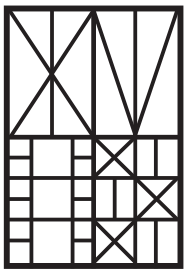


New City Court 2018 Scheme / 2021 Scheme



Rebuttal Proof of Evidence
of Peter Stewart

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*)

Introduction

- 1.1 This rebuttal evidence sets out responses to evidence submitted to the inquiry by Nigel Barker-Mills (NPBM), Alasdair Young (AY) and Elizabeth Adams (EA), and comments on a review by ICOMOS. The rebuttal focusses on main points of disagreement; if a point is not explicitly responded to, this does not imply it is accepted.
- 1.2 Set out in the tables below are summaries of the assessments of the three heritage witnesses in respect of the heritage assets that have been addressed individually. References are given to the principal paragraph(s) in each proof where the conclusion concerning the assessment of harm in each case can be found; generally this needs to be read in the context of the relevant section as a whole ('LTSH' = less than substantial harm).

2018 Scheme

Asset	Assessment of Peter Stewart	Assessment of Nigel Barker-Mills	Assessment of Alastair Young
		Level of harm as cited below is stated at 9.89	Level of harm also given in table at 12.1
Borough High Street CA	Enhanced (5.38)	LTSH, above middle towards upper end (9.80-82)	LTSH, upper end (7.92-7.93)
4-8 and 12-16 St Thomas Street	Enhanced (5.47)	LTSH, around middle (9.66-69)	Enhancement and harm (7.90-7.91)
Southwark Cathedral	LTSH – minor (5.64)	LTSH, above middle towards upper end (9.42)	LTSH, upper end (9.13)
Guy's Hospital	LTSH – minor (5.68)	LTSH, above middle towards upper end (9.53-54)	LTSH, upper end (8.35)
Tower of London World Heritage Site	No harm (5.70)	LTSH, just below middle (9.16)	LTSH, lower end (10.31)
St Paul's Cathedral	No harm (5.76)	LTSH, towards lower end (9.28, 9.30)	Small degree of cumulative harm (11.18)
The George Inn	No harm (5.80)	LTSH, towards low end (9.77)	-
The Monument	No harm (5.82)	LTSH, towards lower end (9.34-36)	-
St Magnus the Martyr Church	No harm (5.84)	LTSH, towards lower end (9.34-36)	-
Nos. 9, 9A and 11-13 St Thomas Street	No harm (5.88)	LTSH, below middle (9.58)	-
Church of St George the Martyr	No harm (5.92)	LTSH, below middle (9.73)	-
15 St Thomas Street	No harm (5.94)	LTSH, below middle (9.58)	-
Bunch of Grapes	No harm (5.95)	LTSH, around middle (9.66-67)	-
Kings Head	No harm (5.97)	LTSH, towards lower end (9.75)	-
Bank CA	No harm (5.98)	LTSH, at lowest end (9.86)	-
Trinity Church Square CA	No harm (5.99)	LTSH, towards lower end (9.83)	-
Tower CA	No harm (5.100)	LTSH, towards lower end (9.87)	-

2021 Scheme

Asset	Assessment of Peter Stewart	Assessment of Nigel Barker-Mills	Assessment of Alastair Young
		Level of harm as cited below is stated at 9.90	Level of harm also given in table at 12.1
Borough High Street CA	Enhanced (10.29)	LTSH, above middle towards upper end (9.80-82)	LTSH, upper end (7.92-7.93)
4-8 and 12-16 St Thomas Street	Enhanced (10.38)	LTSH, around middle (9.70-71)	Enhancement and harm (7.90-7.91)
Southwark Cathedral	Less than substantial harm – minor (10.45)	LTSH, above middle towards upper end (9.45-46)	LTSH, middle (9.16)
Guy's Hospital	Less than substantial harm – minor (10.46)	LTSH, above middle towards upper end (9.55)	LTSH, upper end (8.35)
Tower of London World Heritage Site	No harm (10.47)	LTSH, at low end (9.22)	LTSH, very low level (10.31)
St Paul's Cathedral	No harm (10.52)	LTSH, towards lower end (9.32)	Slightly less harm than 2018 scheme (11.20)
The George Inn	No harm (10.53)	LTSH, towards low end (9.78)	-
The Monument	No harm (10.54)	LTSH, towards lower end (9.37)	-
St Magnus the Martyr Church	No harm (10.55)	LTSH, towards lower end (9.37)	-
Nos. 9, 9A and 11-13 St Thomas Street	No harm (10.56)	LTSH, below middle (9.59)	-
Church of St George the Martyr	No harm (10.57)	LTSH, below middle (9.74)	-
15 St Thomas Street	No harm (10.58)	LTSH, below middle (9.59)	-
Bunch of Grapes	No harm (10.59)	LTSH, around middle (9.70-71)	-
Kings Head	No harm (10.60)	LTSH, towards lower end (9.76)	-
Bank CA	No harm (10.61)	LTSH, at lowest end (9.86)	-
Trinity Church Square CA	No harm (10.62)	LTSH, towards lower end (9.84-85)	-
Tower CA	No harm (10.63)	LTSH, towards lowest end (9.87)	-

- 1.4 The section below focusses on those heritage assets where NPBM and AY find that there is LTSH. I have explained how and why I disagree with their assessments in each case. I have concentrated on the 2018 Scheme to avoid over complicating this document; generally the considerations are similar for the 2021 Scheme, with differences of degree in certain cases, the effects of the 2021 Scheme being considered less harmful in some cases where harm is considered to occur.

