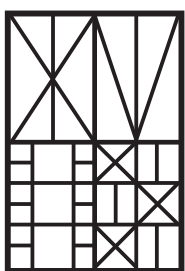


## **New City Court 2018 Scheme / 2021 Scheme**



Rebuttal Proof of Evidence  
of Chris Goddard

July 2022



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

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

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

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



## **1.0 Introduction**

- 1.1 I have read the evidence of those representing Southwark Council (LBS) and Historic England and for the most part, I consider the planning matters raised have been addressed in my main Proof of Evidence (PoE).
- 1.2 However certain planning matters are raised in the evidence of Mr Michael Glasgow (MG) of SNC Lavalin on behalf of LBS which I consider warrant a written response to assist the Inquiry, and to provide further information in order to hopefully narrow the issues between us.
- 1.3 Where I do not respond to matters raised by MG (or the other witnesses), this should not be taken as agreement with them.
- 1.4 Any defined terms in this Rebuttal relate to terms defined in my PoE.

## **2.0 Scope of Rebuttal Evidence**

- 2.1 My Rebuttal evidence should be read in conjunction with my main PoE and the main proofs and Rebuttal evidence of the Appellants' other witnesses. It addresses the following issues;
  - a) The background to the Site Allocations and reasons given by LBS for not allocating the Site;
  - b) The policy basis for the assertion that there are two separate tall building clusters in the London Bridge area;
  - c) The need for office floorspace in this area and contribution of the Appeal Schemes to meeting it;
  - d) The approach to defining 'public benefits' and weight to be attached to them;
  - e) Matters raised in relation to sustainability;

- f) Servicing arrangements (in respect of the 2018 Scheme only); and
- g) Daylight, sunlight and overshadowing issues.

### **3.0 The background to the site allocations**

- 3.1 As set out in my main PoE, the Site is located within an area identified as being suitable for tall buildings in the NSP. While the Site is not specifically allocated, LP policy D9C and NSP Policy SP17 set out a comprehensive set of criteria for testing the acceptability of a tall building in this location, which as per *R (on application of London Borough of Hillingdon) v The Mayor of London* [2021] EWHC 3387 (Admin) (CDH.09) applies irrespective of whether the Site is in an area allocated for tall buildings.
- 3.2 MG accepts this position (Para 4.27) but then makes a number of points relating to the Site Allocations process which appears to seek to prejudge such an appraisal and/or suggest an ‘in principle’ concern regarding the Site’s suitability for a tall building. Specifically, MG asserts (at Para 5.90) that the Site has never been identified as suitable for a tall building and infers that the Site was not allocated for a tall building because of concerns about a tall building in this location. I would respond as follows:-
- 3.3 First, while MG refers to the text to NSP Policy P17 and notes that this policy and the Policies Map identifies where tall buildings are expected, he omits to note that this area includes the Appeals Site, and states that ‘where the Council has identified specific sites that may be suitable for tall buildings, this is set out in the respective site allocations’ (Para 5.37).
- 3.4 My reading of the Policy is that in addition to the areas which are more generally identified as being suitable for tall buildings, which includes the Appeals Site, some individual sites within and outside those areas where tall buildings may be appropriate have been identified in allocations. I do not consider this policy can be construed as meaning that only allocated sites within these areas are suitable for tall buildings, as MG infers.
- 3.5 Second, it is unclear what, if any, detailed analysis of design, townscape and heritage issues for individual sites or possible redevelopment schemes was undertaken by LBS

during the preparation of the NSP. Based on my review of the Site Allocation Methodology Report Update 2021 (CDE.09) which considered potential allocations, it appears that the reason the Site was not pursued by LBS as an allocation was solely on grounds of site ownership and deliverability.

- 3.6 Appendix 1 of the document (CDE.09) states that the reason for omission of the Site from the NSP was:-

*‘the site is a fragmented mixture of buildings likely to be in multiple ownership and unlikely to come forward as a whole. Redevelopment could be achieved under other NSP policies’.*

- 3.7 As I consequence, I am not aware that any detailed consideration or analysis of the Site’s suitability to accommodate redevelopment for office uses and/or appropriateness as a location for tall buildings took place as part of the local plan process. I note that MG describes at some length the characterisation studies that at Para 5.85 he states have informed the tall buildings policy in the NSP.

