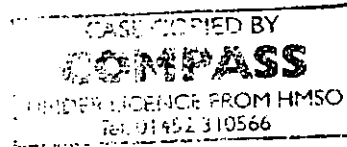




**OFFICE OF THE
DEPUTY PRIME MINISTER**

Berwin Leighton Paisner
Adelaide House,
London Bridge,
London EC4R 9HA



Miss A. Gerry
Decision Officer
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Our Ref: APP/A5840/V/02/1095887
Your Ref: TSTH.20855.1

18 November 2003

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
LAND ADJOINING LONDON BRIDGE STATION, AT ST THOMAS STREET/JOINER
STREET, LONDON SE1.
APPLICATION BY TEIGHMORE LIMITED.
APPLICATION NO. 0100476**

1. I am directed by the First Secretary of State to say that consideration has been given to the report of the Inspector, Mr John L Gray, DipArch MSc Registered Architect, who held a public local inquiry on 15-17, 22-25 and 28-30 April and 1,6,7 and 9 May 2003 into your client's application for planning permission (as amended) for the demolition of the existing Southwark Towers and construction of a mixed use building totalling 124,242sqm gross, comprising offices (Class B1), hotel (Class C1), fourteen apartments (Class C3), retail and restaurant uses (Class A1/A3), health and fitness club and associated servicing and car parking.
2. The Secretary of State directed on 24 July 2002, in pursuance of section 77 of the Town and Country Planning Act 1990, that the application be referred to him instead of being dealt with by the local planning authority, the Council of the London Borough of Southwark.
3. The Inspector, whose conclusions are reproduced in the annex to this letter, recommended that planning permission be granted subject to conditions. A copy of the Inspector's report is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report. For the reasons given below the Secretary of State agrees with the Inspector's conclusions and recommendation that planning permission be granted.
4. After the inquiry closed, the Secretary of State received letters from Berwin Leighton Paisner dated 25 July and Hephher Dixon dated 1 September. This correspondence has been taken into account by the Secretary of State in determining the application, but is not considered to raise any matters requiring wider reference back to the inquiry parties, either under Rule 17 of the Town and Country Planning (Inquiries Procedure) (England) Rules 2000, or in the interests of natural justice, prior to making his decision. Copies of this correspondence are not attached to this letter but can be made available upon written request to the above address. In addition, the Secretary of State has received a number of E Mails in support of the proposal.

Procedural Matters

5. The Secretary of State notes that the proposal has changed since the application was first made, in line with paragraph 1.2 of the Inspector's report. The Secretary of State has considered the application on this amended basis.

Policy Considerations

6. In deciding the application, the Secretary of State has had regard to section 54A of the Town and Country Planning Act 1990 which requires him to determine the application in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is the London Borough of Southwark Unitary Development Plan (1995). Emerging policies include the draft replacement of the UDP. This is a material consideration but as it is at an early stage in its progress towards adoption its policies can be given only limited weight. The draft Spatial Development Strategy for Greater London is also a material consideration and can be afforded some weight given that it has progressed a relatively long way towards adoption. The Secretary of State notes that the Panel Report into the Strategy was published after the inquiry. However, he considers that none of the recommendations in the Panel Report, if accepted by the Mayor, would materially alter the policies in the London Plan to an extent that they would affect his decision or require him to refer back to the parties for further representations prior to reaching his decision on the application.

7. Material considerations include Planning Policy Guidance Note (PPG)1: General Policy and Principles, PPG13 Transport, PPG15 Planning and the Historic Environment, and PPG21 Tourism. RPG 3 of 1996, RPG3A of 1991, which introduced formal protection of eight strategic views of St Paul's Cathedral, RPG3B of 1997 and RPG9 are also material considerations, as are the London Planning Advisory Committee's Advice of 1999 in relation to high buildings and strategic views of London, and the English Heritage/Commission for Architecture and the Built Environment (CABE) "Guidance on Tall Buildings".

8. The Secretary of State has also paid special attention to the desirability of preserving listed buildings and their settings and of preserving or enhancing the character or appearance of Conservation Areas, as required under the provisions of sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. The Secretary of State notes that an Environmental Statement was submitted in 2001 and an Addendum in 2003 to support your clients' application. This has been taken into consideration by the Inspector and taken into account by the Secretary of State in reaching the decision on the application.

10. The policies most relevant to this proposal are summarised in paragraphs 3.1-3.17 of the Inspector's Report.

Main Issues

11. The Secretary of State agrees with the Inspector that the main issues in this case are:-

- a) The extent to which the proposals comply with Government policy advice on the need for good design;
- b) The impact of the proposals on the Strategic Views of St Paul's Cathedral (as set out in RPG3A);
- c) The impact of the proposals on the Tower of London World Heritage Site;
- d) The impact of the proposals on the settings of nearby listed buildings and conservation areas;
- e) The ability of the transport system to deal with the increase in demand and intensity of use created by the proposal, taking account of both the current demand and planned capacity of the public transport system;
- f) The appropriateness and impact on the local and wider area of a very tall building in this location;
- g) The extent to which the proposals comply with other national and regional planning policies;
- h) The relationship of the proposals to the London Borough of Southwark's UDP;
- i) Prematurity and Precedent;
- j) Planning conditions and obligations.

The extent to which the proposals comply with Government policy advice on the need for good design

12. The Secretary of State agrees with the Inspector's assessment of the need for good design. He agrees that the building would stand comfortably in its immediate urban or townscape context (16.6-16.13), that it would significantly enhance the existing setting and public realm (16.14-16.19), that the design detail is appropriate (16.20-16.25) and that the quality of the architecture should be considered secure (16.26-16.30). The Secretary of State also agrees that the proposal meets the design aspects of PPG1 (16.31-16.32), and equally is very impressed with the quality of the design.

The impact of the proposals on the Strategic Views of St Paul's Cathedral (as set out in RPG3A)

13. The Secretary of State has carefully considered the impact of the proposal on the strategic views of St Paul's Cathedral. He agrees with the Inspector, for the reasons given in paragraphs 16.43-16.58, that the proposal would represent an improvement over what exists and would not reduce the visibility or setting of St Paul's, nor would it devalue or diminish its status or significance to any material extent. He further agrees with the policy context and interpretation set out in paragraphs 16.33-16.42.

The impact of the proposals on the Tower of London World Heritage Site

14. The Secretary of State agrees with the policy context and general approach towards the setting of listed buildings, set out by the Inspector in paragraphs 16.61-16.66. He also agrees with the Inspector's assessment of the specific objections to the setting of the Tower of London and his conclusion that no material harm to its setting would arise if the proposal were built (16.67-16.87).

The impact of the proposals on the settings of nearby listed buildings and conservation areas

15. The Secretary of State agrees with the Inspector's conclusions on the impact of the proposals on the settings of nearby listed buildings and conservation areas, for the reasons set out in paragraphs 16.88-16.97.

The ability of the transport system to deal with the increase in demand and intensity of use created by the proposal, taking account of both the current demand and planned capacity of the public transport system

16. The Secretary of State agrees with the Inspector's reasoning and conclusions on the ability of the transport system to deal with the increase in demand and intensity of use created by the proposal, taking account of both the current demand and planned capacity of the public transport system, as set out in paragraphs 16.98-16.100.

The appropriateness and impact on the local and wider area of a very tall building in this location

17. The Secretary of State agrees with the Inspector's conclusions on the appropriateness and impact on the local and wider area of a very tall building in this location, for the reasons set out in paragraphs 16.101-16.109. He notes that as part of this assessment the Inspector has considered the proposal against the criteria for evaluation set out in paragraph 4.6 of the EH/CABE "Guidance on Tall Buildings". He considers the fact that the proposal meets these criteria is significant and lends considerable support to the proposal, not just on the basis of an assessment under this particular heading, but also when considering the impact of the proposal across all of those matters upon which the Secretary of State wished to be informed.

The extent to which the proposals comply with other national and regional planning policies

18. The Secretary of State agrees with the Inspector's reasoning and conclusions on the extent to which the proposals comply with other national and regional planning policies, as set out in paragraphs 16.110-16.111.

The relationship of the proposals to the London Borough of Southwark's UDP

19. The Secretary of State agrees with the Inspector's reasoning and conclusions on the relationship of the proposals to the London Borough of Southwark's UDP, as set out in paragraphs 16.112-16.113.

Prematurity and Precedent

20. The Secretary of State agrees with the Inspector's reasoning and conclusions on prematurity and precedent, as set out in paragraphs 16.114-16.117.

Planning conditions and obligations

21. Since the inquiry closed, the Secretary of State requested a full copy of the Section 106 agreement, since he noted that the signed 106 agreement submitted at the inquiry was not a full copy (IR 16.118). He has now received from Berwin Leighton Paisner a copy of the full signed agreement completed by the nine parties identified at IR 15.3 and dated 9 May 2003. He agrees with the Inspector's assessment of the Agreement

at paragraphs 16.119-16.120 although, additionally, considers that the proposed contribution to affordable housing in section 1 of Schedule 1 is a benefit which should be taken into account in considering the merits of the proposal. He also agrees with the Inspector's consideration of the planning conditions as set out in paragraphs 16.121-16.122.

Overall Conclusion

22. The Secretary of State agrees with the Inspector's overall conclusions set out in paragraph 16.123-16.128 except insofar as they relate to the Heron decision (IR 16.126). However, given his overall conclusions, the Secretary of State does not have to consider whether any harm from the proposal would be outweighed by the economic benefits on the facts of this particular case. In all other respects the Secretary of State agrees with the Inspector's overall conclusions. He considers that for a building of this size to be acceptable, the quality of its design is critical, in line with the Government's commitment to the achievement of good design. In this case, like the Inspector, he is satisfied that the proposed tower is of the highest architectural quality. Had this not been the case, the Secretary of State might have reached a different decision, but he considers that the quality of the design of this particular building is a very strong argument in its favour. He observes that many of the concerns expressed relate as much to the location of the building as to its design, and in particular to its effect on the strategic views of St Paul's and its impact on the Tower of London. For the reasons given by the Inspector, and summarised in IR 16.128, the Secretary of State is satisfied that the proposed building will reduce neither the visibility nor the setting of St Paul's, and that it would be an enhancement of the present background. He further shares the Inspector's view that the building would not harm the architectural character or the historic setting of the Tower of London. Additionally, the location is very sustainable and the proposed development is generally consistent with the regeneration objectives of RPG3 and the adopted UDP.

23. After considering all of the above issues, the Secretary of State concludes that although the proposed development conflicts with Policy E.2.2 in the adopted UDP which states that "Southwark is not considered to be an appropriate area for high buildings" there are significant material considerations which indicate that he should determine the application other than in accordance with the development plan.

Formal Decision

24. Accordingly, for the reasons given above, the Secretary of State accepts the Inspector's recommendation. He hereby grants planning permission for the demolition of the existing Southwark Towers and construction of a mixed use building totalling 124,242sqm gross, comprising offices (Class B1), hotel (Class C1), fourteen apartments (Class C3), retail and restaurant uses (Class A1/A3), health and fitness club and associated servicing and car parking, in accordance with application no. 0100476, as amended, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
2. The development hereby permitted shall not be carried out other than in accordance with the details shown on the submitted plans listed in Inquiry

Document CD1/8, a copy of which is attached to this decision, plus drawing number LBT/AR/RF/Rev.F.

3. Notwithstanding the information on the application plans, no development shall take place until the following have been submitted to and approved in writing by the local planning authority:

- a) details and samples of all materials to be used in the construction of the external surfaces of the building, including those for the facades at street level to St Thomas Street and at concourse level to London Bridge Station;
- b) details of the floor-to-floor ventilated cavity façade system;
- c) details of the winter gardens;
- d) specifications and details of the radiator structure (including both the radiator and its supporting structure and also the structure and detail of the shards at radiator level);
- e) samples of the glass to be used in the facades of the building (which shall be 'extra white', low in iron oxide);
- f) details of all blinds within the cavities and all internal blinds, including their colours;
- g) details of any external lighting and any security surveillance equipment for external areas around the building;
- h) details of internal perimeter lighting, which shall comprise ceiling soffit uplighters as indicated in inquiry Document A1/2 at E55;
- i) details of all canopies over the railway station, the bus station and St Thomas Street, including a scheme for their maintenance and cleaning, and
- j) details of both hard and soft landscape works at street and concourse levels:

development shall be carried out in accordance with the approved details and, where appropriate, maintained thereafter.

4. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him or her to observe the excavations and record items of interest and finds.

5. The uses hereby permitted shall not commence until details of a scheme to provide public access to specified parts of the building, including provision for its implementation and retention thereafter, have been submitted to and approved in writing by the local planning authority.

6. The uses hereby permitted shall not commence before details of the arrangements for the storing and collection of refuse or waste have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

7. The uses hereby permitted shall not commence before the following have been completed in accordance with the application plans or details first approved by the local planning authority:

- 1. kerb radii at the service yard access;
- 2. vehicle ramp profiles;

3. vehicle ramp extension at basement level;
4. location and level of basement, mezzanine and ground floor slabs;
5. location and level of motor cycle parking at mezzanine level.

8. Notwithstanding the provisions of Parts 24 and 25 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no external telecommunications equipment or structures shall be placed on any part of the building without the prior written consent of the local planning authority.

25. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the authority fail to give notice of their decision within the prescribed period.

26. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999.

27. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than in section 57 of the Town and Country Planning Act 1990.

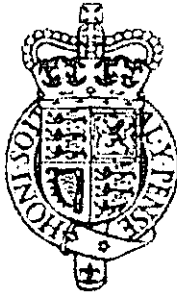
Right to challenge the decision

28. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

29. A copy of this letter has been sent to the Council of the London Borough of Southwark and to all those who appeared at the Inquiry.

Yours faithfully,

Miss A. Gerry
Authorised by the First Secretary of State
to sign in that behalf



Report to the First Secretary of State

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

by **John L Gray** DipArch MSc Registered Architect
an Inspector appointed by the First Secretary of State

Date:

23 July 2003

LONDON BOROUGH OF SOUTHWARK

APPLICATION

by

TEIGHMORE LIMITED

Inquiry opened on 15 April 2003

Land adjoining London Bridge Station, at St Thomas Street and Joiner Street, London SE1

File Ref: APP/A5840/V/02/1095887

File Ref: APP/A5840/V/02/1095887

Land adjoining London Bridge Station, at St Thomas Street / Joiner Street, London SE1

- The application was called in for decision by the First Secretary of State by a direction made under Section 77 of the 1990 Act on 24 July 2002.
- The application was made by Teighmore Limited to the Council of the London Borough of Southwark.
- The application (LBS reg. no. 0100476, GOL ref. LRP 219/A5840/0/48 Pt1) is dated 23 March 2001.
- The development proposed is 'demolition of existing Southwark Towers and construction of mixed use building totalling 127,493sqm gross providing 75,943sqm offices (Class B1), 15,207sqm hotel (Class C1), 14 apartments (Class C3), 2,106sqm retail and restaurant use (Class A1/A3), 1,029sqm health and fitness club (Class D2), together with associated servicing and car parking'.

Summary of Recommendation: that planning permission be granted subject to conditions.

1. Preamble

- 1.1 The building subject of this application is known as London Bridge Tower. I use this name throughout my report. It has also become known as the Shards of Glass, which derives from its architectural design and predominant facing material.
- 1.2 The description above is from the planning application. The application was amended in November 2001 and again in January 2003. A minor amendment to the application site boundary was submitted in March 2003. Lastly, a drawing submitted during the inquiry amended the extent of the canopy over St Thomas Street. I am taking all of these amendments into account in drawing my conclusions and making my recommendation. A description of the proposals is at Section 5.
- 1.3 The reasons given for the calling in of the application were 'that the proposals may conflict with national policies on important matters; could have significant effects beyond their immediate locality; give rise to substantial regional or national controversy; and raise significant architectural and urban design issues'.
- 1.4 On the information available at the time of making the direction the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
 - a) the appropriateness and impact on both the local and wider area of a very tall building in this location;
 - b) the impact of the proposals on Strategic Views of St Paul's Cathedral (as set out in RPG3A);
 - c) the extent to which the proposals comply with Government policy advice on the need for good design (PPG1);
 - d) the impact of the proposals on the Tower of London World Heritage Site and the setting of nearby listed buildings and conservation areas (PPG15);
 - e) the ability of the transport system to deal with the increase in demand and intensity of use created by this proposal, taking account of both the current and planned capacity of the public transport system (PPG13);
 - f) the extent to which the proposals comply with other national and regional planning policies;
 - g) the relationship of the proposals to the London Borough of Southwark's Unitary Development, and
 - h) any other relevant matters.

- 1.5 I opened the inquiry on 15 April 2003 and closed it on 9 May 2003. It sat on fourteen days – 15-17, 22-25 and 28-30 April and 1, 6, 7 and 9 May. I made accompanied visits to Southwark Towers (the existing building on the application site), London Bridge Station and the immediately surrounding area on the morning of 7 May, followed by visits to the Strategic Viewpoints at Kenwood, Parliament Hill and Primrose Hill. I also made accompanied visits to the Tower of London, Tower Bridge, Southwark Cathedral, Parliament Square, Lambeth Bridge and parts of the City of London on 8 May. I made unaccompanied visits to conservation areas near to the application site and also to the surroundings of other tall buildings in London (Millbank, Centre Point and the BT Tower) on 2 and 5 June 2003, with accompanied visits on 3 and 4 June to the Beyeler Gallery near Basel and the Potsdamer Platz development in Berlin, both designed by Renzo Piano, the architect for London Bridge Tower.

2. THE SITE AND SURROUNDINGS

The immediately surrounding area^A

- 2.1 The application site lies in the north-west of the London Borough of Southwark, about 200m south of the River Thames. It is contained between the north-east side of St Thomas Street and the south-west side of the London Bridge Station concourse. Joiner Street runs along the north-west side of the site and the terminal platforms of London Bridge Station lie to its south-east.^B
- 2.2 The site has an area of about 0.43ha, approximately 65m by 75m. It is occupied by Southwark Towers, a part 23- and part 26-storey building designed in the late 1960s and completed in the mid-1970s. This building is about 120m high, with three 'wings', roughly in the layout of an equilateral triangle, and provides nearly 19,900sqm of office accommodation. It has vehicular entrances for parking and servicing from St. Thomas Street and Joiner Street and provides a total of 35 car parking spaces. The main entrance to the building is at station concourse level, around 8m above St Thomas Street. The existing bus station, also at this upper level, is immediately west of the concourse.
- 2.3 London Bridge Railway Station has nine terminating platforms and six through platforms. It serves Kent, Sussex and Surrey. Through services travel to Cannon Street, Blackfriars, Waterloo East and Charing Cross Stations. Thameslink provides services to north-west London, St Albans, Luton and Bedford. London Bridge Station is one of the main points of pedestrian access to the City of London. There are heavy pedestrian flows across London Bridge, 250m to the north-west, during the morning and evening peak periods. The station is also served by two London Underground lines (the Northern and Jubilee Lines), both of which provide direct access to large areas of London.
- 2.4 The north-easterly boundaries of the application site abut the main station concourse and terminating platforms. The concourse contains about a dozen retail and take-away units and kiosks, plus a restaurant. The vaulted lower level, which gives access to Joiner Street, Tooley Street (to the north-east of the through lines) and the underground lines, also contains a number of kiosks.
- 2.5 The bus station at London Bridge Station, close to the north-west of the application site and with direct access to it, caters at present for six terminating bus services and one through route. A further seven routes pass close by. There are bus stops on Duke Street Hill and Tooley Street just to the north-east, Borough High Street, about 200m to the north-west, and St. Thomas Street to the south-east.
- 2.6 Borough High Street, part of the A3, is the main route south from London Bridge. It gives access to Old Kent Road, the A2, running to the east, and to Southwark Street, the A3200, leading west to Waterloo along the south side of the Thames. Duke Street Hill and Tooley Street to the north-east and St Thomas Street to the south-west are also 'red routes'. Montagu Close and Tooley Street (with an underpass of London Bridge) are part of the east-west Thames Cycle Route. They link with a National Cycle Network route to the east of the station, at Bermondsey Street and Weston Street.^C

^A Document CD14/14 is a brief history of the site and surroundings.

^B Document CD1/2 shows the immediately surrounding area.
Document CD1/7 – drawing LBT-PA-02-E is a 1:1250 scale plan of the wider surrounding area.
Document A1/2 has photographs of the site and its immediate surroundings at A1/2/B.

^C Document O3 – the Transport Statement of Common Ground gives details of the transport facilities in the vicinity of the application site.

- 2.7 Apart from London Bridge Railway Station, the main land uses in the immediate vicinity are offices (largely on the north-east side of the railway, between Tooley Street and the River Thames) and health facilities (Guy's Hospital, on the south-west side of St Thomas Street, opposite the application site). Retail uses predominate on Borough High Street, to the north-west. Residential use is found not so much within the immediate surroundings of the site as in the Weston Street, Snowsfields and Long Lane areas, to the south and south-east of Guy's Hospital. There are also some major tourist attractions within close proximity of the site – the London Dungeon and the Britain at War Museum on Tooley Street and HMS Belfast on the Thames.
- 2.8 The railway is the structure having the greatest physical impact on the area. It was built in the second quarter of the 19th century with, as is evident from maps, no regard for the grain of the pre-existing development.^A To the south-east of London Bridge Station, the lines are around 8m above the adjacent streets on a structure pierced intermittently by underbridges 45m and more long. The through lines rise to a higher level in the station than the terminating lines and continue westwards at that level across Borough High Street, coming within 15m of the south-eastern corner of Southwark Cathedral and slicing through/over Borough Market, just to its south-west.
- 2.9 The most prominent buildings in the immediate area are New London Bridge House and Guy's Hospital tower, which, together with Southwark Towers, form a cluster of three tall buildings at London Bridge. New London Bridge House, to the north-east of Southwark Towers, was built in 1962, is 23 storeys high and is used primarily as offices. Guy's Hospital tower, to the south of Southwark Towers, comprises two towers of 122m and 138m high, was opened in 1975 and is used for a variety of medical purposes. The main campus of Guy's Hospital extends to about 8ha and has been extensively re-developed over the years. A utilitarian footbridge leads across St Thomas Street from the station and descends to Great Maze Pond, a private street forming the spine of the hospital complex. The original forecourt buildings survive, facing St Thomas Street, just to the west of Great Maze Pond and the footbridge.^B West again are terraces of listed buildings on both sides of St Thomas Street, those on the north side, which include the former St Thomas's Church, being separated from the application site by a modern redevelopment on the corner of Joiner Street.

The wider area

- 2.10 I turn now to the wider area. The main objections to the proposed development, apart from its impact on Guy's Hospital forecourt and St Thomas Street, are to its impact on Strategic Views of St Paul's Cathedral, the setting of the Tower of London and the settings of other listed buildings and conservation areas (the site is not in a conservation area but is within 600m of five designated areas).^C I describe each of these briefly.

St Paul's Cathedral

- 2.11 St. Paul's Cathedral needs no description from me to endorse its symbolic status. Suffice it to say that its drum and dome, rising to 111m, plus the towers at its west end, ensure that it is unmistakable. It stands approximately 1.2km (0.75 miles) to the north-west of the application site, on the opposite side of the Thames. It and Guy's tower (the

^A Document A1/2 – the aerial photograph at A1/2/B2 gives an indication of how the railway was superimposed on the existing pattern of development.

^B Though it is not obvious, the east wing was rebuilt in facsimile after World War II.

^C Document CD9/18 shows the boundaries of the five conservation areas (and others); Document CD9/19 shows the locations of listed buildings in the surrounding area.

highest of the existing tall buildings at London Bridge) can be seen in various views along the Thames from east and west, albeit that they stand on opposite sides of the river and are some distance apart. The three existing tall buildings stand more or less directly behind St Paul's Cathedral in the designated Strategic Views from Kenwood and Parliament Hill – but well to one side in the Strategic View from Primrose Hill.

The Tower of London

- 2.12 The Tower of London also needs no description from me to support its status as a World Heritage Site. It stands approximately 0.8km (0.5 miles) north-east of the application site, on the opposite side of the Thames. Looking at the Tower from various points to its east, north-east and north, Guy's tower can be seen rising beyond it, though obviously some distance away. The buildings of the City of London, to the east and north-east of the Tower, appear closer and more prominent in many views, even though some of the tallest buildings there are nearly the same distance away.

Conservation Areas^A

- 2.13 The Borough High Street Conservation Area encompasses Southwark Cathedral and the historic part of Guy's Hospital to the north while the Church of St George the Martyr is prominent to the south. Borough High Street is, in effect, Southwark's town centre; its junction with Southwark Street is its focal point. The buildings are largely developed on historic burgage plots, with numerous yards and alleys. The George, a 17th century coaching inn, stands in one of these yards. The very northern part of the High Street is visually severed from the rest by the railway viaduct, which acts as the southern boundary of a distinctive area around the Cathedral and including converted warehouses along the King's Reach frontage to the Thames. The Cathedral stands in surroundings that are relatively spacious for such a densely developed area but are also of variable quality – including, amongst the older buildings, modern offices to the north as well as the railway viaduct to the south. To the east of Borough High Street, closest to the application site, the Conservation Area includes St Thomas Street and Guy's Hospital as far east as Great Maze Pond.
- 2.14 The three existing tall buildings can be seen in various views from Borough High Street, Southwark Street, the Cathedral surrounds and the riverside lanes and walkway. They are also very prominent from St Thomas Street and Guy's Hospital forecourt.
- 2.15 Tooley Street (North) and (South) Conservation Areas are effectively a single Area, extending the length of the street from Duke Street Hill in the west to Tower Bridge Road in the east, where it abuts the Tower Bridge Conservation Area. Its western end does not abut the busy commercial Borough High Street Conservation Area but does encompass Hays Wharf, immediately north of London Bridge Station, where the warehouses stretching between the river and Tooley Street are a dominant element – tall structures ranging in style from mid-Victorian to Art Deco, refurbished for office and retail uses, a number of them listed, and also now interspersed with modern office development. East of Hays Wharf, fronting the river and outside the Conservation Area is a significant area of redevelopment, including the More London office development and, further east, City Hall. Tooley Street itself is largely Victorian in character. There are a number of frontage gaps on the southern side of the street through which the existing tall buildings, particularly Guy's tower, can be seen over the railway viaduct.

^A Document CD1/3(3) – the plan at p.10 identifies the various conservation areas.
Document CD8/15 has conservation area Appraisals for the four areas briefly described here.

- 2.16 Tower Bridge Conservation Area is primarily downstream of Tower Bridge itself – the historic wharf area of Shad Thames and its hinterland, substantially redeveloped but still on the 19th century street pattern. The bridge and its approach are within the conservation area; so too is a short length of Tooley Street to either side of Tower Bridge Road. Potters Field, lying between Tower Bridge Road and City Hall, and not in the conservation area, is presently open land but is the subject of development proposals.
- 2.17 The Bermondsey Street Conservation Area has as its spine the medieval Bermondsey Street, from the site of Bermondsey Abbey in the south to St Thomas Street in the north. It also includes part of Tower Bridge Road to the east and a substantial area centred on Snowfields and Weston Road to the west. The railway viaduct has severed the area from the river, visually and physically. The only view of the application site, as it exists, is from the very north of the conservation area, along St Thomas Street.

Listed Buildings^A

London Bridge Station

- 2.18 The train shed is listed in grade II. It is a self-contained three bay structure between solid brick walls. The roof is elegantly designed with trusses combining wrought and cast iron components. The whole station is raised up on brick arches. Thus, on St Thomas Street, the brick flank wall rises, in effect, two tall storeys above pavement level, with blind arches in triplets providing ornament and relief.^B A modern ramp provides access to track level for goods vehicles and parking.

Guy's Hospital

- 2.19 A screen of railings on a brick plinth (listed in grade II) separates the hospital forecourt from St. Thomas Street. Around the other three sides of the forecourt is a complete architectural composition, each façade symmetrically elevated with pediments at its centre.^C They are listed in grade II*. The eastern wing was rebuilt after total destruction in World War II. In the centre of the forecourt stands the statue of Thomas Guy by Scheemakers (listed in grade II). The southerly building acts as the north side of the quadrangle range, also included in the listing.

St Thomas Street

- 2.20 The 18th century and early 19th century Georgian character of this street derives from the former Church of St Thomas (grade II*), the terrace of nos. 11, 13 and 15 and its return (grade II), all on the north side, and the terrace including nos. 2-8 and 12-16 (all grade II) on the south-side.^D The former church has a tall and distinctive square tower. The terraces are all of three storeys, brick built with slate roofs. The setback of the terrace to the north gives the street a relatively spacious character.

Southwark Cathedral

- 2.21 It became a cathedral only in 1905, having previously been the parish church of St Saviour and the Augustinian priory of St Mary Overie. Examples of surviving 12th

^A Document CD9/19 has the list descriptions for numerous buildings in Southwark, Tower Hamlets, the City of London and Westminster, with photographs of some.

Documents F40 identifies listed buildings in the vicinity of the application site.

^B Documents A3/30 and A3/31; also Document F45.

^C Document A3/27.

^D Document CD1/12(2) – View 66, though the qualities of the listed buildings are not easily discernible; Document A3/29 – Figs. 10-12 give a better impression of the buildings on the north side of the street.

century work are limited. Major rebuilding followed serious fire damage in 1212. The choir and retro-choir date from the 13th century, the south transept from the 14th century and the two upper stages of the tower from the late 14th and early 15th centuries. The nave was twice rebuilt in the 19th century, most recently in 1890-97.^A

Borough High Street

- 2.22 There are many listed buildings along Borough High Street, whose diverse character reflects the continual rebuilding over the centuries.^B One of the most prominent, because it stands in the acute angle of the junction with Southwark Street, is no. 28, a three-storey bank building dating from the late 19th century.

The George Inn

- 2.23 No. 71 Borough High Street stands on the south side of a yard reached from the street by a narrow lane. It is the George Inn, built after the Southwark fire in 1676 and listed in grade I. It stands on a burgage plot, a three-storey building with a mansard timber frame and with rooms opening on to galleries. The east and north sides of the yard have been redeveloped with modern buildings.^C

St George the Martyr

- 2.24 Standing towards the southern end of Borough High Street, the Church of St George the Martyr was built in 1734-36 and is listed in grade II*. The body of the church is red brick. There is a central square white tower with two octagonal upper stages and an octagonal spire. The church was damaged in World War II and restored in 1951-2.^D

Trinity Church Square and Merrick Square

- 2.25 Trinity Church Square was built between 1824 and 1832 in stock brick with slate mansards with dormers. The church in the centre was designed by Francis Bedford between 1823 and 1824 and is now a concert hall, having been rebuilt after being gutted by fire. It is built of Bath stone with the main portico on the north elevation facing the churchyard. A tower of two stages is a strong feature within the square. Merrick Square to the east is smaller, built between 1853 and 1856, but shares the same detailing and character as Trinity Church Square. Trinity Street, which links the two squares, was designed in the same style. All of the houses and the former church are listed in Grade II. A small conservation area has been designated around the listed buildings, which are unusually homogeneous in appearance.^E

Tower Bridge

- 2.26 Tower Bridge is listed in Grade I. It is a unique design – a bascule bridge with suspended approaches and high level footbridges between the twin stone towers. In views from east of the bridge on the north bank of the river, Guy's tower, Southwark Towers, New London Bridge House, More London and City Hall can all be seen either between the bridge towers or to one side or the other of the north tower.^F

^A Document CD1/12(2) – View 52; also Document CD1/3(3) – Views 52-54.

^B Document A2/2/14-18.

^C Document A2/2/19 and 20.

^D Documents A3/32 and F47.

^E Documents A3/23 and F48-F51.

^F Documents A3/26 (Fig. 2 in particular) and F39.

3. PLANNING POLICY

- 3.1 The Development Plan for the area is the London Borough of Southwark Unitary Development Plan, adopted in 1995 (UDP).^A A replacement UDP^B is in the course of preparation, the first deposit period having ended on 10 January 2003. Extensive supplementary planning guidance (SPG) is being prepared alongside the UDP review.^C Also in the course of preparation (though not, technically, a part of the Development Plan) is the London Plan, the Spatial Development Strategy for Greater London. The draft London Plan^D has undergone its Examination in Public (EiP) and the Panel's report is expected to be submitted in July 2003.
- 3.2 Regional guidance^E is to be found in Regional Planning Guidance Note 3 (RPG3) *Strategic Planning Guidance for London Planning Authorities* (published in 1996), RPG3A *Supplementary Planning Guidance for London on the Protection of Strategic Views* (published in November 1991 and amended by GOL Circular 1/2000), RPG3B *Strategic Planning Guidance for the River Thames* (published in 1997) and RPG9 *Regional Planning Guidance for the South East* (published in 2001). The application site is not within the area covered by RPG3B but would be visible from it.
- 3.3 National guidance^F particularly relevant to the application and the objections is found in Planning Policy Guidance Note (PPG) 1 *General Policy and Principles* (1997), PPG13 *Transport* (2001), PPG15 *Planning and the Historic Environment* (1994) and PPG21 *Tourism* (1992). Also referred to were PPG3 *Housing* (2000), PPG4 *Industrial and Commercial Development and Small Firms* (1992), PPG8 *Telecommunications* (2001), PPG10 *Planning and Waste Management* (1999), PPG12 *Development Plans* (1999), PPG16 *Archaeology and Planning* (1990), PPG23 *Planning and Pollution Control* (1997) and PPG24 *Planning and Noise* (1994).
- 3.4 Of particular relevance to this application are the London Planning Advisory Committee (LPAC) *Strategic Planning Advice on High Buildings and Strategic Views in London* (November 1999) and the English Heritage and Commission for Architecture and the Built Environment joint document (EH/CABE) *Guidance on Tall Buildings* (March 2003).^G Also to be borne in mind are *Towards an Urban Renaissance*, the final report of the Urban Task Force, 1999; *Our towns and cities: the future*, the White Paper on delivering an urban renaissance; the Government's *Response to the Environment, Transport and Regional Affairs Select Committee Report on the Proposed Urban White Paper*, 2000; *Tall Buildings*, the Sixteenth Report of the House of Commons Transport, Local Government and the Regions Committee, 2002; and the Government's *Response to that report*.^H
- 3.5 The Applicant's evidence was set out under four headings and, despite some overlap, the matters identified in the call-in letter suggest the same approach in this report. The headings are – regeneration; sustainability and transport; high buildings and the built environment; and the effect on listed buildings and conservation areas.

^A Document CD8/1.

^B Document CD8/2.

^C Documents CD8/4-CD8/12.

^D Document CD7/5.

^E Documents CD5/1-CD5/4.

^F Documents CD3/1-CD3/12.

^G Documents CD6/3 and CD9/11b respectively.

^H Documents CD4/5, CD4/6, CD4/7, CD4/8 and CD4/9.

Regeneration

- 3.6 PPG1 sets out the Government's commitment to regeneration in para. 7 and covers the advantages of and locational requirements for mixed use developments in paras. 8 and 9. Para. 5.5 of PPG21 is relevant, although I am not sure that it was written with this sort of development in mind. RPG9 advises that future development in London should support regeneration while having regard to the need for sustainable development; it also advises on the importance of London maintaining its attractiveness as a place to live and work and thus its position as a world city. RPG3 has as one of its objectives to promote urban regeneration. It elaborates on the theme of the world city in paras. 1.15-1.18, deals with change in paras. 1.19-1.25 and with opportunities in paras. 1.26-1.29. Chapter 2 sets the framework for development and regeneration, paras. 2.21-2.37 deal with central London and its margins, Map 3 places the area of the application site within the Central Area and Table 2.1 lists appropriate non-residential activities. Chapter 3 deals with London's economy, looking at offices from para. 3.7 and hotels from para. 3.29. Chapter 4 deals with housing.
- 3.7 In the draft London Plan, London Bridge lies within the central sub-region and within the Central Activities Zone (CAZ). Policies 2A.2, 2A.3 and 2A.4 deal respectively with Opportunity Areas, Areas for Intensification and Areas for Regeneration; Policy 2B.3 deals with Opportunity Areas in Central London; Table 2B.1 identifies London Bridge as one of six Opportunity Areas, proposing the creation of 24,000 new jobs and 500 homes in an area of 30ha. Policy 3B.5 looks for 'a considerable amount of residential floorspace' wherever increases in office floorspace are proposed in the CAZ or Opportunity Areas. Policy 4B.1 requires development to, amongst other things, maximise the potential of sites, create or enhance the public realm, provide or enhance a mix of uses and be sustainable, durable and adaptable.
- 3.8 In the adopted UDP, the application site and London Bridge Station are not actually within the designated Regeneration Area, which encompasses the land immediately to the north, between the Thames and Tooley Street. It is, however, within the Central Area of Community Need and within a designated Employment Area. Policy R.1.1 welcomes proposals seeking to safeguard and enhance residential communities and to secure the provision of community services and facilities. Policy R.2.1 welcomes investment and supports employment-generating proposals in Regeneration Areas, Policy B.2.1 supports employment-generating activity in defined Employment Areas and Policy B.2.3 supports Class B1 business development in Employment Areas.
- 3.9 In the UDP review, the application site is within the London South Central Policy Area, the London Bridge Opportunity Area, the London Bridge Town Centre and a Preferred Office Location. Draft SPG1 deals generally with preferred office locations and mixed use development, draft SPG4 specifically with the London Bridge Opportunity Area.^A The ten primary objectives for the Opportunity Area are described as the Council's 'strategy for the regeneration of the London Bridge area'.

Sustainability and transport

- 3.10 The objective of PPG13 may be paraphrased as to achieve sustainable patterns of development, particularly in relation to transport choices. Local authorities are urged actively to manage the pattern of urban growth to make the fullest use of public transport and to focus major generators of travel demand in town centres and near to major public

^A Documents CD8/4 and CD8/5 respectively.

transport interchanges. One of the objectives of RPG3 is to encourage a pattern of land use and transport consistent with the principles of sustainable development.

- 3.11 The draft London Plan sees a more compact city as the most effective way to use scarce resources; Policy 2A.5 sets out a sequential approach to site selection and Policy 2A.6 sustainability criteria for the location of sites and their development. Policy 3C.1, in general, supports high trip generating development only at locations with high levels of public transport accessibility and capacity. UDP Policy T.1.2 seeks to ensure that all new development is appropriately related to the transport network while Policy T.3.1 seeks, amongst other things, to improve the quality of public transport facilities. In the UDP review, Objective 11 is to increase ease of movement by alternative modes of transport to the private car and Objective 12 seeks the benefits of increased densities at transport nodes and high public transport accessibility. Sustainability is the subject of draft SPG24.^A

High buildings and the built environment

- 3.12 Chapter 8 in RPG3 deals with the built (and historic) environment. Paras. 8.18-8.22 deal with important views and high buildings, the advice being supplemented by Annex A to the earlier RPG3 (which I shall refer to as RPG3A). So far as this application relates to RPG3A, London Bridge Tower would fall within the Background Consultation Areas of the defined Strategic Views from Parliament Hill and Kenwood. RPG3B notes that the built environment along the Thames makes an important contribution to London's image and status as a world city, from which it follows that a commitment to good design is essential for all development visible from the river.
- 3.13 Para. 8.20 in RPG3 advises Boroughs that it may be appropriate to define areas that are 'either unsuitable or particularly suitable for tall buildings'. UDP Policy E.2.2 states that 'Southwark is not considered to be an appropriate area for high buildings'. It also says that the Council will consult as appropriate on development proposals that rise above 50m AOD in the background consultation areas of the Strategic Views from Parliament Hill and Kenwood; and that it will seek improvement of those Strategic Views where there are proposals to redevelop existing buildings of inappropriate height. Also in the adopted UDP, Policy E.2.3 deals with aesthetic control and Policy E.2.5 with external space. In the UDP review, Policy 3.14 deals with quality in design, Policy 3.15 with urban design and Policy 3.18 with tall buildings. Tall buildings are those over about 30m high and are considered inappropriate in most parts of Southwark, though they may be appropriate in the CAZ (outside strategic viewing corridors) or in action areas with excellent public transport facilities. Draft SPG16 elaborates on design and draft SPG25 on tall buildings.^B
- 3.14 In the Draft London Plan, Policy 4B.1 sets out nine principles for 'design for a compact city' and Policy 4B.2 six ways of helping to promote 'world class architecture and design'. Policies 4B.3 and 4B.4 deal respectively with maximising the potential of sites and enhancing the quality of the public realm. Policy 4B.8 deals with the location of tall buildings and Policy 4B.9 with the design and impact of large-scale buildings. Policy 4B.12 addresses the designation of strategically important views in London. Annex 3 of the Plan deals with the matter in greater detail through Policies VA1, VA2 and VA3.

^A Document CD8/10.

^B Documents CD8/7 and CD8/11.

- 3.15 The LPAC 1999 Advice was endorsed by the Government as an approach ‘which should help to ensure that London’s needs can be met without compromising its unique character and urban quality’ ... ‘pending any policies the Mayor may wish to develop’. The EH/CABE Guidance was finalised in March 2003, with the encouragement of the Government. The draft London Bridge Framework,^A October 2002, is produced jointly by LB Southwark, Greater London Authority (GLA) and Transport for London (TfL); its assumption that the London Bridge Tower scheme will proceed means that no weight can be given to it in assessing the application itself. Indeed, the weight to be given to any of the emerging Plans is influenced by the fact that the guidance in RPG3A is to remain in force until the London Plan is finally published, along with the associated supplementary planning guidance.^B

Listed buildings and conservation areas

- 3.16 PPG15 opens (para. 1.1) by saying that it is fundamental to the Government’s policies for environmental stewardship that there should be effective protection for all aspects of the historic environment. In terms of this application, it gives guidance on the settings of listed buildings (paras. 2.16-2.17), on the settings of conservation areas (para. 4.14) and on World Heritage Sites (paras. 2.22-2.23 and 6.35-6.37). RPG3 emphasises the advice in PPG15 in para. 8.7 and deals with important views and high buildings in paras. 8.18-8.22. RPG3A deals specifically with Strategic Views.
- 3.17 In the adopted UDP, Policy E.4.3, on proposals affecting conservation areas, includes the clause that ‘a proposal adjacent to or outside a conservation area will be unacceptable if it would have a significant adverse impact on the character and appearance of the conservation area’. Policy E.4.6, on proposals affecting listed buildings, includes that ‘proposals ... which affect the setting of a listed building must not do so adversely’. The UDP review takes a different approach to policy formulation but Policies 3.1 and 3.6 have a similar purpose.

^A Document CD8/13.

^B Document CD4/10 (GOL Circular 1/2000) – para. 8 of Annex 2.

4. PLANNING HISTORY

- 4.1 The existing building on the site, Southwark Towers, was built in the 1970s. There is no subsequent planning history of any significance regarding the building itself. There are, however, two recently considered proposals affecting London Bridge Station that should be taken into account in assessing the proposals for the application site.

Thameslink 2000

- 4.2 The Thameslink 2000 proposals have been under development for some years. They include improving both the frequency and the size of Thameslink trains across London. The proposals were the subject of a public inquiry in 2000 and 2001. The Inspector submitted his report in January 2002. He recommended against various elements of the proposals near to London Bridge Station, including the viaduct, the station design and the compulsory purchase of land required to expand the bus station. The Secretary of State, in a letter and news release both dated 29 January 2003, agreed with the Inspector that the scheme is capable of bringing substantial benefits, shared his view that there are serious deficiencies in the proposals and hoped there would be no undue delay in bringing new proposals forward.^A

Railtrack Masterplan

- 4.3 Railtrack produced a scheme to upgrade London Bridge Station which received full planning permission in December 2000, subject to a Section 106 obligation. The scheme was subsequently thought not financially viable in its permitted form. Now, however, it seems that the proposals will be resurrected, albeit modified. The scheme included an office development spanning the railway tracks to the east of the application site. Its construction would mean demolition of the listed train shed, for which listed building consent was granted.^B

^A Documents CD11/4 and CD11/5 are the Inspector's report and the Secretary of State's letter and news release. Document CD11/7 is a response on behalf of Network Rail to the Secretary of State's letter; it confirms the intention to continue developing the proposals taking into account the Secretary of State's views.

^B Document CD11/3 is the LB Southwark Committee report.
Document CD1/4 – the original application drawings show (and are based on) the Masterplan scheme.

5. THE PROPOSALS

- 5.1 The scheme considered at the inquiry has a smaller gross external area than the original application scheme – 124,242sqm compared with 127,493sqm.^A Proportionally, the areas of the component parts of the scheme have not altered significantly – but the way the areas are set out in Document CD1/10 is not readily comparable with the original description. A simpler description for the application might be:

‘demolition of the existing Southwark Towers and construction of a mixed use building totalling 124,242sqm gross, comprising offices (Class B1), hotel (Class C1), fourteen apartments (Class C3), retail and restaurant uses (Class A1/A3), health and fitness club and associated servicing and car parking’.

- 5.2 Architecturally, the proposed development is a pyramidal, or spire-like, tower. It rises to 306m from a base that could be loosely described as around 60m square (at Level 6). In fact, the plan form is by no means square and far from simple. Also, while the various floor plans may have very similar shapes, the tapering form of the tower means that no two have the same area. The facades are composed primarily of eight planes of glass cladding of irregular shapes, no two the same and all bar two at differing angles to one another.^B The glazing is floor-to-floor and the planes (or shards) of glass are visually unbroken by either horizontal or vertical structural members. The shards taper almost to a point at the top of the building and their edges overlap – but never meet to form a traditional corner. Hence the description as shards of glass. Where they overlap, the building enclosure is completed by recessed areas of glazing. Thus, from certain angles, some of the vertical edges of the ‘glass shards’ will be seen to be projecting beyond the edge of the building, enclosing nothing. Towards the top of the building, the shards will not enclose space in a normally understood sense but will surround a ‘radiator’, used to achieve natural dissipation of excess heat from the building. The gaps between the shards around the radiator will allow the passage of wind for cooling purposes. Also, the shards will not meet above the radiator but will stop well below what the eye would ‘perceive’ as the natural point of the ‘spire’.
- 5.3 The façade comprises a unitised ventilated cavity system with a fixed double-glazed external skin and frameless toughened glass inner skin, openable for cleaning. All glass for the tower is proposed to be ‘extra white’, low in iron oxide, making it clearer and more transparent than glass manufactured to a normal specification, which has a greenish tint. Solar control will be provided by venetian blinds within the cavity, automatically operated by the central building management system. Additional manual roller blinds will be provided internally. Perimeter lighting in the office floors will use up-lighters to avoid views of ceiling units from street level. Winter gardens are a feature throughout the height of the building, at one two or three points on each floor. They are located between shards and have an outer skin of mechanised horizontal glass louvres. Their actual use may vary but they are intended to give occupants a direct link with the external environment and to add an element of dynamism to the facades.
- 5.4 On the south-east side of the tower will be what has come to be referred to as the ‘back-pack’, an integral part of the building but more rectilinear in form, rising partly to Level

^A Document CD1/4(1) has the March 2001 scheme design drawings (the original application) at A3 size; Document CD1/7(2/2) is the January 2003 amendment, also at A3 size.