Assessments of harm to heritage assets

Borough High Street Conservation Area ("CA")

- 1.5 NPBM states (9.80-9.82) that the main causes of harm are the scale and grain of the development, the creation of a dominant new landmark, the loss of the frontage to Kings Head Yard, the relocation of Keats House and the creation of gaps in the street frontage.
- 1.6 AY states (7.92) that the harm is due to the tall building being at odds with the character of the CA, compounded by the same effects on site referred to by NPBM.
- 1.7 My evidence states (5.9-5.38) that as experienced on and around the site, effects on the CA are positive, and that where the tall building is seen from further away, a new tall building of high quality is in general consistent with its existing character. The grain of the new building, considered in plan, is obviously different from that of older buildings; it is however comparable with that of the building it replaces - but with the many and various additional benefits to the CA as a result of the opening up of the site. The contribution of Keats House is enhanced (5.21); the opening in the street frontage is appropriate to the entrance sequence of the new tower (5.22); King's Head Yard is improved (5.20) (see also comment on AY's evidence below); and the scheme makes a contribution to the life and experience of the CA (5.27).
- 1.8 The CA is the asset where the disparity between my assessment and that of NPBM and AY is greatest. This disparity derives not just from the proposal but from differing opinions about the character and appearance of the CA. My characterisation, set out in summary in my evidence, and in more detail in the relevant TVIBHA and Heritage Statement, acknowledges that large scale modern development is a prominent aspect of the CA's character and appearance, even in respect of buildings such as the Shard that lie outwith the CA. The presence of this and other buildings means that to introduce other large scale modern buildings is not inherently in conflict with the CA's character.

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

- 1.9 NPBM states (9.66-9) that the tall building would disrupt and dominate these listed buildings; and that its architecture is alien and contrasting.

- 1.10 AY (7.90-91) acknowledges the enhancements to the terrace but also considers the scheme dominating, diminishing its value and townscape presence.
- 1.11 My evidence states (5.43-47) that there is an adverse visual effect from one view but that in general, dramatic contrast and juxtaposition are both characteristic of the area and positive in this case; and the works to the terrace enhances this. Adding something to a view changes that view, but does not necessarily disrupt it nor harm the significance of the heritage asset in question.

Southwark Cathedral

- 1.12 NPBM states (9.41-42) that appreciation of the cathedral is harmed by the addition of the new tower in its backdrop as seen from certain locations.
- 1.13 AY states (9.11-13) that the proposals compete with the cathedral's architecture and landmark qualities.
- 1.14 My evidence states (5.64) that while there is some harm to the viewer's ability to appreciate the cathedral as seen from certain locations, this is minor when one considers the cathedral's existing setting in the round.

Guy's Hospital

- 1.15 NPBM states (9.48-54) that the proposal is harmful to the experience of the hospital's formal courtyard spaces, exacerbating the harm cause by existing tall buildings nearby.
- 1.16 AY states (8.33-35) that there would be harm resulting from the stark juxtaposition created and the effect on the tranquillity of the courtyards.
- 1.17 My evidence states (5.68) that while there is some harm to the viewer's ability to appreciate the hospital as seen from certain locations, this is minor when one considers the existing setting in the round; and that the scheme offers public realm benefits that will have a positive effect on the setting. There is no fundamental change to one's experience of the courtyards given the existing presence of a number of tall buildings.

Tower of London WHS

- 1.18 NPBM states (9.14-9.26) that harm results generally from the appearance of the proposal in the backdrop of the Tower as seen from certain points within the Tower's site and from points within its local setting, exacerbating the harm cause by the Shard and other tall buildings around London Bridge.

- 1.19 AY makes similar points to NPBM (10.25-31).
- 1.20 My evidence states (5.70) that the proposal would be seen only from limited points in this area and would add positively to the existing group of buildings at London Bridge. I list the attributes of the OUV of the WHS and note that none of them would be affected.
- 1.21 Modern London is seen all around the Tower of London, from within the WHS and in views of the WHS – most notably in respect of buildings in the City but also, to a rather lesser degree, at London Bridge. This does not in my view harm or detract from the heritage significance of the WHS or its component parts, nor from the ability to appreciate that. On the contrary, it is a vivid and compelling illustration of London’s transformation from a minor European city when the Conqueror came 1000 years or so ago, to the global city that it has progressively become over the period since then. The contrasts and the visible layers of history that have resulted enrich and add to the experience of the Tower rather than harming or diminishing it.

Other heritage assets

- 1.22 The above HAs are those where NPBM and / or AY consider that that there is LTSH at the middle of the range or higher (plus the WHS, where they assess harm at a lower level than that).
- 1.23 In the case of other HAs where they consider that there is harm, this is considered by them to be lower than the middle of the range, as set out in the tables above. In all of those cases I consider that there is no harm to heritage significance. Cross references are given in each case to the assessment in my evidence.

Evidence of Nigel Barker-Mills for LB Southwark – other rebuttal points

- 1.24 References are to paragraph numbers in NPBM’s evidence unless noted otherwise; likewise for points on the other proofs of evidence that follow.
- 1.25 8.17. The cathedral tower is described as ‘..seen for the most part against a clear sky’ – this will still be true from most locations.
- 1.26 9.1 refers to four attributes; 9.2-9.6 oddly omit one of the four GPA3 attributes referred to, ‘wider effects of the development’, which include various possible benefits, and viability.
- 1.27 9.7. Vu City is a digital modelling tool which shows the extent of visibility of built form, but little else. It is preferable to assess schemes with a combination of verified view photography and consideration on site, which allows the viewer to interpolate or extrapolate between verified view locations, since in many case it is indeed important to consider kinetic views. The Appellant offered to consider the preparation of further verified views or kinetic views but

this was not taken up. Discussions between the Appellant and LBS / HE on this point are contained at Appendix 1 to this rebuttal.