- 3.8 Clearly even if any such concerns existed at that time in respect of the Appeal Site, the most obvious conclusion would have been to exclude the Site from the area identified as being suitable for tall buildings.

- 3.9 As I note below, LBS has previously concluded that the Fielden House site (now Shard Place), located within the Borough High Street Conservation Area and in close proximity to the Site, would form a point of landmark significance and concluded that that proposal would conserve the significance of the conservation area whilst at the same time delivering **substantial** (my emphasis) enhancements to this historic area and its setting.

- 3.10 In short, contrary to MG’s evidence, the Site is in an area identified in an up to date development plan as being suitable in principle for a tall building. There is no evidence to suggest that the Site was not progressed as an allocation on grounds that it was unsuitable for a tall building or assessed in any detail at all given it was discounted as being unlikely to come forward.

- 3.11 In any event, as MG accepts, the Appeal Schemes fall to be considered against the criteria in LP policy D9C and NSP Policy P17.

#### **4.0 One or two clusters?**

- 4.1 MG at Para 2.15 suggests that tall buildings are focussed into two distinct clusters around the Shard and further to the East on St Thomas's Street, with the inference that the Site sits outside these distinct separate clusters. Townscape matters are already addressed in the evidence of Peter Stewart, but I am not aware that this case has been advanced by LBS to date and can find no policy support for this proposition.
- 4.2 Paragraph 7 of the reasons supporting NSP Policy SP17 refers to the riverfront areas of Blackfriars Road, Bankside and London Bridge as providing an established height for tall building clusters set back from the river. Paragraph 7 goes on to differentiate between the Shard, which has formed a new pinnacle within the existing cluster of tall buildings around London Bridge Station and Guys Hospital, making London Bridge a focus for tall building development, and tall buildings located at key junctions along Blackfriars Road.
- 4.3 Accordingly, I can find no support in NSP Policy SP17 for the concept of two separate tall building clusters, one located around the Shard and another located further to the East along St Thomas Street. In any event, the Appellant's design and townscape evidence demonstrates that the Appeal Schemes would form part of, and contribute towards, the existing cluster of tall buildings around London Bridge Station and Guys Hospital.
- 4.4 The suitability of London Bridge for a cluster of tall buildings was considered in the Officer's report in respect of the redevelopment of Fielden House (now Shard Place) in 2014 (CDH.15). At para 104 the Report refers to the landmark significance of this area being the subject of extensive discussion at the Shard of Glass Inquiry, where the inspector agreed that this was an appropriate location for that tall building.
- 4.5 The Report states at paragraph 104 that:-

*‘the regenerative implications of the Shard and the substantial reinvention of the area around the station forecourt and the Joiner Street entrance have demonstrated how these buildings have helped to shape the modern city in a positive way as envisaged by CABE and English Heritage in their Tall Buildings Guidance’.*

- 4.6 In this context, CDH.015 highlights (Para 106) that unlike the Shard, the Fielden House Site is located within the Borough High Street Conservation Area where tall buildings could be questioned, but states that:-

*At the same time, the site is at the very edge of the Conservation Area, it is located in an area which has been subjected to substantial change, and the current buildings on the site are considered to be negative contributors to the Conservation Area which would suggest that their demolition and replacement would be supported for a proposal of exceptional quality of design.*

- 4.7 On this issue, CDH.015 concludes at para 107 that:-

*the site presents a unique opportunity to complete the group around the station forecourt and to cement the cluster of tall buildings around the Shard of glass. Officers are satisfied that this is a point of landmark significance and that the council’s policies in respect of conservation areas can support a proposal that conserves the significance of the conservation area whilst at the same time delivering substantial enhancements to this historic area and its setting.*

- 4.8 The more recent GLA Stage 3 Report in respect of Vinegar Yard Scheme (CDG.04) provides further support for the development of the area as a single expanding cluster of tall buildings, rather than two distinct and separate clusters as now suggested by MG. For example, the Report states (Para 2ii) that the Vinegar Yard scheme would sit comfortably within the emerging cluster; and in medium distance views the proposed development would form part of an emerging cluster of tall buildings along St Thomas Street (Para 295).

