whole

- 10.16. As set out above, I consider that the proposed developments conflict with numerous Development Plan policies of great importance for the determination of these appeals, most notably those relating to tall buildings, townscape, urban design and the impact on the setting of heritage assets, including the ToL WHS, a large number of listed buildings and conservation areas. Whilst I acknowledge that the proposals also comply with a number of other development plan policies, in my judgement the importance and extent of the policy conflicts are such that the proposals are clearly contrary to the development plan as a whole.

11. The Planning Balance

- 11.1. Having concluded that the 2018 Scheme and the 2021 Scheme would conflict with the Development Plan as a whole, I now consider whether the public benefits associated with each Scheme are so substantial that they constitute material considerations that might overcome the presumption that the decision be taken in accordance with the Plan. In order to make this balance, I summarise the findings of my assessment in the preceding sections and reiterate the weight I consider that should be attached to the harms and benefits associated with the two proposed developments. In terms of the relative weighting of these issues, I have adopted a scale of very significant, significant, moderate, limited and very limited to describe the weight to attribute to each of the harms and benefits.
- 11.2. I first turn to the Principal Issues outlined in Section 6.
- 11.3. Both the 2018 Scheme and the 2021 Scheme would result in less than substantial harm to a wide range of heritage assets, including most notably the ToL WHS, the Grade I listed Southwark Cathedral, Grade II* listed Guy's Hospital and the Borough High Street Conservation Area. In the case of Southwark Cathedral, Guy's Hospital and the Borough High Street Conservation Area, this harm is described by Dr Barker-Mills as above the middle and towards the upper end of the range of less than substantial harm.
- 11.4. In considering the weight to attach to these heritage impacts I have had regard to the statutory duty to have special regard to preserving the setting of listed buildings and to pay special attention to preserving or enhancing the character and appearance of conservation areas set out in the Planning (Listed Building and Conservation Areas) Act 1990. I understand that the effect of these duties is that considerable importance and weight must be given to these matters, and that there is a strong statutory presumption against the grant of planning permission for any development which would fail to preserve the setting of a listed building or the character or appearance of a conservation area. I have also considered these impacts in light of the evolution of planning policy and guidance that I have described in Section 5 of this Proof and the series of steps that have led to a much more robust planning policy framework in which to consider the impacts on the OUV of the ToL WHS and the setting of heritage assets more generally. I note that the London Plan is clear that *"London's heritage assets are irreplaceable and an essential part of what makes London a vibrant and successful city, and their effective management is a fundamental component of good growth"*⁶⁶
- 11.5. It is clear that the planning system must afford the maximum amount of weight to the protection and enhancement of the OUV of WHSs. Having considered Dr Barker-Mills assessment of this issue, I have concluded that **very significant weight** must be attached to the identified harm to the ToL OUV arising as a result of the 2018 Scheme and **significant weight** in the case of the 2021 Scheme.
- 11.6. In relation to the impact on the setting of listed buildings, I have highlighted how the scale of the proposed development would result in widespread impacts to the setting of a large number of listed buildings, including the setting of the Grade I listed Southwark Cathedral and Grade II* listed Guy's Hospital. The Development Plan and statute establishes a strong presumption against development that harms listed buildings and their settings and both of the proposed Schemes would harm the significance of some of the borough's most important heritage assets. In relation to both schemes, I attach **very significant weight** to the harm to the setting of the Grade I listed Southwark Cathedral and the Grade II* listed Guy's Hospital and **significant weight** to the harm identified to the setting of the large number of other listed buildings identified in Dr Barker-Mills' proof.