- 1.28 9.15. It is correct to state that the TVIBHA assessment referred to is not an assessment of setting; this is carried out in the heritage section and not the visual impact section which is referred to here, so the criticism that follows in 9.16 is misplaced. On the other hand, NPBMs assessment seems to be based almost entirely on effects on views, some of which is based on conjecture about what would be visible from particular points where verified views have not been provided, and had not been requested.
- 1.29 9.17-9.25. The viewpoints relevant to the Tower of London that are illustrated in the TVIBHA were agreed with LBS and no additional viewpoints were requested. I consider that the viewpoints are adequate to assess the effects of the schemes on the Tower. This is because the visibility of the Shard and Guy's tower, together with the views provided and an understanding of the height and location of the proposals, is sufficient to gain a good understanding of the effect of the proposal on the Tower when one visits the Tower and environs. This is a matter that is best judged on site, and I consider that a site visit will validate the judgements reached in my assessment.
- 1.30 9.34-9.36. Effects on views from Gracechurch Street are also best judged on site, and it is recommended that this location should be visited as part of the Inspector's site visit. The viewpoint in question is carefully chosen as the location where the conjunction referred to is most apparent, and is very limited in extent – this will be a dynamic relationship and moving a few paces in any direction makes quite a difference. The effects of traffic etc. in this area are distracting, and the experience of this view on site is fleeting. The Site is a long way beyond the Monument and the church, and the 500m or so separation between the listed buildings and the commercial development across the river will be apparent to the viewer.
- 1.31 9.42. Whether a viewer's appreciation of the cathedral would be affected by seeing a tall building in the backdrop depends on a personal response that would vary from person to person – it would not affect my appreciation of the cathedral's architectural or historic qualities. To say that the proposal would appear 'visually attached' to the cathedral is inaccurate, and no more than a tendentious characterisation of any background or skyline effect.
- 1.32 9.51-53. The effect of the contrast introduced, which I acknowledge, is in my view affected by the quality of what is introduced to the setting – the Guy's tower has no positive qualities, the Shard does, and so does the proposal. It makes a difference, notwithstanding what is stated elsewhere about the decision in the Chiswick Curve case.
- 1.33 9.54. Refers to 'harm' resulting from Shard Place and from the Shard – but this is not a view shared by the London Borough of Southwark when supporting each of those projects.

- 1.34 9.66 The architectural qualities of the terrace are said to be ‘completely disrupted’. I understand NPBM has concerns about setting, though I do not agree, but the architectural qualities of the terrace are completely unaffected by building a tall building which is seen in its setting.
- 1.35 9.68. The setting of this group of Georgian buildings, to north, south, east and west, is in contrast with that group. The buildings on north and south of the street have a group value, but they are not a designed composition as a whole. The group has nothing like the overall designed coherence of Bloomsbury, for example. Further change in its setting is not inherently disruptive.
- 1.36 9.70. The terrace is said to be reduced to a façade; in fact the opposite is the case, since it would be understood (by the public) in the round; they will be able to experience the buildings from the south as well as from the north, which is not the case at present.
- 1.37 9.80. The single building that is proposed replaces the single building on site today, but frees up the listed terraces and opens it to view. The back of the historic plots were united some time ago.
- 1.38 Section 10. The method of assessment of heritage effects in the TVIBHA is criticised in this section. I consider it robust, appropriate, proportionate and in accordance with relevant policy and guidance. Our assessment methodology is not criticised in AY’s evidence submitted on behalf of HE who issue guidance on the subject, and AY’s approach in his evidence is similar to ours; it is the judgements reached that are different. As show. As the correspondence at Appendix 2 shows, the Planning Casework Unit at PINS have stated that the ES is sound.
- 1.39 10.5. It is stated that the heritage assessment has ‘used’ the TVIBHA views. While the assessment is informed by the view images, it is also informed by an understanding of heritage significance and by site visits which inform an understanding of setting in the round. I note in passing that NPBM’s evidence relies extensively on view images, and in fact seems to suggest that there should be more than have been provided.
- 1.40 10.6. The critique of the method of heritage assessment is tendentious. The text quoted states that the assessment ‘takes account of’ quality of setting, not that this is the main consideration.
- 1.41 10.8. The reason our assessment is done in the way described is that it takes account of magnitude of change before deciding whether the change affects significance. Since most change to setting does not harm significance, if this step were omitted, the assessment would be a lot simpler and shorter, but for the non-expert reader would be harder to follow. Effect on significance is assessed as a subsequent step, as the methodology makes clear.

- 1.42 10.12. This criticism of the TVIBHA assessment is a criticism of the finding of the assessment, not the methodology. All of section 10 is attempting to demonstrate that because the TVIBHA reaches conclusions that NPBM disagrees with, it must have been carried out by a flawed method; when in fact these are just differences of professional opinion concerning both significance and effects.
- 1.43 As a final point, and as a comment on the differing levels of harm assessed by me and by NPBM, I draw attention to the asset where he finds the lowest level of harm. At 9.86 harm is said to be caused to the setting of the Bank CA. The south boundary of this large CA at the heart of the City is two blocks back from the river. This finding of harm, and the reasoning adduced to support it – where one is required to take several ‘knight’s moves’ away from the actual significance of the CA to get to an assessment of harm - are in my view implausible. I draw attention to this assessment at the lowest level of harm found by NPBM because it is suggestive of a general inflation of ‘harm’ which I consider to be present throughout much of NPBM’s evidence.

Evidence of Alasdair Young for Historic England – other rebuttal points

- 1.44 7.22. AY refers to the screen wall on the south side of the Site. The exact sequence of events that has led to what we see today is not clear, but our view is that most of this screen wall is of recent date, postdating WW2, likely as a result of reconstruction after the bomb damage referred to in the Survey of London. The bay at the west end appears to be older and there is more detail and ornament, but greater wear to the fabric; the other bays appear newer and with less detail, albeit they are well executed ‘cut and paste’ versions of the older bay. They form an entirely dead screen frontage to the existing building behind. We have not found any evidence that this arrangement of repeated bays existed before WW2.
- 1.45 7.34. The ‘breathing space’ point is significant; the point is also true of the perception of the tall buildings in the proposals where seen with lower buildings in their foreground – the perception of depth is different on site compared with a photograph.
- 1.46 7.70 ‘merely a façade’ – see my comment at paragraph 1.36 of this rebuttal on a similar argument made by NPBM.
- 1.47 7.80 Keats House is described as being demolished and reconstructed, and this is termed ‘inauthentic’. Keats House is already a retained façade with rebuilt accommodation behind, and its authenticity is limited to that façade; the façade will not be demolished but moved, intact, to a new location.
- 1.48 7.89. The proposed shopfronts clearly have benefits. A purist view is that this is inauthentic or ‘incorrect’ but as the backs of these buildings have already lost their former back yards and will be open to public view, what is proposed is imaginative and appropriate to the new site

plan. The proposals are consistent with the continuing change that has taken place in this CA over centuries.