- 4.9 I consider that on any reading, these decisions would support the development of an existing and evolving single cluster of tall buildings along St Thomas Street, centred around the Shard, at a point of landmark significance. The Appeals site is located 118m from the centre of the Shard and only 30m from Shard Place, recognised as forming

part of this cluster and a point of landmark significance. Vinegar Yard, acknowledged as forming part of the same cluster, is located 238m to the east of the centre of the Shard.

- 4.10 Having regard to the Appellant's design, townscape and heritage evidence, I consider the Appeal Schemes would make a positive contribution to the continued development of this cluster, similar to the contribution recognised by LBS in respect of Shard Place.
- 4.11 I note that at Paragraph 5.67 and 5.68 MG aligns himself with the Tulip Inspectors 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. In Paragraph 5.68 MG refers specifically to ICOMOS and WHC views about the impact caused by the Shard.
- 4.12 Whatever matters were discussed at the Tulip Inquiry or in the Inspector's Report regarding previous permissions granted by CoL it forms no part of the Appellants case that previous permissions granted in Southwark set a 'binding precedent'. However, I do not consider the comparison MG seeks to make in this case is a relevant one in any event.
- 4.13 In this case the NSP is an up to date development plan, which specifically supports the role of the Shard as the pinnacle of an existing and emerging cluster of tall buildings. This policy post-dates the Shard and Fielden House permissions. In these circumstances the views of LBS and very recent conclusions of the GLA in respect of Fielden House and Vinegar Yard respectively, where some less than substantial harm was acknowledged to the ToL WHS, are clearly important material considerations in this case. The views of ICOMOS and WHS about the impacts of the Shard need to be considered in this context.

## **5.0 The need for additional office floorspace in the area**

- 5.1 It is a matter of common ground that development plan policy supports and actively promotes additional office floorspace in this area, and both Appeal Schemes would deliver a significant uplift in employment floorspace (eg MG Para 7.2). MG also



acknowledges that the provision of additional office floorspace is a public benefit (Para 8.5)

- 5.2 However, at Para 8.5 MG concludes that this public benefit only attracts moderate weight, on the basis that he considers the strategic targets for delivery of employment floorspace can be ‘comfortably achieved’ without the uplift in floorspace that the proposed developments would provide.
- 5.3 I disagree with MG on this point for a number of reasons. As noted above, the main reason the Site was not progressed as an allocation appears to relate to availability rather than any in principle objection to the redevelopment or intensification of use of the Site or its suitability as a location for a tall building. As noted in my PoE, the Site is exceptionally well suited to an office led redevelopment scheme.
- 5.4 I note that MG refers to the capacity of consented and allocated sites to suggest that these would come close to achieving the Policy target. It would be impractical and in my view a waste of Inquiry time to attempt to interrogate the detailed capacity of every allocation, or if and when such allocations may come forward. However, I would make the following observations.
- 5.5 First, while MG refers to a target to deliver 460,000 sq m of new office floorspace over the plan period (Para 5.47) it is clear from Policy SP4 that the strategic target is to provide **at least** (my emphasis) 460,000 of new office space in the CAZ and in town centres and policy SP4 2 refers to delivering **at least** (my emphasis) 460,000 sq m of new office space between 2019 and 2036. This is not a cap, but rather a minimum requirement.
- 5.6 Second, in its response to Inspectors Matters, Issues and Questions at the Examination into the NSP on Matter 5 relating to planning for the economic prosperity of the borough including employment sites (CDE.11) the LBS was clear that notwithstanding the overall projected supply of new office floorspace would be sufficient to meet the forecast need, the position within the CAZ was more challenging. The LBS response to Question 5.2 (CDE.11, Para 9) states that ‘overall it is difficult to achieve the projected demand particularly for CAZ office development and this demand still remains strong.