^B The floor plans suggest eight shards. Schedule 6 to the S106 agreement specifies nine shards. However, one of the shards, on the westerly façade, is sub-divided into two by a change in angle. This is most easily seen on dwg. LBT-AR-3513-E in Document CD1/7(1).

15 and partly to Level 18. Its cladding will use the same materials as the tower. As originally designed, the back-pack provided a visual link between the tower and the permitted Railtrack Masterplan scheme for an office building spanning across the railway lines.

- 5.5 The tower does not meet the ground in the traditionally expected way. Only the core of the building comes down to the station concourse and street levels. At street level, the façade is set well back from the street (9m-16m from the kerb) and comprises separate entrances to the offices, hotel and library, two retail units and two banks of escalators rising to concourse level. The vehicular service access is on the east side of this façade, leading to a ramp down and vehicle lifts up. At concourse level, the building core has the library on one side, facing over St Thomas Street, a ticket office on the other and the escalators on either side. The scheme enables a significant increase in the area available for the station concourse. It also enables removal of the existing footbridge across St Thomas Street from the concourse to Guy's Hospital.
- 5.6 A form of visual separation between the street and concourse levels and the tower is provided by a canopy in three discernible sections – over the station concourse, over the bus station and over St Thomas Street. In part, it replaces the existing station concourse roof, which extends partially over the bus station. In part, it is to address the windy conditions likely to be caused by the tower and its juxtaposition with Guy's tower and New London Bridge House (and to which existing conditions are a pointer). The canopy over St Thomas Street is intended to be transparent and to extend virtually to the Guy's building on the opposite side of the street, about 8m from the corner of the listed east wing of the original St Thomas's building on the opposite side of Great Maze Pond.^A
- 5.7 The building would contain a mix of uses. Plant, servicing and parking occupy three basement levels. A health and fitness club is located primarily at street level with space on mezzanines above and below. Offices occupy Floors 5 to 31, with access from street and concourse levels and lobbies on Floors 3 and 4. An aparthotel (apartment hotel, essentially an hotel with all the expected facilities but with self-contained apartments rather than individual rooms) occupies Floors 37 to 51. Fourteen apartments are located on Floors 52 to 63. Floors 34, 35 and 36 are public areas and include viewing galleries, auditoria and a bar and restaurant; Floors 65 and 66 are also public viewing galleries. Public access, which would be ticketed, is from street level via lobbies on Floors 4 and 5. Floors 32 and 33 are occupied by plant and refuge space. Plant is also located on Floors 52/53 and 63/64. Vertical circulation for the different public and private uses is kept entirely separate.^B
- 5.8 The original application assumed the implementation of the Railtrack Masterplan for London Bridge Station, which made radical changes to the concourse layout and the links to the bus station. The amended scheme, as considered at the inquiry, accepts that implementation will be some time off, if at all, and adjusts the design to fit with the existing situation. So far as the application scheme itself is concerned, the changes are not major. The scheme remains compliant with the Masterplan scheme or a variant of it.

^A Document A15 – dwg. LBT/AR/RF/Rev.F is the most recent canopy plan.

^B Document CD1/7(2/2) – vertical circulation is shown diagrammatically on the very last page.

6. THE CASE FOR THE APPLICANT, TEIGHMORE LIMITED

I give here the gist of the Applicant's case, edited from the closing submissions. The witnesses' proofs of evidence are at Documents A1/1, A2/1, A3/1, A3/22, A3/36, A4/1, A5/1, A5/4 and A5/5. I give more specific references (primary but not necessarily exhaustive) at the beginning of each section. I use footnotes to refer, where appropriate, to appendices and other documents.

Introduction

- 6.1 The proposal before the inquiry is of unique importance to London. London Bridge Tower would be the definitive masterpiece of Renzo Piano, the world's leading architect. It would be the most important project of his career. It would take a finding of the most serious and fundamental harm to an important heritage asset even to begin to call into question the appropriateness of permitting this special work of modern architecture.
- 6.2 The Secretary of State identified eight issues upon which he wished to be informed.^A The order in which the issues are set out and discussed below is altered to avoid unnecessary repetition and to reflect how the arguments developed at the inquiry.
- 6.3 The correct approach to the assessment of the effects of London Bridge Tower on heritage interests is that the architectural design and quality of the proposal is integral to reaching a view on the degree of impact on the historic environment. This is the approach adopted by English Heritage in assessing the Swiss Re and Heron Tower schemes and is entirely appropriately applied to London Bridge Tower as well. Indeed, it would be impossible to assess the effects of London Bridge Tower in any other way.
- 6.4 As is made clear in the EH/CABE Guidance^B for the assessment of the effects of tall buildings, such an assessment necessarily involves weighing positive and negative effects. There is no reason why, as a matter of principle, the architectural quality of London Bridge Tower and its regenerative and other benefits can only be taken into account as countervailing circumstances in the case of a finding of limited harm to some or other heritage interest.
- 6.5 Indeed, in planning law, such matters would be material considerations which would have to be weighed in the balance whatever the degree of impact. Of course, the degree of weight to be given to all the various considerations, for and against, is a matter of planning judgement.
- 6.6 That said, it is important to note that, quite rightly, English Heritage considers that the quality of architecture and other circumstances can outweigh even a severe adverse impact on important heritage interests.^C It is artificial, and wrong in principle, to adopt any other approach.
- 6.7 Furthermore, it is important to ensure consistency in the use of terminology. Thus, the common understanding is that 'limited' harm is something less than 'material' harm, which itself connotes 'serious' harm. In order to gain some understanding of what 'limited' means in contexts such as those being dealt with here, English Heritage's assessment is that the effect of Swiss Re on the two grade I listed churches close to it is limited.

^A Document CD2/11 and para. 1.4 above.

^B Document CD9/11b.

^C Document CD12/5 – this was the approach adopted by English Heritage in relation to the effect of the proposed Minerva Tower on a grade I listed church.

- 6.8 It must also be relevant in assessing the acceptability of London Bridge Tower to take into account, and give full weight to, the fact that it would replace with a masterpiece of the highest architectural quality an existing high building, Southwark Towers, which is utterly mediocre in terms of its (lack of) architectural quality. While it is doubtless the case that an applicant cannot simply point to the presence of an existing high building as justification for a replacement high building, it must be right to compare and contrast the absence of architectural quality in Southwark Towers with the supreme architectural achievement of London Bridge Tower and to give full credit where it is due.
- 6.9 The Applicant seeks to replace the mundane with the most wonderful work of modern architecture in London. This is a hugely significant material consideration in the case.

The impact of the proposals on the Strategic Views of St Paul's Cathedral (as set out in RPG3A)^A

- 6.10 The single most important issue in the case, as far as English Heritage is concerned, is the effect of London Bridge Tower on the designated Strategic Views of St Paul's Cathedral from Kenwood and Parliament Hill.
- 6.11 In order to consider whether English Heritage's objection is well-founded, it is first necessary to understand the policy set out in RPG3A, in the light of its underlying purpose. The relevant part of RPG3A concerns 'Background Consultation Areas' and militates against 'unsuitable development which would reduce [St. Paul's] visibility or setting'. Emphasis must be placed on the words 'Consultation' and 'unsuitable'. The language used implies that, before it can be concluded that a proposed development infringes the policy, it must *both* 'reduce [St. Paul's] visibility or setting' and be 'unsuitable'. In other words, even if a proposed development would 'reduce' the visibility or setting of St. Paul's, it might still be 'suitable' for some or other reason. What sort of reason might this be?
- 6.12 The words used convey a process of weighing relevant (material) considerations and forming an overall, balanced, judgement. Thus, in this case, even if it were considered that London Bridge Tower would reduce the visibility or setting of St Paul's Cathedral in the strategic views from Kenwood and/or Parliament Hill, it would be reasonable to reach the overall conclusion that London Bridge Tower would be an 'unsuitable' development for any one, or a number of, the following reasons.
- 6.13 Firstly, and for reasons advanced more fully below, London Bridge Tower is an architectural masterpiece that would grace London's skyline and be a worthy 21st century addition to it. The protection of views of St Paul's Cathedral should not be applied in such a rigid way as to deny the exquisite pleasure of being able to see one of the finest modern buildings in the world *in the background* in two particular views of St Paul's, especially when it would be some 1.3 km beyond it.

^A Evidence on this matter was given primarily by Prof Worthington (Document A2/1, Section 8, particularly sub-sections 8-4-8.6, with his conclusion at sub-section 9.2) and Mr Bridges (Document A3/1, Section 5, particularly sub-sections 5.3 and 5.4 with his conclusion at sub-section 9.1). Document A2/2 ref. 14 has survey material for various Strategic Views extracted from *London's Skyline, Views and High Buildings*, a technical report by DEGW informing the draft London Plan. Documents CD1/3(3) and CD1/12(2) are the Townscape Chapters of the 2001 Environmental Statement and the 2003 Addendum; Views 4 and 5 in both are from Parliament Hill and Kenwood respectively; the Addendum views are to be preferred as being the more accurate representations.

- 6.14 Along with St Paul's Cathedral, the 'Shards of Glass' would become a well-known symbol of London. The prospect of being able to see both from Kenwood and Parliament Hill is something to rejoice in, not to regret.
- 6.15 Secondly, it might be concluded that London Bridge Tower would have the effect of reducing the visibility of St Paul's. It might at the same time be concluded that it would enhance the Cathedral's setting (for example, by replacing the mediocre Southwark Towers with a supreme example of modern architecture at its very best and/or by taking the eye away from the hideous Guy's tower). If so, then by virtue of an internal balancing process it would be legitimate to reach the overall conclusion that London Bridge Tower would be a 'suitable' development in the background to St Paul's.
- 6.16 Similarly, if it were concluded that London Bridge Tower would reduce the setting of St Paul's, but that it would enhance its visibility (for example, by enabling the untrained eye to be drawn to, or back to, the Cathedral and away from Guy's tower), then the same overall conclusion would apply.
- 6.17 Thirdly, London Bridge Tower would enhance the strategic views of St Paul's from Greenwich Park and Blackheath Point and therefore, even if it would reduce the visibility or the setting of the Cathedral from Kenwood and/or Parliament Hill, in overall terms it would be reasonable to conclude that London Bridge Tower would be a 'suitable' background development.
- 6.18 Fourthly, London Bridge Tower would be a highly sustainable redevelopment in an area prioritised for regeneration in both established and emerging policy. The area is one in which densification and intensification should be maximised. In functional terms, London Bridge station is a pre-eminent location for a tall building. It would thus be reasonable to conclude that London Bridge Tower, as a peerless 'beacon of regeneration', would be a 'suitable' background development.
- 6.19 Fifthly, although Mr Antram (for English Heritage) had disagreed in cross-examination with English Heritage's case at the Heron Tower inquiry that views of St Paul's Cathedral from the Thames bridges (eg. Waterloo Bridge) were of even greater significance than the strategic views (the views from the bridges being the definitive set piece views), in re-examination he agreed with the position taken by LPAC^A that views from the bridges are of equal importance to the Strategic Views.
- 6.20 London Bridge Tower would enhance the views from Waterloo Bridge and especially from Blackfriars Bridge and the hugely popular Millennium Bridge. This too should be entered into the weighing scales of judgement.
- 6.21 It is the Applicant's case that London Bridge Tower would be a 'suitable' background development for these reasons. Consequently, London Bridge Tower cannot be said to be inimical to RPG3A in any event, even if it were concluded that it would reduce the Cathedral's visibility or setting. It is, of course, the Applicant's case that London Bridge Tower would not do so.
- 6.22 A straightforward reading of the word 'reduce' in the context found in RPG3A (as in 'reduce the visibility' of St Paul's Cathedral) suggests that this part of the guidance is aimed at development which would lessen the ability to see the Cathedral in the Strategic Views. English Heritage suggests that it means to 'reduce the ability to perceive', that is to recognise and appreciate, the Cathedral. As for reducing the setting, read literally, this

^A Document CD6/3 at 7.1.

would mean making the setting smaller, which would be an odd approach. It would seem more likely that the concept of reducing the setting of St Paul's is meant to involve an analysis of whether the quality of the setting would be lessened.

- 6.23 Whatever the policy means, it cannot be the case that any degree of reduction in either the visibility or setting of St Paul's Cathedral is sufficient to fall foul of this limb of the guidance in RPG3A. It must be the case that a material (ie. serious or significant) degree of harm is required. Plainly, the background to the Strategic Views can and will change. If the policy was meant to operate as a ban on tall buildings in the Background Consultation Areas, it would surely have said so.
- 6.24 Nor can it be the case that, were a new building to draw the eye, it would necessarily be a bad thing and should not be permitted in the background to the Cathedral. There is, after all, a world of difference between a building drawing the eye for all the wrong reasons, such as Guy's tower, and one that would justify being looked at, such as London Bridge Tower.
- 6.25 In similar fashion, it cannot be the case that there is anything wrong as a matter of principle in a new, and additional, symbol of London being found in the background of certain views of St Paul's.
- 6.26 English Heritage considers that London Bridge Tower would distract the eye away from St Paul's. The Applicant considers that this is not the right approach to adopt. But even if it were, applying the same logic, it would be more distracting to have a tall building that draws or attracts the eye in a location to one side or other of the Strategic Views. The benefit of London Bridge Tower being in the background to the views is that the viewer would inevitably see the Cathedral as well, at the same time.
- 6.27 It is the Applicant's case that, whatever the meaning of RPG3A, London Bridge Tower would not 'reduce' the visibility or the setting of St Paul's Cathedral in the two Strategic Views from Kenwood and Parliament Hill. RPG3A does not contain a requirement that development should enhance the background to the strategic views. Nevertheless, the Applicant's case is that, far from causing harm (let alone material harm), London Bridge Tower would enhance the visibility and setting of the Cathedral in these Strategic Views. In so doing, it would satisfy the aspirational clause (v)(e) of UDP Policy E.2.2.
- 6.28 It has been suggested by English Heritage that the underlying purpose of RPG3A is to retain the pre-eminence of St Paul's Cathedral at the centre of the views, as the symbolic focal point of London. But RPG3A says no such thing, even though it would have been easy for it to do so had this been the intention. The world city^A of London is not a museum. And it is no part of RPG3A to stifle London's continuing evolution, including in the background of Strategic Views of the Cathedral.
- 6.29 Furthermore, the two Strategic Views were designated at a time when the effect of the three existing towers at London Bridge had been described in the research leading to RPG3A as having had 'a devastating impact on'^B the views of the Cathedral, as having 'marred' the background, and causing St Paul's to be 'lost' against them. This would tend to suggest, as is indeed the case, that the Cathedral no longer dominates all around it, as it once did, when looking from Kenwood and Parliament Hill. As the Inspector at

^A Prof Worthington describes London as a global city in Document A2/1 at para. 3.4.1, along with New York and Tokyo. Mr Antram, for English Heritage, would have added Paris, though for cultural rather than commercial reasons.

^B Document CD6/3 at 6.8.2.

the Heron Tower inquiry concluded^A in respect of the Strategic Views, 'Whilst the distinct form of St. Paul's ... makes it an eye-catching feature, it is seen in the context of more prominent high buildings'.

- 6.30 In short, it would be wrong to construe RPG3A as meaning to protect the pre-eminence of St. Paul's in the Strategic Views because this would be tantamount to requiring the clock to be turned back to many years before their designation. Instead, the sensible approach is as previously outlined – that one should look at the situation as it is today and ask whether London Bridge Tower would cause material harm to the visibility or setting of the Cathedral as compared to the existing situation.
- 6.31 The context within which this assessment should be made is that the Strategic Views were designated at a time when the setting of St Paul's had already been affected by the three existing towers at London Bridge. This shows that the Cathedral has a robust presence and that nationally important views of it can withstand distractions such as the existing buildings. St Paul's is eye-catching, and remains so, even in the company of other more prominent buildings. It retains its role, and can readily be seen, perceived, recognised and appreciated – even in the company of (poor quality) high buildings.
- 6.32 The Applicant's case is that, far from causing material harm, London Bridge Tower would enhance these Strategic Views. London Bridge Tower would not materially harm the ability to see St Paul's Cathedral (its visibility), nor the ability to perceive it (to recognise and appreciate it).
- 6.33 At the distances involved (9.25km from Kenwood and 7.9km from Parliament Hill), the architectural quality of London Bridge Tower, in the sense of the combination of its height, graceful sculptural form and crystal glass materials, angled to the sky, would be clearly recognisable in these views. The building would, by virtue of these qualities, catch and draw the eye, perhaps to the extent of being the first building seen by the untrained viewer – but St Paul's Cathedral would equally retain all of its abilities to catch and draw the eye. If anything, London Bridge Tower would help to lessen the harmful role and effect of Guy's tower, itself and in combination with Southwark Towers and New London Bridge House, in these views.
- 6.34 Because of the position of London Bridge Tower in relation to the St Paul's Cathedral in these views, the former would draw the eye to the latter. It is a short and simple point. Anyone who had his or her eye drawn to, or caught by, London Bridge Tower would be able, at the very same time, to see, recognise and appreciate St Paul's Cathedral.
- 6.35 The setting of St Paul's would be enhanced by the presence of a modern architectural masterpiece, which would act as a worthy companion. The symbolic value of the Cathedral would not be displaced or replaced by London Bridge Tower. Instead, two very different, impossible to confuse, symbols would be in view – one, a revered symbol of our nation, to many people a spiritual one, the other a symbol of regeneration and renewal, demonstrating that our age has something worthwhile to offer as well. How wonderful it would be to see them both.
- 6.36 For English Heritage, Mr Antram contended in cross-examination that London Bridge Tower would have an even more devastating impact on these views of St. Paul's than the existing towers at London Bridge. This shows an inability on English Heritage's part to discriminate between the harm caused by poor neighbours to the Cathedral and the benefit to be gained from the work of an architectural genius at the height of his powers.

^A Document CD12/2 at 15.19.

Similarly, Mr Calvocoressi's approach was that any tall building which would be close to St. Paul's in the Strategic Views and would thereby attract attention away from the Cathedral would be unacceptable. By concentrating purely on the height of London Bridge Tower, this fails to give proper weight to the overall architectural quality, to be assessed in terms of its sculptural shape and materials as well as its height.

- 6.37 This approach effectively treats a tall building as a bad thing, regardless of how its height is handled in terms of its overall design. The main problem in adopting such an approach is that it cannot factor into the analysis any consideration of whether London Bridge Tower would, by virtue of its own qualities, add something worthwhile to the views of St Paul's Cathedral.
- 6.38 It is the Applicant's case that London Bridge Tower would do just that. It cannot be right to fail to consider and attach weight to whether London Bridge Tower would be worth looking at in its own right – as undoubtedly it would be. Not all 'distractions' are necessarily bad. To have the pleasure of being able to see St Paul's Cathedral and a beautiful new building is to be welcomed. Height, if skilfully handled, as in the case of London Bridge Tower, is a positive.
- 6.39 Moreover, Mr Calvocoressi's approach would rule out high buildings (despite their acknowledged ability to act as beacons of regeneration) in the London Bridge area where planning policies prioritise regeneration – which seems to be a particularly unfortunate result of applying such a narrow approach.
- 6.40 The time is long overdue for London's skyline to move away from a city of (in the main) clumsy, poorly executed, stumps and towards one which has the courage and foresight to embrace the finest architecture that our age can offer. The protection of views of St Paul's Cathedral would not be harmed by the addition of an architectural masterpiece. Mediocrity causes harm – not quality.

The impact of the proposals upon the Tower of London World Heritage Site and the settings of nearby listed buildings and conservation areas

The Tower of London^A

- 6.41 To English Heritage, the effect of London Bridge Tower on the Tower of London is the second most important point after the effect on the Strategic Views. The Tower of London is aptly described as the Royal Fortress on the Thames. As Pevsner says, the Tower has become a kind of monument to itself.^B

^A Evidence in relation to the Tower of London was given primarily by Prof Worthington (Document A2/1, particularly sub-section 8.8 with the conclusion in sub-section 9.2) and Mr Bridges (Document A3/1, particularly sub-sections 5.7-5.10 with the conclusion at sub-section 9.2, and Documents A3/22 and A3/36). Document A2/2 ref. 15 has survey material on pedestrian activity around the Tower of London. Document A3/24 has photographs taken within the Tower of London moat, from the bank of the Thames and Tower Pier, and from points to the north and north-east of the Tower. Documents CD1/3(3) and CD1/12(2) are the Townscape Chapters of the 2001 Environmental Statement and the 2003 Addendum; Views 10, 10a, 10b, 12, 12a, 17 and 18 in both are the views on which time was spent at the inquiry; the Addendum views are again to be preferred as being the more accurate representations; Views 9, 11 and 13-16 in the original Statement are also from within and around the Tower of London. Document A7(3) and (4) are views commissioned later and the subject of significant evidence at the inquiry. Document CD9/17 is the draft Management Plan for the Tower of London World Heritage Site. Documents A11 and A12 are larger and more legible reproductions of Figure 1 (Settings) and Figure 5 (Bufer Zone) in the Management Plan.

^B Document F33.

- 6.42 In terms of formulating a reasonable approach to assessing the effects of London Bridge Tower on the World Heritage Site, it must be the case that the architectural design and quality of the proposed building, in particular its height, sculptural form and materials, are *integral* to reaching a balanced view on its impact on the historic environment.
- 6.43 As with the effects on the Strategic Views, it is impossible to assess London Bridge Tower's effects on the Tower of London without assessing the effects of *this* design, of *this* quality, of *this* height, shape and materials. The correct approach is as set out in paragraph 4.6, item (iv), of the joint EH/CABE Guidance,^A by virtue of which all relevant aspects of the design quality of the building are to be looked at together.
- 6.44 Historic Royal Palaces has adopted a policy of breaking the assessment down into two stages. The first is to assess the impact on the World Heritage Site of a building of the height proposed, regardless of the manner in which the height is handled in the design and the quality of the architecture employed. Only if a building (in effect, any building, however designed, whatever its quality) of the height proposed would be acceptable does one get to the second stage in Historic Royal Palaces' process of analysis, namely, the design and quality of architecture proposed.
- 6.45 This approach is, to put it bluntly, ludicrous. It probably explains why Historic Royal Palaces considers that Swiss Re and other modern buildings have caused serious harm to the World Heritage Site (in contrast to English Heritage and the Secretary of State, both of whom took into account the architectural quality of Swiss Re). It is an approach which cannot help but lead to an unbalanced form of assessment, in which the most mundane and mediocre design is treated no differently to an architectural masterpiece.
- 6.46 It is unreal to imagine, as Historic Royal Palaces suggests, that either our Government or the World Heritage Committee would consider it appropriate to remove the Tower of London from the list of World Heritage Sites if London Bridge Tower were approved. Even having adopted such an extreme and unbalanced approach to assessing the effects of London Bridge Tower, Historic Royal Palaces does not contend that the building would fatally undermine the status and dignity of the World Heritage Site, whether by individual or cumulative effect.

The Inner Ward

- 6.47 English Heritage contends that it is currently possible, within the Inner Ward, to lose awareness of the city beyond the walls; that there is a sense of being within a 'sanctum apart'. According to English Heritage, London Bridge Tower would seriously erode this illusion and break this spell. Historic Royal Palaces considers that the effect of London Bridge Tower on views from within the Tower of London is the greatest cause for concern.
- 6.48 In these circumstances, it is necessary to start by assessing whether there really is such a feeling of apartness within the Inner Ward today. The Applicant considers that any such experience is strictly limited and ephemeral. The world city outside is very apparent as one moves around; traffic and aircraft noise are noticeable, as are the milling crowds.
- 6.49 Alternatively, if it is the case, despite all this, that the Inner Ward gives the impression of being within a sanctum apart from the world outside, then this can only go to show how robustly different is the experience of actually being within the Inner Ward.

^A Document CD9/11b.

- 6.50 The special qualities of the World Heritage Site do not depend in any way upon pretending that the world city outside does not exist, or is subdued. Within the Inner Ward, the White Tower dominates the space. The reality of the position is that modern buildings of all shapes and sizes, including tall buildings, are an established part of the setting of the Tower of London. Several of these modern buildings, and not just the tall ones, are clearly visible from within the Inner Ward. English Heritage does not agree with the Management Plan's description of the effect of these buildings as 'traumatic'.^A
- 6.51 English Heritage considers that the impact of modern buildings, including Swiss Re, is limited. English Heritage's Commissioners have acknowledged that, in the context of a modern world city, some impact on views from within the Tower of London is acceptable.
- 6.52 The ability to see the evolving world city around the Tower of London, and on the other side of the Thames from it, only *adds* to the perception that the World Heritage Site is different and special.
- 6.53 Contrary to claims made by English Heritage and Historic Royal Palaces that London Bridge Tower would dominate ('utterly dominate' according to Historic Royal Palaces) the Inner Ward, those looking out from within the Inner Ward would see a modern building of the highest architectural quality, some 0.75km away, on the opposite side of the Thames. The height, shape and materials of London Bridge Tower, the peerless quality of the architecture, and its distance from the World Heritage Site, would *add* to the experience that the Tower of London is a low-lying fortress embedded within an ever-evolving world city.
- 6.54 London Bridge Tower would not dominate the Inner Ward. The White Tower would continue to do that, just as it does today.
- 6.55 Putting the point at its lowest, it cannot be a bad thing to be able to see across the Thames, from within the Inner Ward, the best that our age can offer in modern architecture. It certainly cannot cause the serious (material) harm to the World Heritage Site that is claimed.
- 6.56 We should not be afraid of being able to see the new. The best of the new, however controversial it might have been at the outset, often becomes the cherished heritage of future generations.^B Unless we have the courage to allow the best of our time to be built, our contribution to the heritage of the future will be modest.

The Moat

- 6.57 A similar line of argument was raised by English Heritage concerning views from the Moat – although it is fair to note that, in cross-examination, Mr Calvocoressi acknowledged, having seen pictures of the K2 development currently under construction,^C that it is now more difficult for English Heritage to make this point.
- 6.58 The Applicant considers that English Heritage's argument has no merit. The modern world city is very clearly visible (and audible) from the Moat. Low modern buildings (such as Tower Place) and high buildings alike can be seen from the Moat and are part of the established setting of the World Heritage Site. Soon, the K2 building will be a new

^A Document CD9/17 at para. 2.3.2.

^B Tower Bridge was given as one example of this – controversial when designed and built but now a grade I listed building (para. 6.102 below). Millbank Tower and Centre Point were given as tall buildings now listed.

^C Document A13 contains elevations and images of the K2 building.

feature. Adding the exquisite London Bridge Tower, some distance away across the Thames, would be entirely consistent with the nature of the setting of the Tower of London. London Bridge Tower would enhance, not materially harm, the World Heritage Site in views from the Moat.

- 6.59 This is another example of what appears to be a philosophical divide between the parties at the inquiry in terms of approach.
- 6.60 It is the Applicant's case that there is nothing bad in being able to see world-class modern architecture from a World Heritage Site. A tall building, provided its height is skilfully handled as it is in the case of London Bridge Tower, would be a wonderful addition to views from the Moat. To see beauty, even from a World Heritage Site, is good.

Outside the World Heritage Site

- 6.61 The key issue here concerns the effect that London Bridge Tower would have in views of the Tower of London from outside the Royal Mint. It is the Applicant's case that, in order to reach a balanced judgement on this issue, it is necessary to begin by assessing the degree of importance of the views from the north-east.
- 6.62 These views are not important ones. If the approach is adopted of regarding all views of the World Heritage Site as having some degree of importance, then it would be reasonable to categorise the views from the north-east as amongst the least important views of the Tower of London.
- 6.63 It is highly significant that English Heritage and Historic Royal Palaces have graded the quality of the views of the World Heritage Site. It is self-evidently sensible to do so, to ensure that when it comes to assessing the effect of a proposed development (such as London Bridge Tower) the decision maker understands the degree of significance of the view[s] that would be affected. Without such information, it would be impossible to come to a balanced conclusion.
- 6.64 English Heritage has graded the degree of importance of views of the Tower of London in their advice concerning the Minerva Tower and through participation in the preparation of the Management Plan. In relation to the Minerva proposals, it was necessary for English Heritage to assess the relative degrees of importance of views of the World Heritage Site so as to enable it to formulate its position concerning those proposals. It decided not to request the call-in of the Minerva proposals because they would *not* harm the most important views of the Tower of London, namely those from Queen's Walk on the south bank of the Thames.^A
- 6.65 In other words, credit was given for the absence of effect on the critical views of the World Heritage Site. It goes without saying that exactly the same approach should be adopted in relation to London Bridge Tower.
- 6.66 In English Heritage's London Advisory Committee and Commission papers, in representations and in the press release on the Minerva proposals, views of the Tower of London from Queen's Walk are, correctly, described as the most crucial and non-negotiable views of the World Heritage Site. English Heritage regards these views as of crucial importance to an appreciation of the entire setting of the Tower of London.

^A Document A2/2/16.

- 6.67 The entirely valid explanation given by English Heritage for this assessment is that these are the great historical set-piece views of the Tower of London, where there are untrammelled views of the White Tower (the focal point of the World Heritage Site in the context of the site itself, the River Thames and Tower Bridge. The Management Plan also repeatedly emphasises the historical significance of the relationship between the Tower of London and the River Thames.
- 6.68 English Heritage also attaches weight, again perfectly correctly, to the fact that there is now a large public plaza in front of the new City Hall, where people have the ability to stop and take in the views free from traffic. And they do so in large numbers.
- 6.69 None of these points could be made about views from the north-east. They have never been regarded as being of any historical significance whatsoever, the environment is not conducive to pausing to take in the views – and few people do.
- 6.70 The Tower Interchange Study^A is at an early stage and is critically dependent upon the availability of land from various sites, including Sceptre Court. Nothing is known about the realism of such expectations. Be all that as it may, the net effect of the proposed signalised roundabout would be to maintain exactly as they are the many lanes of traffic and stop lines which form the foreground to views of the World Heritage Site from the north-east – and to add to the margins of the view a ‘focal point’ (a sculpture or such-like in the middle of the roundabout).
- 6.71 In any sensible objective assessment of the relative degree of importance of views of the World Heritage Site, views from Queen’s Walk would come out at the top of the list and views from the north-east at or near the bottom.
- 6.72 Mention has been made by Historic Royal Palaces of the additional works to fortify the northern part of the Tower of London in 1848 when there were fears concerning Chartist riots. One might question whether the attempt to suppress the growth of democracy is a stage of our history that we would wish to celebrate – or whether many people looking at this part of the Tower of London would have any inkling of these associations. Leaving that aside, however, the North Bastion, which was built in 1848 to repel the mob, was destroyed by a bomb in World War II and not rebuilt.
- 6.73 Historic Royal Palaces’ Management Plan^B has been drawn up over a number of years, with care, by a distinguished committee of experts (including experts from English Heritage and Historic Royal Palaces). It was put out to wide consultation, including to other expert and authoritative organisations and individuals. To put the point at its lowest, if views of the Tower of London from the north-east are of any real degree of significance, then there can be no doubt at all but that this august committee would have identified them as such.
- 6.74 The fact that the Committee has not identified views from the north-east as having any degree of importance is hugely significant. It provides an objective, informed assessment, away from the heat of battle concerning London Bridge Tower. The Committee adopted a careful and analytical approach in assessing the relative importance of different areas and views for the setting of the World Heritage Site. It is significant that the Committee’s approach was not based simply on inter-visibility but instead was based principally on *historical associations*.

^A Document G32 – In Section 9 the preferred option is a roundabout; the plans enable a comparison with the existing layout.

^B Document CD9/17.

- 6.75 Views of the (largely) unbroken silhouette of the Tower of London from the north-east have not been categorised as significant – and correctly so. There are no historical associations of any degree of importance in being able to see the silhouette of the Tower of London free from the effect of development on the other side of the River Thames in Southwark.
- 6.76 Time and again, and for good reason, the Management Plan emphasises that the important historical associations are between the Tower of London and the River Thames. The relationship between the World Heritage Site and the City of London is also described, although (as the Management Plan itself states^A) the historical domination of the City by the Tower of London has been replaced by London dominating the Tower. The historical significance of the relationship between the Tower of London and Southwark is not mentioned once – because there is none.
- 6.77 When the Management Plan was put out to public consultation (in October/ November 2000), English Heritage did not ask for views from the north-east to be accorded significance. More recently, in the immediate run-up to this inquiry, and as part of a response to a limited re-consultation exercise on the position of the protected view from Tower Bridge, it has asked Historic Royal Palaces to reconsider the matter.
- 6.78 English Heritage has not, however, explained why it considers that the analysis of the expert Committee is wrong in this regard. All that has happened is that, in their more recent reconsideration of London Bridge Tower, English Heritage Commissioners went on a tour and noted that there are views of the (largely) unbroken silhouette of the Tower of London from the north-east. Quite so – but this does not mean that these views have any real degree of significance because of any historical associations. It is noteworthy that English Heritage did not request any amendment of the definition of the setting of the World Heritage Site^B so as to bring in land at London Bridge Station, or indeed any part of the south bank.
- 6.79 In writing to Historic Royal Palaces on this point, English Heritage suggested that the reason why views from the north-east are not identified in the Management Plan is that the impacts of tall buildings in Southwark were ‘not contemplated’ at that time. This explanation is factually wrong and bad in any event. It is bad because it muddles objective assessment of the relative significance or otherwise of particular views of the Tower of London with English Heritage’s position as an objector to London Bridge Tower and to the principle of tall buildings at London Bridge Station. The explanation is factually wrong because, at the time when the Management Plan was originally drawn up and when English Heritage responded to it, proposals for a taller (400m) tower on the London Bridge Tower site were well-known to both English Heritage and Historic Royal Palaces.
- 6.80 The simple fact of the matter is that English Heritage did not ask for views from the north-east to be categorised in the Management Plan as significant because, when assessed objectively, they are not significant.
- 6.81 In similar vein, criticisms of the work of the expert and widely-based Committee by Mr Drury (for Historic Royal Palaces) seem curious, especially as Mr Drury acknowledges that the analysis of the history and significance of the Tower of London in the Management Plan is sound.

^A Document CD9/17 at para. 2.3.1.

^B Document A11 shows the setting proposed in CD9/17.

- 6.82 Rather than imagining that the Committee has made an extraordinary failing in analysing the relative degrees of importance of different views of the Tower of London, it is much more sensible to respect the results of their careful work.
- 6.83 Meanwhile, no weight can be given to the fact that Historic Royal Palaces has recently commissioned a study from another firm of consultants using a different approach to that adopted by the Committee.^A The new study has barely started. When the results are published, there will then need to be consideration of whether, and if so how, the Management Plan should be amended. If it were to be amended, the new draft would be put out to public consultation and then, as and when adopted, Historic Royal Palaces would seek to persuade the relevant local planning authorities to adopt the Management Plan as supplementary planning guidance.
- 6.84 It seems that the new study will work on the basis of intervisibility and result in something akin to background consultation areas, whereas the Committee's methodology was based primarily (and more soundly) on an analysis of the importance or otherwise of historical associations.
- 6.85 The Management Plan has five layers of protection for areas and views which the Committee considers *are* of significance to the status and dignity of the Tower of London as a World Heritage Site. These are:
- a buffer zone;
 - the immediate and wider setting;
 - key views (ie. key to the setting of the WHS);
 - significant local views (ie. in which the backdrop of the Tower of London is of particular sensitivity), and
 - views from Wakefield Gardens.
- 6.86 It is hugely important in forming a balanced judgement about the effect of London Bridge Tower on views of the World Heritage Site to note that that London Bridge Tower does not fall within any of the areas or views which are categorised as being significant in the Management Plan.
- 6.87 In a balanced, fair and reasonable assessment of the acceptability of London Bridge Tower, great weight must be given to the fact that it would not cause any harm whatsoever to areas and views which have been concluded to be of significance to the World Heritage Site. It would be perverse not to give London Bridge Tower full credit for this.
- 6.88 Indeed, in some of the views which have been categorised as significant, the effect of London Bridge Tower would be one of enhancement.
- 6.89 For example, views from Tower Bridge, a Grade 1 listed building, are regarded as important by both English Heritage and the Management Plan. They have been described as internationally important views. They are good places to pause and take in the views. Large numbers of people do so. As English Heritage says, the viewing plaque on the north bastion is where the vast majority of visitors pause to enjoy views of the Tower of London. London Bridge Tower would be a wonderful addition to these views. It would enhance the overall experience of taking in views of the Tower of London and the evolving world city. Weight should be given to this in the overall, balanced assessment of the effects of London Bridge Tower.

^A Document G37.

- 6.90 In other words, a dynamic, 360 degree approach should be adopted to the issue of the effect of London Bridge Tower on views of the World Heritage Site.
- 6.91 Accordingly, it is the Applicant's case that, whatever the effect of London Bridge Tower on views from the north-east, these views have no overriding importance or significance.
- 6.92 As for the degree of effect, the distance from the Tower of London (some 0.75km, with the Thames intervening), coupled with the beautiful sculptural form and materials of London Bridge Tower, would ensure no visual confusion. The contention that London Bridge Tower – so far away, so beautiful, so different – would harm, far less dominate, the Tower of London in any of these views is unreasonable. The Tower of London has such a strong presence that it would continue to be the dominant feature.
- 6.93 At the very worst, if there would be any harm at all, the degree of it would be limited. The Applicant's reluctance to categorise the effect of London Bridge Tower in these views as being harmful is not some form of dogged refusal to face up to the position. Instead, the difference of opinion between the Applicant and English Heritage or Historic Royal Palaces flows to some extent from a difference of approach on whether there is something inherently harmful in seeing modern development in the backdrop to views of the Tower of London in views such as these.
- 6.94 It is the Applicant's case that there is nothing inherently harmful in such a relationship. It is a perfectly respectable approach to say that, in the context of a low-lying fortress embedded within a thriving world city, there is nothing wrong with being aware of the presence of modern development in the same view as the Tower of London. When the modern development in question is itself, as London Bridge Tower would be, an object of beauty, then the point is even clearer.
- 6.95 As Mr Antram explained on behalf of English Heritage, finding the correct approach in relation to the setting of the Tower of London, a low lying medieval fortress in the heart of a world city, is not straightforward. There are inevitable tensions involved. Great care must be taken to ensure that the desire to protect the setting of the World Heritage Site does not lead to holding back the continued evolution of the world city.
- 6.96 This is especially important when considering London Bridge Tower, which is sited in an area long recognised as a priority case for regeneration and which would itself be a hugely significant manifestation of regeneration.
- 6.97 Of course, were an approach adopted which sought to restore the dominance of the Tower of London over the City, or to treat as bad any new development that did not fit with an idealised approach to the relationship with the Tower and London, then *any* new tall building could be seen as challenging.
- 6.98 However, London now dominates the Tower. It is an established part of the setting of the World Heritage Site that the world city has grown outwards and upwards. Thus, Mr Calvocoressi was able to explain in re-examination that, in views where the silhouette of the Tower of London is broken by buildings in the City, the effect of this on the historical significance of the World Heritage Site is 'probably neutral'. English Heritage maintains its view that the impact of Swiss Re is limited.
- 6.99 If this is the position in a relationship where, in historical terms, the Tower of London dominated the City, it must equally be the case that the effect of London Bridge Tower, sited on the south bank, which has no recognised historical association with or significance for the Tower of London, would also be 'neutral'.

- 6.100 The upshot of all of this is that the important historical association between the World Heritage Site and the River Thames, which remains intact in views from the Queen's Walk on the south bank, is regarded by English Heritage Commissioners as warranting protection 'at all costs'. Views from the north-east could not begin to be described in such a way and, rightly, never have been, either in the Management Plan or in any planning policy document.
- 6.101 The 'cost' of refusing planning permission for London Bridge Tower in order to protect views of the Tower of London from the north-east would be immense. London would lose the finest work of the world's leading architect, a building that would be known and admired the world over. Southwark would lose a hugely significant beacon of regeneration. The nation would be the poorer for this.
- 6.102 Tower Bridge was controversial when it was proposed but is now a cherished and internationally famous part of our heritage – even though it dominates the Tower of London in many views. There can be no doubt at all but that London Bridge Tower would come to be listed for its architectural merit. It would rank as one of the finest examples of modern architecture in the world, let alone in this country. Architectural quality, modern and historical, can link in a wonderful way. It is simply not worth losing this in order to keep the views of the Tower of London from the north-east as they are today. These views are simply not important enough to justify such a senseless result.
- 6.103 The Applicant makes similar points concerning views of the Tower from Tower Bridge Approach walking in a southerly direction. This is another view that has never been identified as one of any significance, in terms of historical associations or otherwise.
- 6.104 The context for the assessment is that views from Tower Bridge Approach, walking from Tower Bridge northwards, already comprise a juxtaposition of the World Heritage Site and modern development in the City, including the Swiss Re, Tower 42 and One America Square buildings. Given all this, the effect of London Bridge Tower would be limited and not harmful.
- 6.105 Finally, the views from the Wakefield Gardens viewing platform have been identified in the Management Plan as having a degree of significance. This is a good, indeed purpose-designed, place to pause and take in the view of the Tower of London. Many people do just that, because the viewing platform is beside the main access route to the Tower for most visitors. From it, the silhouette of the Tower of London is seen unbroken except for Tower Bridge. Contrary to the claim by Historic Royal Palaces that London Bridge Tower would dominate the Tower of London, it would be well to one side of these views, across the Thames, and would enhance the ability to appreciate the World Heritage Site in its modern context as part of an evolving world city.

Other effects of London Bridge Tower on heritage interests^A

- 6.106 It is important to recall that Mr Calvocoressi explained that, of the other impacts on heritage interests referred to by English Heritage, only the effect of London Bridge

^A Prof Worthington's proof of evidence (Document A2/1) deals with these matters in sub-sections 8.7 and 8.9, with his conclusion at sub-section 9.3. Mr Bridges' deals with them in his main proof of evidence (Document A3/1) at Sections 6 and 7, with his conclusion at sub-section 9.3, and also in his supplementary proofs (Documents A3/22 and A3/36).

Documents A2/2/8-26 have sequential views on three routes towards the application site;

In Document CD1/3(3), Views 32-44 are from the Thames and Views 45-67 are local. Document CD1/12(2) has improved versions of Views 36, 44, 47, 52, 64, 66 and 67. All are discussed in Document A3/18.

Documents A7(1) and (2) are additional views.

Tower on Guy's Hospital forecourt (and 'possibly' the effect on St. Thomas Street) would justify refusal of permission in their own right. All of the other impacts referred to by English Heritage are regarded by it as limited.

- 6.107 In view of this, the Applicant leaves its case on these lesser effects as set out in the evidence of Mr. Bridges. It is important to bear in mind that in each case referred to, tall buildings are already part of the setting of the listed buildings and conservation areas referred to, or are seen from them (including the listed Millbank Tower in the case of the Palace of Westminster World Heritage Site).
- 6.108 Where London Bridge Tower would replace views of Southwark Towers, the effect would be one of enhancement not harm. In relation to the further removed heritage buildings (such as the Palace of Westminster and Lambeth Palace^A), the effect of the distance between London Bridge Tower and them is an important consideration as, in all cases, is the design and architectural quality of London Bridge Tower.
- 6.109 The suggestion that London Bridge Tower would distract the eye from some or other heritage interest (such as Southwark Cathedral^B) runs the very real risk of leading to a situation in which high quality architecture, if it is visible from or in the same view as a listed building or a conservation area, is frowned upon. Such an approach would condemn large parts of London to the mediocre and mundane, lest by building something new and beautiful one might give the viewer something else worth looking at as well as the old and revered. Fundamentally, in all cases, there is nothing wrong, indeed there is a great deal of good, in being able to see a beautiful modern building from and/ or in the same view as, a listed building or a conservation area.
- 6.110 Nor can it be the case that the addition of limited harm to different heritage interests can be accumulated, leading to a conclusion that the effect on any individual conservation area or listed building is any the greater. The correct approach in each and every instance of a limited effect on the setting of a conservation area or a listed building is to assess whether that individual impact is outweighed by countervailing circumstances – in this case, such as the supreme architectural quality of London Bridge Tower and its major contribution to the much-needed regeneration of the area.
- 6.111 It is the Applicant's case that there are no instances of either serious or limited harm to other heritage interests. However, if a different conclusion were reached, these countervailing circumstances would readily outweigh any adverse effects.

Guy's Hospital forecourt^C

- 6.112 The simple but powerful point here is that tall buildings are an established part of the setting of the listed buildings and of views out of the forecourt. London Bridge Tower would replace an existing tall building of utter mediocrity with one of the highest possible quality.
- 6.113 If the viewer were to look up, the sight of London Bridge Tower instead of Southwark Towers would be a significant enhancement. From this distance, the detail of the architecture of London Bridge Tower would be readily apparent. The criticism that the lower part of the building would be wider than the existing Southwark Towers by virtue

^A Document CD1/3(3) – Views 22-24 and 38.

^B Document CD1/3(3) – Views 52-54; Document CD1/12(2) – View 52.

^C Document CD1/12(2) – View 67.

of the backpack is misplaced. That would apply equally to any low or mid-rise intensification in this part of the Opportunity Area.