- 1.49 8.19. 'a clear skyline as originally conceived'. A clear skyline may have been part of the condition of the site when the buildings were built, but there is no reason to think that this is part of any conception.
- 1.50 8.25. The contrast between the hospital and its setting exists already and is very apparent.
- 1.51 8.28. No photograph can completely accurately reflect what the eye sees. The point of the panoramas is to emulate what a viewer experiences when in the courtyard.
- 1.52 9.11 Here as elsewhere the reference to 'visual distraction' is misleading and tendentious. The cathedral's architecture and significance can be appreciated whether or not other buildings are seen behind it.
- 1.53 9.12. The view from London Bridge is dynamic, and is different along its length and different from the two pavements. The cathedral can be seen throughout; its relation with other buildings varies. Either of the proposed buildings would step down from the Shard to the cathedral in a carefully considered manner and the effect could just as readily be described as drawing the eye down towards the cathedral.
- 1.54 10.17 The Tower of London was indeed created to dominate its surroundings, but that was ten centuries ago, and it no longer dominates in the same way – the effect of dominance today is local and not wider. At a greater distance from the Tower of London than the City of London cluster, tall buildings at London Bridge do not reduce its dominance of its local setting.
- 1.55 11.19 The west towers of the cathedral are not mentioned in the LVMF in connection with this view. This is probably because at about 8km from the viewpoint, the dome of the cathedral can be made out with the naked eye in clear weather, but it is hard to make out the much smaller west towers, which are in any case partly obscured by the Old Bailey.
- 1.56 13.8 Development behind the listed terrace is said to affect the 'architectural interest' of the frontage. I can understand, though not agree with, the idea that the effect on setting may for some be unsatisfactory, but I cannot see how architectural interest is affected, nor is this explained.

Evidence of Elizabeth Adams

- 1.57 At 3.2, Fig.4, EA provides a map of character areas that she considers in her evidence, described in 3.1.6 as 'legible and easily perceived'. I note that these are different from the character areas in the TVIBHA, and from those in the CA appraisal, and also different from those in the Bankside, Borough and London Bridge Characterisation Study (BBLB) (CDE.013) to which she refers at 3.1.6. This variety in turn reflects the mixed and varied character of the whole of the area around the Site, referred to in my evidence; very few of the areas in any of the four versions referred to have boundaries that would be clearly perceived on site. This contrasts with assessments in locations of a different, less complex and varied kind where there might be a fairly clear distinction between, say, 'town centre' and 'suburban hinterland'. At London Bridge all of these attempts to divide the area up have some validity, but none can be considered categorical or authoritative.
- 1.58 At 3.3.8 the St Thomas Street frontage is described as 'coherent'. The 1980s part of the frontage is an oddity, not of any great quality in architectural terms; it has a peculiar form and an architectural language which do not sit coherently with the Georgian terrace, notwithstanding the matching height and partial use of brickwork; and the curve at the west end of this part and the ground floor arrangement do not in my view form part of a coherent streetscape.
- 1.59 3.4.9 and Fig 7. With respect to the point that is made about distance between the proposal and listed buildings, Shard Place is immediately adjacent to the stock brick terrace on the north side of St Thomas Street, and sits on the street frontage rather than set back; and is within the conservation area. The same section as shown on Fig 7 but looking east rather than west encompasses the Shard and Shard Place, seen in elevation beyond: see Fig. R1 below. This gives a rather different impression.