- 5.7 Third, even if (as MG asserts at Para 7.9) allocated sites may deliver the majority of this requirement by 2036, given the need for economic regeneration and new jobs, the particular need for prime office space within the CAZ, and the stated policy aspirations for the Bankside, Borough and London Bridge Area, I am unclear as to why exceeding this minimum target, or delivering additional jobs over a shorter timescale should carry any less weight in the planning balance.
- 5.8 I note at Paragraph 7.11 MG refers to, inter alia the potential uplift from commercial schemes in the CAZ to exceed the strategic target. The Appeal Schemes would clearly fall within this category. In light of MG's comments on the weight to be attached to public benefits which accord with minimum policy requirements, (see below) it would seem to be perverse to then attach less weight to schemes which might enable LBS to exceed its minimum requirements for new quality office space and new jobs within the CAZ.
- 5.9 In reaching my conclusions on the need for and importance to be attached to the provision of new quality office floorspace and jobs in this area, I have also had regard to the evidence attached to my PoE at APP/3/B/2, prepared by Jones Lang Lasalle and Cushman & Wakefield. This report is clear that there is a clear and urgent need and market demand for high quality office floorspace in this area.
- 5.10 This is consistent with the views expressed by LBS in the context of the EiP that the pipeline of prime grade A office floorspace within the CAZ is relatively constrained. It is also supported by the views of Mr Toby Courtauld, appended to my main PoE (APP-3/B/1), who highlights the increasing demand and lack of supply in this area, even taking into account schemes which are progressing through planning or under construction, which are included in the JLL market analysis.
- 5.11 The Appeal Schemes would provide a significant quantity of new, high quality office space, including affordable workspace, generate significant employment opportunities; make a material contribution to meeting occupier needs and wider policy objectives, including enhancing the vitality and viability of the defined town centre.
- 5.12 Given the Appellant's track record, and ability and commitment to deliver either Appeal Scheme, if permitted, within a short timescale, I attach additional weight to these

benefits, particularly when compared to allocated sites where there are no developed plans for deliverable schemes.

- 5.13 These benefits are particularly important in a post Covid era with significant economic uncertainty, where the demand for prime office floorspace is increasingly polarising towards highly sustainable, amenity rich developments.

## **6.0 The weight to be attached to public benefits**

- 6.1 There is a degree of consensus between MG and I as to the range of public benefits which would be delivered by either Appeal Scheme. These are as set out in the Planning SOCG and the evidence of MG at Paragraph 8.1. The main and perhaps most fundamental difference appears to be that, in contrast to the LBS position on Fielden House, MG does not accept the Appeal Schemes would deliver any design, townscape or heritage benefits.
- 6.2 My evidence relies on the conclusions of Simon Allford and Peter Stewart that both Appeal Schemes would deliver a number of important design, townscape and heritage benefits. Peter Stewart concludes that the heritage and other benefits would outweigh any less than substantial harm to any designated heritage asset or its setting.
- 6.3 While these are matters for the Inquiry to determine based on the heritage and townscape evidence, I note the conclusions of the LBS officer Report on the Fielden House (Shard Place) proposals (CDH.15), which appear to me to be equally of relevance to the Appeal Schemes.
- 6.4 On matters of weight to be attached to the agreed public benefits, for the main part MG ascribes less weight to these benefits than I do in my PoE. The main reason for this difference appears to be that as stated in Paragraph 8.2 of his evidence, MG appears to attach reduced weight to benefits which do not extend beyond the policy requirement.
- 6.5 I consider this approach is misconceived and as noted above, internally inconsistent having regard to the judgements reached by MG on other matters, such as the provision of additional quality office floorspace over and above the minimum policy targets.

- 6.6 The NPPF is clear at paragraph 202 that ‘where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal’. I consider that the correct approach in weighing up the public benefits of a scheme against any harm is that all such benefits should be considered.
- 6.7 Whether or not aspects of the development are required by policy, such as high-quality design, enhanced linkages, new public realm, publicly accessible gardens and viewing areas, enhancing vitality and viability or the provision of affordable workspace, they are clearly public benefits of both Appeal Schemes to be weighed in the overall planning balance. To suggest otherwise would imply that delivering the key objectives of the development plan are not public benefits.
- 6.8 Adopting MG’s more limited approach, it is difficult to reconcile the significant weight that he attaches to the delivery of a policy compliant level of affordable workspace, against the moderate weight he attaches to the wider and significant uplift in employment floorspace. Equally, MG’s apportionment of only moderate weight to the provision of a new station entrance for London Bridge Underground Station, which is a unique attribute of the Appeal Schemes which is not required by policy, also appears to be inconsistent with the approach he espouses at Paragraph 8.2.
- 6.9 Aside from this point of principle, the other key difference between the judgements reached by MG and I relates to the weight to be attached to the new public realm. MG accepts that this is a public benefit of both Appeal Schemes (Para 7.43) but he attaches only limited weight to this benefit on the basis of Elisabeth Adam’s (EA’s) criticisms of the quality of the public realm. Further, MG appears to barely consider the public benefits provided by the respective publicly accessible gardens in both Appeal Schemes.
- 6.10 I defer to the evidence of Simon Allford to judge whether EA’s criticisms of the public realm are fair. Matters of overshadowing are addressed in the GIA note attached to my main PoE. I consider the new public realm which would be provided by either Appeal Scheme would be of high quality, consistent with the historic character of this area and represents a significant public benefit of either Scheme.