- 6.114 How wonderful it would be to see from the forecourt, which is a fine example of our heritage, a fine example of our age and the best that it can offer. In addition, the setting of Guy's would gain immensely from the changes that London Bridge Tower would bring to St. Thomas Street (as discussed below), not least the removal of the dreadful footbridge and steps linking Guy's to the railway station.

St Thomas Street^A

- 6.115 This last area of contention seems the most puzzling. The current situation at and around the base of Southwark Towers is dreadful. There is the hideous footbridge and steps,^B the narrow street abutted by the service access to the station, and the windy conditions. As explained in greater detail below, in place of all this utter degradation, London Bridge Tower would provide a far wider street, animated with shops and access to the station and the Tower (including all its public facilities such as the viewing galleries).
- 6.116 The footbridge would go. Links between the station and Guy's would be improved out of all recognition. Virtually 13m above street level would be an elegant and graceful canopy^C which would improve existing wind conditions as well as being a beautiful structure through which one would be able to see the breathtaking shards of glass.
- 6.117 How on earth could these changes to the scene be described as harmful? They would bring nothing but significant enhancement. Walking along St Thomas Street and taking in views of London Bridge Tower, for instance from the west from where there would be views of the listed Chapter House and London Bridge Tower, instead of seeing a building to be ashamed of, there would be views of a building to be proud of.

The extent to which the proposals comply with Government policy advice on the need for good design^D

- 6.118 There can be no doubt but that proposal before the Secretary of State represents the highest possible quality of design consistent with, indeed surpassing, the requirements of government policy contained in PPG1 and other relevant guidance.
- 6.119 The scheme has attracted almost universal and uniform praise for its inspirational and ethereal architectural quality. It would be an exceptionally beautiful and accomplished building. Its qualities in this regard were recognised by English Heritage and Lord Rogers alike.
- 6.120 The Commission for Architecture and the Built Environment (CABE) also recognises the architectural qualities of the tower but has criticisms of the scheme in relation to public realm. CABE has, however, significantly underestimated the contribution that the proposal will bring in terms of improvements to the public realm. The proposal would bring more than sufficient enhancement on the existing situation to warrant the grant of

^A Document CD1/12(2) – View 66.

^B Documents A3/28 and A3/29, A1/2/B6 and A1/2/B7.

^C Document A16 gives an indication of what is proposed.

^D Signor Piano explains his design approach and the design itself in his proof of evidence (Document A1/1). This is supplemented in his appendices (Document A1/2) at Sections C, D and E. Photographs of some of Signor Piano's projects are at Section A of Document A1/2, taken from the four volumes of the works of the Renzo Piano Building Workshop at Document A1/3/A-D. These in turn are supported by manuscript notes (with typed corroboration) at Document A1/5.

planning permission in the circumstances of the case. Moreover, CABE's requirement that there should be a masterplan for the area as a whole before any consent is granted is unrealistic and would be counterproductive, in terms of both the public realm and regeneration generally.

Architectural Form

- 6.121 The building is an elegant spire in form. The form reflects both the mix of uses within the building and the historic language of London. Architectural form follows function in the sense that the mix of uses within the building calls for differing sized floorplates. The arrangement of these differing floorplate sizes into a gently tapering spire is simple, elegant and yet brilliant. As Lord Rogers said, the 'handling of forms is inspirational and shows a true master at work'.
- 6.122 The historic inspiration for the form is obvious and self-explanatory. London and Londoners are not being subjected to a building of alien idiom. The elegance and proportion of the spires of London's past are gently alluded to in an appropriate and modern context. The proportions of the spire are pleasing, sculptural and constant. They are enhanced by the 'backpack' element, which acts as punctuation at the bottom of the building, providing an appropriate foil to the tower above.

Treatment of the facades

- 6.123 The façade of the building is broken down into nine separate shards of glass. These add articulation, interest and, paradoxically, balance to the spire. It is difficult to do justice to the drama of their effect in words alone. The shards break down the building into separate legible elements. Each shard is narrower than the building as a whole, stressing the verticality of form and elegance. The shards overlap so as to cause shadows to be cast, thus emphasising the individual planes.
- 6.124 The horizontal separation of the shards permits the space within the building to breathe and the visual mass of the building to be further broken down. Again, form follows function, allowing the formation of the Winter Gardens.
- 6.125 Each of the shards is tilted away from the perpendicular in a way that would allow them in a limited way to reflect the sky. This would provide animation and interest as they reflect the changing skies over London.

Reaching the Sky

- 6.126 The way in which a tall building reaches the sky is one of the most important of its design elements. The top of London Bridge Tower will be unique. The tapering shards of glass are never allowed to meet. The 'virtual' meeting point of the individual planes sits above the actual top of the building. This, coupled with the ever-reducing width of the individual shards, has the effect of suggesting that the building gradually disappears into the sky.
- 6.127 This solution is the physical manifestation of the function of the top of the building. It acts as a radiator, cooling the building by allowing the heat to dissipate with the assistance of the prevailing wind.

Materials

- 6.128 The tower is designed to be a sharp and light presence on the skyline. To this end, the choice of materials, particularly the glass specification, is critical.

- 6.129 All glass to be used in the project is 'extra white', which is low in iron oxide and has a clear crystalline appearance. The glass will not be tinted and will have no reflective coatings applied. The effect of using this glass will be to give the building as a whole a light crystalline feel. It will not be heavy or dominant, in either local or distant views.

The building as a beacon of regeneration

- 6.130 The form of the building, its detailing, materials and quality of architecture, will mean that London Bridge Tower will act as a beacon, both physically and functionally. Physically, it will constitute an icon, making this part of London easier to read in townscape terms. In particular, the proposal will be effective in signalling Southwark as a new part of 'central' London, consistent with regional guidance and good planning. Functionally, it will act, consistent with the EH/CABE Guidance, as a beacon for regeneration.

Mixed use

- 6.131 Design involves more than the external emanations of the buildings. This proposal is truly a mixed use one. The most important element of the mix of uses is the access that the general public will be afforded at the base of the building and at the mid and high level viewing areas. The building will be one to which Londoners can stake ownership.
- 6.132 The panoramas achievable from both of the viewing areas will be new and breathtaking. They will be a valuable addition to the capital's tourist attractions.
- 6.133 The other uses proposed within the mix are appropriate and consistent with all relevant policy advice for the area. The internal design of the building, with its varied floorplates, ingenious lifting solutions and winter gardens, will be a wonderful place in which to work, to live and to visit. The proposal will be fit for its mixture of uses.

Securing the architectural quality of the key elements of the design

- 6.134 The Secretary of State can be satisfied that the quality of architecture presented to the inquiry in the form of images, models and materials will be translated into the proposal on development. He can be so satisfied for at least the following reasons.
- 6.135 Firstly, this is a detailed application for planning permission. All of the images and models presented to the inquiry are based on the detailed architect's drawings which form part of the package of application drawings before the Secretary of State. At no stage has it been suggested that the architecture presented to the inquiry in any way fails to reflect the detail contained in the application drawings. Any attempt materially to divert from the approved drawings would constitute a breach of planning control.
- 6.136 Secondly, the Secretary of State may impose a condition requiring the applicant to submit further detailed drawings and materials specifications in relation to the key elements of the proposal for the consideration and approval of the local planning authority. Such a condition has been proffered by English Heritage to the inquiry. It is acceptable to the applicant. Indeed, if the Secretary of State wishes further to define those parts of the design which he believes are particularly important (for example, the very detailed design of the top of the shards), the applicant has no objection to these elements being specifically identified in any condition requiring details to be submitted.
- 6.137 Thirdly, if thought necessary, the Secretary of State could impose a condition requiring large scale drawings to be submitted to and approved by the local planning authority. This approach was adopted by the Secretary of State following the Heron Tower inquiry.

- 6.138 Fourthly, the Section 106 obligation provides minimum benchmarks of quality below which the developer covenants not to fall. Insofar as these are precise and measurable, they are to be given significant weight by themselves. Insofar as they are more aspirational, or descriptive, they are still to be given weight because they are, and always were intended to be, backed by the more detailed requirements of the conditions.
- 6.139 Finally, there is the nature of the contract between the Developer and Renzo Piano Building Workshop (RPBW). It provides that RPBW is to be retained as architect to the scheme until its completion. The existence of the contract, *in addition* to the other safeguards that exist, adds to the certainty the Secretary of State can have that the development which has been the subject of this inquiry will be, if it is granted consent, the development which is built.

Architectural quality and setting

- 6.140 The public realm in the environs of the station is at present truly appalling. These areas are amongst the least attractive of public places. This essential background to the case should not be ignored. The proposal significantly enhances the public realm of the area. The main components of the enhancement are set out below.

St Thomas Street – improved linkages

- 6.141 Along St Thomas Street, the building façade has been set back by up to 12m, effectively doubling the street's width. The set back is maintained until the fourth floor, creating a generous arcade, tall enough to accommodate trees and, in Renzo Piano's words, allowing the space to breathe. The street frontage will be animated by a variety of retail units, a secondary entrance to the offices, the hotel lobby and entrance and the way into the public library.
- 6.142 Moreover, the proposal addresses one of the critical failings of the present environment, namely the very poor linkages between the different levels of the site. Either side of the central core are two banks of escalators linking St Thomas Street to the station concourse level. To the west of the core, along Joiner Street, the escalators are external and will operate permanently. They are complemented by a glass lift that connects to the cycle station. To the east of the core, a further set of escalators connects St Thomas Street directly with the concourse. These escalators continue to the heart of the building, the lobby area for the public viewing platform.
- 6.143 These improved linkages allow for the removal of the footbridge crossing St Thomas Street and connecting the station concourse to Guy's Hospital. This in turn enables the much needed realignment of the entrance to Thomas Guy House from the third floor.
- 6.144 These interconnectivity solutions are a massive advance upon the existing situation. For the first time, the various levels and functions of the area will be integrated and user-friendly. The future management of the facilities is also safeguarded by obligations and management regimes set out in the Section 106 agreement.

The canopy – improving the pedestrian environment

- 6.145 The existing wind conditions along St Thomas Street and in the area generally are poor. When the existing tall buildings were developed, little thought seems to have been given to the consequences of the cluster for pedestrian comfort. Thus, the environment is hostile and unattractive.

- 6.146 The canopies proposed as an integral part of the design will serve to provide both the necessary protection from the elements and a common, coherent sense of place. They are successful in both regards. The enhancement of the public realm will be enormous. Of course, the full extent of the improvement can only really be understood by reference to the visual material and the models. The canopies will be light, translucent and architecturally interesting. Even by themselves, they would be a very significant improvement on the existing position. With the drama and elegance of the tower set above them, they will be irresistible.
- 6.147 Of course, Renzo Piano is not a novice in this field. His work on Aurora Place (Sydney), Potsdamer Platz (Berlin) and the Beyeler Museum (Basel) is rightly lauded. It provides clear evidence of how successful the enhancement of the public realm in the vicinity of the tower will be. This expertise and knowledge has and will continue to inform the London Bridge Tower project.

The Concourse

- 6.148 The existing concourse does nothing to encourage use of public transport. It is dreary and dirty, dark and depressing. The removal of the structural support to the existing Southwark Towers improves the legibility of the space considerably, giving clear site lines from the terminus platforms through the concourse to the bus station and taxi rank.
- 6.149 The proposal 'gives back' to the public a space which is 40% bigger than the existing concourse. It allows for the ticket barriers to be increased in number from 28 to 44. The core is trimmed back to occupy less than a quarter of the site, releasing a further 3,000sqm at concourse level. Facing the concourse within the tower is a double height volume of 200sqm with a mezzanine of 160sqm providing adequate facilities for replacement retail uses if required. The roof and floor treatment will continue the language of St Thomas Street and its canopy.

Bus station

- 6.150 As with the station concourse, the existing bus station is ugly. Its roof is poor in design, inadequately ventilated and contrives to amplify the noise of waiting buses. The proposed canopy over the bus station is again of the same family as the St Thomas Street canopy. It will be open, still offering a degree of enclosure at the same time as allowing the space to breathe. It is a significant improvement.

CABE's concerns

- 6.151 Given the nature and extent of the improvements to the public realm over the existing situation, the concerns of CABE are neither understood nor accepted. Indeed, the case advanced by CABE is confused and confusing. On closer inspection it appears to consist of two strands:
- that the proposal provides insufficient enhancement of its public realm setting and/or
 - that the proposal should not gain consent in the absence of a comprehensive masterplan for the area.

Insufficient Enhancement

- 6.152 This limb of CABE's case betrays a fundamental misunderstanding of settled land use planning policy and, in any event, is wrong in fact. In short, CABE's argument amounted to the contention that insufficient benefits were being provided by the

proposal in terms of setting and public realm. Mr Finch put it clearly, if unorthodoxly, when he said that he was not satisfied with his pint 8/10ths full.

- 6.153 There is no land use planning policy test which requires a development to provide any, or any given level, of enhancement over the existing position before planning permission can be granted. PPG1 still makes it clear that, subject to the contents of the Development Plan, if a development causes no *harm* to interests of acknowledged importance, consent should be granted. For reasons set out below, nothing in the Development Plan for Southwark alters the test of harm in the circumstances of this case.
- 6.154 Enhancements brought about by a proposal only become relevant to the issue of the determination of consent if they are necessary to outweigh harm that the proposal has otherwise been found to cause. In the present case, CABE's clear evidence was to the effect that, insofar as the local environs were concerned, the proposal constituted a clear improvement over the existing position. In other words, in overall setting and public realm terms, the proposal, far from causing harm, caused a significant enhancement. The relevant test for the public realm set out in the EH/CABE Guidance, and itself derived from more general application of planning policy, has thus been met.
- 6.155 Both the recognition of enhancement and compliance with the EH/CABE test are clearly correct. Indeed, rarely has such a comprehensive package of public realm enhancements been placed before the Secretary of State in association with a proposal. The total package of public realm improvements, some of which are described above, has been costed at tens of millions of pounds. Ironically, it dwarfs the nature of the public realm improvements associated with the Heron Tower scheme, which were described by CABE in that case as a model of their kind.
- 6.156 CABE also accepted that the proposal caused no harm to the prospects of other public realm solutions coming forward, such as the Masterplan scheme or the New London Bridge House redevelopment proposals. On the contrary, CABE accepted that the proposal would improve the prospects of such further enhancement occurring. In particular, the contribution of £3 million for the improvement/relocation of the bus station was important for this purpose.
- 6.157 Finally and importantly, CABE did not identify any wider harm that would need to be outweighed by a particular level of extra benefit. Indeed, its evidence was that the building was in the correct location, would act as a beacon for regeneration, would not harm historic fabric and was the masterwork of a world class architect.
- 6.158 Thus, on any proper analysis of its own evidence, the concern raised by CABE should not lead to refusal. The proposal causes no harm – in fact, it massively enhances the public realm and setting of the building. Moreover, it does not cause harm or prejudice to any subsequent schemes – rather, it enhances the prospect of them coming about. Finally, it is a world class building which causes no other harm needing to be offset by yet further enhancements in the vicinity of the site.

Absence of a comprehensive masterplan

- 6.159 There is a fundamental difference of approach between CABE and the relevant authorities (and the applicant) on this issue. The approach of the local authorities should prevail.
- 6.160 The local planning authority and the Mayor see the proposal before the Secretary of State as an important first step in the regeneration of the area as a whole. They are

satisfied, for the reasons set out above, that the building causes no harm and that it is a significant advance in setting and public realm terms. They also agree that the proposal does not prejudice future relevant plans for the area.

- 6.161 In such circumstances, the authority and the Mayor reasonably argue that there can be no proper reason for withholding consent. The applicant agrees with this approach.
- 6.162 Importantly, however, their argument goes further. The local planning authority in particular is also satisfied that the refusal of consent and the requirement for the construction of a masterplan, as suggested by CABE, would, in fact, *prejudice* the ultimate regeneration of the area, including the overall public realm solution. This argument is advanced on behalf of LB Southwark by Dr Evans, possibly the United Kingdom's foremost expert on regeneration and its delivery.
- 6.163 His qualifications and experience speak for themselves but he was also a powerful witness at the inquiry on these issues. In particular, he was clear that, given the complexities of the site and the manifold problems to be overcome, attempting a comprehensive masterplan, requiring a myriad of decisions to be made simultaneously, was inappropriate and would be counterproductive. His and the local authority's approach of ensuring that each proposal made an appropriate contribution to regeneration aims without harming the potential of other sites to bring forward further enhancements is simple and will no doubt prove to be effective.
- 6.164 Indeed, with the creation of the Strategic Development Management Group (SDMG), guided by the Planning Framework for London Bridge, the emergence of development proposals for New London Bridge House and the re-emergence of the Railtrack Masterplan, the Secretary of State can be satisfied that the physical regeneration of the public realm has taken a very significant step forward. It is in no way prejudiced by this proposal. The Applicant is committed to playing a continued role in these initiatives to ensure that yet further enhancements (for example, through the redevelopment of New London Bridge House) take place.

The Draft Application^A

- 6.165 If, contrary to all of these submissions, the Secretary of State finds that, in an otherwise acceptable scheme, there is an insufficiency of public realm provision associated with the proposal, he is urged *not* to refuse consent on that basis. That would, in the circumstances, be an inappropriate response.
- 6.166 Instead, the Secretary of State is urged to consider whether consent could be issued for the proposal if a further planning application were made and granted in the general terms of the draft application for a public piazza presented in Mr Crook's evidence. If the Secretary of State were satisfied that any residual public realm concerns he might hold could be remedied by the provision of the piazza proposed in the draft application, he could either grant planning permission for London Bridge Tower subject to a condition preventing development until such a piazza scheme has been granted permission and implemented – or he could issue a 'minded to approve' letter, indicating his willingness to grant consent in the event that such a scheme were consented. Any consent for London Bridge Tower could then be made conditional upon the implementation of the piazza consent.

^A Document A5/5.

- 6.167 It must be stressed, however, that, on the basis of the evidence to the inquiry, the applicant does not come close to believing that this approach is required.

The ability of the transport system to deal with the increase in demand and intensity of use created by this proposal, taking account of both the current and planned capacity of the public transport system^A

- 6.168 The transportation evidence presented on behalf of the Applicant, the local planning authority and the Mayor has all passed without serious (or indeed any) challenge. No evidence on transportation matters has been called by any other party to the inquiry.
- 6.169 These are not surprising facts. The application site is a brown field site sitting adjacent to one of London's major interchanges for rail, underground and bus. It is supremely well located to ensure that it is well served by public transport. If the proposed development were to fail on transportation grounds, there would be little hope of London enhancing its world city role consistent with RPG3 and the emerging London Plan. Most other potential development sites cannot come close to claiming the advantages of the application site.
- 6.170 In short answer to the issue raised under this heading, the increase in passenger numbers generated by the proposal is, in terms of the overall throughput of the London Bridge station, tiny. The transport improvements associated with the proposal more than adequately cater for the increase. In so doing, the proposal enhances the quality of both the rail and bus station environments. Nor would the development prejudice any reasonable capacity improvements likely to be forthcoming. Indeed, it provides funding which helps to ensure that such improvements are likely to come about.

National Rail

- 6.171 In terms of National Rail capacity at London Bridge station, the net effect of London Bridge Tower will result in about a 1% increase in the number of passengers leaving trains at London Bridge station in the morning peak. This constitutes an imperceptible increase in the context of either existing flows or forecast growth from developments in the city and elsewhere served by London Bridge station.
- 6.172 Due to uncertainties surrounding station improvements, London Bridge Tower has been designed to be implemented in conjunction with the existing station – but the plans are also flexible enough to fit in with either the consented London Bridge Masterplan scheme, or the Thameslink 2000 scheme, or variants of either.
- 6.173 As part of the application, the proposal will bring significant improvements to the concourse area of the station. These qualitative improvements will, by themselves, significantly enhance the experience of passengers using the station. In addition, improvements to the operation of the platforms will mean that the capacity of the station will be increased by significantly more than the forecast 1% increase in passengers in the peak hour generated by London Bridge Tower.

London Underground

- 6.174 It is agreed that the proposal will have a very small effect on underground movements within the station. Notwithstanding this, a sum of £2 million has been provided through the Section 106 agreement as a contribution to the costs of improving access from the

^A Mr Simpson dealt with transportation in his proof of evidence (Document A4/1) and appendices (Document A4/2). There is also the Transport Statement of Common Ground (Document O3).

lower concourse of the station to the Northern Line platform. Such a contribution more than adequately caters for the forecast increase in underground passengers due to London Bridge Tower. The proposal thus constitutes an enhancement of existing underground provision.

Buses

- 6.175 On average, less than one extra person per bus will be generated by London Bridge Tower during the peak hour. Again, the impact of the proposal will be imperceptible. Notwithstanding this, and to facilitate the construction of the London Bridge Tower columns, some remodelling of the bus station at concourse level is proposed. This will allow the existing bus station to be enhanced by the addition of four bus stands on Station Approach.
- 6.176 It is agreed, following prolonged negotiation with Transport for London (TfL), that this improved bus layout is adequate to address the small impact the proposals will have on bus capacity.
- 6.177 In addition, and a significant benefit of the proposal, a contribution of £3 million to assist in providing further enhancements to bus facilities at London Bridge is proposed through the Section 106 agreement. The impact of this upon the regeneration and public realm elements of the case is addressed below.

The relationship of the proposals to the London Borough of Southwark's Unitary Development Plan^A

- 6.178 This is a topic clearly best addressed in detail by the local planning authority. The Applicant limits itself to a consideration of the relationship of the proposals to the general aims and key policies of the Unitary Development Plan – in particular, the way in which the Secretary of State should address Policy E.2.2 of the adopted plan.
- 6.179 The statutory development plan for the purposes of Section 54A of the Town and Country Planning Act 1990 is the Southwark UDP, adopted in July 1995. The general aims of the UDP are set out in Chapter 1. Not surprisingly, they reflect the fact that Southwark is one of the most deprived boroughs in the whole of England – and that the planning system should seek to do something about that. It is also not surprising that the Applicant is able, because of the proposal's clear regeneration and sustainability credentials, to claim without fear of contradiction that it accords with every single relevant general aim.
- 6.180 An examination of the more detailed policy nexus shows that the proposal also clearly accords with the overwhelming majority of relevant policies. The only potential exception to this is Policy E.2.2, which contains on its face a general presumption against high buildings anywhere in the borough.
- 6.181 The local authority gives its reasons why that presumption is not to be given effect in the circumstances of this case. The Applicant adopts those reasons. The policy had its genesis in the GDLP, which predates RPG3 and the LPAC 1999 Advice on the

^A All policy – national, regional and local, adopted and emerging – was covered by Mr Crook in his proof of evidence (Document A5/1) and first supplementary proof (Document A5/4). His main evidence is set out under the topic headings I use in Section 3 above rather than in an hierarchical order. His appendices (Document A5/2) cover 'other relevant policies' in the UDP and UDP review and the draft SPGs with the UDP review.

identification of areas suitable and unsuitable for tall buildings. It was not based on any relevant urban design study. It should therefore be given limited weight.

- 6.182 Any debate as to the applicability of a general borough-wide presumption against tall buildings is, however, effectively rendered academic as a result of the proper concessions made by Messrs Antram and Drury (on behalf of English Heritage and Historic Royal Palaces). They considered that it would not be appropriate, in any event, to apply the presumption contained in Policy E.2.2 in the absence of significant harm.
- 6.183 Thus, in terms of the adopted UDP, it can safely be said that, in the absence of significant harm to heritage assets, the London Bridge Tower proposal fully accords with the Development Plan for the purposes of Section 54A.

The extent to which the proposals comply with other national and regional planning policies

- 6.184 Most of the national or regional policies relevant to the determination of this application have been considered above in the context of the other issues raised by the Secretary of State. The only significant raft of policies not considered in detail above, but which requires to be dealt with, is that dealing with regeneration.
- 6.185 All parties to the inquiry accept that there is a pressing need for development that leads to regeneration in Southwark, and in the London Bridge area in particular. Southwark is amongst the most deprived boroughs in England. Some of the wards in the vicinity of the application site are amongst the poorest and most deprived in the whole of the United Kingdom.
- 6.186 It is a remarkable and shaming fact that, in a world city such as London, there are areas of such physical and social deprivation so close to the engine of the nation's wealth. Not surprisingly, it is the aim of Central Government, the Mayor and LB Southwark to put in place a policy regime that seeks to remedy these deficiencies.
- 6.187 Against this context, the regeneration case for the proposal is made fully by the local planning authority. It makes the case with the benefit of the advice of perhaps the most expert regeneration analyst in the country – Dr Evans. The Applicant commends that case to the Secretary of State. The key limbs can be briefly summarised.
- 6.188 The regeneration of deprived and blighted areas is a key national objective. This is reflected in PPG1. The aim of central government is that the wealth generated by the modern economy is available for all sections of the community and that social exclusion is limited. This national objective is reflected in regional guidance. RPG9, Guidance for the South East, advises that future development in London should support the regeneration of areas of deprivation. RPG3 more particularly identifies the need for London to maintain and enhance its role as a world city.
- 6.189 Important to achieving this aim is the identification of the South Bank, for the first time, as being within the Central Area. Further the guidance places the South Bank within one of five areas of Key Margin opportunities where development is encouraged that will add to London's overall critical mass as a world city and contribute to meeting the needs of all sections of the community.
- 6.190 The importance of the area to regeneration is reflected in the emerging SDS and in the UDP (adopted and emerging). The application site falls within an Opportunity Area where substantial numbers of new jobs and homes are capable of being accommodated.

It is a preferred office location and is to be treated as a town centre where large scale development generating the need for travel is best sited.

- 6.191 The scale of deprivation and the policy recognition that it must be tackled together mean that applicants and decision makers should seek to maximise the contribution to the regeneration of the area as a whole that any individual development site might make. London Bridge Tower is a good fit for this important regeneration policy.
- 6.192 London Bridge Tower will make a significant and positive contribution to London's role as a world city because:
- it will be a landmark building which will soon be known the world over and which will symbolise London's international importance;
 - it will be a significant tourist attractor in its own right and will allow millions to see the world city from an entirely new vantage point, and
 - it will make a significant contribution to the stock of large and prestigious office buildings in London.
- 6.193 London Bridge Tower will bring more local regeneration to North Southwark because:
- it will provide a visual and functional link between Southwark and the City of London; the wealth of the City will be drawn southwards providing an economic driver for regeneration;
 - it will ensure that regeneration is not limited to the south bank of the Thames but also straddles the railway and reaches deeper into the heart of this part of the borough;
 - it will, in a way directly related to the building itself, provide jobs and services, education and training for local people, and
 - it will contribute to the provision of affordable housing for the wider needs of the community.
- 6.194 London Bridge Tower will provide physical regeneration of one of the most unattractive urban quarters of central London by substantially improving on the existing, wholly inadequate transport interchange, by improving the immediate urban environment of London Bridge station and by replacing the existing mediocre Southwark Towers with a piece of world class architecture. The proposal will constitute a massive physical enhancement of the area. There will be a clear and immediate gain to the area and to how it is perceived by potential investors.
- 6.195 London Bridge Tower will be a powerful symbol of the changing area and of the Government's commitment to regeneration because:
- it will offer a profound change in the quality of development at London Bridge which will be visible across London;
 - it will mark the location as an important one for the future of the world city, placing Southwark firmly on the map as a location for quality development, and
 - it will provide a catalyst for further and longer term regeneration of the area, all the more so as its scale and quality will maximise the contribution to regeneration consistent with all sensible advice (a smaller or lower quality development would have regenerative impacts but would not come close to having the symbolic and absolute effects).

The appropriateness, and impact on both the local and wider area, of the very tall building in this location

6.196 The submissions already made mean that, in relation to this heading, London Bridge Tower is an entirely acceptable and appropriate development for this location.

Other relevant matters

Prematurity^A

- 6.197 Objections based upon prematurity are seldom either sound or attractive. There is a public interest in prompt decision making and the planning system seeks to ensure that an applicant for planning permission is entitled to the determination of his application as swiftly as the case will allow. Refusing a planning application because the decision making process is not ready to make the decision thus defeats one of the key objectives of central government planning policy.
- 6.198 It is instructive to note that the issue of prematurity was not one upon which the First Secretary of State sought specifically to be informed.
- 6.199 Moreover, it was raised in a very muddled and shifting way – and only by one party, Historic Royal Palaces. English Heritage, having raised and lost on the issue at the Heron Tower inquiry, properly chose not to raise it here.
- 6.200 There are only two circumstances in which even the potential for a prematurity argument might successfully be raised – when there is patently an insufficient policy nexus against which to judge the impacts of a proposal or where the determination of the application will pre-judge decision making that ought properly to be made in the context of the development plan process. Neither of these circumstances arises in the present case.
- 6.201 A decision maker in London clearly has a sufficient policy basis against which to judge the acceptability of a tall building. English Heritage now accepts this to be the case. The relevant limbs of policy are set out and discussed above.
- 6.202 Firstly, and self evidently, the decision maker has to take into account national policy guidance contained in PPG1 and PPG15. This guidance is clearly up-to-date and relevant. It provides the fundamental building blocks against which to consider the issues of design and the impact of a proposal upon the historic fabric. In addition, in March 2003, English Heritage and CABI published the final version of their Guidance on Tall Buildings. It purports to be, and is, a comprehensive compendium of relevant tests and criteria to be applied to proposals for tall buildings. Its contents have been considered and commended by Government. It, too, is relevant and up-to-date.
- 6.203 Extant Regional Guidance is contained in RPG3 and its Annexes, RPG3A and B. Government has consistently indicated that it is to be relied upon until the publication of the Mayor's Spatial Development Strategy. This is particularly relevant to the London Bridge Tower application because those documents contain detailed policy advice on the protection of Strategic Views, on the need for regeneration at London Bridge and on impact upon the River Thames. In addition, and specific to the circumstances of London, Government has endorsed the LPAC 1999 Advice on tall buildings for the purposes of development plan making and development control decisions until the publication of the Spatial Development Plan for London. It contains specific and

^A Mr Crook responds to the prematurity objection in his first supplementary proof of evidence (Document A5/4).

detailed guidance on the considerations material to the determination of an application for a high building in the capital.

- 6.204 It is clear from the Parliamentary answer of the Minister of State that the adoption of the LPAC Advice by Government was, at least in part, to ensure that a sufficient policy nexus existed in London pending the publication of the London Plan, in order to allow development control decisions to be taken. In other words, one of its very purposes was to avoid the potential for a prematurity argument to be raised against proposals for tall buildings. It clearly was not thought appropriate that all determinations of applications for tall buildings should cease while the Mayor's policies were being formulated.
- 6.205 The adopted UDP is, for the reasons identified above, less up-to-date in terms of its approach to tall buildings. This does not come close to meaning that an application must, of necessity, be deferred for reasons of prematurity. It was, as recorded above, common ground at the inquiry that Policy E.2.2 was not meant to operate in the absence of a test of 'significant harm'. Thus, if a proposal did not cause significant harm, it would not breach the aims of E.2.2.
- 6.206 The First Secretary of State has a clear sufficiency of up-to date and relevant policy against which to determine whether or not the application proposal causes significant harm. English Heritage agrees. There is no legitimate argument against the proposals based upon an absence of sufficient, relevant and up-to-date policy.
- 6.207 There is no doubt that emerging policy is more supportive of the application than extant policy. But the Applicant has always been content for the proposal to be considered against the extant policy framework. When judged against that framework, London Bridge Tower is acceptable development. The Applicant does not need to rely upon the emerging policies of either the SDS or the UDP. If and insofar as weight is given to the emerging policies, the Applicant's case is that they reinforce the conclusions that will have been reached in relation to extant policy.
- 6.208 Two questions arise under the second limb of the prematurity argument. Firstly, is the decision before the Secretary of State one that should be taken in the context of the UDP? Secondly, does the determination of this application inappropriately prejudice the outcome of the UDP process?
- 6.209 This is an application for a very tall building. Inevitably, it will have impacts that go beyond the London Borough of Southwark. In visual, regeneration and transportation terms, its effects are likely to be London-wide. Clearly, given the importance of the project to the world city, the application was appropriately called in for determination by the First Secretary of State following an inquiry. Indeed, English Heritage and Historic Royal Palaces lobbied hard for the application to be so determined.
- 6.210 The application is a very specific one. The proposed building is singular. Its architect is a leading world architect. Its architecture is unique – and universally accepted to be of world class.
- 6.211 The visual material placed before the Secretary of State is accurate, specific and comprehensive. The analysis of the parties to the inquiry has been tested thoroughly by cross examination. Clearly, the inquiry has been the appropriate vehicle for such a consideration. Equally and self evidently, the UDP process would not be the appropriate context within which to take a decision on the appropriateness of *this* proposal. At best, it could consider whether the area as a whole was an appropriate one for tall buildings.

Thus, the decision to be taken in this case is not one that would be better taken in the context of a UDP inquiry.

- 6.212 Neither would a grant of consent, in the particular circumstances of this case, inappropriately prejudice the formulation of emerging policy. For example, the grant of consent will not predetermine whether the London Bridge area as a whole will be identified as an appropriate site for tall buildings as part of the emerging UDP, as alleged by Historic Royal Palaces. The grant of consent will, it is true, establish that there is at least one site at London Bridge which, in all the circumstances of the application, including the quality of the architecture, will be appropriate for a tall building.
- 6.213 Furthermore, the analysis by which the Inspector and the Secretary of State reach the conclusion that consent should, or should not, be granted for this proposal will inform the debate at the UDP inquiry – but it will not, and cannot, prejudice the consideration of the issue through the UDP process.
- 6.214 Thus, if consent is granted for the Shards of Glass, the issue of whether or not the London Bridge area will be an appropriate one for a cluster of tall buildings will still be a matter of general principle for the UDP, informed not only by any relevant analysis in the London Bridge Tower decision but also by whatever conclusions have been reached by the Mayor having regard to the EiP panel report.
- 6.215 In short, the grant of consent in the present case will not inappropriately prejudice the UDP process.

Precedent

- 6.216 The issue of precedent is raised in a number of written representations. It is a bad point to take against the proposal and is no longer taken as a free-standing objection by Historic Royal Palaces.
- 6.217 It is a matter of trite law and policy that each application for planning permission falls to be determined upon its own merits having regard to the relevant policy framework and to all other material considerations. This application proposal has been the subject of one of the most comprehensive considerations of any building in the country. The Secretary of State made it clear in the Heron Tower case that applications such as this would be the subject of the most rigorous assessment. That promise has been kept.
- 6.218 The only precedents set by this application will be the rigour of the consideration by the decision maker, the quality of the visual and other aids in helping to interpret the effect of the proposal and, if consent is granted, the precedent that appropriate development, as judged against relevant policies, should be looked upon favourably.

Overall conclusion

- 6.219 This is a once-in-a-lifetime opportunity. The realisation of Renzo Piano's definitive masterwork is in the hands of the Secretary of State. The world city of London stands to gain so much from this superb building. London Bridge Tower would rank as one of the very finest modern buildings in the world. It would be a breathtaking symbol of regeneration. It would be a tragedy to refuse permission for such a wonderful scheme.
- 6.220 There can be no doubt at all that, if London Bridge Tower is permitted, in future years, nothing but pride and a sense of achievement will be felt by all those responsible.

Legal Submissions on behalf of Teighmore Limited

- 6.221 In the opening on behalf of the Historic Royal Palaces, it was suggested that ratification of the World Heritage Convention by the Government in May 1984 gives a level of legal protection to World Heritage Sites which is additional to and independent of the operation of the Town and Country Planning regime. That suggestion was repeated in closing.
- 6.222 It was suggested that, wherever a proposal causes [material] harm to a World Heritage Site, the Secretary of State cannot, as a matter of law, consistently with obligations under the Convention, grant planning permission for the proposal. This, it is suggested by Historic Royal Palaces, remains the case, whatever other benefits or factors fall to be weighed in the planning balance.
- 6.223 This submission is misconceived. The existence of the Treaty and, more particularly, the advice on World Heritage Sites contained in PPG15, are clearly material considerations to be taken into account by the decision maker. However, the Treaty does not and cannot alter the legal framework within which the Secretary of State has to make his decision in this case.
- 6.224 The World Heritage Convention came into force on 17 December 1975 and was ratified by the UK Executive on 29 May 1984. However, the Convention has not at any stage been domesticated; it has not been incorporated by a legislative process of any kind.
- 6.225 It is firmly established that international treaties which have not been domesticated do not form part of English law and that English Courts have no jurisdiction to interpret, enforce or apply them (see *JH Rayner (Mincing Lane) Ltd v Department of Trade and Industry* [1990] 2 AC 418). International Treaties can only acquire the force of domestic law once they have been passed as such by Parliament. In *Thomas v Baptiste* [2002] 2 AC 1, the Court of Appeal made it clear that, 'The making of a treaty[...] is an act of the executive government, not of the legislature. It follows that the terms of a treaty cannot effect any alteration to domestic law ...'.
- 6.226 It follows that the signing of the Treaty adds nothing as a matter of law to the planning and listed building legislation, or the decision making process which flows from it, with which the Secretary of State is familiar. Further, since the Treaty was ratified in 1984, without subsequent domestication, it can reasonably be inferred that the Government is satisfied that the ordinary operation of the Town and Country Planning regime with its allied guidance on government planning policy (as in PPG15) is sufficient to deal with the existence of World Heritage Sites within England and Wales consistent with the contents of the Treaty.
- 6.227 The Secretary of State can therefore determine the application in the ordinary way, having regard to the tests set out in the Town and Country Planning and Planning (Listed Buildings and Conservation Areas) Acts and to the policy, including that on World Heritage Sites, contained in PPG15 (in particular para. 2.22). There is no additional legal requirement on the Secretary of State imposed by the existence of the Treaty, as suggested by Historic Royal Palaces or at all. Certainly, there is no legal requirement imposed by the existence of the Treaty for the Secretary of State to refuse consent in the event that there is a finding of [material] harm in relation to the World Heritage Site or any part of it. Such would be inconsistent with the approach adopted by the Secretary of State (and unchallenged) in his consideration of the Swiss Re and Heron Tower schemes and would be bad in law.

7. THE CASE FOR THE LONDON BOROUGH OF SOUTHWARK

I give here the gist of the Council's case, edited from its closing submissions. The witnesses' proofs of evidence are at Documents B1-B4. I use footnotes, where appropriate, to refer to appendices and other documents.

Introduction

7.1 The Council of the London Borough of Southwark (LB Southwark), as local planning authority, submits that the proposed development merits the grant of planning permission, subject to the proposed conditions and the planning obligations contained in the Section 106 planning agreement. LB Southwark's submissions are these.

- 1) The proposed building is appropriate development in this location and will result in no materially harmful impacts on either the local or the wider area.
- 2) On balance, the proposed development will have a benign impact upon the Strategic Views of St Paul's Cathedral protected by regional and local planning policy, in particular those from Parliament Hill and Kenwood.
- 3) The proposed development will not cause any materially harmful impact on the Tower of London World Heritage Site. Indeed, in some views, the impact of the proposed building will be beneficial. Nor will the proposed development cause any material harm to the setting of nearby listed buildings and conservation areas. Again, in a number of cases, the impact of the proposed building will be beneficial to those settings.
- 4) The proposed development complies fully with Government policy and advice on the need for good design, as expressed in PPG1. The proposed development also complies with the more detailed guidance on the design of tall buildings as expressed in the joint guidance issued by CABI and English Heritage, with the approval of the Secretary of State.
- 5) Having regard to the current and planned capacity of the public transport system, that system will be well able to accommodate the increase in demand and intensity of use created by the proposed development.
- 6) The proposed development complies substantially with relevant national and regional planning policies, in particular in respect of conservation of the historic environment (PPG15), transport and planning (PPG13), tourism (PPG21) and regional guidance for London (RPG3). The proposed scheme also accords with the Mayor's emerging Spatial Development Strategy as proposed in the draft London Plan.
- 7) The proposed development accords substantially with the policies in the Southwark Unitary Development Plan adopted in 1995 (UDP). The proposals also accord substantially with Southwark's draft policies set out in the emerging Southwark Plan (2002) and the related draft Supplementary Planning Guidance, particularly that in respect of Tall Buildings and London Bridge.

7.2 These submissions reflect the several issues raised by the Secretary of State in his 'call-in' letter. LB Southwark's reasons for making these basic submissions are set out below.

The appropriateness of the application site as a location for the proposed development

7.3 RPG3 remains the current strategic planning guidance for London until the London Plan is published in final form. Whilst the location of the proposed London Bridge Tower is generally consistent with the Government's stated objectives in paragraph 1.14 of RPG3, the following objectives of that strategic guidance are particularly relevant to

consideration of London Bridge as an appropriate location, in principle, for the construction of a very tall building:

- promoting urban regeneration, particularly in areas requiring physical improvement or the enhancement of employment opportunities;
- encouraging a pattern of land use and provision of transport which minimises harm to the environment and reduces the need to travel, especially by car;
- promoting London as a world city.

7.4 Chapter 2 of RPG3 sets out the Government's strategic planning framework, which forms the basis for its 'economic development strategy for regeneration and partnership action' (para. 2.1). The location of London Bridge Tower is completely consistent with the relevant aspects of that strategic planning framework. In particular:

- the considered extension of Central Area use across the River Thames to assist with the regeneration of the South Bank (para. 2.3);
- the focus of regenerative development upon those most deprived areas of inner South London which include Southwark, measured the ninth most deprived local authority areas in England on the Government's preferred Index of Multiple Deprivation 2000 (paras. 2.8, 2.9, 2.14);^A
- the identification of the Central Area margins, including the South Bank and the opportunities offered by London Bridge Station, as focal points for regeneration, providing key strategic opportunities to provide more competitive locations for businesses to bring forward investment opportunities (paras. 2.12, 2.13, 2.37).

7.5 The focus of strategic planning policy upon the regeneration of the South Bank, and upon London Bridge in particular, is reflected in the objectives of the adopted UDP and Policies R1 and R2. The application site lies within the identified area of community need and immediately adjacent to the identified regeneration area.

7.6 It is a focus that is maintained and indeed strengthened in the emerging policies of the draft London Plan and the draft Southwark Plan and its Supplementary Planning Guidance, which identify London Bridge as an Area of Opportunity. The application site forms part of the London South Central regeneration area. London Bridge's status in current and emerging planning policy as a key regeneration area is a fundamental basis for the draft, inter-authority, corporate London Bridge Planning Framework.^B

7.7 In summary, there is a consistent and established planning policy objective of regenerating the area within which the application site is located, an objective that is carried forward into proposed planning policy in emerging plans.

7.8 Turning to transport planning and sustainability, it is the Government's objective to focus land uses which are major generators of travel demand in city locations near to major public transport interchanges. That objective should be realised in the determination of planning applications (PPG13, paras 18 and 20). Self-evidently, the application site is a location which enables the objective to be fulfilled. It is indisputably a 'Key Site' within the meaning of para. 21 of PPG13. The themes of Government policy for such key sites are clearly stated in that paragraph:

- making the maximum use of the most accessible sites, including those at major transport interchanges;

^A Document B4 – Dr Evans gives the bare statistics in para. 2.1.

^B Document CD8/13 – in particular, 'Planning Context' at p.5.

- proactive promotion of intensive development at such sites;
 - the allocation of such sites in development plans for travel intensive uses, including offices etc;
 - ensuring the efficient use of land, and
 - seeking, where possible, a mix of uses including a residential element.
- 7.9 The construction of a very tall building such as London Bridge Tower, with its mix of commercial, residential and tourist and leisure uses, is completely consistent with the fulfilment of these objectives.
- 7.10 The Government's established policy of strengthening London's status and function as a world city is predicated upon a considered extension of Central Area uses across the river Thames to the South Bank (RPG3, para. 2.3). The stated policy objectives include:
- attracting higher order service functions;
 - ensuring that business and commerce continue to have access to the latest developments in building, technology and quality;
 - consolidating the existing economic strengths of the Central Area margins and developing new economic roles for them, and
 - bringing forward major development sites in the margins (which must surely embrace a 'key site' such as the application site) for development that can rebuild the local urban structure, define a new image for their areas, extend Central Area uses where appropriate and bring benefits to local communities.
- 7.11 These world city objectives are fulfilled by the proposed development of London Bridge Tower at London Bridge. Also of particular relevance is the guidance (RPG3, para. 3.7) on the requirement of organisations serving the international community (as there described) for high quality premises. In addition, LB Southwark emphasises the extensive benefits the London Bridge Tower proposal will confer upon the local community, in respect of both the physical improvements to the station approach and also the local environment and the integrated social and economic benefits and other matters to which the developer is committed by virtue of the planning obligation. It is submitted that the scheme overall presents a paradigm for the quality of development which the Government promotes, as a matter of policy, as a considered extension of the Central Area into marginal areas of focused opportunity, such as London Bridge.
- 7.12 English Heritage's witnesses correctly point out that proper respect for and protection of the built heritage and the historic character of areas of opportunity affected by proposals such as London Bridge Tower remains an important part of the Government's balanced strategy. The reasons for LB Southwark's conclusion that such interests are properly respected and protected by the London Bridge Tower scheme are given below. Nevertheless, on behalf of English Heritage, Mr Calvocoressi's criticism of the London Bridge Tower scheme is surely misplaced, insofar as it enjoins the Secretary of State against introducing a new characteristic into this location which is more redolent of the established City across the river. On the contrary, the Government's policy is expressed precisely to promote such change as a dynamic that is sought in order to maintain London's status as a world city. The caveat (which LB Southwark considers achieved by the London Bridge Tower scheme) is that a proper balance must be drawn in respect of protecting and respecting the historic character and heritage of London Bridge and north Southwark.