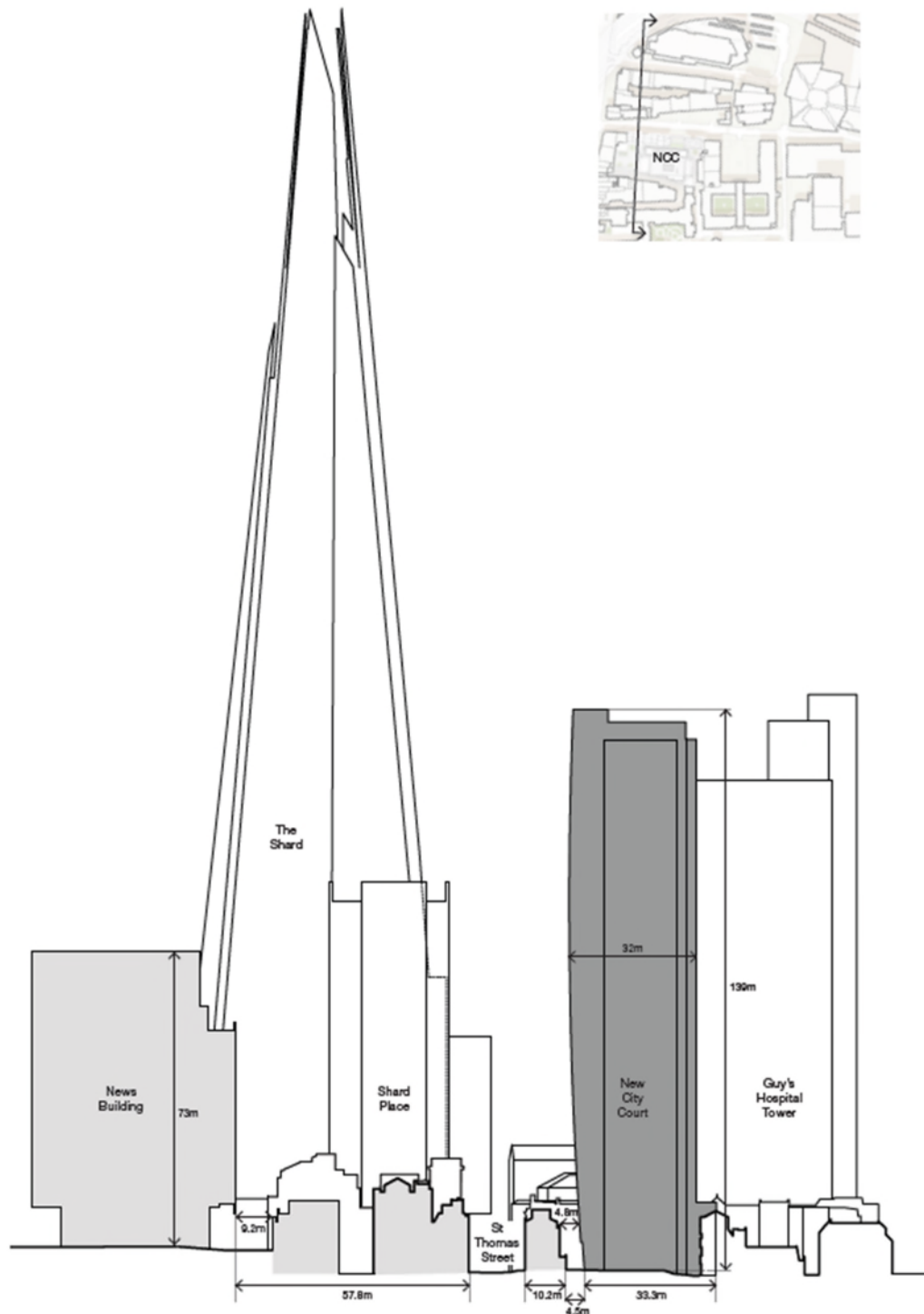


Fig. R1. Diagrammatic section through St Thomas Street looking east, showing 2018 Scheme (Source: AHMM)

- 1.60 Fig 32, p47. This viewpoint is about 100m from the site and the proposal is about 140m high. At this distance you could see the top of the building by tilting your head upward, but you could not take in the top at the same time as the bottom, and the other low buildings nearby;

and the effect of converging verticals in real life means that the parallel verticals shown here give a completely different impression from what you would actually see if you looked up.

- 1.61 3.4.10. The Shard's effect is described as positive rather than overbearing and reference is made to Figure 20 (p34). As with the 2018 and 2021 Schemes, some people will admire the contrasts that are apparent in this image and others will object to them, but it is hard to see how the contrasts that result are significantly different in their general effect.
- 1.62 4.4.5. Abruptness of juxtaposition of new and old is said to be 'jarring'; I do not agree with this perception, but in any case the juxtaposition of old and new is a characteristic of the area, as it is of central London in general, e.g. Shard Place seen behind a Georgian building in EA's Fig. 20, p34.
- 1.63 4.4.6. The 2021 Scheme will clearly be entirely distinct from the Georgian terrace in its form, material etc., so there will be an immediately apparent difference between the existing buildings and the newbuilding, as is typical of contrasts between new and old in the area.
- 1.64 5.2.1. 'Both proposals are large and as a result have a correspondingly substantial adverse impact' – this is a non sequitur which suggests that harm is correlated with size of building. Harm should be measured on the basis of harm, if any, to the significance of the heritage asset affected.
- 1.65 5.2.2. The Site is said, or implied, not to be at a point of landmark significance. The report to committee for Shard Place stated that that site is at a point of landmark significance and while the two sites are different, it is hard to see how this distinction can be made convincingly; in my evidence I explain that the Site meets the criteria in this respect.
- 1.66 5.2.3. The view looking south is not 'open' – it is terminated by buildings, as the street is not straight and one does not see it stretching into the distance; and the extent of built form varies as one stands in different places on the bridge. If one turns around and looks north the vista is also terminated by built form.
- 1.67 5.3.1.1. All tall buildings in central London are located cheek by jowl with lower buildings, usually including historic buildings.
- 1.68 5.3.1.1. CABE questioned whether the Site can be considered as part of the London Bridge cluster. We consider that either proposal would be seen as part of the cluster, which through recent consents, will now extend some distance to the east of the Shard. The Site by contrast is close to the Shard and the 2018 and 2021 Schemes make a convincing addition to the cluster to the Shard's west, balancing the group and forming an end stop.

- 1.69 5.3.4.2. There is no loss of ability to understand the character of the townscape; the yard is still legible as a yard, and the listed terrace becomes more comprehensible, not less, as noted above.
- 1.70 5.3.4.6. The contrast between Victorian engineering and Georgian domestic architecture is part of the CA's quality and character; analogous contrasts in a new development are consistent with the way this area has changed over time.
- 1.71 5.3.7.1. Adding a building does not affect legibility; the Georgian group on both sides of the street remains; opening up the site improves legibility.
- 1.72 5.3.9.2. The uneasiness referred to in the TVIBHA concerns the relation between the new building and the Shard, not the new building and the foreground; this is a consequence of the Shard's shape, and such relationships appear in its conjunction with many orthogonal buildings where they overlap visually.
- 1.73 5.3.9.6-9. The 2018 Scheme is less than half the height of the Shard; the 2021 Scheme is a third of the height. Neither disrupts the primacy of the Shard as a landmark.

ICOMOS review

- 1.74 ICOMOS, in a 'Technical Review' dated 21 June 2022, echo the criticisms of HE concerning effects on the OUV of the Tower of London WHS.
- 1.75 I do not agree with their criticisms, for much the same reasons that I do not agree with HE. ICOMOS fail to explain what it is about the OUV that is harmed by the proposals.
- 1.76 ICOMOS criticise the lack of a Heritage Impact Assessment following ICOMOS guidance. It is not clear what information the ICOMOS review is based on, but heritage assessments have in fact been provided both for the 2018 and 2021 Schemes, as part of the TVIBHA for each. The assessments are in line with the terms of the Mayor of London's WHS SPG [CDD.25], to which ICOMOS is said to have contributed, and which states at 5.2 that it is based on ICOMOS guidance.

APP/2/C/1

APPENDIX 1
CORRESPONDENCE ON VUCITY

From: Emma McDonald
Sent: 13 June 2022 22:25
To: Foley, Margaret
Cc: Juliet Munn; Harries, Beth
Subject: RE: New City Court appeals - joint request with Historic England

Margaret

With reference to your email below, AHMM's position remains that consent is not granted for the use of still images or kinetic sequences from the VuCity models.

We disagree that the VuCity models can accurately portray the massing and appearance of the buildings and so be used to convey how the buildings would be experienced in their environment. VuCity is a very helpful scoping tool, which was used by the parties when agreeing the large number of views that were to be accurately prepared for submission with each application. All requested views were prepared as AVRs, which are reliable and do accurately convey the massing and appearance of the buildings and their cumulative context. A site visit using the AVRs on location will enable the Inspector to visualise the schemes in context.