- 6.11 Overall, notwithstanding the above, there is a measure of common ground as to the extensive range of public benefits which either Appeal Scheme would deliver. I have set out in my PoE what I understand to be the main differences of opinion as to the weight to be attached to each and explained why in a number of respects I consider MG has underestimated the weight to be attached to the significant public benefits which either Appeal Scheme would deliver.

## **7.0 Climate Change and Sustainability**

- 7.1 At Paras 6.51, 7.29 and 7.36 MG refers to ‘unresolved concerns’ and/or the need for more information on BREEAM and the ability of the 2018 Scheme to comply with energy policies.
- 7.2 As noted in my main PoE, and in the accompanying notes prepared by Chapman BDSP at Appendix (APP/3/B/3 and APP/3/B/4), I consider these are all matters which can be resolved by way of conditions. However, for the sake of completeness I attach a further letter prepared by Chapman BDSP as Appendix 1 which responds to these points, and a note in respect of the BREEAM review for the Georgian Terrace.
- 7.3 In the light of this further information I anticipate these matters should be capable of resolution in advance of the Inquiry, and can be dealt with by conditions as proposed.

## **8.0 Servicing Arrangements for the 2018 Scheme**

- 8.1 I do not consider MG raises any substantive new matters in relation to this issue. However, Russell Vaughan of TTP has prepared a short rebuttal proof to address the comments made by TFL and MG. This demonstrates that notwithstanding the TfL preference for the servicing arrangements proposed in the 2021 Scheme, those proposed for the 2018 scheme are acceptable and do not raise any concerns about safety.
- 8.2 It is beyond the scope of this inquiry to ‘pick and mix’ elements of two different schemes, nor is it practicable to attempt to do so. Each Appeal Scheme stands on its own merits, the servicing solution for the 2018 Scheme was previously accepted by TfL,

and neither Appeal Scheme gives rise to any reason for refusal based on servicing arrangements.

- 8.3 As MG acknowledges (Para 5.55) the NPPF is clear that development should only be refused on highway grounds where there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. The evidence of Russell Vaughan confirms that the servicing arrangements for the 2018 Scheme do not give rise to such concerns, and as noted in my main PoE, both schemes deliver transport benefits and servicing over the current arrangements.

## **9.0 Daylight, sunlight and overshadowing**

- 9.1 MG provides a detailed review of the DSO evidence. However, I do not understand that MG takes any issue with the numerical assessments undertaken by GIA. I also note that MG accepts that it is generally accepted that in the CAZ, Opportunity Areas and Town Centres prevailing patterns of development will be of higher density and this may lead to lower levels of daylight and sunlight (Para 6.118).
- 9.2 In these circumstances, the only issues MG maintains are significant material considerations in this case relate to the impacts on nearby student housing and overshadowing of parts of the new public realm to be provided (based on the critique undertaken by EA). Both matters are addressed in my PoE. For the reasons set out therein, I do not consider either matter carries any material weight in the planning balance.
- 9.3 In my main PoE I highlight that following the publication of new BRE Guidelines, GIA was considering the need for an update to the ES chapters on DSO. This has now been completed and Statements of Conformity for each scheme have been submitted as inquiry documents (APP/5/A and APP/5/B). These documents highlight that the only relevant changes relate to impacts on PV Panels at 27-29 Borough High Street. GIA conclude that these would experience a significant loss of radiation based on the recommendations in the new BRE Guidelines.