- 7.13 In summary, London Bridge is properly to be identified as a location for development that fulfils those three key objectives of established Government planning policy for London identified above. That the application site provides a key opportunity to secure the fulfilment of those objectives is not controversial at this Inquiry. Indeed, it is the inexorable logic of English Heritage's case to the Secretary of State at the Heron Tower inquiry that the application site is a location in which major scale office development ought to be promoted, in consideration of those three objectives.^A Mr Antram agreed that the application site was the kind of location that English Heritage had in mind. Historic Royal Palaces agrees that those three key objectives form the strategic policy context within which emerging planning policy for London Bridge will be finalised. In short, the clear locational advantages of the application site in providing the opportunity to realise these key objectives of Government policy set a crucial context within which the merits of proposed London Bridge Tower fall to be assessed.
- 7.14 LB Southwark submits that the proposed development, a very tall building of world class design and cutting edge technological function, offering a mix of commercial, residential and public uses in a sustainable environment, and with a commitment to bringing very substantial benefits to the community in terms of both physical and socio-economic improvements, is entirely consistent with the fulfilment of the three key objectives. It is irrelevant that one might be able to devise an alternative scheme that realised one or more of those objectives. The relevant point is that the London Bridge Tower scheme does so. That, in LB Southwark's submission, tells firmly in its favour.
- 7.15 It has been LB Southwark's purpose in presenting evidence to this public inquiry to seek to demonstrate the merits of the London Bridge Tower scheme in realising these three objectives. In respect of regeneration, Dr Evans gave evidence^B as former Departmental Director of Regeneration and Urban Policy at DETR and current Strategic Director of Regeneration at LB Southwark. He speaks to the five distinct ways in which London Bridge Tower will contribute to LB Southwark's regeneration strategy for London Bridge and the wider borough. His evidence is not controversial. Dr Turner's evidence^C focuses upon the merits of the proposed development in relation to transport planning and sustainability. His evidence is not controversial. Mr Dennis speaks^D of the merits of the London Bridge Tower scheme in relation to aspects of the world city objective mentioned above. His evidence on that point is not controversial. In summary, there is a clear and accepted factual basis for LB Southwark's support for the London Bridge Tower scheme in relation to the three key strategic objectives identified.
- 7.16 It is appropriate in this context to mention policy E.2.2 of the adopted UDP. This policy is inconsistent with current strategic guidance in RPG3, to the extent that, applying the Government's policy in paragraph 54 of PPG1, it is 'out of date' and of limited significance in relation to this application. Nevertheless, none of the main parties to the inquiry argues that the general presumption expressed in policy E.2.2 establishes any material objection in principle to the application site as a location for a tall building. As Mr Antram, for English Heritage, properly agreed in cross examination, the policy does not say that there must not be tall buildings in Southwark; the correct approach is to consider whether the proposed tall building results in materially harmful impacts which merit the refusal of planning permission.

^A Document CD12/2 – paras. 8.75, 8.76 and 15.142.

^B Document B4 – Section 4 in particular.

^C Document B3.

^D Document B1 – Section 3.1 in particular.

- 7.17 LB Southwark endorses that approach. Mr Dennis traces the policy's inception back to the Greater London Development Plan (GLDP). He confirmed in oral evidence that the general presumption against tall buildings in Southwark was not founded upon any detailed urban design appraisal of the borough undertaken in order to establish whether particular locations were or were not suitable for such development. It follows that the policy is, in that respect, not soundly based, having regard to the approach to policy making vouchsafed by the Secretary of State (RPG3, para. 8.20) and reflected in the LPAC 1999 Advice and EH/CABE Guidance.^A
- 7.18 It would be quite unsafe to base a determination of the London Bridge Tower scheme on a UDP policy that is admitted to have prejudged the question whether the Borough can ordinarily accommodate tall buildings. One ought first to investigate the soundness of that judgement in the manner now recognised by the Government as appropriate. The proper approach is that agreed by Mr Antram – to judge the appropriateness of the London Bridge Tower scheme at the proposed location by reference to whether it gives rise to materially harmful consequences.
- 7.19 Relevant to that issue is the fact that the location is one at which tall buildings are already present and, as the objectors have realistically acknowledged, are likely to remain. Thus, it is reasonable to add to the locational advantages of the proposed development already identified, the fact that it will take its place at a location where tall buildings are already an established feature of the local cityscape. What the London Bridge Tower proposal offers is the opportunity to transform the contribution made by the existing buildings in terms of the key objectives referred to above.
- 7.20 It is appropriate at this point to address the remaining concerns expressed by Commission for Architecture and the Built Environment (CABE). LB Southwark entirely endorses the six propositions put to CABE by the Applicant in cross examination:
- the existing public realm is deplorable;
 - the London Bridge Tower proposal (including the planning obligation) will result in a clear and substantial enhancement of the existing situation;
 - the London Bridge Tower scheme will in no way prejudice further enhancements to the public realm which may be achieved by future schemes, including the Railtrack Masterplan and New London Bridge House;
 - London Bridge Tower will stimulate further improvements to existing architecture and urban form in the area;
 - the area and its problems are highly complex and demand improvements on a massive scale that cannot realistically be expected to be met by one developer;
 - the Strategic Development Management Group (SDMG) established by Dr Evans provides for an appropriate, co-operative and comprehensive approach to resolving these problems effectively through redevelopment.
- Indeed, LB Southwark submits that these propositions cannot sensibly be disputed.
- 7.21 Dr Evans made three points in relation to CABE's concerns, two of which CABE accepts:
- the London Bridge Tower proposal is the first and best step towards an overall solution for the London Bridge area, including the solution of issues of public realm;

^A Document CD6/3 is the LPAC 1999 Advice;
Document 9/11b is the EH/CABE Guidance – paras. 2.6-2.8 in particular.

- the London Bridge Tower proposal does not come close to harming or prejudicing further enhancements to the public realm beyond those which are attainable through the scheme itself.
- 7.22 Dr Evans' third point was that to evolve a comprehensive masterplan and to seek to tie the London Bridge Tower scheme into that process would be counterproductive to securing substantial progress towards the regeneration of the London Bridge area and achieving the best possible solution for public realm. CABE is unable to accept that. Yet, Dr Evans' point must follow from the two points accepted by CABE.
- 7.23 There is a pressing need to regenerate the London Bridge area. As Dr Evans made clear, the limited progress so far achieved in regenerating the area (since the UDP was adopted in 1995 and RPG3 published in 1996) completely gives the lie to Historic Royal Palaces' assertion that 'it is going to happen anyway'. The deplorable state of the public realm is a present vice that requires action now to remedy it. In LB Southwark's judgement, the London Bridge Tower scheme makes a very substantial contribution towards securing that remedy. In the circumstances, there is a hollow ring to saying 'we very much like the benefits and improvements which you will provide, but we want you, the local community and the public in general to wait until we have even more please'.
- 7.24 There was even a suggestion from CABE that they were taking a consciously cautious approach in order to keep in step with their jointly agreed policy approach to these issues in the EH/CABE Guidance.^A Yet the London Bridge Tower scheme manifestly fulfils the relevant requirements of that guidance, as Mr Finch agreed in cross-examination. It poses no stiffer test for very tall buildings than in criterion 4.6(v). It is a matter for judgement whether a given scheme, taken overall, both interacts with and contributes positively to its surroundings in the way there mentioned. With respect to CABE, which has taken a generally positive and constructive approach to the merits of the proposals, LB Southwark submits that the logic of Mr Finch's own evidence points clearly to accepting that, in this case, the scheme does so – to a degree entirely sufficient to merit approval on this issue.
- 7.25 With respect to Ms Dubiel's criticisms of the perceived shortcomings of the benefits offered by the London Bridge Tower scheme, LB Southwark is convinced that those benefits are entirely appropriate and properly in proportion to the nature, impact and effect of the scheme. They are justified having regard to the Secretary of State's policy in Circular 1/97. Dr Evans explained the logic underlying the socio-economic benefits which the planning obligations secure. Ms Dubiel may advocate different priorities, but Dr Evans has demonstrated the direct link between the benefits offered and the regeneration and community strategy for the borough.
- 7.26 Overall, a final judgement upon whether the London Bridge Tower scheme is appropriate development for this location must depend upon its impact on the Strategic Views, the wider and local conservation sites and its design quality. Nevertheless, LB Southwark submits that the case for the scheme, based upon the locational advantages of the application site and the way in which the scheme responds to those advantages, is a very powerful one.

The impact on Strategic Views of St Paul's Cathedral

- 7.27 The relevant, current policy for the protection of strategic views of St Paul's Cathedral is that stated in RPG3A in respect of the Background Consultation Areas. In the adopted

^A Document CD9/11b.

UDP, Policy E.2.2 essentially incorporates that protection into the statutory development plan. The LPAC 1999 Advice does not add materially to the policy approach.

- 7.28 The policy is that 'Background Consultation Areas serve to protect the back-drop to the views of St Paul's Cathedral and the Palace of Westminster from unsuitable development which would reduce their visibility or setting.' It is evident that the aim of the policy is not to rule out *any* development within the backdrop that reduces either visibility or setting. Rather, it is to protect the backdrop from *unsuitable* development that would have such effects. This begs the question as to how the suitability of such development is to be judged. LB Southwark submits that it must be judged by reference to factors that are logically relevant or connected to the underlying purpose of the policy of protection. That underlying purpose is, self-evidently, to secure the continued safeguarding of the views of the Cathedral and the Palace from encroachment by development that would materially detract from or devalue those views. That purpose may logically be achieved by development whose overall impact is either neutral or positively beneficial to the objective of protecting those views. What is unacceptable is development that would have a materially harmful overall impact on the views in question.
- 7.29 That approach to the interpretation of the strategic policy is fully reflected in UDP Policy E.2.2. It aspires to secure enhancement or improvement in the Strategic Views through the development control process.
- 7.30 LB Southwark has been guided in its assessment of the impact of the London Bridge Tower on the Strategic Views by the advice of its conservation officer, Ms Greer. The main points of her careful assessment^A in relation to the two controversial Strategic Views of St Paul's Cathedral are that:
- the setting of the Cathedral is already marred by the existing cluster of tall buildings at London Bridge;
 - none of the existing tall buildings is of architectural quality;
 - none of the existing tall buildings is likely to be removed without replacement by another tall building of at least comparable height;
 - the setting of the Cathedral dome is compromised by existing tall buildings within the cluster;
 - the Cathedral, and the dome in particular, continues to catch the eye within the protected view, notwithstanding that there are existing buildings of greater prominence within the backdrop.
- None of these points is controversial.
- 7.31 Against that background, Ms Greer's appraisal of the impact of London Bridge Tower raises the following main points.
- Whereas the existing buildings in the cluster have the unfortunate effect of camouflaging the cathedral by virtue of their materials and detracting from the setting by virtue of their form, London Bridge Tower would mark a considerable enhancement by virtue of its lightness, materials, sculptural form and the overall quality of its design.
 - London Bridge Tower would draw the eye – but in a way that both complements and respects the Cathedral and its setting. In particular, the distinctive spire form of London Bridge Tower would pull away from the point of contact with the cathedral.

^A Document B2 – paras. 7.1.3-11 in particular.

It would enjoy a more suitable relationship with the Cathedral than does the existing building and it would do so notwithstanding its greater height.

- The overall effect would be to enhance the setting of St Paul's Cathedral and to offer a positive contribution to the skyline.

7.32 In these circumstances, LB Southwark submits that the policy of protection is fulfilled. London Bridge Tower offers the opportunity to replace an existing building of stunning mediocrity with one of outstanding architectural quality, thereby securing real and substantial enhancement in the quality of the backdrop to the Cathedral in the two Strategic Views, to its benefit. As a matter of simple language, that is a characteristically suitable form of development, bringing benefits that are directly relevant to the objective of protecting the Cathedral from encroachment. Moreover, this holistic approach to assessment, based on giving full weight to the overall architectural qualities of the proposed building (intended, as Renzo Piano explained, to secure the protection of the Cathedral and its setting, as policy requires), is entirely consistent with the approach advocated in the EH/CABE Guidance. Finally, it is the approach taken in advising members on these issues in the Committee Report of March 2001.^A There is no merit in any suggestion that the Committee's resolution to grant permission was founded other than upon an appraisal of the impact on Strategic Views based on a proper understanding of the policy of protection.

Impact on the Tower of London and local heritage assets

7.33 LB Southwark's approach to assessing the impact of London Bridge Tower on the Tower of London has been to follow the policy guidance of the Secretary of State on World Heritage Sites (in PPG15) and to have regard to the status of the Tower and its setting under domestic heritage designations. That is manifested in Ms Greer's careful appraisal^B that the proposed building will not have any materially adverse impact of on the Tower of London and its setting.

7.34 The basic proposition is that proposed development likely to affect a World Heritage Site may, in principle, be compatible with the objective of protecting such sites for their universal value and for future generations. That this principle applies with full force in relation to the Tower is, in practice, indisputable – especially having regard to the range of very substantial modern buildings, both tall and low-rise, which have been permitted within its wider visual setting since inscription in 1988. Mr Calvocoressi said that, where modern building has broken the silhouette of the Tower, the effect has, on balance, been a neutral one for its status and dignity. What the policy requires is careful scrutiny of the likely effects of proposed development on the World Heritage Site or its setting in the longer term. On any view, that has been achieved at this inquiry.

7.35 PPG15, however, does not expect that exercise to be undertaken indiscriminately. On the contrary, the Secretary of State's policy is that local planning authorities should participate in the preparation of World Heritage Site management plans – for the express purpose of basing policies for the protection of the site and its setting from damaging development upon an appraisal of its significance and condition and the need to secure its physical conservation. That process is already in play in relation to the Tower of London. It is highly significant that the draft Management Plan's appraisal^C of the relative merits of particular views, from the Tower or of it, has not led to any of the

^A Document CD2/7 – paras. 4.4.25-31 in particular.

^B Document B2 – Section 7.2 in particular.

^C Document CD9/17 – Chapter 4 in particular.

views that are controversial in relation to London Bridge Tower being identified for specific protection. This does not mean that these views are to be disregarded as insignificant, not least having regard to the listed status of the Tower complex. Nevertheless, as a matter of degree, the lack of recognition of those views in the draft Plan must reasonably be taken to reflect the authors' judgement that they are *relatively* less significant to the long term protection of the World Heritage Site. LB Southwark shares that judgement.

- 7.36 Ms Greer's judgement is that the two controversial views from within the Tower^A would not be materially harmed by London Bridge Tower. In View 10, insofar as the visitor is able to experience a sense of being apart from the modern city, it is achieved notwithstanding the visual presence of modern buildings to the south-west (Guy's tower), west and north. London Bridge Tower would be a new presence in the view – but one of outstanding quality as an exemplar of 21st century architecture. It would visibly take its place within the many layers of the evolving, dynamic city – which is reflected in the buildings both within and without the Tower itself. In View 12, a similar, favourable conclusion is warranted.
- 7.37 The controversial views from the north-east^B are heavily compromised by the encroachment of traffic and street clutter. Mr Drury's evidence for Historic Royal Palaces establishes that there is no realistic prospect of any overall reduction in the degree to which traffic and traffic related development encroaches upon the enjoyment of these views and the setting of the Tower from this position. Whilst London Bridge Tower will introduce a new element into the existing backdrop to the Tower of London, LB Southwark submits that, in the existing urban context, its presence will not be a harmful one.
- 7.38 As to impacts upon the settings of listed buildings and conservation areas, government policy in PPG15 and the relevant policies of the UDP^C are consistent. The underlying objective is to avoid material harm. Again, LB Southwark has been guided by the expert advice of Ms Greer. Two important facts are common ground in relation to each of the locations which Mr Calvocoressi considers to be harmed by London Bridge Tower:
- part of the existing setting is the existing cluster of tall buildings at London Bridge;
 - in that respect, the existing setting is entirely undisturbed.
- 7.39 Based on Ms Greer's evidence,^D LB Southwark's submission is that the effect of London Bridge Tower in these settings is to replace one of the existing mediocre buildings with one of acknowledged architectural merit. The point is most marked in relation to the immediate setting of old Guy's and St Thomas Street. Moreover, in each of those instances, the acknowledged improvements to the public realm are factors that must weigh heavily in the balance against any alleged harm caused by London Bridge Tower itself (an allegation not accepted by LB Southwark).
- 7.40 Moving away from the immediate vicinity of the application site, Mr Calvocoressi accepted that those features of the design of London Bridge Tower which he found to be most agreeable (ie. the upper part of the building) would be the visible elements in the settings in question. Measured against the impact of the existing buildings in the London Bridge cluster, the effect would be benign. In any event, Mr Calvocoressi also accepted

^A Document CD1/12(2) – Views 10, 10a, 12, 12a and 12b.

^B Document CD1/12(2) – Views 17 and 18; and Document A7(4).

^C Document CD8/1 – Policies E.4.6 and E.4.3.

^D Document B2 – Section 7.4 in particular.

that such harm as he would argue for in respect of these less immediate settings was limited in extent. It is common ground that, at least in relation to such impacts, the architectural quality of the proposed building and the related benefits (for example, to public realm) should be placed in the balance. On that approach, this part of the case against London Bridge Tower falls away.

- 7.41 Finally, LB Southwark submits that the London Bridge Tower will have no adverse impact on views from Parliament Square. English Heritage's comparison with the failed scheme at One Westminster Bridge is demonstrably unhelpful, in the light of the visual material produced to the inquiry from that scheme.^A

Compliance with Government policy on good design

- 7.42 The basic principles of Government policy on good design are established in PPG1 (paras. 13-20). Also of direct relevance in relation to London Bridge Tower is the Joint Guidance of CABE and English Heritage in relation to proposals for tall buildings.
- 7.43 The key policy themes are architectural quality, building in context and sustainability. The London Bridge Tower wins on all counts. The remarkable nature of the creative process that has resulted in the production of this scheme is plain from the evidence of Renzo Piano himself, as is its conspicuous success in achieving a building that may genuinely and unashamedly be described as a world class building for a world city. Very little concern has been expressed about the quality of the design of the building itself. That which has is groundless. The objections in respect of 'building in context' have been addressed above, in considering CABE's concerns and the impact that London Bridge Tower will have on Strategic Views and the historic environment.
- 7.44 Even so, it is worth emphasising the evidence of Renzo Piano, Mr Dennis and Ms Greer that the scheme has evolved with very detailed and anxious concern that it should respect and respond to its local and wider setting. It has done so successfully. Those aspects of the overall design that remain unresolved, such as the canopy, have been addressed in sufficient detail to enable the Secretary of State to be confident that the proposed conditions and the relevant provisions of the planning obligation will secure a successful outcome. Concern that the quality of design may be degraded when the scheme is implemented has been met with an impressive array of conditional and contractual controls, sufficient to give proper confidence that the exceptional design quality of the scheme will be fully realised on construction.

Transport and movement impacts

- 7.45 There is substantial common ground between Dr Turner and the transport witnesses called by the Applicant and Transport for London. Suffice it to say that the evidence demonstrates the London Bridge Tower scheme to be acceptable in relation to these impacts. The undoubted locational advantages of London Bridge Tower in terms of transport planning policy have already been considered above.

Compliance with relevant national and regional planning policies

- 7.46 The most significant and relevant policies have been addressed above. London Bridge Tower complies fully with those policies. Policies for the promotion of tourism (PPG21) merit a reference. The London Bridge Tower scheme plainly offers the opportunity to add very greatly to the tourist industry in London and thereby nationally. The guarantees

^A Compare the images in Document F62 with View 22 in Document CD1/12(2).

now secured in respect of public access will ensure that this opportunity is realised, a very significant benefit of the scheme. LB Southwark also supports the Applicant and the Mayor in their contentions that the scheme accords fully with the draft London Plan.

Compliance with the adopted Unitary Development Plan^A

- 7.47 The London Bridge Tower scheme accords substantially with the adopted UDP. Given that no party now argues that the general presumption expressed in Policy E2.2 tells against the scheme in the absence of material harm, LB Southwark is able properly to submit that the scheme is in full accordance with the statutory development plan.
- 7.48 Historic Royal Palaces' prematurity argument is misconceived, for the reasons explored by the Applicant. It is common ground that the locational advantages of London Bridge in respect of the key strategic planning objectives examined above will set the policy context within which the appropriateness of the area as a location for tall buildings will be considered in the emerging UDP and SPGs. It is also the policy context within which the London Bridge Tower scheme falls to be assessed. In the circumstances, it is impossible to see how the comprehensive appraisal of the merits of London Bridge Tower as a tall building at this location can so prejudice the preparation of the emerging UDP that a substantive decision on the current application should be deferred until that plan making process has been completed. The issue of whether those locational advantages ought properly to be realised through the construction of London Bridge Tower can and should be decided now, on its merits.

Other Matters

- 7.49 The impact on Guy's Hospital of the construction process has been resolved to mutual satisfaction under the terms of the planning obligation. Those terms will be sufficient to safeguard the interests of other neighbouring occupiers during that process.

Conclusion

- 7.50 A conventional analysis, as above, of the planning merits of a development proposal can often fail to bring out the fundamental and overriding public interest in allowing the scheme to go forward with planning permission. A political perspective can sometimes bring out that overriding public interest far more vividly and persuasively. So it may be in the present case. The local MP and the Leader of the Council both explained the crucial importance of this scheme to Southwark and to London as a whole. It has been said in opposition that LB Southwark may have been seduced by the promise of world class architecture in its manor and so failed properly to reflect upon the shortcomings of the overall scheme. That assertion is rejected. The committee reports and the Council's evidence show it to be unwarranted. Hyperbole is as commonplace in the field of planning as it is in many other areas of public life. Yet this scheme is quite properly to be characterised as a rare and important opportunity for the local community and for Londoners as a whole. LB Southwark has sought to take that opportunity. It urges the Secretary of State to do likewise by granting planning permission.

^A Document B1 – Section 3.7 and Appendix 3.

8. THE CASE FOR THE MAYOR OF LONDON

I give here the gist of the Mayor's case, edited from closing submissions. The witnesses' proofs of evidence are at Documents E/SR/1, E/SM/1 and E/RR/1. I use footnotes, where appropriate, to refer to other documents.

Introduction

- 8.1 The precedent set at the Heron Tower inquiry – for the rigorous scrutiny to which the proposal was subjected – has certainly been followed for London Bridge Tower. In dealing with the critical issues, such as the impact of the building on the skyline, upon the Strategic Views and upon the Tower of London World Heritage Site, the inquiry has seen an array of technical and illustrative material, models and images paralleled only by the Heron Tower inquiry itself. Moreover, an impressive array of expert opinion has been deployed on both sides of the argument. There can be no doubt that all the relevant considerations in respect of the proposed London Bridge Tower have been fully and exhaustively analysed against comprehensive criteria.
- 8.2 The paragraphs below highlight those points which the Mayor considers to be important in relation to the matters upon which the Secretary of State has indicated he particularly wishes to be informed. Taking these out of order, it is appropriate to start by identifying the relevant policy framework.

The policy framework

- 8.3 The regional context is provided by RPG3, RPG3A and RPG9. The last of these emphasises the importance of enhancing London's position as a world city and the stimulation that an urban renaissance can provide. RPG3 also stresses the importance of London, and the Central Area in particular, as a focus for world city and capital functions. London Bridge is identified as part of the area in need of regeneration for these functions to be sustained. Para. 8.20 of RPG3 refers to the appropriateness of defining areas that are either unsuitable or particularly suitable for high buildings.
- 8.4 RPG3A provides guidance on the protection of ten Strategic Views, two of which, views to St Paul's Cathedral from Parliament Hill and Kenwood, are relevant to this case. The proposal falls within the Background Consultation Areas to these views. RPG3 advises that backdrops should be protected 'from unsuitable development which would reduce their visibility or setting'. As has been pointed out, and accepted, this does not prohibit all development that falls within the Background Consultation Area – a recommendation that it should, in the 1989 LPAC study, was not accepted by the Government. Nor does it preclude all development that would reduce the visibility and setting of the Cathedral. In this regard, the effect of the advice in RPG3A is certainly not as rigid as in the case of proposed development that is within the Viewing Corridors.^A In the case of a proposal within a Viewing Corridor, the advice is that it should normally be refused; in a Background Consultation Area the proposal must be examined and judged to be unsuitable before it can be refused.
- 8.5 RPG3A provides no further guidance on the approach to be adopted when considering a proposal in a Background Consultation Area. Further assistance is, however, available in the LPAC 1999 Advice. This stresses the positive role that high buildings can play in signposting regeneration. It also emphasises that, in the particularly sensitive areas listed

^A See GOL Circular 1/2000 at Annex A, para. 10.

in Table Two, the appropriateness of a high building needs to be considered especially carefully. Table Two includes the Strategic Views and also World Heritage Sites. It is to be noted that high buildings are not prohibited in these areas – but their impact needs to be considered with special care.

- 8.6 Additional advice is also available in the form of the recently published EH/CABE Guidance. This includes a set of criteria for evaluating proposals for tall buildings. As Mr Murray said, these are useful – but they do not add to the range of factors that would be part of the careful consideration required under LPAC 1999.
- 8.7 As accepted by Mr Antram for English Heritage, the Mayor's decision to support the London Bridge Tower proposal took into account, and was based upon, all the relevant factors derived from this policy framework. The Mayor also, of course, took into account his own policy as set out in the draft London Plan. Important though the draft Plan is, the Mayor's support for the scheme is not dependent upon it. His support is founded firmly in the pre-existing policy framework comprising RPG3, RPG3A and LPAC 1999. The proposal is fully compliant with that policy framework.

Status of the draft London Plan

- 8.8 There are two points to consider in relation to the draft London Plan – the amount of weight to be attached to its provisions at this stage and whether a decision on this case would be premature.
- 8.9 English Heritage and Historic Royal Palaces have both contended that no, or very little, weight should be attached to the draft London Plan because there are controversial issues still to be resolved. They have relied upon paragraph 48 of PPG1, which they say applies, by analogy at least, to the draft Plan.
- 8.10 In response, it is firstly wrong to apply the advice in PPG1 to the draft Plan. The London Plan, as the Mayor's Spatial Development Strategy, is expressly not a development plan, as GOL Circular 1/2000 says (paras 2.1-2.3). Nor is it intended that it should become one. Specific advice is given on the weight to be accorded to proposals for the SDS (para 2.20). Increased weight should be attached as the proposals progress through the formal stages of preparation. The Circular also provides for continued effect to be given to the guidance in RPG3A (para. 2.21), though this does not deal with weight and does not detract from the advice on weight in the preceding paragraph.
- 8.11 The draft London Plan has now completed its EiP and the Panel is due to report in July 2003. Thereafter, the Mayor must consider the report and can proceed directly to publication, giving his reasons where he chooses not to accept any recommendations of the Panel. The publication of the Plan would be subject only to a power of direction from the Secretary of State, which may be exercised only for two specified reasons.
- 8.12 The draft London Plan is therefore not only in nature different from a development plan, it is also subject to a different and much more streamlined procedure. The position now is quite different from that which applied at the time of the Heron Tower inquiry.^A Formal consultation has since occurred and the Mayor's policies have crystallised in response to it. By the time the Secretary of State comes to make his decision, the Panel's report should be available. The stage has certainly been reached where the provisions of the draft Plan can be given considerable weight.

^A Document CD12/3 – para. 6.

- 8.13 Secondly, while it is correct that both English Heritage and Historic Royal Palaces have objected to provisions of the draft London Plan, and pursued their objections before the EiP, they have both exaggerated the extent of controversy in respect of the Mayor's policies.
- 8.14 There is absolutely no controversy about the inclusion of the London Bridge area as an Opportunity Area and, as such, a key location for regeneration. Indeed, there is positive support for that approach. Further, as the Plan states (para. 2B.21), it is recognised that sensitive intensification is the greatest source of development capacity in this area. The only point in this part of the draft Plan to which they object is the reference in that paragraph to the good location for a tall, landmark building. Whether that is justified as a statement is, of course, a critical question for this inquiry – but it does not affect the unquestioned justification for including this site in an Opportunity Area where development should take place with increased density.
- 8.15 In relation to the policies on tall buildings, it is plain that English Heritage wishes to see a more restrictive approach adopted. Its draft addition to Policy 4B.12 (which Mr Antram explained should really be to Policy VA1) makes that clear.^A It is prohibitive and reflects the approach in the LPAC 1989 study, which, as pointed out above, was not accepted by the government and was not incorporated into RPG3A. English Heritage's preferred approach, in contrast to that of the Mayor, is actually inconsistent with current policy guidance in RPG3A. Furthermore, as was seen in English Heritage's representation on the draft London Plan, it recognised that the approach set out in Policy VA1 is indeed 'similar to the current regime'.^B It is also interesting to note that Mr Calvoceossi's interpretation of 'visibility' in RPG3A, namely to perceive or recognise and appreciate the landmark building, is precisely the same wording as the Mayor has included in his Policy VA1.
- 8.16 Finally on this point, Mr Parr, for Historic Royal Palaces, sought to suggest that little weight should be attached to the draft London Plan because the Government Office had raised an objection to the Plan for identifying suitable locations for tall buildings. Far from raising such an objection, however, the Government Office expressed broad support for the Plan and stated that 'in providing the strategic context for Boroughs it is appropriate for the Mayor to include Policy 4B.8 indicating the general location of tall buildings'. That is what he has done.
- 8.17 It is clear, therefore, that the thrust of the relevant policies in the draft London Plan, maximising the potential for redevelopment in this Opportunity Area and ensuring that careful consideration according to all relevant criteria is given to the impact of high buildings, has evolved from current policy guidance and is consistent with the guidance in GOL Circular 1/2000. Having regard to the stage it has reached and also to its content, the draft London Plan is entitled to significant weight.
- 8.18 The argument in relation to prematurity is advanced, with reference to para. 47 of PPG1, on the basis that the grant of permission for this scheme will be prejudicial as it will predetermine the issue as to the suitability of this location for tall buildings. In response, it should again be borne in mind that the London Plan is not a development plan and so para. 47 is inapplicable. Moreover, the appropriateness of this location for a tall building is being considered with reference to all relevant criteria and in greater detail than would

^A Document F57.3.

^B Document F57.1 at p.16.

occur as part of the normal development plan process. Additionally, the Mayor himself, whose plan is said to be prejudiced, raises no objection on the ground of prematurity.

- 8.19 Before leaving the draft London Plan, it should be noted that, while Mr Murray referred to the Mayor's Interim Strategic Planning Guidance on Tall Buildings^A as relevant background, it is not current policy, having been superseded by the draft Plan.

LB Southwark Unitary Development Plan

- 8.20 Detailed consideration of this may be left to LB Southwark. The Mayor's view is that the proposal broadly conforms to the policies of the UDP, with the exception of Policy E.2.2. This policy, with its blanket ban on tall buildings across the whole Borough, is effectively out of date. It should not have any influence in determining the outcome of this inquiry. The Mayor also considers that the Council's emerging policies are generally in conformity with the draft London Plan.

The appropriateness, and impact on both the local and wider area, of a very tall building in this location

- 8.21 As it appears in the list of issues set out in the call-in letter, this topic appears to be an umbrella description of the next three items listed. However, apart from the visual implications of the proposal, which arise directly under those items, there are other factors that indicate the appropriateness of this location for a very tall building. As mentioned above, this site is within an Opportunity Area, where intensive redevelopment is to be welcomed to secure the regeneration of the area. A very tall building situated on this site, at one of London's principal transport interchanges, will act as a beacon signalling the regeneration of the area. As both Lord Rogers and Prof Worthington stated, London Bridge Tower would provide an iconic and emblematic symbol of 21st century London in this strategically important location.

The impact on Strategic Views of St Paul's Cathedral

- 8.22 In both of the relevant views, from Parliament Hill and Kenwood, the view of St Paul's Cathedral is distant and seen as part of a panoramic view of the City. It is often difficult to discern. When it is seen, the cluster of towers at London Bridge, particularly Guy's tower, is seen in the background. The reality is that St Paul's Cathedral does not now hold the dominant position that it enjoyed before so many tall buildings appeared in this panorama.
- 8.23 In this situation, the impact of the new building will be entirely positive. It will replace an existing poorly designed building that detracts from the setting of the Cathedral. From Parliament Hill, London Bridge Tower will intrude no further into the profile of the dome than does the existing building. From Kenwood, it will be no closer. In both views, London Bridge Tower will appear as a distinctive and significant presence that would contrast with the Cathedral in both its form and the materials used. Far from reducing the Cathedral's visibility, it will indeed increase it, by drawing the eye and enabling its recognition and appreciation in an enhanced setting. As Lord Rogers stated, it will enrich the overall skyline.

^A Document CD7/4.

The extent to which the proposals comply with Government policy advice on the need for good design

- 8.24 Apart from Mr Drury, for Historic Royal Palaces, there has been no criticism of the design of the building. On the contrary, the praise for the quality of the architecture has been lavish and well deserved. There can be no doubt that this building will be a masterpiece designed by one of the world's leading architects, whose modesty will have impressed all who heard him but whose presentation revealed the brilliance of his conception.
- 8.25 The building is designed as a vertical village combining the different uses, including the important public spaces. Its spire form, using 'shards' of transparent low iron glass, will taper to the apex where the shards do not actually meet, but vanish into the sky, giving the building an ethereal quality. At a lower level, the 'backpack' is integrated into the structure, taking its inspiration from the railway tracks at London Bridge station. Lord Rogers described it as the greatest piece of modern architecture in London and said he knew of no more beautiful building in Europe.
 - 8.26 At the lower level, as Signor Piano explained, the building does not come down to the ground. It sits above a narrow core, enabling a substantial expansion in the amount of station concourse space available. In this regard, and also considering the improvements in St Thomas Street and Joiner Street, the scheme will provide real benefits to the public realm. The canopy will not only perform a functional role but will also provide a light and attractive enclosure over St Thomas Street, significantly improving the environment for pedestrians.
 - 8.27 It is agreed on all sides that the existing building is of poor quality and should be replaced, and also that the existing environment is degraded and in dire need of enhancement. The objectors, however, wish to see the redevelopment of this site deferred until a Master Plan identifying the full range of public realm improvements needed for the area is put in place. That is a recipe for achieving nothing. A preferable approach is to work incrementally within a flexible framework. As Signor Piano said, 'this enables you to go step by step, otherwise you are paralysed by perfection and never start'. The basis for the approach is already in place in the draft London Bridge Planning Framework, produced by LB Southwark, the Greater London Authority (GLA) and Transport for London (TfL),^A and is to be taken further in the Strategic Development Management Group (SDMG) that Dr Evans has now convened.
 - 8.28 London Bridge Tower is an important first step in the right direction. It represents an outstanding design of world class quality providing significant improvements to the public realm. It will encourage and facilitate further beneficial development in the area.

The impact of the proposals on the Tower of London World Heritage Site

- 8.29 The Tower of London maintains its unique character in a 21st century context. There is, within its precincts, a constant awareness of planes to and from London City Airport, of river activity, and of noise from surrounding roads. Guy's tower and New London Bridge House are also visible.
- 8.30 As Lord Rogers stated, the impression gained from Views 10, 10a and 10b is false and wholly misleading. His own photos^B provide a much more accurate impression of the

^A Document CD8/13.

^B Document E/RR/4 – the photographs from within and north-east of the Tower were taken during the inquiry.

bustling activity within the precincts and the visibility of modern buildings. These buildings are a backdrop to the Tower of London experience. A modern tower of the quality proposed, emerging from the existing London Bridge cluster, will not harm any sense of place or detract from any enjoyment of that experience.

- 8.31 In relation to the setting of the Tower of London, most attention has been focussed on one particular viewing position – from the north-east by the Royal Mint Gate.^A This is not a view that has been identified in the draft Management Plan^B for the World Heritage Site as a ‘significant local view’. There are, of course, very good reasons for not including this view. It is not on any likely pedestrian route. Anyone who did find their way to this position would find all the traffic and paraphernalia associated with the traffic gyratory far more intrusive than the distant prospect of London Bridge Tower. Further, they only have to move slightly, or even turn their head, and they will see a number of modern office buildings in the same view as the Tower. Although it is correct that a view of the Tower of London against a clear sky is obtainable, this viewing position is so dismal it should carry no weight.
- 8.32 A view of the Tower against clear sky remains available and unaffected from the Thames and from Queen’s Walk on the South Bank. From other positions, the Tower is seen against the City skyline with modern buildings in view. The Swiss Re building, which was not opposed by English Heritage, is visible from within the Tower precinct and also, together with One America Square, seen rising above the Tower from Tower Bridge Road. The presence of modern buildings is also evident from within the Tower looking across to the South Bank.^C The setting of the Tower has evolved and changed over time. Any visitor today will see modern tall buildings all around – but the setting of the Tower and the dominant position of the White Tower have not been compromised.
- 8.33 Although London Bridge Tower will be an additional feature in the view, its impact will be positive, its sheer height and verticality providing an inspiring juxtaposition with the Tower of London.

The Palace of Westminster World Heritage Site

- 8.34 From within Parliament Square, London Bridge Tower can be glimpsed in the far distance above the roof of County Hall.^D But it is simply too far away to have any noticeable impact. The decision in respect of the proposal at One Westminster Bridge is not at all comparable. The development in that case was much closer and the shape, appearing as a slab form over County Hall, was particularly damaging.^E

The setting of nearby listed buildings and conservation areas

- 8.35 Although the Mayor considered this issue at his Stage 1 referral, the matter has been addressed at the inquiry by LB Southwark.

The ability of the transport system to deal with the increase in demand and intensity of use created by this proposal

- 8.36 It is important to note that no objection has been raised against the proposals in respect of this issue.

^A Document CD1/12(2) – Views 17 and 18.

^B Document CD9/17.

^C Document E/RR/4 – photographs RR2 and RR4.

^D Document CD1/12(2) – View 22.

^E Document F62.

- 8.37 In considering the ability of the transport system to accommodate the demand generated by a proposal of this scale, it is clearly desirable for it to be located as close to a major public transport interchange as possible. In this respect London Bridge Tower is in absolutely the right location. It is highly sustainable and fully compliant with national policy guidance in PPG13.
- 8.38 TfL has assessed the proposals in relation to the capacity of the transport system. As Mr Richards explained, the increase in use generated by the scheme is fairly small in proportion to the total number of new jobs expected as part of the regeneration of the area. The assessment undertaken shows that no problems are anticipated to arise on the TfL road network and the proposals for coach and taxi parking are satisfactory. The arrangements for pedestrians, with the improved access to the station concourse, are entirely beneficial. The two key issues are rail capacity and the capacity of the bus station.
- 8.39 With regard to rail, the increase in demand will have no significant effect. So far as the underground is concerned, there is a problem with access to the Northern Line platforms, but this will be overcome by a scheme to widen the corridors. The Applicant is contributing £2 million to London Underground Limited (LUL) as part of the Section 106 agreement to enable this improvement to be carried out.
- 8.40 The bus station is already at full capacity and there is a need, arising quite apart from any pressure created by this development, for a new bus station. The demand resulting from the development itself can, however, be met by a rearrangement to provide two additional bus standing spaces. This is proposed as part of the scheme. Beyond this, the Applicant is also contributing £3 million towards a new bus station. Thus, the proposal will not only work satisfactorily in transport terms but will also make a substantial contribution to facilitate the long-term solution of the existing problems.

Economic benefits

- 8.41 London Bridge Tower will provide high quality office accommodation. In the very competitive world of international finance, London needs to provide the widest range of prestigious office space to meet the exacting demands of modern businesses and maintain its role as a world city. The proposal, providing the accommodation in a large single building, helps to deliver this, and thus meet the demand from companies who wish to combine all their functions under one roof.
- 8.42 London Bridge Tower will also provide many thousands of new jobs in a location where it will make a significant and positive contribution to the Opportunity Area and the regeneration of this part of London.

Conclusion

- 8.43 London Bridge Tower will not merely provide significant benefits in the form of sustainable modern office accommodation located in a cluster of tall buildings in an Opportunity Area. It will also provide a mixture of uses combined together in a high-density development, at a major transport interchange, in what has been described as a vertical city. It will include residential, hotel, retail and restaurant uses as well as public facilities such as the library and the expanded station concourse. It will also include the high-level viewing gallery, with public access to spectacular views across London.

- 8.44 It will provide a number of real benefits to the area, secured through the Section 106 agreement. As well as the contributions to LUL and TfL mentioned above, there will be contributions to affordable housing and employment, training and education initiatives.
- 8.45 The development will create substantial improvements to the public realm.
- 8.46 However, the greatest benefit that the scheme will provide will be the addition to London's skyline of a world class building of great and singular beauty. Far from causing any harm to St Paul's Cathedral or the Tower of London, it will positively enhance their settings.
- 8.47 Should, however, the Secretary of State reach a different conclusion in respect of harm to St Paul's Cathedral or the Tower of London, it does not follow that the scheme must fail. The conclusion reached in the Heron Tower decision^A does not apply in this case. This proposal will provide a wide range of benefits, including the outstanding architectural quality of the proposed building, which should be weighed in the balance against any harm that may be found. In this respect, the case of No.1 Poultry is the more fitting example.
- 8.48 There are compelling arguments in favour of London Bridge Tower. It will be a truly world class building, symbolic of London's role as a world city. As Lord Rogers said, 'London will have missed a great opportunity if this building does not go up'. Not only will it stand as an immediate beacon signalling the regeneration of this part of London, it will become one of London's cherished landmarks, a recognised symbol of a great city.
- 8.49 The Mayor hopes that the Secretary of State shares his view of the overriding merits of this scheme and the importance of securing a building of this quality for London.

^A Document CD12/3 – para. 20.

9. THE CASE FOR ENGLISH HERITAGE

I give here the gist of English Heritage's case, edited from its closing submissions. The witnesses' proofs of evidence are at Documents F:NA and F:PC. I use footnotes, where appropriate, to refer to appendices and other documents.

Introduction

- 9.1 English Heritage's objections to this development have been consistently concerned with the adverse impact of the proposed development on three principal elements of the historic environment:
- (i) the Strategic Views of St Paul's Cathedral from Parliament Hill and Kenwood;
 - (ii) the setting of the Tower of London World Heritage Site; and
 - (iii) the setting of the Palace of Westminster and numerous other listed buildings and conservation areas principally (but not exclusively) within the London Borough of Southwark.
- 9.2 The impacts on either (or both) of (i) and (ii) would, in English Heritage's view, be sufficient to justify the refusal of planning permission. As to (iii), the only impact which, taken on its own, would be sufficient to justify refusal, is the impact on the Guy's Hospital forecourt (listed grade II*) and on St Thomas Street. That, however, is not to underestimate the scale of the cumulative impacts under heading (iii), and the importance which English Heritage attaches to these.
- 9.3 In any case, in reality, it is perhaps unlikely (albeit possible) that the Secretary of State will find that the impacts of London Bridge Tower on elements (i) and (ii) are acceptable, but that the cumulative impacts under (iii) are not. The issues about the acceptability of this scheme are, in a sense, much more fundamental than would allow such a conclusion.
- 9.4 Put at its simplest, the outcome of this application is likely to turn on whether the Secretary of State agrees with the view expressed by proponents of the scheme, exemplified most starkly by Lord Rogers, that good architecture can overcome all possible harm. Neither he, nor Mr Bridges, nor Prof Worthington, nor (with one strange and very minor exception) Ms Greer, and unlike (in certain instances) in the original Environmental Statement, has found that London Bridge Tower would be harmful to the historic environment in any respect whatever. The explanation for this is that the architectural quality of the design is considered to be so outstanding that it provides an answer to every possible criticism. Thus, for example, in the Strategic Views, there can be no harm because London Bridge Tower will replace the existing building with something far superior, 'world class' indeed, whatever that may mean. In views of the Tower of London, London Bridge Tower will not cause harm because it will be a joy to behold, creating a contrast but not a conflict.
- 9.5 These matters will be dealt with in greater detail below. However, it is here important to make clear English Heritage's position in relation to the architectural quality of London Bridge Tower. It does not deny – indeed, it fully accepts – that the design as shown in the plans, models and other illustrative material has the potential to realise a building of an exciting and exceptional quality. That said, the Secretary of State will have to satisfy himself, if planning permission is to be granted, that Renzo Piano's vision will in fact be achieved. There is certainly no doubt that other very tall buildings which might have

been designed for this site could cause greater harm than this one. English Heritage agrees, furthermore, that as a matter of approach it is necessary – indeed, in practical terms it is unavoidable – to take into account the architectural quality of the proposed building when assessing its likely impacts on the historic environment.

- 9.6 The accuracy and quality of the Hayes Davidson material^A is also not in issue. English Heritage does, however, enter a caveat. These illustrations can only show the building at a particular time of day in particular weather conditions. When the sun is out, the building is likely to have a lighter appearance than when the weather is cloudy. Its appearance will also depend on factors such as the angle and location of the sun in relation to the viewpoint, and whether or not the blinds in the building are drawn (not something that appears to be shown in any of the photomontages). The shards themselves will both reflect the sky and achieve some transparency. But no building can be transparent, and this one will be no exception. It will have solid floorplates, a central core, internal partitions, furniture and people inside.^B Nor will the radiator be transparent, unless the viewer levitates to the same level. London Bridge Tower will be a very tall building – and the design cannot disguise this fact.
- 9.7 There is also general agreement – and it is certainly English Heritage’s position – that the existing building on the site, together with the other two buildings in the existing unplanned and incoherent London Bridge cluster, is harmful to and detracts from both the local and the wider historic environment – but most notably the Strategic Views. There is also agreement that, whatever the precise policy position may be, the opportunity must be taken, when redevelopment of the existing building is proposed, to achieve a significant enhancement over the existing situation in terms of impacts on the historic environment – just as it is agreed (for example) that the opportunity must be taken to secure improvements to the public realm and the transport interchange.
- 9.8 Nevertheless, as Mr Bridges accepted, it is possible to find, notwithstanding the quality of the proposed building, that the site is not an appropriate one to accommodate a very tall building at all. The Mayor has expressed very much the same view – ‘It will not be possible, however, to secure permission for a tall building if it is in the wrong place.’^C
- 9.9 It is necessary here to draw a distinction between the overall quality of the design, and its architectural qualities or features. It is these – the height, shape, bulk, massing and form of the building, and the materials proposed to be used – that English Heritage considers lead to the harm London Bridge Tower will cause. Of these, height is clearly the most important, but the other elements also contribute to the impact that the building will have. Even accepting that the Secretary of State can be assured that the building described in Signor Piano’s evidence is the one that will be built, English Heritage considers that this building in this location cannot be allowed.
- 9.10 In the Heron Tower decision, it is clear that, had material harm to the setting of St Paul’s Cathedral or the Tower of London been found, the economic benefits would not have been sufficient to outweigh that harm.^D The point, however, goes further than that. The Inspector considered that, ‘A building that had a damaging effect on the setting of St Paul’s Cathedral or materially detracted from its contribution to the London skyline would clearly be unacceptable Were the proposal likely to cause material harm to

^A Document CD1/12(2).