The Appellant has not been asked to prepare any additional views or kinetic sequences at any stage during the determination periods. Indeed, the Council considered the applications at Committee based on the agreed views and the AVRs submitted with the application. We do not consider it appropriate at this stage to consider new views where accurate photography and rendered details showing the architecture of the schemes are not available.

As before, if there are specific views that you would like us to consider with our client and Miller Hare, please let me know as soon as possible.

Kind regards

Emma

Emma McDonald
Associate
Town Legal LLP

Mobile: [REDACTED]
10 Throgmorton Avenue, London EC2N 2DL

www.townlegal.com

Most highly rated planning law team in the country (Planning magazine annual planning law survey, 2019, 2020 and 2021)

Boutique Law Firm of the Year - The Lawyer Awards 2020

tn.

From: Emma McDonald
Sent: 10 June 2022 17:06
To: Foley, Margaret <Margaret.Foley@southwark.gov.uk>

Cc: Juliet Munn <juliet.munn@townlegal.com>; Harries, Beth <Beth.Harries@HistoricEngland.org.uk>
Subject: RE: New City Court appeals - joint request with Historic England

Margaret

Thank you for your email. I will take further instructions and get back to you as soon as I am able.

Kind regards

Emma

Emma McDonald

Associate

Town Legal LLP

Mobile: [REDACTED]

10 Throgmorton Avenue, London EC2N 2DL

www.townlegal.com

Most highly rated planning law team in the country (Planning magazine annual planning law survey, 2019, 2020 and 2021)

Boutique Law Firm of the Year - The Lawyer Awards 2020



From: Foley, Margaret <Margaret.Foley@southwark.gov.uk>

Sent: 10 June 2022 15:51

To: Emma McDonald <emma.mcdonald@townlegal.com>

Cc: Juliet Munn <juliet.munn@townlegal.com>; Harries, Beth <Beth.Harries@HistoricEngland.org.uk>

Subject: RE: New City Court appeals - joint request with Historic England

Importance: High

Dear Emma

Thank you for your email.

Your comments about your client's preference for reliance on the AVR's produced by Miller Hare are noted. However, in terms of assessing the visual impacts of the proposals both the Council and Historic England consider that the VuCity models are very important to convey the massing of the buildings and the way in which they would be experienced as tall buildings in their environment. The kinetic walk through capacity of the models is invaluable in this respect. We note that the supporting text to policy D9 of the London Plan refers to the utilisation of 3D virtual reality modelling in the assessment of cumulative impacts of developments. One of the reasons that applicants are asked to provide such models as part of the application material is to enable the local planning authority and Historic England to assess and verify these matters independently, and that continues to be important for the purposes of preparing evidence for a public inquiry.

We would request your urgent confirmation that Allford Hall Monaghan Morris will permit use of still images from the models in evidence and for the creation of kinetic sequences from those models as the Council wishes to include still images in the proofs of evidence that are to be

submitted by the 21 June-and there is the opportunity for the Council and Historic England to present kinetic view sequences from the models at the inquiry.

I look forward to hearing from you

Kind regards

Margaret

Margaret Foley
Senior Planning Lawyer
Law and Governance
Southwark Council
160 Tooley Street
London SE1 2QH
[REDACTED]

margaret.foley@southwark.gov.uk

From: Emma McDonald <emma.mcdonald@townlegal.com>

Sent: Thursday, June 9, 2022 10:07 AM

To: Foley, Margaret <Margaret.Foley@southwark.gov.uk>; Harries, Beth <Beth.Harries@HistoricEngland.org.uk>

Cc: Juliet Munn <juliet.munn@townlegal.com>

Subject: RE: New City Court appeals - joint request with Historic England

Margaret and Beth

I hope the site visit yesterday was useful for your witnesses. Following the bank holiday, we have now been able to take instructions on the other matters raised in your email below.

The Appellant team does not consider that VuCity is the appropriate tool to generate images for use at the inquiry. Full sets of technically accurate images (AVRs prepared by Miller Hare) are available for both schemes. These reflect all agreed viewpoints and in our view should be used by all parties for consistency and greatest accuracy.

Should either of your teams really feel that the Inspector would benefit from additional views (and/or kinetic sequences) at this stage, please let us have the details and we will consider whether additional AVRs/sequences can be prepared by Miller Hare.

Kind regards

Emma

Emma McDonald

Associate
Town Legal LLP

Mobile: [REDACTED]
10 Throgmorton Avenue, London EC2N 2DL

www.townlegal.com

Most highly rated planning law team in the country (Planning magazine annual planning law survey, 2019, 2020 and 2021)

Boutique Law Firm of the Year - The Lawyer Awards 2020



From: Foley, Margaret <Margaret.Foley@southwark.gov.uk>

Sent: 08 June 2022 13:50

To: Emma McDonald <emma.mcdonald@townlegal.com>; Harries, Beth <Beth.Harries@HistoricEngland.org.uk>

Cc: Juliet Munn <juliet.munn@townlegal.com>

Subject: RE: New City Court appeals - joint request with Historic England

Emma

Many thanks to your client for facilitating the site visit today which was much appreciated.

Is there any update on the VuCity modelling request please ?

Kind regards

Margaret

Margaret Foley
Senior Planning Lawyer
Law and Governance
Southwark Council
160 Tooley Street
London SE1 2QH
[REDACTED]

margaret.foley@southwark.gov.uk

From: Emma McDonald <emma.mcdonald@townlegal.com>

Sent: Tuesday, June 7, 2022 3:07 PM

To: Foley, Margaret <Margaret.Foley@southwark.gov.uk>; Harries, Beth <Beth.Harries@HistoricEngland.org.uk>

Cc: Juliet Munn <juliet.munn@townlegal.com>

Subject: RE: New City Court appeals - joint request with Historic England

Thanks Margaret, all noted.