9.4 I consider this impact needs to be considered in context. It is not supported by planning policy, nor does it result in any impact on neighbours amenity against any conventional planning criteria. GIA conclude that the 2018 Scheme would need to be reduced by 23 storeys and the 2021 Scheme by 19 storeys to meet the new guidelines. In the context of the policy support for intensification and the wider benefits which both schemes would deliver, I consider applying this threshold to developments in inner urban areas like the Appeals Site would have a disproportionate impact on important policy objectives and public benefits, relative to any harm.

**APPENDIX 1 – Letter from Chapmanbdsp**



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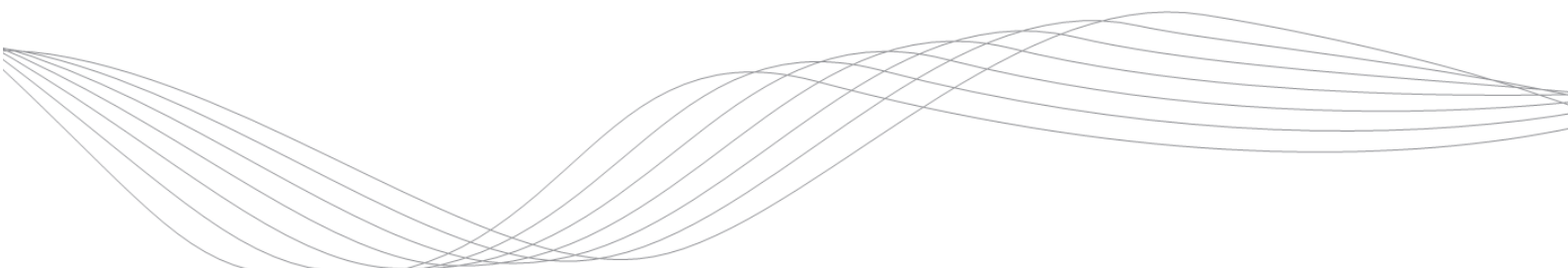
05/07/2022  
Reference: 55287

Dear Chris,

**Re: New City Court - Response to LBS evidence**

This letter has been prepared to respond to a few particular points raised in the Planning Proof of Mr Glasgow. We include the paragraph reference and text from Mr Glasgow's evidence and then our response for ease of reference:

Ref	LBS comment	CBDSP response
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.	<p>The Appellant is content for an updated Energy Strategy to be a requirement of the S106 Agreement.</p> <p>Prior to the Appellant making the commitment to 'all-electric', chapmanbdsp reviewed the impact on the 'Energy Hierarchy' to ensure the 2018 Scheme meets the current carbon emission requirements of LBS and GLA. The results are presented in the '2018 scheme energy hierarchy review' appended to your Proof of Evidence (APP/3/B/3).</p> <p>We can also confirm that the equipment required for the all-electric solution would fit within the same plant areas provided within the 2018 scheme submitted for planning. There would therefore be no design changes as a result of the improved energy strategy beyond the detailed specification of the equipment.</p>
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".	<p>The assets within the Georgian Terrace will achieve a BREEAM 'Very Good' rating due to the Grade II listed nature of the building.</p> <p>A summary note is appended to this letter which details the limitations of certain credits that prevents the Georgian Terrace from achieving a higher BREEAM rating.</p>



7.36	<p>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.</p>	
8.19	<p>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.</p>	<p>A design review was carried out prior to the pre-assessments submitted to the council on 14 June 2022 (CDK.01 and CDK.02) to ensure that the commitment was achievable.</p> <p>A planning condition has been agreed to secure the BREEAM rating. The Appellant and the design team will therefore ensure the Outstanding BREEAM rating is achieved for the new build office building. Whilst the BREEAM pre-assessments supplied identify the credits that would be targeted, the BREEAM assessor will chair regular workshops in the subsequent RIBA stages to influence the detailed design and monitor all agreed credit uplifts are incorporated.</p>

I trust the above responses assist the Inspector and the Inquiry. Please do not hesitate to get in touch if you require any additional clarification.