⁶⁶ London Plan (2022) Policy HC1 – Paragraph 7.1.1

- 11.7. It is my view that the analysis presented in the evidence of Dr Barker-Mills and Ms Adams is clear that by failing to adopt an approach that seeks to understand the characteristics of the local area to inform the site capacity and instead proposing development that would sit very uncomfortably with the building forms and scales within the Borough High Street Conservation Area, both Schemes would each result in significant harm to its character and appearance. I afford this **very significant weight**.
- 11.8. In introducing policy on achieving well-designed places, the NPPF sets out that “the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning process should achieve”⁶⁷ Further, it states that development should be refused where it fails to reflect local design policies and government guidance on design⁶⁸. Ms Adams’ proof of evidence considers the National Design Guide and identifies the significant adverse impacts of the proposal on townscape and local character and the way in which the proposals fall short of the ambitions for high-quality design set out in the design policies of the Southwark Plan and London Plan. In light of her analysis and conclusion that the appeal site is unsuitable for a tall building, and having considered the detail criteria in Southwark Plan policy P17, I attach **very significant weight** to the resulting conflicts with important policy and the harms she identifies.
- 11.9. In terms of servicing for the 2018 Proposal, I have set out the concerns expressed by TfL and the Council’s transport planning and highways teams as a result of the intensification of servicing activity through White Hart Yard and the proposed use of an on-street loading bay for HGV deliveries on St Thomas Street. While the revised servicing strategy that incorporates off-site consolidation to reduce vehicle numbers reduces the risk of conflict between servicing vehicles, pedestrians and cyclists and other impacts on the public realm, this approach remains in conflict with the Development Plan and at this time is unresolved. I acknowledge that the Appellant continues to engage with TfL and a Statement of Common Ground is being prepared, but at this time, I place **moderate weight** in this issue.
- 11.10. The scale of the development and proximity to neighbours means that the proposal gives rise to a range of daylight, sunlight and overshadowing impacts. Of particular concern are the impacts on Orchard Lisle House and Iris Brook House. Even though these properties are student accommodation and so have more transitory occupancy, the magnitude of reduction in daylight levels is substantial and will result in much gloomier accommodation with resulting lower level of residential amenity and a greater need for artificial lighting. These are single aspect units facing the appeal site and I find that these impacts would harm the quality of accommodation on offer and, by increasing the need for energy usage, would have unsustainable consequences. I attach **moderate weight** to this harm, however, in doing so I acknowledge that the assessment contains a number of further residential and commercial properties where the impacts are not so significant. As detailed in Section 6, having considered the detailed impacts on the other properties affected, including Shard Place, I find that the overall impacts on daylight and sunlight levels are of a level that is commonly experienced with new development in such locations. I only place **limited weight** in the wider daylight and sunlight impacts of each Scheme.
- 11.11. The public benefits associated with each scheme are identified in Section 8 and summarised below:
- 11.12. While I have acknowledged that a significant uplift in employment floorspace (and the associated retail and gym uses) and the corresponding increase in jobs would be benefits to which I attach **moderate weight**, it is the extent of the uplift in floorspace and the way that this is necessarily configured on the site that is driving the much more significant heritage and design harms that I have identified.

⁶⁷ NPPF (2021) Paragraph 126

⁶⁸ Ibid, Paragraph 134

- 11.13. The evidence show that the ground floor public realm is limited in its scale, its quality and utility, and it is these spaces, rather than the amenities within the proposed buildings, that would be most commonly experienced by workers, visitors and people passing through the site. Though I attach **limited weight** to the provision of public realm as a benefit of the scheme, I attach considerably more weight to the overall conflicts with development plan policies concerning design, of which the public realm is one component.
- 11.14. The sustainability benefits associated with the Schemes are not considered so significant that they make a meaningful contribution in the overall planning balance. A lack of evidence has been provided to demonstrate that the 2018 Scheme will achieve minimum policy requirements in several respects, though I recognise the sustainability credentials of the 2021 Scheme as a public benefit of **limited weight**.
- 11.15. The provision of affordable workspace is identified as a **significant benefit** given the value that is attributed to increasing its supply in the Southwark Plan, but in the overall balance, the provision of between 4,000 and 5,000sqm of discounted office floorspace is heavily outweighed by the harms identified.
- 11.16. Subject to agreeing the detailed terms in the s106 Agreement, the creation of a new access to the Borough High Street entrance to the London Bridge Underground Station and the wider package of financial contributions towards highways works are considered **moderate benefits**. Similarly, the Mayoral and Southwark CIL payments that the proposed developments would generate and the investment in strategic and local infrastructure that they would deliver are considered **moderate benefits**.

Conclusion

- 11.17. In conducting the planning balance I have had regard to the individual harms and benefits arising through the two appeal schemes. In assigning weight to the harms and public benefits, I have considered key legislative, policy and contextual issues to inform my judgements.
- 11.18. I have identified that the proposed schemes would lead to substantial conflicts with important development plan policies on matters concerning heritage impact, design quality and townscape. Further, I have identified minor conflicts in terms of servicing and the protection of amenity. The nature and extent of these conflicts is such that the proposals are both in conflict with the development plan overall, and the harms associated with the proposed developments greatly outweigh the public benefits when considered in the planning balance. While the precise nature of the harms and benefits is different for the two Schemes, as outlined above, they are not so different as to lead to a different conclusion in terms of the planning balance.
- 11.19. As such, in light of the substantial policy conflicts identified and the absence of any other material considerations that would support a decision otherwise than in accordance with the development plan, it is my professional opinion that the appeals should be dismissed and planning permission refused for the reasons identified by the Council in their Statement of Case.

Expert's Declaration

- I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer.
- I confirm that my report has drawn attention to all material facts which are relevant and have affected my professional opinion.
- I confirm that I understand and have complied with my duty to the Public Inquiry as a witness, that I have given my evidence impartially and objectively, and that I will continue to comply with that duty as required.
- I confirm that I have no conflicts of interest
- I confirm that I am aware of and have complied with the requirements of the rules, protocols and directions of the Public Inquiry.