Emma McDonald

Associate

Town Legal LLP

Mobile: [REDACTED]

10 Throgmorton Avenue, London EC2N 2DL

www.townlegal.com

Most highly rated planning law team in the country (Planning magazine annual planning law survey, 2019, 2020 and 2021)

Boutique Law Firm of the Year - The Lawyer Awards 2020



From: Foley, Margaret <Margaret.Foley@southwark.gov.uk>

Sent: 07 June 2022 15:07

To: Emma McDonald <emma.mcdonald@townlegal.com>; Harries, Beth <Beth.Harries@HistoricEngland.org.uk>

Cc: Juliet Munn <juliet.munn@townlegal.com>


Subject: RE: New City Court appeals - joint request with Historic England

Emma

Thank you for your email and for arranging the visit as requested.

One of the Council's witnesses, Nigel Barker-Mills, has confirmed that he will not now be able to attend. The other witnesses have been given the contact details for Fiona Broadbent.

Kind regards

Margaret Foley
Senior Planning Lawyer
Law and Governance
Southwark Council
160 Tooley Street
London SE1 2QH

margaret.foley@southwark.gov.uk


From: Emma McDonald <emma.mcdonald@townlegal.com>

Sent: Monday, June 6, 2022 2:16 PM

To: Harries, Beth <Beth.Harries@HistoricEngland.org.uk>; Foley, Margaret <Margaret.Foley@southwark.gov.uk>

Cc: Juliet Munn <juliet.munn@townlegal.com>

Subject: RE: New City Court appeals - joint request with Historic England

Thank you Beth / Margaret. Fiona Broadbent will be the contact at the site on the day, her number is .

No need for any additional info on visitors, though please let me know if attendees change on the day.

Many thanks

Emma

Emma McDonald
Associate
Town Legal LLP

Mobile: [REDACTED]
10 Throgmorton Avenue, London EC2N 2DL

www.townlegal.com

Most highly rated planning law team in the country (Planning magazine annual planning law survey, 2019, 2020 and 2021)

Boutique Law Firm of the Year - The Lawyer Awards 2020

tn.

From: Harries, Beth <Beth.Harries@HistoricEngland.org.uk>
Sent: 06 June 2022 13:11
To: Foley, Margaret <Margaret.Foley@southwark.gov.uk>; Emma McDonald <emma.mcdonald@townlegal.com>
Cc: Juliet Munn <juliet.munn@townlegal.com>
Subject: RE: New City Court appeals - joint request with Historic England

Dear Emma

Thank you for confirming the site visit. Alasdair Young, our witness will be attending and his contact number is [REDACTED]. Please could you let us know who will be the contact point your end for access. Thanks.

Kind regards

Beth



Historic England

Work with us to champion heritage and improve lives. Read our Future Strategy and get involved at historicengland.org.uk/strategy.

Follow us: [Facebook](#) | [Twitter](#) | [Instagram](#) Sign up to our [newsletter](#)

This e-mail (and any attachments) is confidential and may contain personal views which are not the views of Historic England unless specifically stated. If you have received it in error, please delete it from your system and notify the sender immediately. Do not use, copy or disclose the information in any way nor act in reliance on it. Any information sent to Historic England may become publicly available. We respect your privacy and the use of your information. Please read our full [privacy policy](#) for more information.

From: Foley, Margaret <Margaret.Foley@southwark.gov.uk>
Sent: 06 June 2022 12:24
To: Emma McDonald <emma.mcdonald@townlegal.com>
Cc: Harries, Beth <Beth.Harries@HistoricEngland.org.uk>; Juliet Munn <juliet.munn@townlegal.com>
Subject: RE: New City Court appeals - joint request with Historic England

THIS IS AN EXTERNAL EMAIL: do not click any links or open any attachments unless you trust the sender and were expecting the content to be sent to you

Thank you Emma.

I have names and email addresses but not contact numbers so please confirm if you need numbers and I will obtain the information from the witnesses.

The names of the Council witnesses are;

Nigel Barker-Mills
Michael Glasgow
Elizabeth Adams

Kind regards

Margaret

Margaret Foley
Senior Planning Lawyer
Law and Governance
Southwark Council
160 Tooley Street
London SE1 2QH

margaret.foley@southwark.gov.uk

From: Emma McDonald <emma.mcdonald@townlegal.com>

Sent: Monday, June 6, 2022 12:16 PM

To: Foley, Margaret <Margaret.Foley@southwark.gov.uk>

Cc: Harries, Beth <Beth.Harries@HistoricEngland.org.uk>; Juliet Munn <juliet.munn@townlegal.com>

Subject: RE: New City Court appeals - joint request with Historic England

Margaret, Beth

Further to the below, the appellant has confirmed that access to the site can be arranged at 10am on Wednesday 8 June. If this is convenient, please could you provide a list of names/contact numbers of all attendees – this will be passed on to the site team to arrange access.

I will get back to you on the VuCity modelling point shortly.

Many thanks

Emma

Emma McDonald

Associate

Town Legal LLP

Mobile: [REDACTED]

10 Throgmorton Avenue, London EC2N 2DL

www.townlegal.com

Most highly rated planning law team in the country (Planning magazine annual planning law survey, 2019, 2020 and 2021)

Boutique Law Firm of the Year - The Lawyer Awards 2020



From: Foley, Margaret <Margaret.Foley@southwark.gov.uk>
Sent: 01 June 2022 16:33
To: Emma McDonald <emma.mcdonald@townlegal.com>
Cc: Harries, Beth <Beth.Harries@HistoricEngland.org.uk>; Juliet Munn <juliet.munn@townlegal.com>
Subject: RE: New City Court appeals - joint request with Historic England

Thank you Emma and I understand the position.

There may be further emails from me over the next couple of days as I am intending to reply about the updated core documents list which you kindly sent through.

Kind regards

Margaret

Margaret Foley
Senior Planning Lawyer
Law and Governance
Southwark Council
160 Tooley Street
London SE1 2QH
[REDACTED]
margaret.foley@southwark.gov.uk

From: Emma McDonald <emma.mcdonald@townlegal.com>
Sent: Wednesday, June 1, 2022 4:26 PM
To: Foley, Margaret <Margaret.Foley@southwark.gov.uk>; Juliet Munn <juliet.munn@townlegal.com>
Cc: Harries, Beth <Beth.Harries@HistoricEngland.org.uk>
Subject: RE: New City Court appeals - joint request with Historic England

Margaret

Thank you for your email, we are taking instructions on this. Please note that a number of the client team are on annual leave this afternoon so we may struggle to get you a response before the bank holiday weekend.