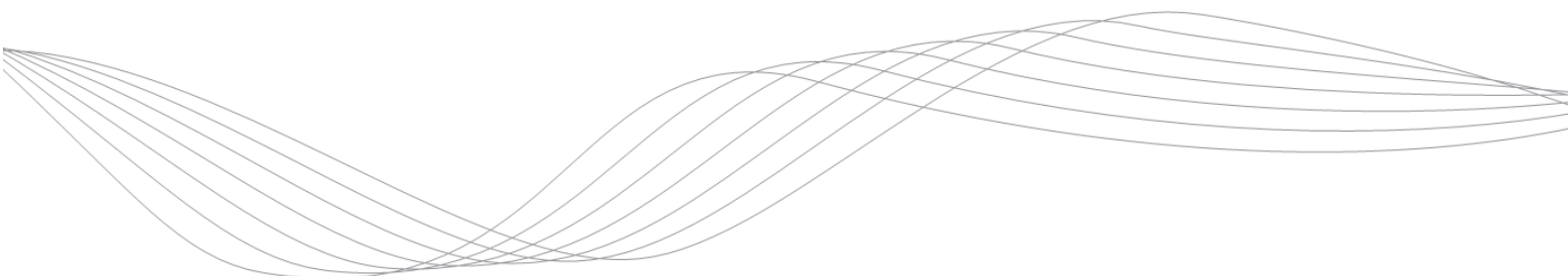
Yours sincerely,



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# New City Court BREEAM Review – Georgian Terrace

Project Name	New City Court	Author	PRP
Project No	55287	Revision	1
Date	05/07/2022		

## 1. Introduction

Both the New City Court 2018 Scheme and 2021 Scheme are targeting a BREEAM rating 'Very Good' for the Georgian Terrace under BREEAM Non-Domestic Refurbishment and Fit-Out (RFO) 2014.

BREEAM Refurbishment and Fit-out 2014 is the latest BREEAM assessment methodology used to assess refurbished buildings.

Further to our previously issued BREEAM Review dated 16 June 2022 (appended to the evidence of Chris Goddard – APP/3/B/4), the purpose of this note is to provide further detail as to why 'Very Good' is considered the most appropriate rating for this element of the development and why additional credits to secure an 'Excellent' rating have not been targeted given the design implications to the listed building.

## 2. Review of BREEAM Pre-Assessments (CDK.01 and CDK.02)

The assets within the Georgian Terrace are assessed under the BREEAM Refurbishment and Fit-Out 2014 scheme, targeting BREEAM 'Very Good' due to the Grade II listed nature of the building. This reflects the highest achievable rating as minimum standards and additional credits needed to achieve 'Excellent' are unlikely. Please see a summary below of the limitations to achieving 'Excellent':

BREEAM Credit	Required Credits	Rationale
Management (Man 02 – Elemental Life Cycle and Component level LCC)	2 Credits (2018 scheme)  1 Credit (2021 scheme)	Elemental life cycle costs assessment, component level LCC - is of limited practical application given the retained fabric, and the limited options for sensitive restoration of the project, i.e. comparing a flat roof to a natural slate pitched roof is not a relevant exercise, given the existing constraints – nor is comparing a UPVC double glazed with the existing timber sashes – given the output could not necessarily be applied. Hence these credits were not targeted.
Management (Man 04 – Testing and inspecting building fabric )	1 Credit	Given the retained existing fabric, and the limits of practical application of air tight layers / insulation to the existing buildings which could cause deterioration to that existing retained fabric, it is not practical to carry out an assessment with the aim of rectifying those deficiencies, where they lie within the existing fabric.
Health and Wellbeing (Hea 01 – Daylighting & View Out)	3 Credits	Credits are challenging to achieve due to the form of the building. A full replacement of windows is likely needed to achieve window/wall ratios required, significantly altering the external and internal appearance of the heritage asset beyond what could be considered a sympathetic intervention.