^B See, for example, the illustration at Document A17.

^C Document CD7/4 – p.14, para. 3.5.

^D Document CD12/3, para. 20, flowing from Document CD12/2, para. 15.149.

either the setting of St Paul's or to the setting of the Tower of London World Heritage Site there would clearly be a fundamental conflict with the national guidance which should lead to the rejection of the proposal.^A

- 9.11 He found, of course, that there would be no such harm. In the present case, however, if it is concluded that there would be material harm to the setting of St Paul's Cathedral^B or the Tower of London, English Heritage considers that the same approach should be taken – that is, that this must lead to the rejection of the proposal. Why should this be so? English Heritage does not suggest that the claimed benefits of the proposal cannot as a matter of principle be weighed in the balance against such harm. However, the harm would be to interests of national and international significance whereas the benefits, although important, are of a mainly local, and to a lesser extent London-wide, significance. There is therefore a clear difference between the nature or character of the harm on the one hand, and, on the other, the character of the benefits that will result from the development.
- 9.12 The weight to be given to the support for this proposal from the local planning authority and the Mayor of London will, of course, depend on the extent to which that support is considered to be well founded. English Heritage does, however, invite the Secretary of State to note the following, in relation to Mr Dennis's report to LB Southwark's Development Control Committee meeting on 11 March 2002:^C
- (i) it is plain that the recommendation was strongly driven by officers' excitement at having a building of the scale and perceived quality of London Bridge Tower proposed in the Borough;^D
 - (ii) the advice in RPG3A is not accurately summarised;
 - (iii) there is no mention of the Tower of London's status as a World Heritage Site;
 - (iv) the analysis of the impact on local listed buildings and conservation areas is virtually non-existent; and
 - (v) generally, the reasoning in relation to the objections to the proposal is superficial in content and dismissive in tone.
- 9.13 There is no evidence that members of the Committee did anything other than accept Mr Dennis's recommendation for the reasons given in the report. Indeed, Cllr Stanton's evidence merely served to confirm the low regard in which the Strategic Views are held by this Council.
- 9.14 This is not, of course, to deny that the proposal will bring important benefits to Southwark. However, in terms of the impacts of the development on Strategic Views, it is in other Boroughs where those effects will be apparent. The Strategic Views are enjoyed from within the Borough of Camden; St Paul's itself is in the City of London. It is therefore of considerable significance that both LB Camden and the Corporation of London have objected to the development, on the basis that it would be seriously detrimental to the Strategic Views.^E

^A Document CD12/2 – para. 15.11.

^B There was no issue at the Heron Tower inquiry about the impact on strategic views, although the Inspector did address these.

^C Document CD2/7.

^D Mr Dennis accepted in cross examination that this was 'a factor'.

^E Document CD2/8 at para 3.1; LB Camden's written representations at paras. 4.2, 4.6.

- 9.15 So far as CABE is concerned, it is hardly surprising to find that its remit is quite different from that of English Heritage.^A The joint Guidance on Tall Buildings^B thus reflects those different areas of primary interest or responsibility, and has brought these together into a single document. Some of the matters covered in the document fall more within CABE's remit, others more within English Heritage's. In the present case, CABE's prime concern has been with the immediate urban context of the development, and the design of the building itself;^C English Heritage's prime concern has been with the impact of the development on the historic environment. This, on the part of both organisations, is quite proper and to be expected.
- 9.16 This is not to say that CABE has, or ought to have, ignored impacts on the historic environment. It must be the case, however, that CABE's opinion on those impacts will carry less weight than that of English Heritage. Furthermore, other than a site visit to the Tower of London and its environs,^D there is no evidence that CABE has given any real consideration to the impacts of the development on the historic environment, notably the Strategic Views, which no Commissioner, Design Review Committee member, or indeed Mr Finch himself, has visited for the purposes of assessing this proposal. Mr Finch's very brief expression of disagreement with English Heritage's and Historic Royal Palaces' objections^E can therefore attract little weight.
- 9.17 In relation to emerging planning policy, English Heritage does not contend that this application is premature, but rather urges that full weight should be given to extant policies, and submits that (for reasons which will be made clear) little weight should be given to emerging policy.
- 9.18 Nor does English Heritage contend that the application would set an adverse precedent. Plainly, if planning permission is to be granted, it must be on the basis that the development would not cause material harm, and therefore would not be in breach of extant policies relating to the protection of Strategic Views and the settings of listed buildings and conservation areas. However, it is important for the Secretary of State to be aware of the likely implications of granting planning permission for London Bridge Tower, namely that the London Bridge area will be seen as an appropriate location for a cluster of tall or very tall buildings,^F and that (more specifically) the redevelopment of New London Bridge House with a much taller building than the existing one will become more likely.^G
- 9.19 Policies relating to Strategic Views and tall buildings in London and in Southwark are in the process of review. And the grant of planning permission for London Bridge Tower will make the development of a cluster of tall buildings at London Bridge more rather than less likely. These are both factors which mean that the Secretary of State must take particular care to satisfy himself that London Bridge Tower can be permitted in accordance with current policies – and that harm will not be caused to those important conservation interests which will be undoubtedly be affected by it.

A Document L1 at para. 3.1.3; compare with Document F:NA at para. 2.1.

B Document CD9/11b.

C For example, see Document L2 at Appendix G and Document L1 at para. 5.39.

D Document L1 at para. 5.5.4.

E Document L1 at para. 6.2.12.

F Lord Rogers in cross examination thought that London Bridge was a good location for tall buildings and that erection of the London Bridge Tower would make further tall buildings more likely.

G Mr Dennis accepted this proposition; in fact, the redevelopment proposal for New London Bridge House is anticipated to be about 210m high, excluding the mast.

Impact on Strategic Views

- 9.20 The designation of Strategic Views of St Paul's Cathedral reflects the importance of St Paul's both architecturally and as part of the history and very identity of the nation. It reflects also the fact that the viewpoints are representative of places from which, in the centuries since the Cathedral was built, the people of London and visitors have enjoyed views of it. The exceptional historic, architectural and symbolic significance of the building^A is not in issue.
- 9.21 At the time of designation of the Strategic Views, it had been recognised that the existing 'trio of blocks' at London Bridge 'mar [the] background of St Paul's in views from Parliament Hill and Kenwood'.^B The views were designated in 1991 in RPG3A notwithstanding this fact. RPG3A is concerned with the *protection* of the Strategic Views, as its title makes plain. The description of the Background Consultation Areas is that they, 'serve to protect the back-drop to the views of St Paul's Cathedral and the Palace of Westminster from unsuitable development which would reduce their visibility or setting'.
- 9.22 The application site lies within the Background Consultation Area in the Strategic Views from Kenwood and Parliament Hill. There is no doubt that the views are of both London-wide and national significance. English Heritage agrees with Signor Piano's expressed view that their continued protection is very important.
- 9.23 RPG3 (1996) gives advice to Boroughs about the protected views. They are urged to 'exercise their development control responsibilities to enhance the [strategic] views where possible' and to include appropriate policies in their UDPs to protect those views. The advice goes on to invite Boroughs, if appropriate, to 'define areas which are either unsuitable or particularly suitable for high buildings'. It is plain from the structure and content of that advice that it is, and remains, Government policy to protect and where possible to enhance the Strategic Views. At the very least, it is not to be expected that areas identified as appropriate for tall buildings will include locations lying within the Background Consultation Areas for Strategic Views.
- 9.24 The question, of course, is what is meant by protection and enhancement. English Heritage accepts that the fact that a particular development would occupy more of the backdrop to the Cathedral than is presently the case is not conclusive. The question of whether that effect protects or enhances the Strategic View, particularly the setting of the Cathedral in that view, also involves the exercise of judgement. Nevertheless, a factual analysis must be the correct starting point.
- 9.25 UDP Policy E.2.2,^C far from being in any relevant sense out of date, seeks to protect and enhance (as RPG3 advises that it should) the Strategic Views. The policy is a general one concerning the heights of buildings and starts off with a general presumption against tall buildings in Southwark. Clause (v)(d) refers to development in the relevant background consultation areas, and clause (v)(e) to the Council's policy as being, in cases (such as the present one) 'where there are proposals to redevelop existing buildings of inappropriate height', to 'seek the improvement of [the] Strategic Views'. The supporting text mentions the possibility of allowing high buildings 'in exceptional cases, such as parts of Surrey Docks'. Again, whilst not ruling them out altogether, it is not to

^A Document F:PC – paras. 5.2.2-10.

^B Document CD6/1 – Appendix 5, p.5-5.

^C Document CD8/1.

be expected that such exceptions would be likely in the Background Consultation Areas for the Strategic Views.

- 9.26 Policy E.2.2 therefore fully accords with and accurately reflects the advice in RPG3 and RPG3A. It should be given full weight. Whether or not it was the result of an urban design study at the time is simply not relevant, although it must surely be assumed that the UDP was prepared in a responsible manner and therefore that there was some degree of analysis which led to the presumption set out in the policy.
- 9.27 Therefore, if the Secretary of State is to conclude (for the purposes of Section 54A of the Town and Country Planning Act 1990) that the development accords with the development plan, then he will have to be satisfied that it will improve the Strategic Views. Enhancement in the circumstances of this site is indeed an objective that has been generally agreed by all as essential.
- 9.28 The next step in the evolution of policy was the LPAC 1999 Strategic Planning Advice.^A This explicitly and unambiguously reasserts the need to accord the Strategic Views full protection, in accordance with RPG3A. Whilst it also draws attention to the potential benefits of tall buildings in the right location, 'if appropriately sited', it goes on to state that, in many parts of London, high buildings will be inappropriate. It then identifies 'particularly sensitive locations', including the Strategic Views and World Heritage Sites. In the same way as UDP Policy E.2.2, it advises that, where redevelopment opportunities arise, consideration could be given to the removal of 'existing high buildings that have a negative impact on the urban environment'. All agree that Southwark Towers is such a building, and that this proposal represents such an opportunity. The resulting policy requires local planning authorities to identify areas appropriate for high buildings, having regard (*inter alia*) to those sensitive locations.
- 9.29 Again, therefore, it is hardly to be expected that the result of the LPAC 1999 Advice might be that the tallest building in Europe, however well designed, can be built behind St Paul's Cathedral in one of the Strategic Views.
- 9.30 RPG3A remains extant until it is replaced by the final published London Plan and its supporting Supplementary Planning Guidance.^B In the Heron Tower decision, the Secretary of State considered that the draft London Plan, which by that time (July 2002) had been published, should attract 'very little weight'.^C Since then, consultation on the draft has taken place, but no changes to the draft were made as a result, and the EiP has been held. Significant objections to the policies in the Plan relating to tall buildings and to what are currently the Strategic Views have been made by English Heritage, amongst others, and these have been debated at the EiP, the outcome of which is not yet known. Therefore, in substance, the position has not moved forward at all since the Heron Tower decision. It follows that the policies of the draft London Plan must continue to attract very little weight.
- 9.31 It may be that, by the time the Secretary of State makes his decision on the London Bridge Tower planning application, the Panel's report will be available. In that case, further evidence and/or submissions may need to be made about the policies in the London Plan and their relevance to that decision. This possibility has no bearing on the approach to be taken by the Inspector in his report and it is self-evidently not possible to make submissions about the outcome of a process which is presently entirely unknown.

^A Document CD6/3.

^B GOL Circular 1/2000 – p.36, para. 8.

^C Document CD12/3 – para. 6.

- 9.32 It is therefore unnecessary to make detailed submissions about the content of the relevant policies in the draft London Plan. Briefly, however, English Heritage submits that the vague terms in which policy VA1 is expressed, notably the reference to refusing development which 'fails to preserve or enhance the ability to recognise and appreciate landmark buildings', would not adequately protect the setting of St Paul's Cathedral in the Strategic Views. Furthermore, whilst it does take on board (albeit in too generalised a way) the 'visibility' element of the advice on Background Consultation Areas in RPG3A, it does not reflect the 'setting' element.
- 9.33 The final form of the policies in the Southwark UDP Review relating to tall buildings and strategic views, and its supporting SPG25 on tall buildings,^A are both critically dependent on the final form of the London Plan. The two have to be consistent, as Mr Dennis acknowledged. It follows that very little weight can be accorded to these documents at this stage. Nevertheless, it is worth noting that the draft SPG does include, as a criterion for the location of tall buildings, that the location does not detrimentally affect strategic or important views, or conservation areas, listed buildings or World Heritage Sites.
- 9.34 Much the same applies to the draft London Bridge Framework,^B except that it is not even intended to be a planning policy document. It appears not to have been the subject of any formal consultation exercise. English Heritage has certainly not been consulted on it, nor is English Heritage a member of the Strategic Development Management Group (SDMG) set up by LB Southwark. The Framework is founded in the policies in the emerging London Plan and Southwark UDP Review and, in setting out the options for tall buildings at London Bridge, assumes planning permission for London Bridge Tower.^C It should therefore be given no weight at all in the actual decision on the planning application.
- 9.35 The relevant policy context for the assessment of the impacts of this proposal on the Strategic Views is therefore contained in RPG3, RPG3A, policy E.2.2 of the adopted Southwark UDP, and the LPAC 1999 Advice. There is no policy framework to which any material weight can or should be given which establishes London Bridge as a suitable location for tall buildings. Indeed, as things stand, the reverse is the case.
- 9.36 In terms of the advice in LPAC 1999 to consider the removal of existing high buildings which damage the Strategic Views, Mr Crook confirmed that, whilst the suitability of London's major transport interchanges for high buildings was assessed in the Environmental Statement,^D no consideration was given to any alternative scheme for this site, either on its own or in conjunction with other land at and close to London Bridge station, that might achieve a higher density of development than the existing building but would be no higher, or less high, than the existing building. The London Bridge Tower scheme, from Broadway Malyan's initial design onwards, has always been a variation on a tall, tapering tower.^E The significance of this is that the Secretary of State cannot be satisfied, on the evidence, that there is no alternative to this scheme as a means of securing enhancement of the Strategic Views through the redevelopment of the existing building.

^A Documents CD8/2 and CD8/11.

^B Document CD8/13.

^C Document CD8/13 – pp. 11, 12

^D Document CD1/3(1) – Section 2.3.

^E Document CD1/3(1) – Section 2 ('Scheme Evolution' plan following p.25).

- 9.37 The justification for this proposal rests in significant part on the contention, in short, that London Bridge Tower would, as a piece of architecture, be vastly superior to the existing building. However, because of its architectural qualities, particularly its height, English Heritage considers that the new building would, in fact, have a greater adverse impact than the existing one on the Strategic Views.
- 9.38 The setting of St Paul's Cathedral in views from Kenwood and Parliament Hill was, without question, eroded prior to their designation as Strategic Views as a result of the development of the London Bridge cluster of tall buildings. The construction of tall buildings in the City has also had an effect. This was recognised by the Heron Tower Inspector, who said, 'Whilst the distinct form of St Paul's in these views makes it an eye-catching feature, it is seen in the context of more prominent high buildings including the Eastern Cluster in the City'.^A
- 9.39 Those high buildings are more prominent than St Paul's mainly because they are taller – and this includes both Guy's tower and buildings in the City.^B The setting of St Paul's has been seriously undermined by the London Bridge cluster as a whole. Guy's tower, in particular, competes with the object and intended focus of the protected view. Even so, in English Heritage's opinion, St Paul's Cathedral has managed to remain the prime or dominant focus in the Strategic Views.
- 9.40 It may or may not have been one of purposes of the designation of the Strategic Views that St Paul's should retain, or even recover, its pre-eminence. It is surely the case, however, that its role as the object of those views should not be further undermined. It should not, as Lord Rogers agreed, be allowed to become less pre-eminent than it already is. Thus, the existing London Bridge cluster of high buildings provides no justification in itself for replacing an existing building with a much taller one.
- 9.41 Whether the Secretary of State concludes that St Paul's Cathedral is no longer dominant in the Strategic Views, or that it has retained its dominance in the face of unwelcome competition, the key question remains – will London Bridge Tower enhance or worsen the existing situation?
- 9.42 As a matter of fact, the bulk of London Bridge Tower – that is, the volume of backdrop space it will occupy – will be far greater than the existing building on the site, because it is so much taller.^C Up to a height equivalent to the top of the existing building, the bulk of the two buildings will be very similar – indeed, indistinguishably so – in the two Strategic Views.
- 9.43 Because of its height, and unlike the existing building on the site, London Bridge Tower would breach the horizon formed by the Surrey Hills to the south in both Strategic Views. Because of its spire-like form and use of materials, it will be very striking, or eye-catching, in appearance. It will, without question, be the first thing to which the viewer's eye will be drawn. In this way, London Bridge Tower will diminish and devalue the status and significance of St Paul's Cathedral in these views, further undermining its former supremacy.
- 9.44 It is true that, for the same reasons, London Bridge Tower will act as a 'signpost' to St Paul's Cathedral. But English Heritage does not accept that such a signpost is needed – or that there is any warrant in policy for allowing a tall building on the basis that it will

^A Document CD12/2 – p.103, para. 15.19.

^B See Documents F60 and F61.

^C Document CD1/12(2), Views 4 and 5; Documents F60 and F61 are perhaps more legible.

make the landmark building easier to locate within the panorama. On most days of the year, St Paul's can be easily identified and appreciated from the strategic viewpoints with the naked eye.

- 9.45 London Bridge Tower will represent a step-change in the process by which, in recent decades, the dominance of St Paul's Cathedral has been challenged and undermined by high buildings. The relationship between the two buildings will be that of master and servant. English Heritage considers, and most others agree, that these views remain of great importance. Their importance lies in the status of the object of the views, the nation's spiritual heart and 'the most important defining building in London',^A 'conceived as London's greatest landmark'.^B If the Secretary of State agrees that the views deserve continued protection, then this proposal cannot be allowed to proceed.

Impact on the setting of the Tower of London

- 9.46 The Tower of London is a grade I listed building and an inscribed World Heritage Site. The significance of this is that it is recognised as being of outstanding universal value. The outstanding international importance of the site must be taken into account as a 'key material consideration' in deciding planning applications.^C Its value lies in its immense and unique historic and architectural interest, described very fully in the evidence of Mr Calvocoressi and Mr Drury^D and not in any way in issue.
- 9.47 It has been explained that the draft Tower of London Management Plan is undergoing a fundamental review in terms of the way in which it identifies and addresses the protection of the Tower of London in relation to its setting and views of it.^E It is readily accepted, since it is plain fact, that the current draft, issued in 2001 and the subject of only minor revisions when reissued this year, does not include the site of London Bridge Tower as within either the setting or the buffer zone of the Tower of London. Neither are important views identified from the area to the north-east. In these respects, English Heritage considers that the draft Management Plan is defective. Again, it is true that these matters were not raised in English Heritage's initial comments on the Plan, since the significance of these omissions has only become apparent through more detailed consideration of the London Bridge Tower proposals and their relationship to the draft Plan. None of this means, however, that the concerns now raised are not legitimate. The fact is that, through the review of the Plan currently being undertaken, the issues will be addressed.
- 9.48 The outcome of the process of review is, however, not known. Furthermore, the draft Plan is not a planning policy document and will become so only if (once finalised) it is adopted by local planning authorities as supplementary planning guidance. It can therefore attract very little weight as a material planning consideration in determining this application. In the end, it is for the Secretary of State to form his own judgement on the importance of different aspects of the setting of the Tower of London and the importance of particular views.
- 9.49 It is, however, important to note that it has not been suggested, through representations on the draft Management Plan or at this inquiry, that Objective 5 is not correctly stated as to 'Ensure that the wider setting of the Tower is adequately protected from

^A Document E/RR/1 – p.6, para. 3.3.

^B Document F:PC – p.16, para. 5.2.2.

^C PPG15 – paras. 2.22/3, 6.35.

^D Document F:Parish Council, para. 5.6.1, and Document G-B, Section 5.

^E Documents CD9/17 and G37.

development which is not compatible with the unique status, dignity and character of the WHS'.^A Indeed, this objective is of fundamental importance and reflects entirely accurately the very objectives of the inscription of the Tower of London as a World Heritage Site.

- 9.50 Turning to the impact of the development on the Tower of London, the setting of any listed building is an abstract concept that requires consideration regardless of the availability and popularity of public viewpoints. Furthermore, it requires consideration in terms of both the historic and the architectural importance of the building in question. That is perhaps particularly so in the case of a grade I listed building of the importance of the Tower of London.
- 9.51 However, it is relevant also to consider the impact of development from particular public viewpoints. Some of these may have historical importance; others may be important because they are well visited; and others may give an insight into the development of the building that is not available from other locations.
- 9.52 It is notable that, in the original Environmental Statement, there was a significant degree of acceptance that London Bridge Tower would cause some harm to the setting of the Tower of London.^B In the Addendum of March 2003, which contains the Hayes Davidson material, these descriptions have been given a sometimes subtle, sometimes more radical, overhaul,^C enabling Mr Bridges to reach his overall conclusion of no harm. Clearly, the Secretary of State will reach his own conclusions – but this important change in the assessment of the impacts offered by the Applicant calls for very careful consideration, to see whether it is justified. English Heritage considers that it is not.
- 9.53 The best views are now from the south bank of the River Thames, where the silhouette of the Tower of London is seen against a clear sky backdrop, with the City to the left (west). From here, the relationship of the Tower of London to the river can be clearly appreciated. These views have only become available in relatively recent times, with the clearance of the warehouses^D from the area; previously, it appears from the historical maps^E that development lined the river bank opposite the Tower of London.
- 9.54 There are, however, many other important views. Views from Tower Bridge are seen and enjoyed by many, although these views have been available only since the Bridge was built in the 19th century. Crossing Tower Bridge, a number of tall buildings in the City (eg. Tower 42, One America Square, Swiss Re) gradually move across the field of vision until they are seen above the Tower of London. It is clear in these views how the historical supremacy of the Tower of London over the City has in modern times been reversed. This has to be accepted as part of the historical evolution of this relationship; but it also means that it is all the more important to protect views from locations where the untrammelled silhouette of the Tower of London can still be seen.

^A Document CD9/17 – Part 4, p.10.

^B For example, Document CD1/3(3) says – on View 9, 'the intrusion of the new building would be distracting'; on View 10, London Bridge Tower 'would be a very dominant addition to the view over the Queen [*sic*] House'; on View 10b, it 'would lead to a substantial diminution of what could be termed "the zone of no visual intrusion"'; on View 17, 'the new building would intrude on the view in a distracting manner'; and on View 18, 'the proposed building would intrude into the vista'.

^C For example, in Document CD1/12(2) – on View 9, the reference to 'distracting' has been removed; on View 10, 'very dominant' has become 'prominent'; and so on.

^D Document F67

^E Document A3/2.

- 9.55 Views from the north-east are of some historical significance, there having been in the 16th and 17th centuries an area of open space in this locality.^A They are important also because they afford views of this grade 1 listed building against an entirely, or (depending on the precise viewpoint) largely, clear sky backdrop.
- 9.56 The intervention of the cluster of tall buildings at London Bridge on views of the Tower of London is very much less than that of the larger, denser cluster of buildings in the City. From the north-east corner of the Tower of London, from outside the Royal Mint^B and from a lengthy section of Tower Bridge Approach,^C London Bridge Tower would intrude into a presently clear sky backdrop, thereby changing the view in a fundamental way. It would not be an addition to an existing impact, but the introduction of a new impact where presently there is, and throughout history has been, none.
- 9.57 The commentary on View 17 in the Environmental Statement Addendum argues that the Tower of London would still 'maintain its prominence in this view',^D thereby accepting that it has a prominence that needs to be maintained. This judgement is surely open to serious question, since London Bridge Tower would rise up very much higher than, and directly above, the White Tower. Whatever opinion is held about the quality of the new building, the contrast between the two will have a bizarre and unsettling effect.
- 9.58 Emphasis has been placed by the Applicant on the relative unpopularity with pedestrians of the area to the north-east of the Tower of London. The available factual material does not bear this out. Although taken well outside the main tourist season, the pedestrian flow counts for both the weekday and weekend survey show that flows along the western side of Tower Bridge Approach and outside the Royal Mint, are in fact very significant, both in relative and absolute terms.^E This information does not support any contention that views of the Tower of London from this area are not important.
- 9.59 It is, of course, right to take account of the fact that, in views from the north-east, the viewer can see, and will therefore be to a greater or lesser degree (depending on precise location) aware of, the traffic, street furniture, and other new buildings (e.g. Lord Rogers' K2 building^F) in the vicinity. The unsatisfactory nature of the environment in this area has been recognised by TfL and a study is underway in order to address these problems, with the objective (*inter alia*) of improving the pedestrian environment and the appearance of the area.^G Again, the outcome of this work is unknown; much may be achieved, or relatively little. However, it would be quite wrong to adopt a cynical approach to this initiative. A long-term view must be taken in relation to the setting of World Heritage Sites, and it is an entirely proper aspiration to enhance the setting wherever an opportunity arises. English Heritage is confident that the Secretary of State will not form the opinion that the setting of the Tower of London viewed from the north-east is unimportant simply because of the presently somewhat unfriendly environment.
- 9.60 English Heritage agrees that it is necessary to take full account of the dynamic nature of views when assessing the impact of London Bridge Tower on the setting of the Tower of London. In views from the southern end of Tower Bridge Approach, the existing towers at London Bridge are seen to the left of the Tower of London; then, moving north,

^A Document A2/2 – Figs. 1,2 and 5.

^B Document CD1/12(2) – Views 17 and 18.

^C Document A7(4)

^D Document CD1/12(2).

^E Document A2/2 – Reference 15, figs. 1 and 2.

^F Document A13.

^G Document G32.

Guy's tower is seen (if one looks round to the left) beyond it. London Bridge Tower would bring about a step-change in the impact of the existing cluster because of its height and form.

- 9.61 From within the Tower of London, there is a substantial measure of agreement that it remains possible to achieve the sense of being in a place apart. The Environmental Statement commentary referred to it being 'possible to lose awareness of the City beyond the walls';^A the Addendum still concedes that 'it is sometimes possible to lose an awareness of the City'.^B No one would, or could, contend that this sense of apartness is likely to be felt throughout a visit to the Tower of London. However, given that it still exists but is fragile, that makes it all the more important to preserve what is left.
- 9.62 As the visitor walks around the Tower of London, existing buildings come into view, recede, and then disappear. There are three main groups of buildings which can be seen, or glimpsed, from within the Tower of London – those in the City, the three at London Bridge, and the More London buildings together with City Hall on the South Bank. Each of these groups has its own, different character. At the moment, the London Bridge group, whilst visible, does not dominate; and the existing building on the application site is much less visible than Guy's tower.^C From the north side of the White Tower, as the visitor walks towards the Queen's House, Southwark Towers and then Guy's tower gradually recede and then disappear from view. London Bridge Tower, because of its vastly greater height, will not only dominate these views in a way that the existing buildings do not, but will also remain in view for much longer as one moves towards the 'village green'. It will, moreover, be apparent that the type of development that characterises the City has moved south across the river.
- 9.63 English Heritage attaches importance to achieving consistency in its approach to proposals for tall buildings in London. It opposed the Heron Tower, did not object to Swiss Re or City Hall, and is objecting to the Minerva Tower. So far as Swiss Re is concerned, the view was taken that, although it would add to the impact of existing tall buildings in the City on the setting of the Tower of London, that additional impact did not justify an objection, taking account of the perceived quality of the architecture. In the event, the scheme has not turned out quite as well as anticipated,^D thus emphasising the importance of ensuring strict control over the details of the scheme through planning conditions and obligations. By contrast, London Bridge Tower would introduce new impacts different both in degree and type to those of the existing buildings at London Bridge. City Hall replaced existing substantial buildings on the site, and is in any case very much lower than London Bridge Tower.
- 9.64 The impacts of London Bridge Tower on the setting of the Tower of London, which is an interest of the very highest level of importance, would therefore be severely adverse and in their own right justify the refusal of planning permission.

Other impacts

- 9.65 There are very many other listed buildings and conservation areas on which London Bridge Tower, again principally because of its height, would have an adverse impact.^E The cumulative effect of these is such as to justify refusal. All parties have been in

^A Document CD1/3(3) – View 10.

^B Document CD1/12(2) – View 10.

^C Document CD1/12(2) – existing Views 10 and 12.

^D Compare Document F66 with Document A2/20, pp.2,3.

^E Document F:PC – Sections 5.7-5.10.

agreement that it has not been necessary to subject many of these to detailed examination at the inquiry. Whilst English Heritage's objections in all these respects remain, it is similarly only necessary to consider those to which specific attention has been given during the inquiry.

- 9.66 There will be a clear adverse impact on the Palace of Westminster World Heritage Site, by reason of the intrusion of the upper part of London Bridge Tower into the sky above County Hall.^A Whilst the impact of the One Westminster Bridge proposal would have been greater,^B the intrusion of London Bridge Tower would be far from insignificant. Although this would not on its own justify refusal of the application, it cannot reasonably be assessed as anything other than an adverse impact.
- 9.67 The impact on the Guy's Hospital forecourt (grade II* listed buildings) would be overwhelming.^C A comparison shows that, from here, the bulk of the new building would be far greater than that of the existing, even ignoring for this purpose the massive additional height. It is the backpack in particular that creates a very significant additional impact. Furthermore, this is an example of a view in which part of the building (here, the backpack) is shown virtually to disappear, which in most conditions is unlikely to be the reality. Similar considerations arise in St Thomas Street,^D which illustrates well the building's lack of transparency and its dominance over the grade II* Chapter House. English Heritage considers that, in these very close views, the impact of the building would be so adverse as to justify refusal.
- 9.68 There will be a major impact on the Trinity Church Square Conservation Area.^E The discordant effect of London Bridge Tower will be much greater than that of Guy's tower or the forthcoming Tabard Square development.^F Again, it is not reasonable to suggest that the effect on the Conservation Area will be anything other than adverse.
- 9.69 The original Environmental Statement assessment of the view of London Bridge Tower from Lambeth Bridge,^G which has not been revised, was that 'the alignment of the new tower with the cupola on the hall is unfortunate'. Mr Bridges attempted to get round this obvious truth by creating a convoluted test of 'the extent to which there are sufficient places from which London Bridge Tower would be visible in conjunction with Lambeth Palace to cause harm to the listed building'.^H In fact, once again, the adverse nature of the impact cannot sensibly be denied.
- 9.70 The other impacts of greatest significance are on the settings of the Tower Bridge, Lambeth Palace, Southwark Cathedral, and the church of St George the Martyr. Taken together, English Heritage contends that these impacts *do* add up to a weighty objection to this development such as to justify refusal.

Benefits

- 9.71 English Heritage acknowledges that the scheme has a number of important benefits, which it expects the Secretary of State to weigh in the balance in making his decision on

^A Document CD1/12(2) – View 22.

^B Document F62 – note that view 04 in Document F62 is taken from further east (ie. further into Parliament Square) than View 22 in Document CD1/12(2).

^C Document CD1/12(2) – View 67.

^D Document CD1/12(2) – View 66.

^E Document A7(1) and (2).

^F Document F64 (a development to which English Heritage objected).

^G Document CD1/12(2) – View 38.

^H Document A3/22 – p.14, para. 2.11.2.

the application. However, as already submitted, it considers that the nature of the benefits is such that they could not, and do not, outweigh the demonstrable harm which would be caused to the settings of two of the nation's most important listed buildings.

9.72 English Heritage also makes the following brief comments on certain of the arguments advanced in support of the proposal.

- (i) The regeneration benefits of the proposal are essentially local in nature, and there is no evidence that these can only be achieved through this particular scheme, or that any particular level of replacement floorspace is needed in order that redevelopment would be viable.^A
- (ii) Similarly, there is no evidence that the proposed improvements to the public realm can only be achieved through this scheme.
- (iii) Whilst all agree that the replacement of the existing building is desirable, the site is not in need of regeneration in the sense that it is derelict or vacant. The existing building is in use, and that use could continue until an alternative and acceptable redevelopment scheme is advanced.
- (iv) There is no empirical evidence before the inquiry of the catalytic regeneration benefits that the development might bring, nor of the direct employment that the scheme might provide for local people.^B
- (v) The House of Commons Transport, Local Government and the Regions Select Committee has found that tall buildings are not essential to the urban renaissance, nor to provide high density accommodation, nor to meet the demand for office space generally or the requirements of large international companies.^C
- (vi) Whilst the proposal for public access is welcomed, little weight should be attached to this since there can be no guarantee that, for perfectly proper reasons (such as security), this will necessarily be maintained.
- (vii) As to the benefit to London of having a building designed by a master architect, English Heritage is concerned that the mechanisms designed to secure that the building as constructed will be of the quality that has been described in the evidence are not sufficiently robust. Renzo Piano, or his firm, have not been tied into the project through conditions or planning obligations and it would not be possible to do so; and the contract between RPBW and the developer, not being enforceable by the local planning authority, cannot be given any weight by the Secretary of State. The 'Design Quality Standards'^D incorporated in the Section 106 agreement are expressed, in most instances, in very vague language and would, in practice, be impossible to enforce. For this reason, very little weight should be given to these by the Secretary of State.
- (viii) The mixed use nature of the scheme, as the architect explained, is effectively the product of the shape of the building. There will be just fourteen residential units but 54,000sqm of net office floorspace.^E Therefore, although it is true that there will be a mix of uses, this cannot attract significant weight in the overall balance.
- (ix) The benefits to the strategic views from Greenwich and Blackheath^F are marginal.

^A It was accepted in cross examination by Mr Crook and Dr Evans that other schemes could have regenerative effects (though possibly different ones).

^B Dr Evans agreed in cross examination that there was no empirical evidence; see also the comments in Document CD4/8 (p.23, para. 51) on evidence from Canary Wharf.

^C Document CD4/8 – paras. 22, 31, 54.

^D Document CD1/9 – Schedule 1, para. 13, and Schedule 6.

^E Document CD1/10.

^F Document CD10/1 – paras. 5.10-11.

- (x) The absence of adverse impact from (for example) Tower Bridge and Queen's Walk cannot rationally be described as a benefit of the scheme.

Conclusion

- 9.73 English Heritage believes that the damage this building would cause to the settings of two of the nation's greatest historic and architectural assets would be immense. Good – even (possibly) great – architecture cannot, in the context of a city such as London, with its historic riches, justify or excuse such a tall building in this location. The regeneration of the London Bridge area must, and can, be achieved by different means. Planning permission should be refused.

10. THE CASE FOR HISTORIC ROYAL PALACES

I give here the gist of Historic Royal Palaces' case, edited from its closing submissions. The witnesses' proofs of evidence are at Documents G-A and G-B. I use footnotes to refer, where appropriate, to appendices and other documents.

Introduction

- 10.1 Historic Royal Palaces was created in 1998 by Royal Charter as an independent charitable trust, charged, *for the benefit of the nation*, with the responsibilities (amongst other things) of caring for, conserving and presenting to the public the unoccupied royal palaces, including the Tower of London.^A
- 10.2 Its creation enabled it to participate in the planning process but, initially, when faced with development proposals affecting buildings in its charge, it followed the lead taken by English Heritage. However, as a result of the decision by English Heritage not to object to the Swiss Re development (which Historic Royal Palaces considers has had a seriously adverse effect on the setting of the Tower of London), the Trustees decided that Historic Royal Palaces must act independently of English Heritage in assessing, and responding to, proposals affecting the interests of its palaces. Historic Royal Palaces is acting independently in this case, although it is to be noted that its broad assessment of the effect the proposed London Bridge Tower would have on the Tower of London is shared by English Heritage.
- 10.3 Historic Royal Palaces' approach to development affecting the setting of the Tower is guided by its general policy that tall buildings will never be acceptable where there is an adverse effect on the setting of the palaces within its care, whether well designed or not.^B It is also guided by Objective 5 in its draft Management Plan for the Tower^C to 'ensure that the wider setting of the Tower is adequately protected from development which is not compatible with the unique status, dignity and character of the WHS'.
- 10.4 The Trustees of Historic Royal Palaces, against this background and after making their own assessment of the effect of the proposed London Bridge Tower, resolved to object to it, and to pursue the objection at the inquiry, because of its serious effect on the specific objective for the setting of the Tower of London.^D
- 10.5 Bearing in mind the significance that the Inspector and the Secretary of State both attached to the absence of any objection by Historic Royal Palaces to the Heron Tower proposal on the ground of its effect on the Tower of London^E (because it would not add materially to the effect of Swiss Re), Historic Royal Palaces' objection to London Bridge Tower, and appearance at the inquiry, are themselves significant.

The scope of Historic Royal Palaces' case

- 10.6 Historic Royal Palaces focuses primarily on the effect of the proposed London Bridge Tower on the Tower of London. It does not attempt to assess other effects because those are more properly the remit of others. However, if other material adverse effects are found to be likely to result, they strengthen the case for refusal.

^A Document G13 is a copy of the Royal Charter; Document G-B identifies the Trustees at para. 3.2.

^B Document G15.

^C Document CD9/17 – Part 4, p.10.

^D Documents G14, G15, G16, and G30.

^E Document CD12/2 at para. 15.60; Document CD12/3 at para. 13.

- 10.7 Further, whilst Historic Royal Palaces does not address comprehensively the planning benefits that the Applicant and its supporters argue would flow from the construction of the proposed building, it does question the weight to be given to these benefits.
- 10.8 It follows that Historic Royal Palaces addresses in part items (a), (c), (d), (f), (g) and (h) in the call-in letter in so far as they relate to the impact on the Tower of London and to overall design quality. It also addresses item (h) in so far as it encompasses the benefits put forward in support of this proposal.
- 10.9 The case for Historic Royal Palaces can be summarised in two sentences. The proposed London Bridge Tower will have a severely adverse effect on the setting of the Tower of London. In line with the approach taken by the First Secretary of State in the Heron Tower case,^A and for legal and policy reasons, harm to this extent outweighs all the benefits put forward in support of the proposed tower and warrants refusal.

The Harm to the Setting of the Tower of London

The importance of the Tower of London

- 10.10 Its inscription as a World Heritage Site establishes its 'outstanding universal value'^B and its importance to the heritage of the world. As one of only 24 such sites in the United Kingdom, one of fourteen in England and one of three in London, its outstanding significance and importance to the nation and to London is demonstrated.
- 10.11 Its national and regional importance is further shown by its additional planning designations. All its historic buildings are listed.^C Most of the buildings within the Inner Ward are listed in Grade I, including the White Tower and Queen's House. Most of the buildings viewed from outside the Tower from the east, north-east and north are listed in Grade I. Further, the Tower is a scheduled ancient monument and lies within a conservation area.
- 10.12 In the words of the Applicant's Environmental Statement,^D it is 'one of England's most evocative ancient monuments'. To borrow a somewhat over used word at this inquiry, it is, genuinely, an icon of the national and London heritage.
- 10.13 Its iconic role is reflected in the fact that it is the second largest paid visitor tourist attraction in the country and in the key contribution it makes both to the national and London economy as a tourist attraction.^E
- 10.14 The Tower of London, as a notable part of London's heritage and as a key tourist attraction, in turn contributes materially to London's world city status as both extant and emerging regional policy recognise.^F

The significance of the Tower as a World Heritage Site

- 10.15 The Tower was inscribed as a World Heritage Site for two reasons. In the terminology of the World Heritage Committee, it was seen to:

^A Document CD12/3 – para. 20.

^B Document G17.

^C Document G1.

^D Document CD1/3(3) – para. 6.22.

^E Document G26 – acknowledged by Mr Crook.

^F RPG3 – paras. 1.14, 1.17, 2.21, 3.29, 8.1, 8.7; Document CD7/5 – paras. 1B.7, 4B.28, 3D.33.

- exhibit an important interchange of human values, over a span of time or within a cultural area of the world, on developments in architecture or technology, monumental arts, town planning or landscape design, and
 - be an outstanding example of a type of building or architectural or technological ensemble or landscape which illustrates significant stages(s) in human history.^A
- 10.16 It follows from these reasons that its significance is not confined to the archaeological and architectural. Mr Drury quoted the draft Management Plan^B as summarising the Tower's significance as lying within three linked spheres:
- *symbolic*, the iconic nature of the Tower (and especially the White Tower) for national and monarchic identity;
 - *heritage*, with an unrivalled ensemble of buildings and space redolent of nearly 2000 years of London's life, and
 - *physical and visual*, the grace and grandeur of the buildings and associated spaces around the Tower.
- 10.17 The appropriateness of this summary has not been questioned.
- 10.18 The Tower of London's significance, therefore, lies not just in its archaeology and its architecture within its physical boundaries but also embraces its setting, including its historic functional relationships with its surroundings.
- 10.19 The significance of the setting of the Tower of London was recognised by the Bureau of the World Heritage Committee^C when considering whether the Tower should be inscribed. It expressed its regret at the effect of the construction of the Tower [Thistle] Hotel on the setting and recommended that inscription was conditional upon assurances by her Majesty's Government that the area surrounding the Tower would be duly protected so that the site and its environment would be safeguarded without further damage. The Government, by giving the assurances it did, must be taken to have recognised the significance of the Tower's setting.^D Mr Bridges, for the Applicant, agreed that both the Bureau and the Secretary of State attach great importance to the setting of the Tower.
- Remaining elements of significance in the setting of the Tower***
- 10.20 Mr Bridges agreed that, for clear functional reasons, the White Tower, when built, established the following relationships with its surroundings:
- it dominated its surroundings generally;
 - it dominated the river, and
 - it dominated the City.
- 10.21 The historic maps and depictions produced by Mr Bridges^E show that, whilst its physical setting has changed continuously over the ensuing centuries, the White Tower and the fortifications that developed round it maintained their relative dominance for centuries.
- 10.22 Mr Drury acknowledges that the scale of new buildings constructed in the last 50 years or so has diminished the former physical dominance of the Tower over the City and over

^A Document G22.

^B Document CD9/17 – para. 3.1.3.

^C Document F17, p.7, and Document G22.

^D Document G35.

^E Document A3/8.

the river. But key elements of its setting remain – which he described and summarised as follows:

- the relative dominance of the Tower in its townscape setting, which can be directly appreciated in views around a south-west/north-east axis and from the Inner Ward;^A
- within the Inner Ward, being in a place where there is a sense of standing above the world beyond, in which the White Tower remains awesome because it dominates the domestic scale of the Queen's House;
- the relationship of the Tower to the river, including its relative dominance of the river, which can be appreciated from the south bank, from the river, from London and Tower Bridges, and from Tower Wharf;
- the historic dominance, power and scale of the Tower over the City, which can now best be appreciated from the north-east, and
- the ability to appreciate the Tower (particularly the White Tower) silhouetted against the skyline without intrusions into its backdrop, which remains possible around a south-west/north-east axis.

Policy context

National guidance and regional policy on the value of the historic heritage

10.23 National guidance is that the effective protection of the historic environment is *fundamental* to Government policy. That which is of historic importance is to be valued and protected *for its own sake*.^B The principles of sustainability, which underpin all national planning guidance, have particular relevance to the preservation of the historic environment which, by its nature, is irreplaceable.^C Policies to protect the built heritage are vital to protect the environmental qualities that attract tourism.^D

10.24 Mr Bridges agreed that this guidance puts a high value on all aspects of the heritage, including the settings of historic sites and, in particular, settings which illustrate or explain historic functions and historic relationships.

Legal duty, national guidance, regional and local policy in relation to World Heritage Sites

10.25 As Government has ratified the World Heritage Convention, Article 4 of the Convention imposes a legal duty on Government to protect and conserve to the utmost of its resources the outstanding universal value of inscribed sites within its jurisdiction.^E This obliges the First Secretary of State not simply to have regard to this duty in exercising his planning functions but to exercise those functions consistently with this duty.

10.26 National guidance in PPG15 states that the outstanding international importance of a World Heritage Site is a key consideration to be taken into account in determining planning applications. Policies should reflect the fact that these sites have been designated for their 'outstanding universal value', and place great weight on the need to protect them for the benefit of future generations. Development proposals should be 'carefully scrutinised' for their likely effect on the site or its setting 'in the longer term'.^F

^A Document G23.

^B PPG1 at para. 32; PPG15 at para. 1.1.

^C PPG15 at para. 1.3.

^D PPG21 at paras. 1.3 and 1.13.

^E Document G17 and PPG15 at para. 6.35.

^F PPG15 at paras. 2.22/23.

- 10.27 The obligation placed on Government and the advice given by Government demonstrate that the highest value is given to protecting the settings of World Heritage Sites. Mr Bridges accepted that a 'higher' value was placed on settings of World Heritage Sites.
- 10.28 Current regional guidance reflects national guidance.^A In particular, the LPAC 1999 Advice draws attention to the need to protect the skylines created by World Heritage Sites from the detrimental impact of new development proposed within the area of their settings. It advises that the height of any new building must be a particular consideration where this would impinge on the backdrop of World Heritage Site.^B
- 10.29 The EH/CABE Guidance on tall buildings recognises the importance of protecting the settings of World Heritage Sites by including as a specific criterion for assessment the need to ensure that the proposal will conserve or not damage such a setting.^C
- 10.30 Although LB Southwark's adopted UDP does not contain policies explicitly protecting the settings of World Heritage Sites, as advised in PPG15 and as found in the UDPs of the City of London and LB Tower Hamlets, its general environmental policies, including E.2.2, protect in effect the wider setting of the Tower from development in Southwark.^D

National guidance and current policy on the protection of the settings of listed buildings

- 10.31 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 obliges the First Secretary of State, in exercising his functions in this case, to have special regard to the desirability of preserving the settings of listed buildings if those settings are affected by the proposed London Bridge Tower. That provision and the guidance in PPG15^E explicitly recognise the importance of the setting. It is often an essential part of a building's character. Buildings 'can be robbed of much of their interest' if they become isolated from their surroundings. A proposed high or bulky building might affect the setting of a listed building some distance away or alter the views of a historic skyline.
- 10.32 RPG3 recognises the importance of listed buildings to London's heritage and advises London Boroughs to take full account of that importance.^F LPAC's 1999 advice is that special regard should be had to the effect on the settings of listed buildings in evaluating tall buildings.^G
- 10.33 The EH/CABE Guidance reflects this. It includes as a specific criterion the need to conserve the settings of listed buildings, including the backdrops to landmark buildings.^H

Objective 5 in the Management Plan^I

- 10.34 Although the Management Plan has no formal status as planning policy, it is capable of being a material consideration in that the World Heritage Convention and PPG15 encourage its production.^J The Plan as a whole, as a draft requiring review in the light of the 2003 consultation responses, may not carry substantial weight. Even so,

^A RPG3 at paras. 3.26/28.