Many thanks

Emma

Emma McDonald
Associate
Town Legal LLP

Mobile: [REDACTED]
10 Throgmorton Avenue, London EC2N 2DL

Most highly rated planning law team in the country (Planning magazine annual planning law survey, 2019, 2020 and 2021)

Boutique Law Firm of the Year - The Lawyer Awards 2020



From: Foley, Margaret <Margaret.Foley@southwark.gov.uk>

Sent: 01 June 2022 13:42

To: Emma McDonald <emma.mcdonald@townlegal.com>; Juliet Munn <juliet.munn@townlegal.com>

Cc: Harries, Beth <Beth.Harries@HistoricEngland.org.uk>

Subject: New City Court appeals - joint request with Historic England

Importance: High

Dear Emma and Juliet

The Council has been discussing the preparation of evidence for the inquiry and would like to make a joint request with Historic England.

We would be grateful if your client would be prepared to facilitate a site visit of the interior of the listed terrace and also provide access to the yard at the rear of the site. Given the timescales for preparation of the proofs of evidence would it be possible to arrange this visit on **Wednesday 8 June** at a time which is convenient to your client? It is proposed that the attendees would be the witnesses for the Council and Historic England, so four people in total from our respective parties.

Another matter which has arisen in the preparation of evidence is the VuCity modelling of the schemes and the ambit of the licences issued by Allford Hall Monaghan Morris. Both the Council and Historic England would like permission to use "still" images from the models to refer to in evidence so are requesting permission to use the 2018 and 2021 model specifications to generate accurate screenshots of the schemes.

The Council would also like permission to create and use kinetic view sequences from the models in our evidence and can share the proposed views if your client is in agreement.

We look forward to hearing from you once you have taken instructions.

Kind regards

Margaret

Margaret Foley
Senior Planning Lawyer
Law and Governance
Southwark Council
160 Tooley Street
London SE1 2QH

margaret.foley@southwark.gov.uk

APPENDIX 2

CORRESPONDENCE WITH THE PLANNING CASEWORK UNIT ON THE ES

From: Crosby, Victoria <Victoria.Crosby@southwark.gov.uk>
Sent: 04 April 2022 12:16
To: David Shiels
Cc: Palmer, Leanne
Subject: RE: APP/A5840/W/22/3290473 - New City Court, 4-26 St Thomas Street, London SE1 9RS

Hi David and Leanne,

I have gone back to Marc at the PCU to ask as the reference given is the 2018 application only, but he has confirmed that the email last week covered both planning applications.

Kind regards,

Victoria

-----Original Message-----

From: David Shiels <david.shiels@dp9.co.uk>
Sent: Monday, April 4, 2022 11:11 AM
To: Crosby, Victoria <Victoria.Crosby@southwark.gov.uk>
Cc: Palmer, Leanne <LEANNE.PALMER@planninginspectorate.gov.uk>; Emma McDonald <emma.mcdonald@townlegal.com>
Subject: RE: APP/A5840/W/22/3290473 - New City Court, 4-26 St Thomas Street, London SE1 9RS

Hi Victoria

Can I please just double check that this relates to both ES (2018 and 2021)?

Thanks

David

David Shiels
Associate Director



email: david.shiels@dp9.co.uk

DP9 Ltd
100 Pall Mall
London
SQ1Y 5NQ

 website: <https://protect-eu.mimecast.com/s/kdtyC5QgQtMYKYszMbO3?domain=dp9.co.uk>

This e-mail and any attachments hereto are strictly confidential and intended solely for the addressee. It may contain information which is privileged. If you are not the intended addressee, you must not disclose, forward, copy or take any action in relation to this e-mail or attachments. If you have received this e-mail in error, please delete it and notify postmaster@dp9.co.uk.

-----Original Message-----

From: Crosby, Victoria <Victoria.Crosby@southwark.gov.uk>
Sent: 30 March 2022 16:50

To: Palmer, Leanne <LEANNE.PALMER@planninginspectorate.gov.uk>
Cc: David Shiels <david.shiels@dp9.co.uk>
Subject: RE: APP/A5840/W/22/3290473 - New City Court, 4-26 St Thomas Street, London SE1 9RS

Dear Leanne,

I have received today the following comment from the Planning Casework Unit in response to the council's notification of the appeals, confirming it has no comment on the ES.

Thanks
Victoria

-----Original Message-----


From: Marc Bernstein <Marc.Bernstein@levellingup.gov.uk>
Sent: Wednesday, March 30, 2022 2:34 PM
To: Crosby, Victoria <Victoria.Crosby@southwark.gov.uk>
Subject: RE: Acknowledgment Letter for Appeal Reference No: APPEAL/22/0003

Dear Ms Crosby

I acknowledge receipt of the environmental statement relating to the above proposal.

I confirm that we have no comments to make on the environmental statement.

Regards,

Marc Bernstein
Planning Casework Support Officer
Planning Casework Unit
Department for Levelling Up, Housing and Communities
2 Marsham Street, London SW1P 4DF
PCU General Enquiries pcu@levellingup.gov.uk 

-----Original Message-----

From: victoria.crosby@southwark.gov.uk <victoria.crosby@southwark.gov.uk>
Sent: 15 February 2022 12:47
To: PCU <PCU@levellingup.gov.uk>
Subject: Acknowledgment Letter for Appeal Reference No: APPEAL/22/0003

Please see letter attached from Southwark Council [<https://protect-eu.mimecast.com/s/zeLVC6XjXuPI9IU67GZ7?domain=gbr01.safelinks.protection.outlook.com>]
[<https://protect-eu.mimecast.com/s/zeLVC6XjXuPI9IU67GZ7?domain=gbr01.safelinks.protection.outlook.com>]

The email you received and any files transmitted with it are confidential, may be covered by legal and/or professional privilege and are intended solely for the use of the individual or entity to whom they are addressed.

If you have received this in error please notify us immediately.