		Given the current depth of the basement level habitable spaces, their relative depth, limited size opening, bridging paving connecting to the front doors and the limited number / size of openings onto the lightwells – it is unlikely that requirements can be met.
Health and wellbeing (Hea 02 – Ventilation)	1 Credit	Given the current proximity to St Thomas Street, building intakes cannot be set more than 20 m from a source of pollution (i.e. current road traffic).
Health and Wellbeing (Hea 05 – Acoustics)	1 Credit (2018 Scheme)	<p>Sound Insulation - the existing building fabric is connected directly onto the party walls and is of limited build up between floor levels. The fabric will be enhanced by the refurbishment, but will not necessarily meet all current requirements stipulated in the BS, when compared to a newly constructed facade. Installation of additional measures such as insulation inset between floor joists can lead to a deterioration of existing fabric due to the increased risk of interstitial condensation and existing structures are not capable of supporting significant additional mass.</p> <p>Whilst higher performing secondary glazing is proposed to assist with thermal, acoustic and draughts – it will not achieve the same performance as a single system.</p>
Energy (Ene 01)	An additional 6 credits are required to uplift the current score to BREEAM “Excellent”.	<p>Not possible to achieve due to the limited fabric improvements possible within the listed building, with extensive improvement of windows, walls, and floors not possible.</p> <ul style="list-style-type: none"> <li>• The existing sash windows would be required to be replaced with a modern equivalent, or installation of secondary glazing, which would result in harm to the listed buildings.</li> <li>• The existing masonry fabric of the listed terrace would require insulating, which could be achieved either on the inside or the outside of the heritage asset. The former would result in loss of the original Georgian internal detailing, as well as disruption or consequential loss of the original plan form. It would also likely render the preserved staircases unfeasible due to lack of space. The latter would alter the external appearance of the heritage asset significantly, also negatively impacting the original brickwork due to the amount of fixings required for installation of the insulating layer, resulting in harm to the listed buildings.</li> </ul> <p>Whilst some areas of the external façade are subject to replacement, they are replacing areas of 1980’s rebuild which has slightly better thermal performance than the original walls, which are a cavity wall construction. Significant improvements were suggested to the north facing façades via vacuum sealed slim double glazed units. Given the facing brickwork can not be externally insulated, internal insulation is a high risk installation to the existing fabric and would significantly alter the internal appearance / features.</p>
Materials (Mat 03 – Responsible sourcing of materials)	Additional 1 Credit	To achieve the required responsible sourcing points (36%) would prove difficult due to the limits on procurement sources for materials to ensure the listed nature of the building is retained. For example, specific materials are likely to be required to ensure finishes to external façade are in line with the historic nature of the building, which limits the type and supplier from where materials can be procured.
Waste (Wst 01 – Reuse and direct)	Additional 2 Credits	50% of the total waste points would be required to be achieved under reuse and direct recycling of material, which would be difficult to achieve as the nature of the historic building means

recycling of materials & resource efficiency)		limited opportunities may be present to directly reuse materials and repurpose on other sites.  Construction resource efficiency targets are considered likely to prove difficult to achieve as higher amounts of waste could potentially be produced as the building is of non-traditional form and build.
Pollution – (Pol 03 – Surface water run off)	1 Credit	We cannot reduce the rainwater run off further, due to the way the existing roofs slope towards the north side of the site, and discharge via rainwater drainage pipes forming part of the north elevation. It is not possible to connect back into gravity fed SUDs on the north side.

## 2.1. Predicted Score – 2018 Scheme

The current predicted score is:

Assessment	Score	Rating
Non-Domestic Refurbishment & Fit-out 2014 – Office	66.1%	Very Good
Non-Domestic Refurbishment & Fit-out 2014 – Retail	65.7%	Very Good

## 2.2. Predicted Score – 2021 Scheme

The current predicted score is:

Assessment	Score	Rating
Non-Domestic Refurbishment & Fit-out 2014 – Office	66.1%	Very Good

The score required to achieve Excellent would be 70%. An additional 6-7% buffer should be included as good practice on all BREEAM assessment to ensure the desired rating is achieved. This is not an increase that can realistically be achieved for this element of the development, or at least not without significant impacts to the listed building.

## 3. Conclusion

The BREEAM pre-assessments of the Site demonstrate that the design would holistically incorporate sustainable principles into the full range of sustainability aspects covered by BREEAM: management, health & wellbeing, energy, transport, water, materials, waste, land use & ecology and pollution.

The BREEAM Assessor / BREEAM Accredited Professional has been and would continue to form an integral part of the design team as a consistent point for reference. Experience has proved that this approach offers the surest route to a successful BREEAM certification and holistic sustainable design.

The Georgian Terrace refurbishment for both the 2018 and 2021 Schemes is limited to achieving a rating of “Very Good” due to the risks and constraints of refurbishing a listed building. This is the highest possible rating achievable as a result of the limitations detailed above. This is of course only a relatively small part of the development (c. 1,100 sqm.) compared to the remainder of the development that is committing to achieve BREEAM Outstanding across all areas.