^B Document CD6/3 at paras. 4.4, 4.5, 4.8, 5.1, 5.5.

^C Document CD9/11b at para. 4.6(ii).

^D Document CD 8/1 - Policies E2.2, E.2.3, E.4.3, E.4.10, E.7.1.

^E PPG15 at paras. 2.16/17.

^F RPG3 at paras. 8.7-9.

^G Document CD6/3 – para. 4.3 and Table 2.

^H Document CD9/11b at para. 4.6(ii).

^I Document CD9/17 – Part 4, p.10.

^J PPG15 at para. 6.37; Document CD9/4.

considerable weight can be given to Objective 5 to 'ensure that the wider setting of the tower is adequately protected from development which is not compatible with the unique status, dignity and character of the WHS'. This is because no one in response to the consultation has questioned its appropriateness. Mr Crook agreed that it was an appropriate objective.

Emerging policies protecting the heritage and World Heritage Sites

10.35 Even though little weight should be given to the emerging policies of the Mayor and LB Southwark, which are subject to substantial objection, their plans do include design and heritage policies, which provide a degree of (albeit wholly inadequate) protection for the heritage generally and World Heritage Sites and recognise the importance of context to good design.^A

Other design guidance and policy

10.36 Current guidance and policy at all levels is consistent in recognising that a fundamental element of good design is whether the design is appropriate to its context and surroundings. This means that a building, whatever its intrinsic quality in isolation from its context, cannot be regarded as of high quality if it is inappropriate to that context. The decision of the Secretary of State following the first inquiry for the redevelopment of No. 1 Poultry (the Mies van der Rohe scheme) illustrates this point.^B

Approach to the assessment of the effect of London Bridge Tower on the Tower of London

10.37 The approach should be:

- to identify and assess the significance, if any, of any settings said to be affected;
- to identify the changes, if any, to the setting that would result from the proposed building, and
- to assess whether any of the changes are harmful to the significance of the setting and to what degree.

10.38 Firstly, as Mr Bridges agreed, the assessment of significance and whether there is harm to it and, if so, its degree, must be informed by the policy context summarised above. Three aspects of guidance and policy are of special importance:

- consideration must be given not only to the significance of the setting in relation to the architecture of the Tower of London and to aesthetic significance, but also to any historic functional significance;
- the assessment must be made with regard to the long term, and
- the assessment must give substantial weight to the values which guidance and policy give to the protection of the heritage generally – especially that it is irreplaceable – and, in particular, to the settings of listed buildings; and great weight must be given to the outstanding universal value of the Tower.

10.39 Secondly, all appear to agree that the assessment must be made on the basis of dynamic views – not on the basis of a single static view. However, a static view can still, in appropriate circumstances, provide a useful guide to what can be seen in a sequence of dynamic views.

^A Document CD7/5 – Policies 4B.1, 4B.9 and 4B.10; Document CD8/2 – Policies 3.6, 3.14, 3.15; also Documents CD 8.7, CD 8/8 and CD8/11.

^B Document G31.

- 10.40 Thirdly, whilst not disputing that the Hayes Davidson images^A are the best available, a cautious approach is still warranted. The appearance of the building will vary with the weather and the position of the sun. The effect of the blinds is not clear. Experience tells us that, however tightly planning conditions may be framed, once a building is permitted changes can and do occur for reasons which may not be anticipated and which are difficult to resist.
- 10.41 Fourthly, the Swiss Re building provides a useful measure in relation to assessing the effect of distance. It is about the same distance from the Tower of London as the proposed London Bridge Tower, albeit that it would be about 111m higher AOD.^B
- 10.42 Significant reliance has been placed by Mr Bridges, Prof Worthington, Ms Greer, Lord Rogers and others who have expressed the view that the proposed tower would not harm the Tower of London (eg. Sir Terry Farrell) on a range of factors that should be given only limited weight.
- 10.43 Firstly, there is the effect in some views of the deciduous trees. Given the policy need to take a long term view and the relative impermanence of trees, any screening or filtering effect should carry little weight. In any event, their present effect varies greatly depending on exactly where one is.
- 10.44 Secondly, reliance has been placed on the accessibility and relative numbers stopping at, or passing by, viewpoints from the north-east. Linked with this has been reliance on unattractive foreground views arising from street furniture, other physical obstructions and levels of traffic. The first point cannot establish that the setting is unimportant because, as a matter of policy, all aspects of a setting are important, whether available to the public or not. Further, policy requires a long-term view to be taken. The Tower Gateway Interchange Study,^C funded by TfL, the Pool of London Partnership and the City Corporation, shows the potential for creating a greatly improved viewing location. In the longer term, who can predict the way we will travel or the extent to which traffic as we know it enters London? In the world as we know it, there have been notable instances of historic views being recovered or improved, such as those from Queen's Walk and along Great Tower Street, and, in another context, views in Trafalgar Square. In any event, none of the foreground features prevents an appreciation of the factors that give rise to the significance of the Tower of London. For all these reasons, the factors relied on by the Applicant and others should carry little weight.
- 10.45 Thirdly, very great reliance has been placed by the Applicant in evidence and forensically, and by others, on the absence of the recognition of the significance of views, especially from the north-east, in the draft Management Plan. This point should carry little weight. To put the matter into perspective, the significance of any particular setting must depend on the validity of the objective reasons for its significance, rather than on any particular opinion or absence of opinion. This general point applies more strongly when the Plan does not contain a comprehensive analysis of the significance of all parts of the setting, is silent as to the significance or otherwise of the setting when viewed from the north-east and contains internal inconsistencies.^D In any event, the Plan remains a draft and has not been adopted for the very reason that, in response to the 2003

^A Document CD1/12(2).

^B Document G40.

^C Document G32.

^D For example, the reference in the text (para 4.2.40) to the view from Wakefield Gardens and the Tube station is not reflected in Figure 4.

consultation, important consultees, especially ICOMOS^A (one of the two principal advisers to the World Heritage Committee, whose advice is recommended to be sought in relation to management plans) highlighted the inadequate way in which the draft addressed the significance of the Tower and the measures taken to protect its significance. Mr Drury's analysis of the view from the north-east confirms this point by demonstrating its significance. Also, the Applicant regarded this as an important view in the original Environmental Statement.^B In these circumstances, the weight that might otherwise be given to the views of the consultative committee cannot sensibly or fairly be given.

- 10.46 Fourthly, much weight has been placed on the overall quality of the design. This is a relevant consideration in assessing whether there is harm. However, it does not mean that a building of highest quality, when viewed in isolation from its context, cannot be very harmful when viewed in context, as the Secretary of State's decision in the first appeal on the No. 1 Poultry site shows.^C The weight to be given to quality must obviously depend on the circumstances, including an evaluation of what components of the design are most relevant. In this case, the critical features of the design in relation to the Tower of London are its height and scale and most weight should be attached to these features.

The case for Historic Royal Palaces on the effect of London Bridge Tower

- 10.47 In short, London Bridge Tower will have a detrimental effect, ranging from significant to severe, on significant elements of the Tower of London' setting when seen from five general locations. In addition, there is the continuing effect on perceptions, effects at night and cumulative effects.

From within the Tower, in the vicinity of Viewpoints 10, 10a and 10b

- 10.48 The significance of the setting in this vicinity is threefold. Firstly, it illustrates the relationship between two individually outstanding buildings, the White Tower and Queen's House (both listed in Grade I), in which the awesome scale of the former dominates the domestic scale of the latter. Secondly, as the Inner Ward is elevated, views across towards Queen's House illustrate the sense of the Tower of London being a place separate from and standing above the city, a sense which remains in these views notwithstanding the limited intrusion from the London Bridge cluster. Thirdly, and more generally, it shows the Tower of London's relative dominance of its surroundings, reflecting its historic function and relationships with its surroundings.
- 10.49 Mr Bridges agreed that this setting illustrated the Tower's historic dominance of its surroundings and that the historic awesome nature of the White Tower was demonstrated by the way it dominated Queen's House. He agreed with the assessment in the original Environmental Statement that the present views were free of significant intrusion.^D He also agreed that there was, in some places, a sense of the tower standing above the world beyond, although that was subject to the qualification that modern buildings could now be seen from many areas within the Tower. The revised Environmental Statement, to which he was party, also acknowledges that it is possible in some places to lose an awareness of the City.^E

^A Document G18.

^B Document CD1/3(3) – the commentary on View 17.

^C Document G31.

^D Document CD1/3(3).

^E Document CD1/12(2).

- 10.50 It is agreed that London Bridge Tower would be a prominent addition to the view over Queen's House.^A It is agreed that, from Viewpoint 10, it would be about four times the height of the visible part of Guy's tower, and that this is a useful measure, albeit not the only one. It is agreed that limited weight should be given to the effect of the trees. The team that undertook the assessment for the original Environmental Statement considered London Bridge Tower to be a 'very dominant addition' to the view over Queen's House from Viewpoint 10. In relation to Viewpoint 10b, the original Environmental Statement commented that, 'regardless of the substantial aesthetic merits of the proposal, its presence would lead to a substantial diminution of what could be termed "the zone of no visual intrusion" from buildings to the south of the Queen's House and the village green character that goes with it'. Although the Applicant now seeks to distance itself from these assessments, Mr Drury shares them. They are apt in that London Bridge Tower would indeed dominate this setting.
- 10.51 The dominance of the proposed tower would be severely detrimental to the three elements of significance identified above. It would alter and unbalance the dominant relationship between the White Tower and Queen's House by introducing a building which itself would dominate Queens' House. It would diminish the sense of standing above the world beyond. And it would reduce the White Tower's relative dominance in its townscape setting.

From within the Tower, in the vicinity of Viewpoints 12 and 12a

- 10.52 The significance of this setting is that it illustrates the Tower of London's relative dominance in its townscape setting, reflecting its historic function and its historic relationships with its surroundings.
- 10.53 Mr Bridges agreed that, from this location, there would be very clear views of London Bridge Tower, that it would be several times higher than the visible part of Guy's tower (Mr Drury thought four times, Mr Bridges thought three), that it would be bulkier, that it would draw the eye because of its striking appearance and that, as put in the revised Environmental Statement, it would be a 'significant additional feature' in the view. Whilst the new development on the south bank can be clearly seen from this viewpoint, it is consistent in height and much lower than the proposed London Bridge Tower.
- 10.54 The height and scale London Bridge Tower would have a seriously detrimental effect on the significance of this setting by reducing the Tower of London's relative dominance.

From Tower Wharf

- 10.55 The relevant element of significance is the Tower of London's relative dominance of the Thames, deriving from its historic function and relationship with the river. This remains in the perception when looking across the river.
- 10.56 There will be a very clear view of most of London Bridge Tower.^B Even in the context of the existing modern buildings, including Guy's tower and New London Bridge House (and with the permitted Masterplan scheme which is shown in the photo montage), the height and scale of London Bridge Tower will dominate the view. The height of the proposed tower is illustrated by the fact that, in the spring and autumn equinoxes, its shadow reaches the wharf.^C

^A Document CD1/12(2) – commentary at p.30.

^B Document CD1/6 – View 98.

^C Document CD1/3(3) – para. 10.4 and diagrams.

- 10.57 It would have a severely detrimental effect on this setting because its height and scale would dwarf everything else in the view, thereby severely diminishing the Tower of London's remaining relative dominance of the river.
- 10.58 Although Mr Bridges did not accept that the proposed tower harmed this setting, it is to be noted that he (in common with Prof Worthington, Ms Greer and Lord Rogers) he did not address the significance of the setting in his evidence.

From the north-east

- 10.59 The elements of significance of this setting are threefold. Firstly, the silhouette of the Tower of London can be viewed against a virtually unspoilt skyline. Thus, its silhouette can be seen in the same way as it would have been seen for centuries. The special importance of historic skyline views is recognised in PPG15 and in the LPAC 1999 Advice.^A It is also to be noted that a closer view of the silhouette can be had from here than from south-west. There is also the view of the landward fortifications, including the 19th century modifications to provide artillery emplacements resulting from fear of internal rebellion, illustrating another facet of the Tower's historic function. Secondly, views from this direction, where the modern City is on the periphery of one's vision provide a sense of the Tower's historic dominance over the City. Thirdly, and more generally, it also illustrates the Tower's relative dominance of its surroundings.
- 10.60 It is plain from the photomontages in the Environmental Statement that London Bridge Tower would break the skyline above the Tower of London, both in a central position and to a major extent. Mr Bridges agreed that it would be obvious from Viewpoint 17^B and that, as described in the original Environmental Statement, it would be 'far more prominent in this view than any of the existing buildings'. Whilst London Bridge Tower is some distance away, the Swiss Re building illustrates the effect of a tall building a roughly similar distance away.
- 10.61 London Bridge Tower would have a severely detrimental effect on each of the elements of significance. Firstly, it would mar the virtually unspoilt historic skyline and would distract attention from the special features of this view. It is to be noted that the original Environmental Statement considered that London Bridge Tower 'would intrude on the view in a distracting manner'.^C Secondly, the remaining sense of the Tower of London's historic dominance over the City would be lost because of the dominance of London Bridge Tower. Thirdly, and for the same reason, the Tower's relative dominance within its surroundings would be diminished.

From the north

- 10.62 The views from the north^D also show the Tower of London's relative dominance within its surroundings and, to a more limited extent, its former relationship to the City.
- 10.63 In walking from east to west, the experience would be of London Bridge Tower becoming more and more visible until, by the time the viewing platform was reached, it would be the dominant feature. Although Mr Bridges did not accept in terms that London Bridge Tower would become the dominant feature, he did consider its effect to be such that it would draw the eye in a way that the existing tall buildings do not.^E

^A PPG15 at para. 2.17; Document CD6/3 at para. 4.3.

^B Document CD1/12(2).

^C Document CD1/3(3) – commentary on View 17.

^D Documents G23 and G24.

^E Document A3/22 – paras. 1.5.9-11.

- 10.64 The degree of harm to the significance of these settings would be less than in other locations but nonetheless would be significant by reducing the Tower of London's relative dominance.

Additional effects

- 10.65 In addition to the particular impacts on key elements of significance in the settings, the large physical presence of London Bridge Tower, once seen from particular viewpoints, will continue to affect perceptions, especially the sense of comparative scale and significance.
- 10.66 There may be adverse effects after dark, which have not been addressed in the Environmental Statement. If the building is lit externally at night, its presence may be more dominant. If it is not lit externally, there may be a distracting patchwork quilt effect from the internal lighting.
- 10.67 Whilst applications must be considered on their merits, it seems to be common ground that the cumulative effect of recent and permitted development on the setting should be taken into account. The Applicant and its supporters seek to do so because they argue that it shows that the setting of the Tower has so changed that its character is one of being set within modern buildings. Whilst development over the last 50 years or so has changed and damaged the setting of the Tower of London, it has not done so to the extent that its historic relationship to its surroundings has been lost or fatally undermined, as distinct from being put at risk in some locations. That it *is* at risk in some locations makes it all the more important to protect that which remains, especially from development such as London Bridge Tower, which would represent a step-change in the extent of harm to the Tower of London's setting.

The cases for the Applicant, LB Southwark and the Mayor on the effect on the Tower

- 10.68 Although comments in the original Environmental Statement implied that London Bridge Tower would have harmful effects on the Tower of London, it is now clear that the Applicant's case is that there would be no harmful effect whatsoever. LB Southwark and the Mayor adopt a similar stance. This is an extreme and untenable position, founded on a deeply flawed approach in the evidence of Mr Bridges, Prof Worthington, Ms Greer and Lord Rogers. Their approach is flawed in the following main respects.
- 10.69 Firstly, none of the witnesses has carried out a comprehensive analysis of the significance of the relevant settings, including, importantly, their historic functional significance. Mr Bridges included historical material in his appendices, but did not carry it forward in his analyses of the settings, which focussed on architectural, townscape and aesthetic factors.^A Although Ms Greer said she had taken into account historical significance in her 'holistic' approach, there is no indication in her written evidence that she gave any meaningful consideration to historic significance, let alone analysis. In common with Prof Worthington and Lord Rogers,^B she focussed entirely on architectural, townscape and aesthetic factors.
- 10.70 Secondly, none of the witnesses properly applied planning guidance and policy by giving, in particular, great weight to the outstanding universal value of the Tower of London. A good example of this was in their approach to the assessment of the effect of the proposed tower in architectural, townscape and aesthetic terms. They all adopted

^A Document A3/1 – Sections 5.7-9.

^B Document A2/1 – Section 8.8; Document E/RR/1 – paras. 5.1-5.

what Mr Drury described as the 'painterly' approach; in considering the effects of the new building on the existing composition, they did not distinguish appropriately between the value to be given to the old and new components. In the context of a World Heritage Site, the existing components within the Tower are of outstanding universal value but the new outside the Tower, whatever its quality, is not.

- 10.71 Thirdly, and related to the last point, they all gave too much weight to the quality of the proposed building as a whole – and not enough to those components most relevant to the assessment of harm, the exceptional height and scale of London Bridge Tower.
- 10.72 Fourthly, all of the witnesses failed to give adequate weight to the need to take a long-term view. They gave too much weight to the screening effects of trees within the Inner Ward and, from the north-east, to the present accessibility and usage and the existing road layout and levels of traffic.
- 10.73 Fifthly, most gave undue weight to the fact that the Management Plan did not identify the view from the north-east as material.
- 10.74 Sixthly, in relation to Prof Worthington and Lord Rogers in particular, their approaches were clearly influenced by their belief in the positive benefits of tall buildings. Prof Worthington accepted that his assessment of the effect on the Tower of London had been made in accordance with his view that the benefits of tall buildings should be the primary driver of a strategic policy position, and of the assessment of applications at every level. He thought that the weight now given to views of historic buildings should be radically re-assessed in the light of changing expectations and perceptions arising from the diversity of culture of residents, workers and tourists.^A Lord Rogers' approach, as he accepted, was informed by his stance as a strong advocate of tall buildings in London in the right place.
- 10.75 Accordingly, on the basis of all of the evidence, including, importantly, that of English Heritage, the extreme position taken by the Applicant and its supporters should be rejected. The harm to the setting of the Tower of London is severely adverse or, at the very least, material. In the light of the policies to protect the heritage, great weight should be given to such harm. By reason of this harm, the proposed development would conflict with all the strands of extant and emerging policy identified above.
- 10.76 Further, whilst it cannot be said that such harm would be bound to undermine the Tower of London's importance to tourism and the economy, and its contribution to London's role as a world city, it cannot help. Given the fundamental importance of sustainability in this context,^B it would be unwise to put at risk the proven attraction of the Tower of London and the contribution it makes to London by development which damages, for future generations, the environmental qualities contributing to that attraction and economic value.

The Approach if material harm to the Tower of London is established

- 10.77 The Secretary of State, in determining this application, must take into account and weigh *all* the material considerations. However, if he concludes that there is material harm to the setting of the Tower of London (and/or other important heritage assets), he should take the same general approach as in the Heron Tower case.^C Mr Crook agreed that he

^A Document CD7/6 – paras. 1.3.2/3.

^B PPG15 at para. 1.3; PPG21 at para. 3.13.

^C Document CD12/3 at para. 20.

should do so. Mr Dennis also agreed and said, specifically, that the benefits put forward in this case would not outweigh material harm to heritage assets. Mr Murray did not agree that material harm would outweigh but did accept that serious harm would.

- 10.78 If it becomes relevant to distinguish between approaches, Mr Murray's is wrong for two separate reasons. Firstly, having regard to the Secretary of State's legal obligation on behalf of Her Majesty's Government to protect and conserve to the utmost of the United Kingdom's resources the outstanding universal value of the Tower of London, he cannot, consistent with this obligation, grant permission if material harm to the Tower would result.
- 10.79 Secondly, and independently, the great weight that PPG15 states should be given to the outstanding universal value of the Tower would require him to come to the same conclusion, unless, possibly, there were some overriding national benefits which the proposed building, and only the proposed building, could bring. However highly the benefits are put, they do not fall into this category.
- 10.80 Thus, if there would be material harm to the setting of the Tower of London, planning permission should be refused. If Historic Royal Palaces' case as to the degree of harm is accepted, Mr Murray's reservation is no consequence.

Other material considerations

Benefits

- 10.81 The need to intensify London is understood, in particular the need to make the most of land in central London in the vicinity of transport interchanges. But tall buildings are not essential to achieving this objective.^A In the draft London Plan, in the policy to maximise the potential of sites (Policy 4B.3) the highest net plot ratios sought, even in accessible opportunity areas are approaching 5:1.^B London Bridge Tower massively exceeds this.
- 10.82 The need to regenerate the London Bridge area is also understood, as are the benefits to Southwark and London that that would bring. But there is no cogent evidence to show that a tall building is a pre-requisite to regeneration. It is plain that, in this case, the Applicant gave no meaningful consideration to any other form of redevelopment before committing itself to this proposal – for the understandable reason that it was seeking to develop just this site. Further, no meaningful consideration has subsequently been given by LB Southwark or the Mayor because their framework document is premised on the proposed tower.^C
- 10.83 Dr Evans attaches importance to the stimulus London Bridge Tower would give to regeneration and to its symbolic role. In light of the substantial redevelopment that is happening on the riverside, and the strong pressures for redevelopment in the station area itself (highlighted in the framework^D), it does not seem that such a stimulus is needed. The striking new development on the riverside already sends clear signals both that regeneration is taking place and of Southwark's growing role as part of central London.
- 10.84 There is no doubt that improvements to the public realm, pedestrian access and transport facilities are much needed – or that London Bridge Tower would bring improvements.

^A Document CD4/8 at para 98; Document CD4/9 at p.3.

^B Document CD7/5 at para. 4B.14.

^C Document CD8/13 – see, for example, pp. 9/11.

^D Document CD8/13 – pp. 1/3/4.

But the context is that very major improvements are needed^A and that, because of the complexities of the area and the nature of the shortcomings, those improvements cannot be achieved by the development of any single site.^B The area cries out to be developed in a comprehensive way, in accordance with an overall plan or framework dictated by the need to secure the public interest benefits, not by a particular planning application. The need for a more comprehensive approach has been now been recognised, belatedly, with the formation of the Strategic Development Management Group (SDMG) – but it remains driven by one proposal, which inevitably constrains the way in which the public benefits can be achieved and the quality of any improvements. It is far from certain that the present approach will enable the overall improvements to be achieved.

- 10.85 Good quality offices will support London's role as a mercantile centre of the world. And mixed use development is beneficial. But again, a tall building is not a pre-requisite to their provision. In particular, there remains no significant evidence that tower offices are needed to support London's world city role.^C The other uses, with the obvious exception of the high viewing gallery, can be provided in lower rise development.
- 10.86 Prof Worthington suggested other benefits, including improvements to the skyline and improving legibility. There remains no significant evidence that there is any need to improve the skyline, as distinct from some people thinking it to be desirable.^D If legibility is thought to be a significant consideration, the London Bridge area is already well signalled by distinctive new and old buildings.
- 10.87 On quality of design, Historic Royal Palaces' case is that, whatever the merit of the visible spire, looked at in isolation, the building as a whole cannot be considered to be of good design for two reasons. Firstly, as PPG1 recognises, a building that is inappropriate to its context and harmful to its surroundings cannot be considered to be of good design.^E Secondly, and whatever the merit of the upper parts of the building, it cannot be considered to be of good design when it fails to connect satisfactorily to the ground and the public space it creates under the building is of poor quality.

Other factors

- 10.88 If the weight given to harm to the Tower of London is not considered to be a decisive reason for refusing permission, then other factors come into play which add weight to Historic Royal Palaces' case for refusal – that the proposal is contrary to the Development Plan and that it would be premature to grant permission.
- 10.89 Notwithstanding Mr Crook's view, for the Applicant, on whether the proposal complies with Policy E.2.2, the Statement of Common Ground between the Applicant and LB Southwark^F states that the proposal complies with all relevant policies of the adopted UDP *except Policy E.2.2*. It is clear that this position is shared by the Mayor, English Heritage and Historic Royal Palaces. As the policy is directly relevant to this proposal, it cannot reasonably be argued that London Bridge Tower accords with the Development Plan read as a whole, whatever other policies it complies with.

^A Document CD8/13 – pp. 15-17, 20-24.

^B Document J2 – Appendix 6; Document B4 – paras. 4.15-18.

^C Document CD6/3 – paras. 1.5/7; Document CD6/4; Document CD4/8 – para. 99.

^D Document CD6/3 – para. 1.7; Document CD4/8 – para. 102.

^E PPG1 – para. 17; and Document G31.

^F Document O2.

- 10.90 It is argued, for the reasons set out in the Statement of Common Ground, that this should be set aside because of the benefits to London's world city role and to regeneration, and because the EH/CABE Guidance, the 1999 LPAC Advice, and the emerging policies of the Mayor and LB Southwark are relevant. None of these matters, individually or collectively, justifies the UDP being set aside. The benefits should carry limited weight for the reasons explained above. There is nothing substantial in the EH/CABE Guidance or the LPAC Advice to indicate that the approach in the UDP is inappropriate. Indeed, it is consistent with that advice in identifying an area considered to be inappropriate for high buildings and in giving reasons for so doing. The relevant policies of the Mayor cannot carry significant weight because they remain subject to substantial and unresolved objection, including a failure to justify the locational policies. The emerging policies of LB Southwark should carry no weight because of the stage they have reached, because of the objections made, because they are reliant on the Mayor's policies and because there is still to be produced a document that can be reasonably described as an urban design study of the kind contemplated by LPAC or EH/CABE.
- 10.91 The adopted UDP should carry the full weight of a Development Plan and London Bridge Tower runs contrary to its provisions.
- 10.92 On prematurity, Historic Royal Palaces' case is founded on the general advice in paragraph 47 of PPG1, which recognises that there may be circumstances in which it is justifiable to refuse permission. Whilst that advice applies specifically to Development Plans, its logic should apply with same force to the London Plan.
- 10.93 The point is simple but important. If the Secretary of State were to grant permission for this very large and exceptionally tall development in a location where two emerging plans identify that location as suitable for tall buildings, that decision, however carefully couched, would set the context – namely that a very tall building is acceptable within this location – for the consideration of those policies and related policies as to which views should be protected. The decision would be treated as carrying such weight that it would effectively pre-determine the outcome of the plan process.

Conclusion

- 10.94 For the reasons set out above, the proposed London Bridge Tower would cause severe harm to the setting of the Tower of London World Heritage Site and its listed buildings. In line with the approach taken by the First Secretary of State in the Heron Tower case, and for legal and policy reasons, material harm, even more so, severe harm, to the Tower warrants refusal and outweighs any benefits of the proposed development. Planning permission should not be granted.

11. THE CASE FOR THE COMMISSION FOR ARCHITECTURE AND THE BUILT ENVIRONMENT

The Commission appeared only to give evidence and did not cross-examine any of the witnesses supporting the proposals. I give here the gist of the Commission's case. Mr Finch's proof of evidence is at Document L1, the appendices at Document L2 and the supplementary proof at Document L4. I use footnotes, where appropriate, to refer to other documents.

11.1 The Commission for Architecture and the Built Environment (CABE) is a non-statutory executive Non-Departmental Public Body. It is co-funded by the Department for Culture, Media and Sport and the Office of the Deputy Prime Minister. Its objects include the advancement of good design in the built environment by promoting and encouraging high standards in architecture and urban design. Policies and guidance published by CABE include:

- the joint CABE and DETR guide *By Design – Urban Design in the Planning System: Towards Better Practice*;
- the recently published English Heritage and CABE document *Guidance on Tall Buildings*; and
- the CABE publication *Design Review*.

11.2 CABE first reviewed the London Bridge Tower project before a planning application was submitted. Its first formal comments drew attention to the need for consideration of the urban design and masterplanning implications of the project and to the need for public realm benefits that matched the scale and ambition of the scheme. CABE's view of the scheme subsequently submitted for planning permission was that a tower of the height proposed, on this site, could be successful, and that the design held out the promise of a world class building, worthy of its prominence in views of London. At the same time, CABE was far less convinced by the way the building related to its immediate surroundings at the lower levels, and thought that more work was needed before planning permission should be granted. In particular, it thought:

- that the impact of the project was such that it needed to be placed in the context of a masterplan;
- that there was a need for some high quality public space that would benefit both the new tower and the railway station;
- that arrangements for buses at London Bridge needed to be reconsidered in the light of the project; and
- that more work needed to be done on the design of the lower parts of the tower.

11.3 Subsequently, the de-linking of the proposal from the Railtrack scheme for the station was thought detrimental to the public realm aspects of the project. Therefore, while CABE admired the architecture of the proposed building, it could not support the de-linked inquiry scheme.

11.4 A number of CABE's original reservations have now been overcome. The spire form of the design is successful. The breaking down of the surface of the building into separately articulated 'shards' contributes to its architectural quality. The winter garden elements will add to the richness of the overall effect. The transparency of the glass will enhance its visual quality. It is clear that the project is likely to reach a standard of excellence appropriate to its prominence on the skyline.

- 11.5 CABC also considers that the appearance of the building in various views will be exciting – an asset to London's skyline. Mindful of the existing cluster of tall buildings at London Bridge, it believes that London Bridge Tower will do no harm to London's historic environment.
- 11.6 The outstanding reservations relate to questions of urban design rather than architecture. The existing condition of the site and its immediate surroundings, particularly the areas of the public realm associated with the transport interchange, is very poor and badly in need of improvement. CABC has consistently argued for the project to be provided with a proper setting, including the provision of some high quality public open space, and has suggested that this could be achieved through a Section 106 obligation.
- 11.7 The application scheme does not go very far in addressing these outstanding issues. It does not provide public open space of high quality, does not provide an adequate public realm setting for such a large new building and fails to improve on existing arrangements for buses, other than by re-roofing the bus station. To overcome CABC's objections would require the delivery of improvements outside the application site boundary to be guaranteed if the project went ahead. This could be done by bringing forward a new comprehensive application for the building as proposed together but with an appropriate wider setting. Alternatively, if a clear masterplan were brought forward by LB Southwark and adopted as supplementary planning guidance, then the same objective might be achieved if planning permission for the application scheme were granted, but tied by condition and/or Section 106 obligation to a separate permission for a scheme to provide an appropriate setting for the building.
- 11.8 In response to CABC's reservations, the Applicant has prepared a scheme to provide a new public open space, at the level of St Thomas Street, on the sites of 21 St Thomas Street and Fielden House, in Bridge Street.^A It would provide retail and café units, an improved entrance to Joiner Street, a new staircase rising to the bus station and would open up a line of sight between the bus station and Guy's Hospital. This proposal is to be welcomed but needs further development. It also needs to be co-ordinated with the emerging plans for New London Bridge House, while allowing for the possibility that only one of the two projects might proceed. To secure this improvement would still, of course, require implementation of the scheme to be tied to implementation of London Bridge Tower.
- 11.9 The London Bridge Station Strategic Development Management Group (SDMG) has now been convened and met first on 3 April 2003. The organisations represented include the Applicant, the agent for New London Bridge House, the agent for Guy's Hospital, the Corporation of London, LB Southwark, the Mayor's Office, Network Rail, TfL and CABC. The first meeting demonstrated the extreme complexity of the situation at and around London Bridge Station and also the willingness of all parties to co-operate to reach a framework for development. It was agreed that a study should be prepared to consider the options for London Bridge Tower, New London Bridge House and London Bridge railway and bus stations, to arrive at satisfactory public realm and public space solutions to suit different eventualities.
- 11.10 It appears that the Railtrack Masterplan scheme, or a developed version of it, is likely to re-emerge. CABC regards this as a highly significant and promising development. It proposed a new public piazza to the north of London Bridge Tower, which was dropped

^A Document A5/5 is Mr Crook's second supplementary proof of evidence, responding to CABC and introducing the 'draft application'.

as a consequence of the de-linking. At the same time, the New London Bridge House proposals offer promising possibilities for dealing with the problem of the bus station.

- 11.11 CAGE would like to see the provision of some high quality public open space, for the benefit of both London Bridge Tower and London Bridge station, a high quality public realm generally and a long term solution for buses that provides a high quality environment for passengers and other pedestrians. It has consistently suggested that a comprehensive masterplan is part of the means of achieving these objectives. CAGE would not be content for planning permission to be granted for London Bridge Tower as currently proposed unless there is a certainty that these objectives will be achieved. In particular, any planning permission should not allow the possibility of the development being built without new high quality public open space also being provided.
- 11.12 It appears that there are a number of ways of achieving this, depending on what happens on adjoining sites. It is not within CAGE's remit to prescribe how to untie the knot. It is possible that the work of the SDMG will result in a solution. Certainly, it will be necessary for LB Southwark and the Mayor to continue with the pro-active approach that CAGE is pleased to find they are now taking.

12. THE CASE FOR THE DEAN AND CHAPTER OF ST PAUL'S CATHEDRAL

The Keeper of the Fabric of St Paul's Cathedral appeared only to give evidence and did not cross-examine any of the witnesses supporting the proposals. I give here the gist of the case. Mr Stancliffe's proof of evidence is at Document K1.

- 12.1 The Dean and Chapter of St Paul's Cathedral are bound to be sensitive to applications that may compromise or diminish the place which the Cathedral and its dome have occupied historically on the London skyline. They have no blanket policy on skyline issues or tall buildings – but they do feel that this proposal raises issues that should be determined in a national context.
- 12.2 A Christian Cathedral has stood on this site since 604AD. The present Cathedral has not changed its external appearance since its completion in 1710. Much has changed around it. The presence of St Paul's on the London skyline is not only historic but represents stability in a changing world. It is widely accepted as Sir Christopher Wren's greatest achievement. It is amongst the nation's most cherished buildings. The profile of the dome has international significance as a symbol of London. It is a centre for events of religious and spiritual significance. It is a key destination for visitors and tourists.
- 12.3 Views of the City in which St Paul's plays a focal role are amongst the most widely recognised images of London. In the 1930s, commercial pressures led to the situation where the Cathedral could have been lost to view behind tall buildings. The result was the emergence, in 1937, of the St Paul's Heights Code, which has been generally successfully enforced to this day. However, as the scale of buildings has increased, so the necessity to protect views of the Cathedral from further away came to be recognised, resulting in RPG3A, which identified a number of Strategic Views to be protected. It not only acknowledges the significance of protecting direct sight lines but also ensures that wider settings and backgrounds are taken into account.
- 12.4 When it was constructed, the Cathedral was conceived and executed on a huge scale. The significance of that may not mean much to many people today – but it is not to be ignored. The building was designed to impress by sheer size. The dome was devised to be seen from near and far. The upper part of the whole Cathedral stood well above the roofs of the 17th century city. The significance of the levels set by the St Paul's Heights Code is to ensure that the main upper cornice of the whole building remains visible, so that the dome and the two western towers can be seen as belonging to the same building. Without this, the perception of the huge size of the Cathedral would already be lost.
- 12.5 During the last 50 years, the sense of scale has been diminished by the construction of larger and taller buildings both within the City and elsewhere in London. We disagree with the view expressed by the Greater London Authority^A that 'buildings designed to dominate and overwhelm, such as St Paul's Cathedral ... are huge in scale even when compared to modern buildings'. The scale of some buildings, of which London Bridge Tower is an example, does not seem to permit St Paul's to continue to 'dominate and overwhelm'. The construction of Tower 42 set a new standard for its time. It has been followed more recently by proposals for substantially taller buildings, of which some have been approved. Some have caused concern, even when lying beyond the Viewing Corridors, Wider Setting Consultation Areas or Background Consultation Areas. The advent of significantly tall buildings introduces a new component into the debate about

^A Document CD7/4, p.16.

the skyline of London, requiring a degree of evaluation that goes beyond that already introduced under the Strategic Views policy.

- 12.6 The Dean and Chapter have the following main areas of concern over the London Bridge Tower application.
- 12.7 Why is the developer proposing an unusually high building on the site? It is accepted that the three existing tall buildings form a cluster around the major transport node of London Bridge station and that this cluster could be consolidated under present density aspirations. But why this unusual height? The answer seems to stem from the existing building being just 28 years old, with a significant real estate value. The motive for the proposed building must principally be to re-provide lost space of value. A building of more ordinary height would not be profitable. This is the wrong motive for a building of this excessive height on this particular site.
- 12.8 The site for London's tallest building should not be one that is in line with two Strategic Views of St Paul's. If one were tasked with choosing a site for the tallest building in London, it would surely be in the City of London or Canary Wharf.
- 12.9 The Strategic View regime remains in place. There are eight protected views of St Paul's Cathedral. There are many more views that are important, some recommended by LPAC but rejected by Government. London Bridge Tower challenges the extant regime with a building exhibiting a scale out of all proportion with the Cathedral. Approval would render meaningless the Background Consultation Area in all Strategic Views.
- 12.10 The specific views over which the Dean and Chapter have concerns are the two Strategic Views from Kenwood and Parliament Hill and the view from Farringdon Road. The two Strategic Views are enjoyed by many. It is true that the existing high buildings at London Bridge are offensive in these views. They produce a skyline that lacks form and visual clarity. However, as the viewer is searching for the Cathedral, no other building presents a persona of greater prominence. London Bridge Tower will significantly alter this. It is designed to catch the eye and will dominate the Cathedral in these views. A more dynamic view is that from Farringdon Road. The gentle curve of the street reveals, quite suddenly, an unexpected and therefore delightful view of the Dome across the open townscape. London Bridge Tower will significantly compromise this treasured view.
- 12.11 UDP Policy E.2.2 states that 'Southwark is not considered to be an appropriate area for high buildings' and that new developments should normally be of a height to 'respect existing landmarks and historic and important views, with particular regard to the strategic views of St Paul's Cathedral ...'. Clearly, the proposal fails this policy.
- 12.12 It follows from the above that the backdrop to the Strategic Views of St Paul's Cathedral cannot be ignored. In this case, however, consideration for the Strategic Views has been completely and consciously ignored. The Dean and Chapter believe that the London Bridge Tower project is (i) wrongly motivated, (ii) not where London's highest building should be, (iii) violates the Strategic View regime, (iv) goes against the Southwark UDP and (v) damages three important views of the dome of St Paul's Cathedral. Accordingly, the application should be refused.

13. OTHER INTERESTED PERSONS APPEARING AT THE INQUIRY

- 13.1 **Mr Archibald Galloway^A** is a surveyor, director of John D Wood International in the City of London, former deputy chairman of the City Corporation's Policy and Resources and Planning and Transportation Committees, still a member of both Committees today and was also involved with the LPAC 1999 Advice on high buildings. He supports the London Bridge Tower proposal.
- 13.2 Office floorspace for the City and London should be as well located as possible. For the City, this means anywhere in the Square Mile and in the City fringes around it, to the north, east and south in particular. Land is a scarce commodity here; hence the pressure for tall buildings, which are especially appropriate above and close to major transport hubs. Tall buildings provide the opportunity for mixed uses, bringing greater vitality to the immediate area.
- 13.3 London Bridge Station is approachable from all directions – by train, tube and bus. It is an excellent location for office development. It is also an excellent location for mixed use development.
- 13.4 One should always support good architecture, particularly world class architecture such as that of Renzo Piano. Good architecture can provide on the skyline a useful visual map of the City. It can also be a beacon for regeneration, much needed in Southwark, as in other City fringe areas.
- 13.5 London Bridge Tower would not adversely affect the Strategic Views of St Paul's Cathedral. From Parliament Hill, it would stand behind the outer arc of the Dome; it would help to identify St Paul's on the skyline. From Kenwood, it would perform a more crucial function because the profile of the Cathedral is presently undermined by Guy's tower. The Strategic View policy should not be applied rigidly to resist any building that would be visible in the Background Consultation Area. The draft London Plan states that the objective of backdrops '... is to ensure that the landmarks are visible and that they can be appropriately appreciated ...' and '... does not mean that all visible buildings should be prohibited'. This seems to be the correct approach. London Bridge Tower meets the tests in both the LPAC 1999 Advice and the recently published EH/CABE Guidance.
- 13.6 There should be no difficulty in accepting views of and from the Tower of London which contain tall modern buildings. They make the views more interesting. There is something intrinsically satisfactory in the views of London which are so obviously redolent of its success as a world city and have the Tower of London, which has played such a part in its life, in the foreground.
- 13.7 **The Rt Hon Simon Hughes^B** has been the MP for North Southwark and Bermondsey for more than 20 years. His constituency includes London Bridge and its surroundings. He has been, though is no longer, the Liberal Democrat spokesman on environmental matters. He is also the Liberal Democrat candidate for Mayor of London. He supports the London Bridge Tower proposal.
- 13.8 The location is an appropriate one. The southern end of London Bridge has always been a commercial centre, since the first crossings of the river. The proposal is consistent

^A Document N1 is Mr Galloway's statement.

^B Mr Hughes did not submit a written statement.

with that. There is a logic in mixed use development around London Bridge because of the large numbers of people already passing through the area. It could reduce pressure on other areas where development would be less acceptable. There is nothing wrong with development on the south side of the river – Guy's Hospital, Southwark Towers and New London Bridge House demonstrate that. The historic areas of Southwark have had tall buildings around them for many years. There is aesthetic and design logic as well as commercial and employment logic in having development at the southern end of London Bridge to complement the City on the north bank.

- 13.9 The draft London Plan is wise to provide for office space for the future. It is also wise to consider whether it is better to build up or out. Building up is preferable. It enables the preservation of open space in the area.
- 13.10 There are a number of things for which the design of London Bridge Tower should be commended. It is not the conventional rectangle. It is much more attractive than that, less threatening and less intrusive. It reflects the spires of London's skyline. It will have light materials, transparent in parts, not solid or heavy ones. It will add to the structures, such as the Millennium Bridge, that make one think differently about the area. It will give the ability to see perspectives and panoramas not visible before. It will improve the existing streetscape, which has grown haphazardly and is unfriendly and threatening in places. It would enlarge and enhance the existing spaces, making them more useful. It would be beneficial for the local community, creating jobs, providing a heritage centre and a library.
- 13.11 The proposal might have been thought more of a risk five years ago than now. But the London Eye has changed perceptions. It was controversial when proposed but can be seen now to add far more than it detracts. It raises the eyes upwards and adds to the scene. London Bridge Tower will do the same, an exciting new type of building in intensely urban surroundings.
- 13.12 The architectural design addresses the concerns of English Heritage and Historic Royal Palaces. St Paul's Cathedral will remain and will retain its centrality in the City. London Bridge is on the other side of the Thames. Cityscape is about panoramas and prospects. London Bridge Tower would be far enough away from St Paul's and would be a very different type of building. It would not be a threat. The concerns are understandable but the quality of the design of London Bridge Tower renders them invalid. As for the Tower of London, experience over the last few years suggests that good new buildings within the setting of the Tower are more likely to add than detract. The real world already intrudes into the Inner Ward but visitors can easily discount it if they wish to. London Bridge Tower would complement the Tower of London and add interest and excitement.
- 13.13 **Ms Jo Dubiel^A** is a local resident, actively involved with numerous local organisations but not speaking on behalf of any. The exception is Charterhouse in Southwark, a charity working with local people, in the sense that the points made to the inquiry are the same as those she made on behalf of Charterhouse on the original planning application in 2001. She expresses neither support for nor objection to the proposed building but addresses only the effects on the local community and the community benefits claimed to flow from the Section 106 obligation.

^A Document N2 is Ms Dubiel's statement, Document N3 her letter to LB Southwark and Document N4 the Annual Report of Charterhouse in Southwark.

- 13.14 The area remains one of the most deprived in the country. Particular concerns are poor housing, poor health, high unemployment, high numbers of people needing social services support and high numbers disabled or otherwise unable to work. Regeneration is invariably proposed as a benefit – but whom does it benefit? There will be many jobs created but how many will go to local people? The library will be useful to workers in the building – but will it to local people? The extensive and much-needed improvements to the public realm are to be welcomed. They will benefit almost everyone but there is little else for the majority of people living close by. The 'benefits' to be provided are not based on good consultation or on survey findings. It should be demonstrated that they will benefit local people. They should support existing projects rather than providing new ones. There is already a huge number of local training schemes available. There has long been a campaign for a library in the Tower Bridge Road area – and the library in the Borough desperately needs maintenance.
- 13.15 The proposed building is so significant in itself as to cause a substantial effect on the local area – and that will be magnified because it will undoubtedly attract other similar developments. This may be a good thing in some respects but not in others. House values and rents will go up. Local people will no longer be able to live in their own area. Services, infrastructure and facilities – such as childcare, health facilities and open space – will be stretched to bursting point. Local shops and other small businesses will close, again because of rising property values and rents. Steps must be taken at an early stage to provide some benefit for excluded local people and avoid the potential for a rift between existing and new residents.
- 13.16 One obvious way to mitigate some of the detrimental effects is through Section 106 payments for appropriate projects. But the current obligation does not address the real issues of the area and has not been agreed with the full and open participation of local people. That can still be addressed, even at this late stage, with local people being able to participate in decisions on how the money made available should be spent.
- 13.17 In particular, Charterhouse should be supported by Section 106 funding because:
- it is working to support the most disadvantaged in the local community;
 - it is working to support local people through the increasing pressure of living in an area of rapid development;
 - it is working to increase community empowerment and cohesion and to increase the community's involvement and stake in the area, all threatened by the proposal;
 - it provides many affordable services such as childcare, health advice, leisure activities, charity shop, healthy food and a community café, all of which will become increasingly unaffordable and in short supply as the area caters more for workers, visitors and affluent residents;
 - it supports and facilitates other community organisations working to improve the area;
 - it supports mainstream organisations, including LB Southwark, working in the area;
 - it has projects which enable the most disadvantaged to benefit from existing training and work opportunities, and
 - its existing Rainbow building badly needs refurbishment in order that it can continue to serve the community properly.
- 13.18 It has been suggested both formally and informally, as long ago as November 2000, that Charterhouse and community representatives should be involved in Section 106

prioritisation– but nothing has happened. It may now be very late to make changes to the legal agreement – but it can still be done.

- 13.19 **Cllr Nicholas Stanton^A** has been the Leader of LB Southwark Council since May 2002 and Riverside Ward Councillor since 1998. The application site is outside but close to the ward boundary. He was a non-voting member of the Committee that resolved to approve the application for London Bridge Tower. He supports the proposal personally, as a Ward Councillor and as Leader of the Council.
- 13.20 The application was scrutinised and endorsed by the democratically elected Council – and by the democratically elected Mayor. Great weight should attach to that. There is little or no local opposition to the proposal, from residents or businesses. Local people are not normally backward in coming forward. It is significant that they have not.
- 13.21 Whatever one's opinion on tall buildings generally, this is a building of outstanding architectural merit. Southwark Cathedral was as tall a building as technology then allowed to be built; Guy's tower represents its period; so too does London Bridge Tower. The usual fears commonly aroused by the poor architectural quality of tall buildings do not apply here.
- 13.22 London Bridge Tower would bring the entry of the City on to the South Bank. It would do so without the loss of even a blade of grass. If one cannot build here, and build up rather than out (which would sacrifice green space), then it is difficult to see how or where one could do it – or how one could bring the Mayor's plans to fruition.
- 13.23 The history of Thameslink 2000 and the Railtrack Masterplan makes one sceptical that anything will happen at London Bridge Station. But London Bridge Tower will kick-start improvements that might otherwise not happen. One of LB Southwark's key priorities is tackle deprivation and bring regeneration. Southwark has some of the most deprived wards in the country – and some of the poorest school results. London Bridge Tower will have a huge effect in kick-starting regeneration.
- 13.24 One can understand English Heritage's and Historic Royal Palaces' concerns – but their remit cannot give weight to the need for regeneration. Views of St Paul's Cathedral from Parliament Hill or Kenwood would not be blocked. The objections do not really relate to how Londoners actually view their heritage. In 30 years' time, London Bridge Tower will be listed. The merits in architectural, planning and economic terms far outweigh the harm, if any, to the Strategic Views.
- 13.25 London Bridge Tower will provide jobs for local people. Firstly, there is construction itself. The Cross River Partnership has a successful work placement scheme, especially in the construction industry. Once trained, it is possible to remain in employment. It is true that the long-term unemployed person is not going to get an office job in London Bridge Tower. But there will be numerous other jobs in the building for local people. Also, there is a low level of aspiration in local schools which the advent of London Bridge Tower can help to lift.

^A Mr Stanton did not submit a written statement.

14. WRITTEN REPRESENTATIONS

I deal here with representations from those who initially intended to appear at the inquiry but, in the end, did not. I also deal with letters received after 1 March 2003. Other representations received before that date are on the file (in a sub-file) and were all copied to the main parties (as were the representations described briefly below).

- 14.1 **Guy's and St Thomas' NHS Trust and King's College London** were to have been represented at the inquiry by GVA Grimley. They withdrew their objection (H2) but the proof of evidence (H1) remains as a written representation. In essence, they welcomed the principle of regeneration of the application site but were concerned to ensure that construction of the building and the building in its final form would not cause demonstrable harm to their functions and interests. The main concerns were the effects of noise, dust and vibration from demolition and construction on the sensitive functions of the hospital, the effect of the St Thomas Street canopy on daylighting in St Thomas House and the effect of the removal of the pedestrian footbridge on the main patient and visitor reception area, which is presently at the same level as the footbridge. All of these matters have been satisfactorily resolved in the Section 106 agreement now engrossed.
- 14.2 **RLAM**, the combination of Royal London Asset Management Limited (the owners of New London Bridge House) and Portfolio Holdings Limited, intended to appear at the inquiry (J1). The objective was to secure recognition that its proposal for redevelopment of New London Bridge House afforded the opportunity to deliver significant improvements in terms of the provision of a new bus station and public realm at London Bridge Station and also to ensure, so far as possible, that implementation of the London Bridge Tower proposals would not prejudice the proposed redevelopment of New London Bridge House. After discussions with the Applicant and others, RLAM concluded that these objectives had been achieved. It therefore submitted in writing its views in support of the application (J2).
- 14.3 **Network Rail** is owner of London Bridge Station, including the development site. It wrote on 20 March 2003 (M2) supporting the notion of redevelopment of the site and raising no objection to the generality of the application scheme. While it understands why the London Bridge Tower scheme has been amended to address the existing London Bridge Station layout, it wishes to ensure that the proposal remains compatible with the Railtrack Masterplan (or a variant of it) and Thameslink 2000. It notes that one benefit of Thameslink 2000 is an increase in the number of rail services that can run through London Bridge and that two of the advantages of the Masterplan are an increase in the station's capacity and improvements to pedestrian flows. The implementation of both schemes will allow London Bridge Station to accommodate future predicted growth in rail travel and passenger numbers. A number of detailed comments are made on the proposal, none of which constitutes an objection. Bennett Urban Planning's letter of 19 December 2001 on behalf of Railtrack (then in administration) is appended.
- 14.4 **Jonathan Lewin** wrote twice to support the proposal (M5). He considers the location logical and the mixed use and public viewing platforms as benefits. He does not think that the building will ruin the character of the area, or blight the skyline, but will become a recognised landmark. He wonders how many London landmarks would not have been built if people throughout history had objected to new types or styles of structure.
- 14.5 **Colin St John Wilson & Associates** supports the project for its outstanding architectural qualities and the urban advantages it promises to bring to the neighbourhood (M6).

Support for similar reasons comes from **John McAslan and Partners** (M7), **Sir Jack Zunz** (M8), **Ian Ritchie Architects** (M10), **Professor Maxwell Hutchinson** (M13) and **Lord Foster of Thames Bank** (M18). Support for architectural and urban design reasons comes from **Professor William Alsop** (M9) and **Richard Thomas**, Liberal Democrat Councillor for Chaucer Ward in Southwark (M11). **The Architecture Foundation** (M17) similarly supports the proposal, adding that the Strategic Views will not be significantly impaired, seeking safeguards that the quality of the design will be protected and endorsing CABE's concerns about the design at ground level. **Sir Terry Farrell** (M20) comes to a similar conclusion on the Strategic Views but considers the ground level proposals a reasonable and useful start.

- 14.6 **The London Forum of Amenity and Civic Societies** (M15) says that the striking design of London Bridge Tower is its sole justification. It opposes tall buildings outside areas where clusters of such buildings already exist but considers the London Bridge Tower site exceptional in that it is closely related to existing tall buildings and is at a transport interchange node (although this should not set a precedent for tall buildings at similar termini or interchanges). It also asks that particular care be taken in assessing the contribution the development will make to the public realm and the relationship to its immediate surroundings.
- 14.7 **The Worshipful Company of Glaziers & Painters of Glass** supports the proposal primarily for its economic and employment potential (M21). **The Bermondsey Street Area Partnership**, an independent non-political voluntary group of about 70 members, supports the proposal (M22). It says that the majority of local people do so too but, very fairly, also gives the views of those members who object. It thinks that the scheme will improve environmental conditions in its vicinity and considers that measures to be secured through the Section 106 agreement should be directed to the immediate area rather than at Charterhouse-in-Southwark or Borough Community Centre. **The Pool of London Partnership** supports the proposal as contributing to the economic and social regeneration of the area, consistent with the vision and strategy for the Pool of London and London Bridge Gateway (M3). It expresses reservations about how funds secured through the (then draft) Section 106 agreement should be directed and, in so doing, makes some suggestions not dissimilar to the Bermondsey Street Area Partnership.
- 14.8 **Save Britain's Heritage** registers the strongest possible objection because a building of such great height will seriously compromise the heritage value of a number of sites, areas and buildings, in particular, Tower Bridge, the Tower of London and the Strategic Views of St Paul's Cathedral from Parliament Hill and Kenwood (M12). **The City Heritage Society** also objects on this basis (M1), as well as because it sees no economic justification for a building of this size and because, in the absence of the Thameslink 2000 and Railtrack Masterplan schemes, public transport facilities will be over-stretched.
- 14.9 **Tom Ball** (M19) says that the illustrations which show the building in its context show it to be massively out of scale with its immediate surroundings and equally out of scale with the City, as shown in the views from Parliament Hill. The building makes its surroundings look trivial and demeans the historic context. The proponents of the scheme ignore the actual grain of the immediate surroundings and the scale of London's City. However well designed the building might be, it still fails to respect the requirements of London's cityscape and well being. If approved, it would set a precedent for a flood of huge and tall buildings and spell the end for London's much admired human scale.

- 14.10 **Rosemary Blaise**, who lives in Trinity Church Square, objects to the proposal because it will block her view and she will not be able to see the sky (M4). She considers such a tall building inappropriate for the location. She draws a parallel with Swiss Re, which she says does not look too bad from afar but has obviously been built far too close to the ancient church of St Helen's. She thinks London Bridge Tower must have been designed without any thought of the area where it might be placed.
- 14.11 Farrar & Co wrote on 15 April 2003 and again on 9 May (M16) on behalf of **Sucden (UK) Ltd**, commodity brokers and leasehold occupiers of 5 London Bridge Street, the annexe to New London Bridge House. Sucden's principal concern is with disturbance during demolition and construction (not dissimilar to Guy's and St Thomas' NHS Trust), which it considers could be exacerbated, one way or another, by a lack of co-ordination with adjoining development proposals (essentially the 'chronic uncertainty' over proposals for both trains and buses). It also makes points about a lack of rigour on the part of the local planning authorities in assessing the proposals, the clear breach of LB Southwark's policy against tall buildings, the over-supply of office space in and around the City and what it sees as flaws or omissions from the Section 106 agreement. Farrar & Co also write (M23) to express similar concerns on behalf of **Standard Chartered Bank**, leaseholder of ten floors of New London Bridge House.
- 14.12 **LB Lambeth** reserved its position before and at the opening of the inquiry but wrote subsequently that it raised no objection (M14).
- 14.13 There are also 270 emails in support of the proposal (M24), all sent from the London Bridge Tower web site, all annotated as the comments of the individual unaltered by anyone connected with the project.

15. CONDITIONS AND OBLIGATIONS

- 15.1 Eleven planning conditions are suggested in the Statement of Common Ground.^A Apart from the statutory time-limiting condition, they cover facing materials, drawings and specifications for the radiator, details of the canopies, landscaping, archaeological work, foundation design and groundworks in relation to archaeological remains, external lighting, control over telecommunications equipment, the storing and collection of refuse and waste and the implementation of six specific requirements of TfL. Added to these are a condition suggested by the Applicant to secure public access^B and three conditions suggested by English Heritage^C – one expanding the suggested condition on facing materials, one to secure details of the winter gardens and one expanding the suggested condition on external lighting to include internal lighting visible from outside.
- 15.2 Discussion at the inquiry brought the following comments. There was no objection to English Heritage's suggestions by the Applicant, who went further by indicating that any details on which the Inspector or Secretary of State were uncertain could be specifically identified in conditions. Nor was there any objection to English Heritage's suggestion that the condition securing public access could go further and include its retention for the future. LB Southwark agreed that, given the archaeological work already carried out, a watching brief condition would suffice.
- 15.3 A Section 106 Agreement^D has been completed by Teighmore Limited (the Applicant), Sellar Properties (London Bridge) Limited (the developer), Transport for London, Network Rail Infrastructure Limited, Invemere Limited (registered office in Southwark Towers), Paul Boorman and John Robert Lloyd Berriman (for PriceWaterhouse Coopers, occupiers of Southwark Towers), Portman Building Society, Guy's and St Thomas's National Health Service Trust and King's College London, and the London Borough of Southwark. In essence, the agreement provides for the following:
- a contribution towards affordable housing;
 - contributions to LUL and TfL for public transport improvements, over and above the works to the railway and bus stations forming part of the application scheme;
 - improvement works to London Bridge Station or a contribution to Network Rail to be used towards carrying out works for a wider scheme for the station;
 - floorspace within the development for employment initiatives;
 - contributions to training and education initiatives;
 - contributions to environmental improvements and public space works in the vicinity of the development, including public art and highway improvements;
 - a contribution to Guy's and St Thomas's National Health Service Trust to carry out environmental improvement works to Great Maze Pond and to improvements to the premises necessary or desirable as a result of the development;
 - a demolition and construction code of practice;
 - management schemes for the development;
 - design quality standards, and
 - a green travel plan.

^A Document O2.

^B Document O5.

^C Document O6.

^D Document O4 is a copy of the agreement as signed at the close of the inquiry; it is unchanged from Document CD1/9, which is the draft agreement, accompanied by a briefing note.

- 15.4 Discussion at the inquiry centred primarily on design quality standards and on whether certain provisions were appropriately related to the development proposed.
- 15.5 For the Applicant, it was pointed out that Schedule 6 to the Section 106 agreement provided just one of four levels of protection for design quality. Firstly, there is planning permission. If granted, it will be based on the plans considered at the inquiry. Anything different would be in breach of the permission. Secondly, there are the conditions to which planning permission might be subject. They can identify the important elements of the design and ensure that subsequent details are submitted and approved. Thirdly, the contract with the developer is one that obliges the developer to continue to employ Renzo Piano Building Workshop until completion of the scheme. Fourthly is Schedule 6 to the agreement. It has been drafted by Renzo Piano himself to embody the essential detail of his proposal. Taken together, the four give a clear assurance that there will be no 'dumbing down' of the design. In response to suggestions by English Heritage that some of the clauses in Schedule 6 were 'hopelessly vague' and unenforceable, it was said that they represent principles and standards, meant to be read together, with the application plans.
- 15.6 I queried the justification for the employment, training and education initiatives contained in the agreement.^A The response from the Applicant and the Council was that these items are appropriately related to the development proposed because part of its purpose is to create employment in Southwark and effect regeneration in one of London's, and England's, most deprived areas – it is therefore important to influence how that regeneration is effected. The elected members of LB Southwark consider that the development will take people off the dole queue and that it will help to ensure that the children of those people can aspire to jobs on their doorstep. That is part of the regeneration process and must be considered of some weight. A comparison was made with one of the perceived limitations of Canary Wharf, which was thought to have been 'parachuted in', with little opportunity for local residents to benefit from the development itself.
- 15.7 It was pointed out that para. 12 of Schedule 1 to the agreement refers to 'maintenance and cleaning of public areas' at 12.1.1 but only 'maintenance of the canopies' at 12.1.2. The omission was thought accidental and the suggestion made that it could be remedied by a planning condition, perhaps by adding to the suggested condition requiring details of the canopies.

^A Document CD1/9 – the items at paras. 3.10-3.13 of the Briefing Note.

16. CONCLUSIONS

Superscript numbers in these Conclusions refer to earlier paragraphs in this report. Footnotes continue to be identified alphabetically.

- 16.1 In order to avoid unnecessary repetition or duplication I shall deal with the matters on which the Secretary of State particularly wished to be informed in an order different to that set out in the letter of 24 July 2002. I shall deal first with (c), design quality, because my conclusions on that are bound to affect other matters. Then I shall deal with the main objections raised at the inquiry – (b), the impact on Strategic Views of St Paul's Cathedral, and (d), in which I shall look first at the impact on the Tower of London and then separately at the settings of nearby listed buildings and conservation areas. I shall include here consideration of the effect on both the Palace of Westminster, a World Heritage Site, and Lambeth Palace, hardly (in the words of the call-in letter) a 'nearby' listed building. Next I shall consider (e), transport implications.
- 16.2 Taking matters in this order will then enable a full conclusion on (a), the appropriateness of a very tall building in the proposed location. It will also, because many policy matters will have been dealt with under individual headings, enable more concise conclusions in relation to (f) and (g) – national, regional and local policy. Of the other matters raised at the inquiry, regeneration is most easily dealt with under (a) and the possibility of a permitted design being 'dumbed down' in (c), leaving only prematurity and precedent, and also the planning conditions and obligation, to be considered separately.

The extent to which the proposals comply with Government policy advice on the need for good design

- 16.3 No one disputes the need for very good design in a proposal of this magnitude. And virtually no one doubts that what has been proposed, save for particular aspects, is very good architecture – or at least has the potential to be so as process of detailed design evolves.
- 16.4 The qualifications to the conclusion that the London Bridge Tower proposals constitute very good architecture (world class in the eyes of some) may be summarised as follows.
- However good a piece of architecture may be in isolation, it cannot truly be considered good design unless it also respects and sits comfortably in its context. This was the view taken by English Heritage^{9,8,9,57} and Historic Royal Palaces^{10,46,71,87} in relation to the Strategic Views of St Paul's Cathedral and the setting of the Tower of London. It was also expressed in broader terms by others, notably Tom Ball in his written representations.^{14,9}
 - However great the promise of world class architecture, the proposals fail to provide the building with an adequate setting and an appropriately improved public realm. This was the stance taken by CABA in particular,^{11,6,11} and also by Historic Royal Palaces.^{10,84}
 - Reservations were expressed about some aspects of the design – notably, whether the building could be as transparent as appeared to be claimed, the effect of blinds or lighting on the overall appearance of the building, including its transparency, and the design and impact of the canopy over St Thomas Street.^{9,6; 10,40,66}
 - Reservations were also expressed about the ability to prevent the design, if approved, subsequently becoming harmfully diluted or 'dumbed down'.^{9,72}

- 16.5 It is worth looking at some of the compliments before considering the criticisms. One would expect the Applicant, and also LB Southwark and the Mayor, as supporters of the scheme, to extol its virtues.^{6.1,118-130,219; 7.14,31,43; 8.24-28} English Heritage accepts that the design has the potential to realise a building of exceptional and exciting quality.^{9.5.8} Its objection is essentially that the site is an inappropriate one for a tall building. Historic Royal Palaces specifically chose not to assess the design, simply saying that, whatever the quality of the spire, the building as a whole could not be considered good design for the first two reasons given above.^{10.6,87} CABE, notwithstanding its specific objections, considers that the proposal holds out the promise of a world class building that would be an exciting addition to London's skyline.^{11.2-5} Others, both at the inquiry and in written representations, have praised the architectural quality of the proposals.^{13.4,10,21; 14.4-6}

Urban context

- 16.6 For the most part, the objections under this heading relate to the Strategic Views of St Paul's Cathedral, the setting of the Tower of London and the settings of other listed buildings and conservation areas. All are considered in following sections of these Conclusions. However, urban context is concerned with the whole pattern and scale of development, modern as well as historic.
- 16.7 London is a modern city as well as an historic one. It is described by some as a world city. The term has commercial connotations, especially when those who use it (such as the Applicant^{6.28}) apply it to just three cities – London, New York and Tokyo. Paris and Rome might also qualify for the epithet – but for cultural more than commercial reasons. London clearly is, and always has been, a primarily mercantile city. That much is evident from its historic fabric, notably along the River Thames, but perhaps more obviously from the modern development in and around the City and, more recently, at Canary Wharf. In my opinion, the architectural and urban quality of the proposed London Bridge Tower must be judged in the context of the mercantile city as well as the more local street scene.
- 16.8 Panoramic views over London, for example from Parliament Hill, Kenwood or the London Eye, show just how many tall buildings there already are. Large numbers of them stand on their own, giving the overall impression of a 'scattergun' or 'pepper-pot' approach to location, as a result doing little for London's skyline. There are also a number of clusters of tall buildings, offering a much more coherent skyline or silhouette – the City and Canary Wharf being the obvious examples.^A There is an existing cluster of three tall buildings at London Bridge, albeit an unplanned and visually unco-ordinated one, comprising Guy's Tower, New London Bridge House and Southwark Towers. Setting aside for the moment the heritage arguments, the replacement of Southwark Towers by a new and better designed tall building cannot be objected to in terms of the wider townscape because it would take its place as part of the existing cluster.
- 16.9 This cluster is equally important to the local context. The buildings are part of the townscape. Even so, the close urban grain of the area means that there are many points nearby from which they are simply not visible. When they are visible, it is their bulk or design, rather than simply their height, that draws attention. And there are views, such as in Borough High Street looking north, where tall buildings in the City (Tower 42 and Swiss Re) are both visible and occasionally axial. Again, therefore, the replacement of Southwark Towers by another tall building cannot be objected to in principle.

^A Document A1/2 – an indication of this can be found in the aerial photographs at A1/2/B5.

- 16.10 As I interpret the various objections, it is the height of the London Bridge Tower proposal that is seen to cause the particular problem. At 306m, it would be significantly taller than any other building in London. One Canada Square (Canary Wharf) is 240m high; Tower 42 in the City (formerly the Natwest Tower) is 183m; Swiss Re (under construction) and the Heron Tower (not yet on site) are 180m. The question that arises, therefore, is whether the proposed building, rising to 306m, would be simply too tall.
- 16.11 I think not – for several reasons. Firstly, the spire form is not merely unusual; the fact that the building would taper almost to a point would significantly reduce the bulk one would normally associate with a building this tall. Secondly, the sub-division of the facades into shards of glass would further break down or diminish any feeling of bulk. Thirdly, the highest floor level of the building is at 233.5m. Above that is the radiator, a partially open structure, not necessarily transparent but certainly much less solid in appearance than a traditional building envelope; the fact that the tops of the individual shards would not meet at a point would also contribute to a breaking down, or blurring, of the lines of the upper part of the building. Fourthly, the form of the tower would be very sculptural – yet its scale as a building occupied by human beings would still be evident. Fifthly, the canopies over the railway station, bus station and St Thomas Street would give a degree of visual separation of the tower from the street and concourse levels, which I believe would be helpful in maintaining the character and function of those levels.
- 16.12 In combination, I consider that these five characteristics would enable this particular proposal to stand comfortably in its immediate urban or townscape context. Comparisons with Guy's tower are unfair. It has a looming, bulky presence brought about by its rectilinear form, proportions and facing materials. The proposed London Bridge Tower, though well over twice as tall, would be very much more elegantly proportioned, have a much lighter appearance and, subject to what I say below, would appear transparent where Guy's tower appears opaque.
- 16.13 It is worth saying something about scale at this point. Some of the criticisms of the proposed design refer to its height and scale as being inappropriate. I believe they are wrong in referring to scale – they should refer solely to height, or perhaps to mass or bulk.^A Despite the floor-to-floor glazing units and the absence of horizontal structural members expressed externally, the proposed building would clearly be sub-divided into floors occupied for work, or residentially, by human beings. The building would thus have a human scale. If one looks at St Paul's Cathedral, the facades are expressed architecturally as having two storeys – yet those two storeys are the equivalent of about six storeys of the buildings around it. St Paul's is built at about three times human scale. Churches and public buildings achieve their prominence or dominance by being built at larger than human scale. Even in more distant views, for example from Parliament Hill or Kenwood, where the sculptural form of London Bridge Tower would be clear but its sub-division into floors would not, the characteristics of the building are more properly to be assessed in terms of height, mass and bulk – not scale. I shall have this in mind when considering the impact of the proposed building on the Strategic Views of St Paul's Cathedral.

Setting and public realm

- 16.14 The background is that the design of London Bridge Tower was originally conceived in relation to the approved Railtrack Masterplan.^{5.8} That scheme provided for a radically

^A English Heritage expresses it accurately – see para. 9.9.

altered, enlarged and improved station concourse. It enabled a significant area for public circulation around the northern side of the proposed tower in relation to the railway and bus stations. The likelihood of the Railtrack Masterplan not being implemented prompted a revision of the London Bridge Tower scheme to relate to the existing railway and bus station layouts. The result is much less public space than originally proposed but still a 40% increase in the area available for the London Bridge station concourse.^A

- 16.15 As now proposed, only the core of London Bridge Tower (lifts, stairs, entrance lobbies) would come down to street and concourse levels. The 'enclosed' area at concourse level would be 54m along St Thomas Street by 34.5m deep (42m by 16.5m if one excludes the library, station ticket office and escalators) compared with the maximum dimensions above of 83m (including the back-pack) by 64m.^B
- 16.16 Tall buildings traditionally meet the ground with an envelope that is a continuation of, or often larger than, the tower above. That would not be so here. However, I see nothing inherently wrong with the design in the particular circumstances of London Bridge station. The existing Southwark Towers building is not clearly defined in relation to the station concourse. The public circulation around it is not good – with the utilitarian footbridge across St Thomas Street at concourse level and pedestrian movement subservient to vehicular servicing routes at street level.^{2,2,9} The proposal would do away with the footbridge, introduce two banks of escalators between street and concourse levels and provide a much larger station concourse.^{5,5} It would improve pedestrian circulation and reduce the conflict between pedestrian desire lines and vehicular routes.^C And it would not inhibit or prejudice the potential improvements that would flow from implementation of the Thameslink 2000 and Railtrack Masterplan schemes, whether in original or modified form, or the emerging redevelopment proposals for New London Bridge House.^{5,8; 6,156; 14,2}
- 16.17 CABE wishes to see three things – some high quality public open space, for the benefit of both London Bridge Tower and London Bridge Station, a high quality public realm generally and a long-term solution for buses providing a high quality environment for passengers and pedestrians. It does not wish to see planning permission granted unless there is certainty that these objectives will be achieved.^{11,11} It sees a comprehensive master plan as one option but concedes that the work of the Strategic Development Management Group (SDMG) convened by LB Southwark may result in a solution.^{11,12}
- 16.18 I do not doubt that the SDMG is the appropriate way forward. It should enable a comprehensive approach to resolving the recognised public realm problems through individual developments. I can do no better than paraphrase the case put by LB Southwark.^{7,20-22} The existing public realm is deplorable. The London Bridge Tower proposal would bring a clear enhancement. It is an obvious first step in the process. It would not prejudice further enhancement through other developments. Indeed, it ought to stimulate further improvements. A masterplan would likely be counter-productive in that its production would delay rather than encourage development and regeneration. And there is much more than a grain of truth in Renzo Piano's view that it is better to work incrementally 'otherwise you are paralysed by perfection and never start'.^{8,27}

^A Documents CD1/4 and CD1/7 are the original 2001 and amended 2003 application drawings; the letter at CD1/7 explains the changes.

^B Document CD1/7 – dwgs. LBT-AR-1200-E, 1202-E and 1206-E.

^C Document A1/2 – a comparison of the existing and proposed layouts is at E63; plans showing circulation at street and concourse levels are at E4-E7.

- 16.19 It should also be remembered that much of what we enjoy and admire about London happened incrementally, not in accordance with a masterplan. And one should beware of introducing public open space for its own sake – it should be in the right location to serve an identified purpose. In my opinion, it is sufficient that the London Bridge Tower proposals would considerably enhance the existing public realm without prejudicing the ability of future neighbouring developments to contribute further enhancement. I do not believe that a building such as London Bridge Tower automatically needs public open space around it and no public need was identified at the inquiry that ought to be, but has not been, provided by these proposals.

Design detail

- 16.20 I shall dwell on what I saw as the three main reservations expressed about the design. In general terms, what I say on these three matters may be taken as indicative of my views both on the design approach adopted by Renzo Piano Building Workshop (RPBW) and on an approach to design matters as yet not wholly resolved.

Transparency

- 16.21 The building has floors and it has a substantial central core. It cannot possibly be transparent in the sense of being able to see right through the building.^{9,6} Nevertheless, the use of extra clear glass would, on the evidence of my various site visits,^A achieve two things – it would give transparency at the corners of the building and it would enable the viewer to see or perceive the activity going on within the building. This is in contrast to most office buildings, where the reflective or opaque nature of the glazing makes the building impenetrable to the eye, makes it impossible for the external observer to see any activity at all within the building. I expect that certain weather conditions would cause even the proposed extra clear glazing to become reflective rather than transparent from some viewpoints – but that does not, in my opinion, detract significantly from the essential merit of the treatment in achieving a degree of transparency.
- 16.22 In the same way as the occupied floors cannot be truly transparent, neither can the radiator. Even though it would be an essentially open structure, it would be so high above the ground, or other buildings, that the angle of vision would prevent views through it.^{9,6} Even so, I consider that the absence of floor structures and the discontinuous nature of the shards around the radiator would have the effect of rendering this upper part of the building visibly less substantial than the occupied floors below. The intended feeling of the building diffusing into the sky should, to a large extent, be achieved.^{6,126}

Blinds and lighting

- 16.23 The proposed building may have a sculptural form but it is still a building to be used by human beings for a variety of purposes. I consider it would be wrong for the design to aspire to the same qualities as a piece of traditional sculpture – as if formed out of a single solid material. The blinds and lighting should act as a counterpoint to the overall form. I do not see harm to the design necessarily arising from the likelihood of some blinds being closed and some open, or some lights being on and others off. In my opinion, that would do no more than show the building for what it is – vibrant, occupied, serving different people for different purposes.

^A In London, the entrance foyer at 88 Wood Street uses glass with a similar specification.

- 16.24 Two things must be secured, however. Firstly, the blinds within the cavity glazing will be controlled by the building management system but the internal blinds will be manually operated. The colour of both should be controlled so that any patchwork effect has either a single colour or a limited palette. The style of the blinds in the office floors will be controlled as part and parcel of the design. That may not be so for the blinds or curtains in the aparthotel or apartments – but they too should be controlled. Secondly, it is important that, as proposed, the perimeter lighting in the office floors should be by uplighters, thus avoiding the harsh effect of individual ceiling light units when seen from street level.

Canopies

- 16.25 Different levels of light transmission would be required through the canopies over the railway station, bus station and St Thomas Street. None has been developed in detail, although the layout and the principles of the design are known.^A The concerns expressed at the inquiry were about the effect of the proposed canopy over St Thomas Street. I am sure that a satisfactory design can be achieved. Firstly, the height (about 14m to the soffit^B) and length (about 85m) of the canopy and the width of the street (up to about 20m and never less than 14m^C) mean that there is no threat of a glazed canopy creating the impression of a tunnel, or otherwise having a claustrophobic effect. Secondly, the glazed canopies and roofs that I saw at the Beyeler Gallery in Basel and the Potsdamer Platz in Berlin, all designed by RPBW, leave no doubt that a glazed canopy, open to the air but still a barrier to wind and rain and a diffuser of strong sunlight, can be neatly and elegantly designed as precisely that – a canopy rather than a roof. A planning condition would afford satisfactory control.

'Dumbing down'

- 16.26 I understand the fear that, once planning permission had been granted, pressure might be brought to bear to amend the design so that what was actually built became far removed from the design actually approved. If amendments were sought for financial reasons, because the approved design was too costly to be viable, then the result could indeed be a building that was a pale and unsuccessful shadow of what was approved. However, I firmly believe that it would be wrong to refuse planning permission purely on that basis. And the Applicant gave four reasons why the quality of architecture should be considered secure.^{6.134-139; 15.5}
- 16.27 Firstly, planning permission is granted on a particular set of proposals. In this case, four weeks of inquiry time was spent considering a particular design. My recommendation is based on that design – not on variants of it. The quality of the architecture is crucial to my recommendation. If planning permission is granted, it should be based on the specific scheme, the specific drawings, considered at the inquiry – and should have conditions attached to control the design details not yet fully resolved. Any material variation from that scheme would then require planning permission. It would be for the local planning authority to judge such variation on its merits – and it might be better not to have the building than to have a diluted version of the originally approved design.

^A Document A15 is the canopy plan; Document A1/2 has perspective views within the concourse at E14 and E15, an indication of the canopy form at E59 and details at E60, E61 and E62; Document A16 is a perspective view along St Thomas Street.

^B Document CD1/7 – dwg. LBT-AR-3513-E.

^C Document A15 – dwg. LBT/AR/RF/F.

- 16.28 Secondly, conditions attached to planning permission can ensure satisfactory resolution of details that are not clear on the application plans. I am in no doubt that it is possible to specify those elements on which greater detail is required. Also, and particularly after my visit to Renzo Piano's buildings at Basel and Berlin, I am in no doubt that the elements on which more detail is required are capable of being successfully resolved in the context of the overall design.
- 16.29 Thirdly, there is a contract tying RPBW to the project until its completion. I take some comfort in that – but the contract was not put before the inquiry and is not enforceable by the local planning authority. It can therefore be given little weight in a planning decision on the proposal.
- 16.30 Fourthly, the Section 106 agreement contains an obligation relating to ten specified aspects of the design.^A It is easy to see that these are important elements in what is proposed, some of them critical. It is less easy to anticipate how they might be interpreted if the design were proposed to be modified in some way. They do, however, seem to secure the essential principles of the shards of glass forming a spire. While I might not wish to rely on the obligation alone, it should certainly assist in two ways – firstly, in satisfactorily discharging the conditions that I believe ought to be attached to any grant of planning permission; secondly, in interpreting what might or might not subsequently be considered acceptable amendments to any approved scheme.

Conclusion on design quality

- 16.31 PPG1 stresses the importance not simply of good design but of good urban design. It requires applicants to demonstrate that they have taken account of the need for good design and local planning authorities to reject poor designs. Annex A indicates the sort of illustrative material likely to be required to support development proposals. It also encourages early consultation.
- 16.32 The London Bridge Tower proposals and the way they have been promoted surpass all that is required or encouraged by the guidance in PPG1. The vast majority of people who have commented consider the proposal to be a good or outstanding piece of architecture. Virtually all those who have objected have done so on the basis of location, relative to architectural and historic heritage, rather than because of the design itself. I, personally, am very impressed with the quality of the design. The detail is still evolving, of course. But I am equally impressed with the quality of design, detail and use of materials in the buildings by RPBW that I have seen (in Basel and Berlin). I am confident, should planning permission be granted, that detailed design can sustain, if not enhance, the quality of the proposals examined at the inquiry.

The impact of the proposals on the Strategic Views of St Paul's Cathedral (as set out in RPG3A)

Policy context

- 16.33 RPG3 urges London Boroughs to use their responsibilities to enhance Strategic Views where possible and to include policies in their UDPs to protect those views. It refers at para. 8.18 to the 'Supplementary Guidance' published in 1991 as Annex A to the previous RPG3 (RPG3A). This gives protection to ten defined Strategic Views, eight of St Paul's Cathedral and two of the Palace of Westminster. The objections to this application relate only to the Strategic Views of St Paul's Cathedral from Parliament Hill

^A Document CD1/9 at Schedule 6.

and Kenwood. The application site is within the Background Consultation Area in both views.

- 16.34 The only reference to Strategic Views in the adopted Southwark UDP is in Policy E.2.2. It states that Southwark is not considered an appropriate area for tall buildings and then sets criteria by which the height of new developments should be judged. Criterion (v) seeks respect for existing landmarks and historic and important views, particularly the defined Strategic Views, and (v)(e) seeks improvement of Strategic Views where there are proposals to redevelop existing buildings of inappropriate height.
- 16.35 GOL Circular 1/2000 *Strategic Planning in London* deals specifically with strategically important sites and views in Annex 2(ii), amending the protective directions and consultation requirements in RPG3A and stating that the guidance will remain extant until 'appropriate alternative arrangements have been put in place'. That will occur only when the London Plan and associated supplementary planning guidance are published. At present, the Panel report on the EiP into the draft London Plan is awaited. The review of the Southwark UDP is at an earlier stage and that Plan is expected to be consistent with the London Plan.
- 16.36 The Strategic Planning Advice on High Buildings and Strategic Views published by the London Planning Advisory Committee in 1999 (LPAC 1999 Advice) was endorsed by the Government as a material consideration in relevant planning applications. The Guidance on Tall Buildings published jointly by English Heritage and the Commission for Architecture and the Built Environment in March 2003 (EH/CABE Guidance) also had Government encouragement. Both documents, particularly the latter, were referred to throughout the inquiry in the assessment of the London Bridge Tower proposal.
- 16.37 In the draft London Plan, Policy 4B.12 covers the designation and management of strategically important views, sub-divided into three types – panoramas across a substantial part of London, broad prospects from the River Thames and views from urban spaces. Panoramas are drawn more widely than the existing Strategic Views but the management measures in Policy 4B.12 include enhancing the background of a view, not imposing on a landmark within a view and protecting backdrops that give a context to landmarks. In addition, Policy VA1 includes the statement that development within background assessment areas which fails to preserve or enhance the ability to recognise and appreciate a landmark building will normally be refused. The accompanying text indicates that the objective is to ensure that landmarks are visible and can be appropriately appreciated but not to ensure that they have prominence within the panorama. With the possible exception of this supporting statement, the proposals do not seem to me significantly to alter the present policy regime. However, since they were the subject of considerable objection and the Panel has not yet reported on the EiP, I consider that they can be given little weight in the determination of this application.
- 16.38 The emerging supplementary planning guidance on tall buildings accompanying the UDP review seeks to avoid such buildings detrimentally affecting strategic or important views. Again, while this does not seem to move away from the existing policy approach, I consider that little weight can be given to the UDP review at this early stage in its evolution.
- 16.39 Accordingly, while much was said on the subject during the inquiry,^A the policy position is clear cut. The guidance in RPG3A remains extant, the LPAC 1999 Advice and

^A See in particular paras. 6.180-182, 6.203-205, 7.16-18, 7.27, 8.4, 8.9-12, 8.15, 9.25-30, 9.33 and 9.35.

EH/CABE Guidance assist in its interpretation and adopted UDP Policy E.2.2 is consistent with its objectives, albeit that it dates from 1995. At the same time, neither the London Plan nor the review UDP have, in my opinion, advanced far enough to be given any significant weight – although, if my interpretation of their proposals is correct, the fact that they would not significantly diminish the protection given to landmark buildings must lend support to the existing policy regime.

Policy interpretation

- 16.40 RPG3A says that 'Background Consultation Areas (BCAs) exist to protect the back-drop to the views of St Paul's Cathedral and the Palace of Westminster from unsuitable development which would reduce their visibility or setting'. The Applicant's evidence raises several questions.^{6.11-27} What constitutes 'unsuitable'? What might be 'suitable'? Is the judgement to be made by reference purely to visual factors – or to other arguments in favour of a particular development in a particular location? How can development in its back-drop, whether or not thought 'unsuitable', reduce the 'visibility' of St Paul's? What does 'reduce the setting' mean?
- 16.41 I believe the last two of these questions are easily answered. As suggested by English Heritage, I think that 'reduce the visibility' must be taken to mean 'reduce the ability to perceive' – or 'to recognise and appreciate'.^{6.22} And 'reduce the setting' must surely be interpreted as 'reduce the quality of the setting'.^{6.22} In either case, there are judgements to be made – whether the visibility or setting *would* be 'reduced' by a particular proposal and, if so, whether that reduction would be sufficiently harmful to warrant refusal of the proposal.
- 16.42 The very use of the word 'unsuitable' in RPG3A implies to me (and to the Applicant^{6.11}) that a development judged 'suitable' (albeit in unspecified terms) might be permissible in a BCA even though it would 'reduce the visibility or setting' of St Paul's. In other words, a development proposal judged suitable because of (in this case) its regeneration and sustainability credentials could be permitted despite causing a 'reduction' in the visibility and/or setting of St Paul's. Even if this is the correct interpretation, it must involve assessing the degree of reduction. For the purposes of this report, I look here only at the effect on the Strategic Views. I address suitability when considering the appropriateness of the application site for a tall building.

The views from Parliament Hill and Kenwood

- 16.43 The setting of St Paul's Cathedral had already been eroded by the cluster of tall buildings at London Bridge, Guy's tower in particular, by the time these two Strategic Views were designated in 1991.^{6.29; 9.38}
- 16.44 St Paul's Cathedral stands some 6.5km from the viewpoint on Parliament Hill. Its cupola breaks the horizon of the Surrey Hills in the far distance. The London Bridge cluster is about 1.3km further away.^A New London Bridge House is seen to the right, partially behind the dome and drum and below the horizon. Southwark Towers stands behind and partially to the right of New London Bridge House, its two stair/lift towers coming above that building but just below the horizon. Guy's tower stands clearly to the right, immediately beyond the Cathedral's western towers, its unique silhouette significantly breaking the horizon. London Bridge Tower would rise immediately to the right of the Cathedral's drum but visually separated from it by New London Bridge

^A At para. 6.33 the Applicant says that the application site is 7.9km from Parliament Hill.

House. The extent to which it would break the horizon can be gleaned only with difficulty from the images in the Environmental Statement Addendum.^A

- 16.45 The viewpoint at Kenwood is nearly 8km from St Paul's. The viewpoint is higher and no part of the Cathedral breaks the horizon. The cupola is seen against the left side of Guy's tower, of which only the (substantial) roof-top structures break the horizon. Southwark Towers and New London Bridge House stand clear of the drum and dome, to their left. London Bridge Tower would rise immediately to the left of the drum.^B
- 16.46 The Cathedral is probably fairly easily identified and appreciated on most days of the year.^{9.44} In fact, at my site visits, it was more prominent and much more easily identified than the views in the Environmental Statement Addendum^C suggest. Indeed, its distinctive form and obvious scale give it a certain dominance, particularly from the nearer and lower viewpoint at Parliament Hill. At the same time, that dominance has obviously been diminished by the advent of so many buildings that are taller, both in the City and at London Bridge.^{9.38,39; 12.5}
- 16.47 On my reading of RPG3A, its purpose is to protect the Strategic Views – not to enhance them. In other words, the intention is not to return St Paul's Cathedral to its former pre-eminence in the views.^{6.28; 9.40} English Heritage notes that St Paul's is 'the most important defining building in London' and that it 'was conceived as London's greatest landmark'.^{9.45} But it was conceived in the 17th century.^{12.4} To use that as a principal argument against development in the 21st century tends to deny the evolution of London as a world city over the last two centuries.
- 16.48 Equally, there is a powerful argument that such a symbol of London should not be allowed to become less prominent than it is now (or when RPG3A was published). On this basis, the existence of a cluster of tall buildings at London Bridge cannot on its own justify replacing one of those buildings with a very much taller one.
- 16.49 There is, of course, much more to it than these simplistic arguments for and against.
- 16.50 UDP Policy E.2.2 seeks improvement to the Strategic Views where there are proposals to redevelop existing inappropriate high buildings. Southwark Towers is such a building. It cannot claim any architectural quality. But it is flanked by New London Bridge House and Guy's tower. New London Bridge House may come to be redeveloped – but a proposal to replace Guy's tower in the foreseeable future seems almost inconceivable.^{7.19,30} Even if it were not, the density at which Guy's campus is already developed suggests little likelihood that a building less tall than the existing would cater for the hospital's needs.
- 16.51 The height (rather than the bulk^{9.42}) of London Bridge Tower would be far, far greater than that of the existing Southwark Towers. Its spire-like form would be striking. Its height would make it eye-catching. It would certainly be the first thing to which eye would be drawn, from Parliament Hill and Kenwood alike.^{6.33; 9.43; 12.10} These qualities would make it a 'signpost' for St Paul's. English Heritage argues that the Cathedral needs no such signpost.^{9.44} Once seen, it is unmistakable. That is so – but both views

^A Document CD1/12(2), View 4; Document F61 gives a clearer view but was taken with a telefoto lens; Document CD1/6 has a 'magnified' version of View 4 and is possibly the most helpful image.

^B Document CD1/12(2), View 5; Document F60 is taken with the same telefoto lens as Document F61; Document CD1/6 also has a 'magnified' version of View 5, less magnified than View 4 and thus more closely resembling what is seen with the naked eye.

^C Document CD1/12(2) – Views 4 and 5.

are wide panoramas. At my site visits, everyone knew precisely where to look. Also, the plaques at the viewpoints identify the important buildings. But the casual observer, away from the plaques, may not as easily identify St Paul's. London Bridge Tower would certainly assist.^{6.33,34}

- 16.52 One must also add into the equation the undoubted architectural merit of the building proposed. There must be a distinct difference between the harmful effect that a poorly designed building would have on the setting of St Paul's Cathedral and the complementary impact of a well designed building.^{6.35} The sculptural form and the lightness of the glass facades of London Bridge Tower^{6.36} would be quite different^{6.35} to the form and materials and, importantly, the scale of St Paul's. Once seen, the Cathedral would retain its ability to draw the eye.^{6.33} I do not think it can be correct to say that *any* tall building close to St Paul's in the Strategic Views must automatically be unacceptable because it would distract attention.^{6.36} Nor do I believe that the symbolic, or visual, importance of St Paul's Cathedral would be significantly diminished by having such a tall building almost directly (but 1.3km) behind it.^{9.43}
- 16.53 English Heritage posed what I agree is 'the key question'.^{9.41} Would London Bridge Tower enhance or worsen the existing situation? In my opinion, it would enhance it. The existing cluster of tall buildings is offensive to the eye.^{12.10} Southwark Towers is not particularly prominent, being largely hidden behind New London Bridge House. But it would be replaced by a building of undoubted architectural quality. If anything, the proposed building, by itself attracting the eye, would lessen the harmful effect of the existing Guy's tower in the Strategic Views.^{6.33} Although it is something of an over-simplification, there is merit in the Applicant's conclusion that 'mediocrity causes harm, not quality'.^{6.40}

The view from Farringdon Road

- 16.54 The Dean and Chapter of St Paul's Cathedral, as well as dealing with the two Strategic Views, objected to the impact on the view from Farringdon Road. This is not a Strategic View. In fact, it does not appear to be a view from Farringdon Road. St Paul's can be seen from Farringdon Lane^A and from Vine Street Bridge and Clerkenwell Road where it crosses the Thameslink railway line, to the extent that one can see over the high brick parapet and boundary walls. It is true that the view is 'sudden and unexpected'.^{12.10} However, save for St Paul's itself, it is not a view of townscape quality. The railway cutting that enables the view of the Cathedral at the same time exposes the backs of buildings on either side of it and at Farringdon Station. In my opinion, it is only from Clerkenwell Road, where the high bridge parapet obscures much of the fore and middle ground, that the view can be said to have any visual quality.
- 16.55 Given the generally mediocre setting in these views, it seems inappropriate to me to resist proposals of the architectural quality of London Bridge Tower, particularly when it would rise clearly to the left of the Cathedral and would not compromise its silhouette.

Conclusion on the effect on the Strategic Views

- 16.56 There is an argument that the historic significance and pre-eminence of St Paul's Cathedral in views from Parliament Hill and Kenwood would be further undermined by having such a tall building immediately behind it. Taken purely in the context of

^A Document CD1/3(3) – View 8, described as 'at Ray Street Bridge'; the buildings above the advertisement hoarding are on the opposite side of Farringdon Road.

RPG3A and the protection of Strategic Views, it is an argument that must carry weight. However, it is not one that I support.

- 16.57 I do not consider that that the proposed London Bridge Tower would reduce the visibility or setting of St Paul's in the terms I have defined above. In other words, the ability to perceive and appreciate the Cathedral as a symbol of London would be no less than it is today. And it is very difficult to maintain that a building of the architectural quality of the proposed tower, well beyond the Cathedral, of entirely different form and materials, could so diminish its setting as to be unacceptable. More than anything else, it is the sheer height of the proposed tower that causes concern. But the scale and form of St Paul's would ensure that it retained its prominence in the Strategic Views and from the vicinity of Farringdon Road. London Bridge Tower would, in my opinion, be the first building in the Strategic Views to catch and draw the eye and it would act as a visual signpost for the Cathedral – but I do not believe that it would devalue or diminish the status and significance of St Paul's to any material extent.
- 16.58 English Heritage is concerned that to allow the proposed building would represent a step-change in process by which, in recent decades, the dominance of St Paul's has been challenged and undermined by high buildings.^{9.45} Again, that is to take a purely historical stance. London is an evolving city and its skyline is bound to change. Taller buildings (not necessarily this tall) seem to me inevitable. This particular proposal would stand in the Background Consultation Areas of two Strategic Views. But I have assessed its impact in that light and concluded that it would represent an undoubted improvement over what exists.

The impact of the proposals on the Tower of London World Heritage Site

- 16.59 The Tower of London comprises mainly grade I listed buildings and is a World Heritage Site, recognised for its outstanding universal value. The architectural and historic importance of the Tower is not in any way in dispute.^A Neither are the essential elements contributing to its setting – its historic domination of its surroundings generally and of the River Thames and the City of London in particular.^{10.20} Historic Royal Palaces acknowledges that the scale of development over last 50 years or so has diminished the former dominance of the Tower over the City.^{10.22}
- 16.60 Historic Royal Palaces' objection is summarised as the detrimental effect of the proposed building, ranging from significant to severe, on elements of the Tower's setting seen from five general locations – from two areas within the Inner Ward, from Tower Wharf, from the north-east and from the north – plus its continuing effect in the perception, its appearance at night and its cumulative effect alongside recent or permitted development.^{10.47} English Heritage's objection is simply summarised as being that the impact on the setting of the Tower of London would be severely adverse and would, on its own, justify refusal of planning permission.^{9.64}

Policy context

- 16.61 Perhaps understandably, since Southwark is on the opposite side of the Thames, the Southwark UDP has no policy specifically to protect the Tower of London or its setting. Policy E.2.2 does, however, seek respect for 'existing landmarks and historic and important views'. PPG15 deals at paras. 2.22-23 with the significance of World Heritage designation for local authorities' exercise of planning controls. No additional

^A Paras. 10.10-16 summarise the importance of the Tower of London; Documents A3/2, A3/8, F33, G1, G17, G20 and CD9/17 together acknowledge its architectural and historic importance.

statutory controls flow from inclusion of a site in the World Heritage list but the outstanding international importance is a key material consideration to be taken into account. In this respect, the Applicant's legal submissions seem to me correct.^{6.221-227} The test (in this case) is that set out in Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and subject to the guidance in PPG15.

- 16.62 Consistent with what I said in relation to Strategic Views, I consider that little weight should be given at this stage to the draft London Plan and the emerging UDP review. The EH/CABE Guidance is, however, relevant since para. 4.6 includes as criterion (ii) for the evaluation of a tall building proposal 'the effect on the whole existing environment, including the need to ensure that the proposal will conserve, or not damage or detract from ... World Heritage Sites and their settings, including buffer zones'.
- 16.63 The Tower of London World Heritage Site Management Plan is in its 'final draft for consultation'.^A Consultation on a specific matter earlier in 2003 prompted responses of a much more wide-ranging nature. As a result, a further study has been commissioned, bringing the possibility of proposals for changes to the present draft. The contents of (or absences from) the Management Plan were a continuing source of debate at the inquiry, primarily relating to the importance of views from the north-east, in the vicinity the Royal Mint. Suffice it to say that its draft status, the potential for change and the evidence to the inquiry combine to suggest that very little weight should be given to its contents as policy instruments. At the same time, Objective 5 of the Plan, to 'ensure that the wider setting of the tower is adequately protected from development which is not compatible with the unique status, dignity and character of the WHS', seems a perfectly reasonable point from which to start.^B

General approach

- 16.64 Firstly, the setting of a listed building is a concept that requires consideration irrespective of the availability or popularity of views. That applies in both architectural and historic terms.^{9.50: 10.44} Thus, the fact that the area to the north-east of the Tower may be less popular with visitors, especially the east side of Tower Bridge Approach and East Smithfield, does not mean that, in principle, lesser importance can be ascribed to that area as part of the setting of the Tower.
- 16.65 Secondly, Historic Royal Palaces' general policy is that tall buildings will never be acceptable where there is an adverse effect on the setting of, in this case, the Tower of London, whether those buildings are well designed or not.^{10.3} At the same time, it concedes that the overall quality of design is a relevant consideration in assessing harm.^{10.46} The simple point appears to be that, however good the architectural design when viewed in isolation from its context, a tall building cannot be acceptable if it is in the wrong place. I do not believe it can be as black-and-white as this implies. It must be possible, depending on the particular circumstances, that a potentially harmful impact can be mitigated by good design.^{6.42}
- 16.66 Thirdly, any assessment of harm must be made with regard to the long term.^{10.38} In particular, this means that limited weight should be given to the screening qualities of the trees within the Tower of London.^{10.43} At present, it is difficult when the trees are in leaf to find clear views towards where London Bridge Tower would be. Even now, of course, the degree of screening varies with the seasons. More importantly, it would be

^A Document CD9/17.

^B See paras. 6.73-91; 7.35; 8.31; 9.47-49; 10.34,45,73 – it may be noted that Historic Royal Palaces wishes to give least weight to its own draft Management Plan while the Applicant wishes to give it greatest weight.

unwise to assume that new trees would be planted to replace the existing ones, as and when they come to the end of their lives.

Specific objections

16.67 I now look at the five specific areas on which objections are raised by Historic Royal Palaces.

From the Inner Ward

16.68 Two areas were addressed – to the north and north-west of the White Tower, represented by Views 10, 10a and 10b in the Environmental Statement and Addendum, and to its east, represented by Views 12 and 12a.^A

16.69 In the first of these, with the White Tower to the south, Wellington Barracks^B to the north and Queen's House to the south-west, Historic Royal Palaces saw three elements of significance – the relationship between the 'awesome' scale of the White Tower and the domestic scale of Queen's House, the sense of the Tower of London being a place apart from, standing above, the surrounding city and, more generally, the relative dominance of the Tower over its surroundings, reflecting its historic function.^{10.48}

16.70 In response to the second and third of these points, there is, certainly, a sense of being in historic surroundings, set apart from the world outside.^{9.61} But I see that as a product of the buildings and spaces of the Tower itself.^{6.49} The impression from the photographs is somewhat misleading.^{8.30} The feeling exists despite the bustle of visitors to the Tower.^C It exists despite the modern-day intrusions from activity on the river on one side, traffic on Tower Hill and Tower Bridge Approach on the other side and aircraft overhead *en route* to London City airport. And it exists despite the visibility, from various places, of the buildings of the City to the west and north-west, not all of them tall, as well as those at London Bridge and on the south bank.^{7.36; 9.62} The proposed London Bridge Tower would be around 800m from these viewpoints, at least as far away as Swiss Re and Tower 42. It would, of course, be considerably taller than these buildings – but I consider that the effect of distance itself would be sufficient to avoid eroding the sense of place in the Tower to any harmful degree. Nor do I think that the relationship between the White Tower and Queen's House would be diminished. The White Tower is utterly dominant^{6.50} and would remain so.

16.71 At the same time, it is certainly true that the sheer height of London Bridge Tower would be a prominent addition to the views over Queen's House.^{10.50} This could be argued as diminishing the setting of the Tower of London. Such an approach may also, however, be seen as rather academic or historicist – harking back to the lower development that existed two or more centuries ago and failing to appreciate the circumstances pertaining today. I consider it very much a part of the setting of the Tower of London that it now stands within a thriving mercantile city. In my opinion, the Tower's historic character and importance are enhanced by the visitor being able to recognise that the city has evolved and expanded and no longer needs the protection once provided (or the control once exerted) by the Tower. In other words, the vibrant 21st century nature of the City adds to, rather than detracts from, an appreciation of the historic character of the Tower

^A Documents CD1/3(3) and CD1/12(2).

^B Plans in some Documents refer to 'Waterloo Barracks' – I use 'Wellington Barracks' for ease of reference to the Environmental Statement.

^C Document E/RR/4 – Lord Rogers' photographs, taken during the inquiry, give more of an impression (though less than either of my site visits) of the 'bustle of visitors'.

of London.^{6.52} In that sense, the advent of London Bridge Tower to the skyline beyond Queen's House would be but another indication, and an architecturally pleasing one,^{6.55} of the successful city around.

16.72 It must also be said that Guy's tower, while very much lower than the proposed London Bridge Tower, nevertheless has a form and mass that sit uncomfortably above Queen's House in these views, confusing its silhouette. The form and materials of the proposed building would not have this effect – it would simply be a very much taller structure. There is a strong sense of enclosure in these views, which even the unfortunate Guy's tower does not undermine; however, the presence of that building on the skyline seems to me to negate the idea of a 'zone of no visual intrusion'.^{10.50}

16.73 In my opinion, there is much less of concern about the views from the east side of the White Tower, an area said by Historic Royal Palaces to illustrate the relative dominance of the Tower in its townscape setting.^{10.52} City Hall and the More London development on the south bank are clearly visible from this vicinity. They may not be tall buildings, and no taller than previously stood there,^A but they are unmistakably and unashamedly modern. So too would be London Bridge Tower. It would be very tall, a 'significant additional feature in the view',^{10.53} but the effect of distance would mean that, as actually seen, it could not compete visually with the height and powerful character of the White Tower. The dominance of the White Tower would be unimpaired.

From Tower Wharf

16.74 London Bridge Tower would be prominent, the dominant element, in views looking south-west from Tower Wharf.^{10.56} However, it seems to me to be taking an altogether extreme stance to suggest that its height (and 'scale', using the word incorrectly in my opinion) would diminish the Tower of London's remaining relative dominance of the Thames.^{10.57} I think it is relevant that, when looking towards the London Bridge cluster from Tower Wharf, one has to look away from the Tower of London. They are not seen in the same view. Also, I found the historic purpose and dominance of the Tower of London to be evident when looking at it from Tower Wharf, or indeed from anywhere along the path between the Tower and the river, or from Tower Bridge, or from Queen's Walk on the south bank. The London Bridge cluster is over 600m away from the wharf, on the opposite side of the river, beyond substantial waterfront buildings. London Bridge Tower would certainly attract the eye more than the existing buildings, because of its sheer height, and would do so more than the tall buildings of the City that are visible beyond the Tower – but it would also be a very elegant piece of architecture and a symbol of the world city that is London. In my opinion, from this viewpoint, it would clearly be another object to look at while visiting the Tower of London – but it could not possibly devalue the Tower in the way suggested.

From the north-east

16.75 It is true that, from around the entrance to the Royal Mint, the silhouette of the Tower can be viewed against a virtually unspoilt skyline,^{9.55} just as it would have been for centuries. In fact, Guy's tower is visible, but only just and barely noticeably, above the silhouette of the White Tower. And the modern city is here on the periphery of the view. Thus, this view retains, more than some others, a visual sense of the Tower's historic dominance over its surroundings.^{10.59} It is also a view of the landward fortifications,

^A Document F67, submitted to show the extent of the earlier waterfront development, also shows the general height of the buildings.

another facet of the Tower's history,^{10.59} although I suspect that examination of this is better done from closer quarters.^A

- 16.76 The proposed building would rise well above the White Tower in these views. But whether – or how much – it would distract attention from the special features of the view^{10.61} is another matter. English Heritage thought it would appear 'unsettling and bizarre'.^{9.57} Three things go against that conclusion. Firstly, the traffic and highway paraphernalia in the foreground wholly detracts and distracts from an appreciation of the Tower.^{7.37; 8.31} While regard should be had to any longer term improvements likely to flow from the Tower Interchange Study,^{9.59} the illustrative schemes suggest no marked difference in the visual impact of the highway layout.^{6.70} Secondly, the effects of distance and of the form and materials of the proposed building must mitigate against any harm done by its appearance on the skyline – in essence, its sculptural form and lightness of appearance would be unlikely to detract significantly from the robust and solid character imparted by the stone buildings of the Tower.^{6.92}
- 16.77 Thirdly, the views in the Environmental Statement are, of necessity, static. In practice, views of the Tower of London are dynamic.^{6.90; 10.39} The relative position, and height, of the proposed building would vary as the viewer moved around. In particular, it would appear much lower and more obviously distant in views from the western side of Tower Bridge Approach, closer to the Tower itself. There is a comparison to be made here with the views walking northwards along Tower Bridge Approach, where Tower 42, Swiss Re and One America Square, admittedly all lower buildings, are visible to various degrees without, in my opinion, detracting to any material extent from the character and dignity of the Tower.^{6.104}
- 16.78 Again, I consider that there is a plausible argument, albeit in a somewhat narrow and historicist sense, that the silhouette of the Tower of London should remain essentially untrammelled by modern buildings beyond.^B My own conclusion, based on the evidence to the inquiry and on my site inspections, is that the evolution of the modern city cannot be ignored. I find that the juxtaposition adds to rather than diminishes the historic character of the Tower. London Bridge Tower would be another indication, albeit a much taller building and in a different view, of that modern city. In the dynamic context of the views from numerous different locations, I do not consider that the robust and powerful character of the Tower of London, as seen from the north-east, would be noticeably undermined by the proposed London Bridge Tower.
- 16.79 English Heritage acknowledges that the best, and most important, views of the Tower of London are nowadays, though only recently available, from Queen's Walk on the south bank.^{9.53} In views from west of City Hall, the Tower is seen in its historical relationship with the River Thames and with an untrammelled silhouette.^{8.32} The buildings of the City rise to its left. Another important view, especially in terms of visitor numbers, is from Tower Bridge,^C from where a number of tall buildings in the City are seen above the Tower.^{9.54} English Heritage accepts as historical evolution this reversal of the supremacy of the Tower over the City.^D It ascribes some historical significance to the

^A Para. 6.72 above casts further light on the importance of the landward fortifications.

^B Para. 6.97 above poses an extreme, but telling, interpretation of what I have termed the historicist approach.

^C It is interesting to note, as in para. 6.102 above, that Tower Bridge was controversial when proposed but is now a cherished and internationally famous part of our heritage, despite, by dint of its form and proximity, dominating the Tower of London in many views.

^D Para. 6.76 above notes that the draft Management Plan (Document CD9/17) emphasises that the important historical association is between the Tower and the Thames and acknowledges the reversal in dominance between the Tower and the City.

views from the north-east, on the basis of there having been open space there in the 16th and 17th centuries,^{9.55} and regrets the introduction of a new impact (from the proposed building) where presently there is none.^{9.56} In my opinion, English Heritage's assessment of the relative importance of the views is sound. Those from the north-east are not as important as those from Tower Bridge and Queen's Walk. That does not affect my own conclusion – although, were I to have found material harm, it would give a perspective for the weight to be given to it in the overall balance.^{6.69.91}

From the north

- 16.80 There are two aspects to views from the north. One would be the experience of London Bridge Tower becoming gradually more visible as the viewer walked from east to west. Bearing in mind what I have said about the impact in views from the north-east, I consider this little different to other unfolding townscape views, for example of buildings in the City when walking north along Tower Bridge Approach. The key factor, as in other views of the proposed building, is its height. At the same time, it would be some 900m distant in these views – more than enough, in my opinion, to avoid any feeling of the building being overbearing or unduly dominant.
- 16.81 The other aspect is the impact of the proposed building when emerging from Tower Hill underground station and on to the viewing platform – more critical, I think, because it would be a first impression of the scene. Even so, London Bridge Tower would stand well to the right of the Tower of London, over 900m away on the opposite side of the river. The Tower itself benefits from a silhouette broken only by Tower Bridge.^{6.105} London Bridge Tower would undoubtedly attract the eye – but, again, I consider it would be far enough away neither to diminish the historic status and character of the Tower of London nor to be unduly dominant.

Other effects of the proposed building

- 16.82 Historic Royal Palaces is also concerned about the continuing effect of the proposed building in the perception, its appearance at night and its cumulative effect alongside recent or permitted development.
- 16.83 The existing buildings in the City already remain in the visitor's perception, even where they are not actually visible. As I have already said, I do not consider this image of the city beyond to be a bad thing, whether real or in the perception. Probably the best comparison is Swiss Re, nearing completion at the time of the inquiry. It is a striking building. Its image remains in the mind. It may not have turned out exactly as anticipated at the application stage.^{9.63} Even so, I do not believe that it in any way harms the understanding and appreciation of the Tower of London. Similarly, and despite being two thirds as tall again, I do not believe that the proposed London Bridge Tower would harm one's appreciation of the Tower of London.
- 16.84 The effect at night should be little different to the effect by day. Parts of the building would be lit internally, making its form and height obvious – but no more so than by day. Some form of external illumination may be employed – but it would be a distant object compared with the immediacy of the buildings of the Tower. Although details of lighting remain to be finalised, there is no reason in principle why the building's night-time appearance should be unacceptable.
- 16.85 Cumulative effect is a difficult matter to judge. Does there come a point at which one can say no more tall buildings should be allowed? I think it depends upon the approach adopted. If one takes a historical starting point when there were no tall buildings and the

city was visually dominated by the Tower of London and St Paul's Cathedral, then there must come a time (and it probably came many years ago) when modern development, not just tall buildings, harmfully undermines the traditional image. On the other hand, if the adjacent and evolving city is seen as a positive contributor to the historic character of the Tower of London, then control of the height or mass of development is probably better exercised in relation to distance from it. I take the latter approach and find no cumulative objection to the proposed building.

Conclusion on the effect on the setting of the Tower of London

16.86 Having assessed the various specific objections individually, I have concluded that no material harm to the setting of the Tower of London would arise if the proposed London Bridge Tower were built. Historic Royal Palaces criticised the way in which the Applicant, LB Southwark and the Mayor had reached their conclusions^{10.68-74} but I have come to mine on the basis of the evidence presented to the inquiry, supplemented by my visits to and around the Tower. Part of the criticism of the Applicant's case was that the original Environmental Statement conceded some harm to the setting of the Tower but the Addendum did not.^{9.52; 10.68} I see nothing sinister in the changes. I consider the conclusions in the original Statement compatible with an approach that places greater importance on preserving, or reverting to, a visual affirmation of the historical supremacy of the Tower over the City. Those in the Addendum are compatible with accepting that the City has already evolved out of all recognition and, at the same time, acknowledging that this adds to the ability to appreciate the historic importance of the Tower. English Heritage acknowledged that, where modern building has broken the silhouette of the Tower, the effect has, on balance, been a neutral one.^{6.98; 7.34}

16.87 It is nonetheless important that the Tower of London should not be overwhelmed by tall buildings standing closely around it. The moat gives a buffer of space around the Tower – though this may not prove to be enough. Even if the interpretation I put on the conclusions in the Environmental Statement Addendum is accepted, there may prove to be limits to the heights of buildings relative to their proximity to the Tower if its physical character is to be adequately protected. But the proposed London Bridge Tower would be around 700m from the nearest part of the Tower, on the opposite bank of the Thames – too far away, in my opinion, to harm either its architectural character or its historic setting.

The impact of the proposals on the settings of nearby listed buildings and conservation areas

16.88 English Heritage argued that the cumulative effect of the proposed London Bridge Tower on other listed buildings and conservation areas was such as to justify refusal.^{9.65,70} Although the proofs of evidence are extensive,^A examination at the inquiry was confined to what were said to be the most critical examples – the Palace of Westminster World Heritage Site, Guy's Hospital forecourt, St Thomas Street and Trinity Church Square.^{9.66-68} Of those not examined in such detail at the inquiry, the settings of Tower Bridge, Southwark Cathedral and the Church of St George the Martyr were considered of greatest significance, along with the view of Lambeth Palace from Lambeth Bridge.^{9.69-70} Some were not addressed in the closing submissions, on which I

^A For the Applicant, Document A3/1, Mr Bridges' proof of evidence, deals in Sections 5-7 with important views, listed buildings and conservation areas, supplemented by, in particular, Appendix A3/18, and with Appendix A3/20 containing views and photo-montages of recent or proposed tall buildings in their historic context. For English Heritage, Mr Calvocoressi's proof of evidence deals with these matters in Sections 5.7-5.10, supplemented by essentially documentary or photographic information in Appendices F39-F52.

have based the cases for the parties; I comment on them on the basis of my site visits. For all the nearby listed buildings and conservation areas, it must be recognised that part of their settings is the existing undistinguished cluster of tall buildings at London Bridge.^{7.38} Mr Calvocoressi (for English Heritage) accepted that the visible part of the proposed building was that which he found most agreeable.^{7.40}

The Palace of Westminster World Heritage Site

16.89 The upper part of London Bridge Tower would be visible above the roof of County Hall,^{9.66} diminishing and disappearing as one moves eastwards across Westminster Bridge. I agree with LB Southwark that comparison with the proposals for One Westminster Bridge is unhelpful;^{7.41} that scheme was for the roundabout site very close to County Hall and rose insensitively above it. I do not believe that the proposed building would be particularly evident, let alone prominent, in views from within Parliament Square; only if one were looking specifically at County Hall might it become a noticeable feature above the roof silhouette.

Guy's Hospital forecourt

16.90 Tall buildings (Guy's tower and New London Bridge House^A as well as Southwark Towers) are already an established part of the forecourt's setting.^{6.112} In particular, the bulk of Guy's tower looms over the east wing of the forecourt. The proposal would replace an existing mediocre building with one of acknowledged architectural merit,^{6.113} albeit a very much taller one.^B The setting would gain from other changes to St Thomas Street, particularly the removal of the footbridge.^{6.114} Far from the bulk or height of the proposed building having a significant additional impact,^{9.67} I consider that the balance of the changes would not be detrimental to the setting of the forecourt, which is itself a fairly self-contained and inward-looking architectural composition.

St Thomas Street

16.91 Again, tall buildings are an established part of the scene^C and the proposal would replace an existing mediocre building with one of acknowledged architectural merit.^{7.39} Where the existing street scene at the base of Southwark Towers is dreadful, the proposal would bring significant improvements, in particular the removal of the footbridge and the introduction of the canopy.^{6.115} The building above would be very much taller but I do not consider that it would have the significant additional impact envisaged by English Heritage.^{9.67}

Trinity Church Square

16.92 Guy's tower is visible above the terraced houses on Trinity Street, which forms the north side of Trinity Church Square. So too will be the recently approved Tabard Square development.^D The impact of the proposed London Bridge Tower would be greater than either^{9.68} but I take the view that the self-contained character of the square and the

^A In Document CD1/12(2), View 67 includes only part of the bulk of Guy's tower and wholly excludes New London Bridge House, which would come into the scene if the viewpoint was just two paces forward.

^B Since redevelopment is not objectionable in principle, it is interesting to speculate on the impact on the forecourt of a lower but bulkier building.

^C In Document CD1/12(2), View 66 is taken at a point where neither Guy's tower nor New London Bridge House are visible.

^D Illustrations of the impact of London Bridge Tower are at Document A7, (1) and (2) and of the Tabard Square development at Document F65. In Document CD1/3(3), View 58 shows a view of the earlier representation from further south.

conservation area would not be diminished by evidence of other urban development (even such a tall building) some distance away.

Tower Bridge

- 16.93 Seen from the entrance to St Katherine's Dock,^A the proposed building would rise to roughly the same height as the north tower of the bridge. However, I consider that its form and materials, not to mention its location nearly 800m further away, would readily distinguish it from the bridge and avoid visual confusion. Also, as one moved west, so the relative height of the proposed building would decrease. The modern buildings of City Hall and More London are clearly visible in these views and, albeit much lower, demonstrate that modern architecture need not diminish the setting of a listed building.

Southwark Cathedral

- 16.94 There are views of Southwark Cathedral from Winchester Walk and Montagu Close in which the existing tall buildings are visible.^B As seen, however, the Cathedral tower is always the highest point on the skyline. While the proposed building would be very much higher, I consider that its elegance, its spire-like form and its lighter appearance would enable it to stand comfortably behind the Cathedral.

St George the Martyr

- 16.95 The best views of St George the Martyr are from further south on Borough High Street, from where the proposed building would rise almost directly behind and very much higher.^C Even so, I consider that the church's setting would be enhanced by the removal of Southwark Towers and its replacement by the spire-like form and glass cladding of the proposed building. Also, as one moved towards the church, so the proposed building would be seen as becoming relatively lower and moving to one side of the spire.

Lambeth Palace

- 16.96 The effect here would be akin to County Hall, with the top of the proposed building appearing over the roof of the Palace. The view from one particular point as one crosses Lambeth Bridge, where the proposed building would rise behind the cupola, may appear unfortunate.^{9.69} But it would represent just one moment in an ever-changing view as one crossed the bridge. The dynamic nature of the view and the sheer distance of the proposed building beyond Lambeth Palace combine to ensure no harmful impact on the building's setting.

Conclusions on the effect on other listed buildings and conservation areas

- 16.97 The effect on conservation areas was not specifically addressed in closing submissions at the inquiry (with exception of Trinity Church Square which is anyway entirely composed of listed buildings). To the extent that the proposed London Bridge Tower would be visible from any of the nearby conservation areas (primarily from points along Borough High Street, Tooley Street and Bermondsey Street) there is nothing to be said that I have not already addressed above. The character of the various conservation areas is robust and the overall pattern and grain of development means that the areas are

^A Document CD1/12(2), View 20; also, in Document CD1/3(3), Views 20 and 21 show an earlier (and inferior) representation of the building.

^B In Document CD1/12(2), View 52 is from Montagu Close; in Document CD1/3(3), Views 52, 53 and 54 show the earlier representation of the proposed building.

^C In Document CD1/3(3), View 59 shows the earlier representation of the building.

themselves well-defined. Similarly, the settings of the listed buildings are well contained. As with the setting of the Tower of London, there may be an argument that the sheer height of the proposed building would intrude on the settings of these historic buildings and areas. However, modern development, including the existing London Bridge cluster, is already a feature of the settings of most of the listed buildings and conservation areas. I saw nowhere so sensitive that it would be unacceptably undermined by the advent of the proposed London Bridge Tower, which would generally be some little distance away.

The ability of the transport system to deal with the increase in demand and intensity of use created by the proposal, taking account of both the current demand and planned capacity of the public transport system

16.98 There is no objection on this count. Briefly, the appraisals of the proposal by the Applicant, LB Southwark and the Mayor conclude as follows.^{6.168-177; 7.45; 8.36-40; A}

16.99 This is a brownfield site adjacent to one of London's major interchanges for rail, underground and bus travel. It is in absolutely the right location to be well served by public transport. The increase in passenger numbers generated by the development would be tiny in comparison with the overall throughput of London Bridge Station. There would be a 1% increase in the numbers of passengers leaving trains in the morning peak period, which is imperceptible in terms of either existing flows or forecast growth. The scheme is designed to be implemented in conjunction with the existing station layout but is flexible enough to fit in with the Railtrack Masterplan or the Thameslink 2000 scheme or variants of either. The significant physical and qualitative improvements to the station concourse area would themselves increase capacity by more than the 1% forecast for the development itself. The very small effect on underground movements would be more than offset by the Section 106 obligation of £2 million towards improving access to the Northern Line platforms. Additional bus use would amount to less than one extra person per bus, again imperceptible. The bus station is at full capacity at present but the remodelling proposed as part of the application would be adequate to address the impact of the additional travel generated by the development itself. There would also be a Section 106 contribution of £3 million towards further enhancements. Arrangements for pedestrians would be entirely beneficial. All other aspects would be satisfactory. Overall, the proposals would make a substantial contribution towards facilitating a long-term solution to existing problems.

16.100 There is no doubt in my mind that additional travel demand generated by the proposed development would be comfortably accommodated by the public transport system, especially with the improvements enabled by the S106 agreement. Looking more widely at the objectives of PPG13, I consider that the proposals are highly sustainable in terms of transport choice, promote accessibility, not merely to the development itself but for all those using London Bridge Station, and certainly reduce the need to travel by car.

The appropriateness and impact on the local and wider area of a very tall building in this location

16.101 I had originally looked upon this matter as essentially a visual one, in effect an umbrella for the three matters relating to the Strategic Views, the Tower of London and other listed buildings and conservation areas and the need for good design. The evidence to

^A See also Document O4, the Transport Statement of Common Ground and Documents A4/1, A4/2, B3, E/SR/1.

the inquiry made plain that there was another dimension – namely, whether this would be an appropriate location in terms of regeneration, employment and sustainability.

- 16.102 English Heritage does not deny the case for regeneration. It simply says that the benefits are essentially local in nature. It sees no evidence that regeneration can only be achieved through this particular scheme, or of the catalytic benefits it might bring, or of the direct employment that the scheme might provide for local people.^{9,72} Historic Royal Palaces understands the need to make the best use of land and to regenerate the London Bridge area but says there is no cogent evidence to show that a tall building is a pre-requisite.^{10,81,82} Regeneration, employment and sustainability are fundamental to LB Southwark's support for the proposal,^{7,3-26} endorsed by the Mayor^{8,14,17,21,37,42-44} and the Applicant.^{6,179,184-195}
- 16.103 The application site is as sustainable a location as one could hope to find. It is directly alongside London Bridge Station, one of the busiest transport interchanges in London. As well as the through and terminating rail services, there are two underground lines and a bus station. There is no objection on transport grounds. The site is as good an exemplar as there could be for Government policy as set out in PPG13, para. 21 in particular. That does not necessarily justify a very tall building (as Historic Royal Palaces noted^{10,81}) – but, in terms of PPG13, the argument for making maximum use of so accessible a site (for the City as well as for transport) cannot be gainsaid.
- 16.104 In relation to RPG3, the main points made by LB Southwark, with which I agree, are these. The proposed development is generally consistent with the objectives set out in para. 1.14, three of them being particularly relevant. It is completely consistent with the relevant aspects of the strategic planning framework set out in Chapter 2, as well as the objectives in that same chapter relating to London's status as a world city.^{7,3,4,10} The regeneration objectives are also found in the adopted UDP, leading to Policies R.1.1 and R.2.1^{7,5} (although the latter does not strictly apply). The draft London Plan and the UDP review take matters further. The former identifies London Bridge as an Opportunity Area, the latter puts the site in the London South Central Regeneration Area.^{7,6} While I have suggested that little weight be given to the emerging Plans in relation to the Strategic Views and the Tower of London, it seems to me that greater weight should be given to these policies in view of their consistency with RPG3 and PPG13.
- 16.105 LB Southwark identifies five ways in which the proposed London Bridge Tower would contribute to regeneration. I think it is fair to say that that evidence is not controversial^{7,15} – save that I cast doubt on the importance of contributing to the aims of the (draft) London Bridge Framework when that document itself puts the scheme at the centre of its proposals.^{3,15}
- 16.106 As with sustainability, of course, regeneration does not automatically justify a tall building on the application site. On the other hand, what is proposed, with a mix of commercial, residential, tourist and leisure uses, can at the least be said to be completely consistent with the relevant objectives.^{7,9} Historic Royal Palaces points out that no consideration appears to have been given to alternative forms of redevelopment.^{10,82} I do not think that is particularly relevant. If I were to find the application scheme inappropriate on its merits, then I would recommend against it – but, were there no cogent objection, the consideration of other options matters not.
- 16.107 Thus, one can conclude in terms of sustainability, regeneration and employment that the proposal would have a positive impact on the local area and that, at the least, a very tall building would not be inappropriate. On this basis, and in the context set out in para.

16.42 above, this proposal should be considered a 'suitable' development for the application site.

16.108 In terms of visual impact, I have already concluded that the quality of design is very good, that the building would be an improvement over what exists in the Strategic Views of St Paul's Cathedral from Parliament Hill and Kenwood, that it would cause no material harm to the setting of the Tower of London, or to the settings of other listed buildings and conservation areas. It follows that the proposed building would be visually appropriate in both the local and wider area. It is thus a 'suitable' development in this sense also. Had I held reservations, however, they would have had to be weighed in the balance against the sustainability, regeneration and employment merits.

16.109 As an overall conclusion, I think it worthwhile giving a brief assessment of the proposed building against the criteria for evaluation set out in para. 4.6 of the recently published EH/CABE Guidance on Tall Buildings.

- (i) Its context within the existing cluster of tall buildings at London Bridge and across the Thames from the tall buildings of the City is appropriate.
- (ii) I have identified no material harm in relation to World Heritage Sites, listed buildings and their settings, conservation areas and their settings and other important views, prospects and panoramas (the relevant topics in this criterion).
- (iii) The relationship to the transport infrastructure is ideal.
- (iv) The architectural quality of the building is generally agreed to be very good, some say outstanding.
- (v) The proposal will contribute a significant improvement to the public realm in terms of the improved London Bridge station concourse and the environment in St Thomas Street.
- (vi) No adverse effect on the local environment has been identified; the proposed canopy would ensure an improved microclimate at ground level.
- (vii) Access between the railway station, bus station, St Thomas Street and Guy's Hospital would be significantly improved; the building would improve the legibility of the area by acting as a signpost for London Bridge.
- (viii) There has been no criticism of function and fitness for purpose; the provision of public areas at the middle and upper levels is a significant benefit.
- (ix) The building would be sustainable in terms of its location and its design for its purpose.

The extent to which the proposals comply with other national and regional planning policies

16.110 The Core Documents included twelve PPGs. Only PPG1 *General Policy and Principles*, PPG13 *Transport*, PPG15 *Planning and the Historic Environment* and PPG21 *Tourism* were referred to at the inquiry. I have found no objection in terms of these four PPGs and none was raised in connection with the others. I consider the question of prematurity below, in relation to the emerging London Plan and UDP.

16.111 I do not think there can be any doubt that the proposal complies with policy in RPG3 in so far as its overall objectives (Chapter 1) and framework for development and regeneration (Chapter 2) are concerned – or, indeed, in terms of London's economy (Chapter 3). Nor have I found objection in relation to the guidance on the built and historic environment, either in RPG3 itself (Chapter 8) or in RPG3A on Strategic Views. No other aspect of RPG3 caused any objection to the proposal to be raised at the inquiry.

The relationship of the proposals to the London Borough of Southwark's Unitary Development Plan

16.112 The only apparent conflict with the adopted UDP was in relation to Policy E.2.2 on the heights of buildings. I have concluded above that the application site is an appropriate one for a very tall building, that the proposed building is acceptable in terms of the Strategic Views of St Paul's Cathedral and the settings of the Tower of London and other listed buildings and conservation areas. I have also concluded that there can be no material criticism of the building's design. Accordingly, the objection to the letter of Policy E.2.2 cannot be sustained. In other words, the material considerations in the case indicate that the application may be determined otherwise than in accordance with the letter of the Development Plan.

16.113 No other objection was raised at the inquiry that was expressed in terms adopted UDP policy. Nor have I found any.^A

Prematurity and precedent

16.114 Historic Royal Palaces limited its case on prematurity to the argument that, were planning permission to be granted, on a site which two emerging plans identify as suitable for a tall building, the decision would be bound to pre-empt consideration of the emerging policies and pre-determine the outcome of the plan process.^{10.93} I consider the matter fairly straightforward.

16.115 Firstly, the extant policy base is more than adequate to enable a decision to be made on the application.^{6.201-206} Emerging policy appears more supportive of the proposal but the Applicant does not rely on it^{6.207} (and neither have I in writing this report). Secondly, the application is to be determined by the First Secretary of State, not by the local planning authority. The inquiry has provided the appropriate means by which to consider the specific proposal – and the evidence and illustration put to it has been comprehensive and thoroughly tested.^{6.211} A decision may therefore be properly taken on the merits of the particular proposal in the context of an adequate policy base. In fact, the decision will be taken in the context of evidence the extent of which could not normally be expected to be available to the London Plan and UDP processes. Far from pre-empting consideration of the issue through the plan processes, the decision on this application, whether it is to refuse or grant planning permission, can only inform and assist the judgements to be made.^{6.213}

16.116 Even then, there is a limit to how much assistance the decision could give. To grant planning permission might seem to endorse the principle of the London Bridge area being an appropriate one for tall buildings – but the important qualifications are that the permission would be for a building of a particularly high standard of design, in a specific location, replacing a tall building of mediocre design.^{6.212} Equally, to refuse permission would not necessarily preclude tall buildings in the London Bridge area – a judgement on the appropriateness of less tall buildings than this proposal would still have to be made. In either case, the specific decision would not determine the general principle.

16.117 My consideration of prematurity leads almost naturally into the question of precedent – raised in a number of written representations but no longer taken as a free-standing objection by Historic Royal Palaces.^{6.216} Each application for planning permission should, of course, be treated on its merits, in the context of the relevant policy framework and other material considerations. If the conclusion is that the London

^A Document B1 – a brief but useful assessment of the application against UDP policy is at Appendix 3.

Bridge Tower proposal would cause no material harm in relation to the objections raised against it, then it cannot possibly act as a precedent for other proposals that would cause such harm. Even if planning permission is granted, other proposals for tall buildings will still have to be assessed on their merits and, in time, in the context of the policies that emerge in the published London Plan and adopted replacement UDP.

Planning conditions and obligations

- 16.118 The Section 106 agreement is between nine parties. The copy submitted at the very close of the inquiry,^A dated 9 May 2003, has been signed by all nine, albeit on different copies of the same page. It is not a full copy of the completed agreement, though I was assured that there had been no change from the final draft submitted to the inquiry. The Secretary of State may wish to confirm this if he decides that planning permission should be granted.
- 16.119 I consider particularly relevant to the application proposals the Developer's obligations in Schedule 1 towards LUL, TfL and Network Rail (2, 3 and 4), on Environmental Improvements and Public Space Works and Highway Improvements (9.1 and 9.3) and towards the NHS Trust (10). I was less persuaded, until their merits were put by LB Southwark,^{15.6} of the relevance to the development proposed of the obligations towards training and education initiatives (5-8). The Management Schemes for the Development (12) are clearly essential for the development to be operated as intended and proposed. So too is the Demolition and Construction Code of Practice (11), which would surely have taken some other form if not included in this Agreement. I consider the Design Quality Standards in Schedule 6 to be valuable, though primarily when taken in conjunction with the other available controls over any design changes that might be proposed.^{6.134-139; 9.72(vii); 15.5}
- 16.120 The anomaly at paras. 12.1.1 and 12.1.2 can be overcome by a planning condition requiring submission and approval of details of the canopies and implementation accordingly.^{15.7}
- 16.121 The planning conditions suggested in the Statement of Common Ground are generally relevant, save for those on archaeology which may be replaced by a 'watching brief' condition. They were added to at the inquiry by conditions to secure public access and details of the winter gardens and by expansion of the conditions on facing materials and lighting. I do not believe these go far enough. Planning permission for the development described in para. 5.1 above should have a condition attached to specify that permission is granted on the basis of the drawings listed in Core Document CD1/8 (Jan 2003 plus March 2003 amendment) plus drawing LBT/AR/RF/Rev.F (the amended canopy plan). Conditions requiring further details to be submitted and approved should cover – details and samples of all facing materials, including those for the facades at street level to St Thomas Street and concourse level to London Bridge Station; details of the floor-to-floor ventilated cavity façade system; details of the winter gardens; specifications and details of the radiator structure (including both the radiator and its supporting structure and the structure and detail of the shards at radiator level; samples of the glass to be used in the facades of the building (which should be 'extra white', low in iron oxide); details of blinds within cavities and internal blinds (including the colours of both); external lighting; internal perimeter lighting; all canopies, including a management regime for their cleaning and maintenance; and landscaping (which will be primarily hard surfacing). A scheme for public access should also be subject to a planning

^A Document O4 is a copy only of pp. 1 and 71-74 of the Agreement. Document CD1/9 is the final draft.

condition (identifying how and to which areas the public will have access and securing its future retention).

16.122 Annex C contains the full text of the conditions I consider should be attached to any grant of planning permission.

Overall conclusion

16.123 The Applicant sees a philosophical divide between the parties at the inquiry, expressed in terms of whether there is something bad in being able to see world-class architecture from a World Heritage Site.^{6.59,93} In my opinion, it is entirely possible that world-class architecture *could* be inappropriate – if it were in the *wrong* location. That said, I *do* see a philosophical difference – but in another way (and also alluded to by the Applicant^{6.94}). It is the question of whether being able to see the successful modern city from the World Heritage Site, or in the settings of other listed buildings and conservation areas, necessarily diminishes the character or importance of those heritage assets. The historicist approach might say that it does. I think it does not. So far as the Tower of London is concerned, and the Strategic Views, the successful city is already plain to the eye. London Bridge Tower would add to the scene rather than introduce something new and different.

16.124 It would do so in a location a little away from the City of London and with a building far higher than any existing. And, to the extent that there is a difference of philosophy, it seems to me to be highlighted by these two factors. A building 300m high will clearly be more visible over a much greater distance than one 180m high (the height of Swiss Re and the Heron Tower) – and from more unexpected places. But that does not make such a tall building automatically unacceptable. Nor does its location away from the City – London Bridge is a highly sustainable location, the area already has tall buildings and, particularly to the north of the railway, it has become an established office location. RPG3 places the South Bank (including the London Bridge area) in the Central Area and defines it as a Key Margin opportunity area.^{6.189} It promotes consolidating the existing economic strengths of the Central Area margins (which include the London Bridge area) and bringing forward major development sites within them.^{7.10} The draft London Plan places the area (logically, in the light of RPG3) within the Central Activities Zone (CAZ) and defines it as an Opportunity Area.^{8.14}

16.125 The difference in philosophy may also affect how one assesses the proposal in terms of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. For example, considered in isolation, the appearance of London Bridge Tower above the Tower of London in the view from the Royal Mint gates^A could be said to harm the setting of the Tower of London and thus suggest the refusal of planning permission. I recognise that. However, I also consider it to be a narrow and inadequate analysis. In the wider context of the adjacent City – modern, thriving, evolving, in my opinion a contrast that augments appreciation of the Tower's historic character – I see no harm arising that could justify refusal on the basis of the test in Section 66. This applies not only to the setting of the Tower of London but also to the Strategic Views and to the settings of other listed buildings and conservation areas.

16.126 It was suggested at the inquiry^{9.10-11; 10.77-80} that the approach taken in the Heron Tower decision should apply equally in this case. There, the Inspector concluded, and the Secretary of State agreed, that material harm to the setting of St Paul's Cathedral or the

^A Document CD1/12(2) – View 17.

Tower of London, had there been such, could not have been outweighed by the economic benefits claimed for the proposal. Here, the principal dissenter from this approach is the Mayor,^{8.47} whose witness considers, in effect, that it should depend on the degree of harm.^{10.77} I tend to agree with that. The sustainability and regeneration credentials of the application scheme are not lightly to be dismissed. It would be difficult to find a site that could better exemplify Government policy on sustainability. And I also consider redevelopment in the vicinity of the station as crucial to enabling the regeneration that has taken place along the riverside to 'jump' the physical barrier of the railway into the rest of Southwark.^{6.193} The proposal may thus be considered a suitable development for its site in terms of the interpretation of RPG3A set out at para. 16.42 above. I believe this should carry greater weight than the need for office space prayed in aid of the Heron Tower. And it may be noted that one of the counter-arguments to the economic case put for the Heron Tower was that the potential of other areas, specifically including London Bridge, denied the need for such a tall building in the City.^{7.13}

16.127 Of course, a similar argument could be deployed here. There is no evidence that a lower building could not secure the regeneration objectives, or the provision of offices to support London's world city status, or a similar mix of uses (with the exception of the high-level viewing gallery).^{10.85} It might be possible to achieve roughly the same amount of usable space in a lower building but no alternative form of development has been seriously investigated by the Applicant.^{10.82} For these points to carry weight there must appear to be a reasonable prospect of a lower building proving successful. But there is not. It is at least questionable, given the existing density of development in the area, whether a lower building could provide a level of intensification consistent with policy in PPG13 and the draft London Plan (either on the application site or as part of a masterplan for the wider area^A). Even if it could, there must be serious doubts that, in particular, English Heritage would find a lower but bulkier scheme acceptable in heritage terms.^{6.113} One cannot therefore assume that a successful alternative solution to redevelopment could be found.

16.128 In any event, I have assessed the application scheme on its merits on the basis of the evidence adduced at the inquiry. Summarised briefly, my conclusions on the matters on which the Secretary of State particularly wished to be informed are these:

- (c) – there can be no doubt that what is proposed is of the very highest architectural quality and that those details as yet unresolved can be satisfactorily designed;
- (b) – in the Strategic Views of St Paul's Cathedral, the proposed building would reduce neither the visibility nor the setting of the Cathedral and would be an enhancement of the present background;
- (d) – the distance of the proposed building from the Tower of London would cause no harm either to its architectural character or to its historic setting;
- (d) – I found nothing so sensitive about the settings of other listed buildings and conservation areas as to be noticeably undermined by the proposed building;
- (e) – the travel demand generated by the proposed building would have no serious implications for the transport system; the location is highly sustainable;
- (a) – in light of these five conclusions, the proposed very tall building must be considered appropriate in this location;
- (f) and (g) – there is no conflict with national, regional or local policy that could undermine this conclusion.

^A The arguments for a masterplan put by CABE (para. 11.11) and Historic Royal Palaces (para. 10.84) were aimed at securing an appropriate public realm, not a different form of development.

17. RECOMMENDATION

- 17.1 I recommend that planning permission be granted subject to conditions, in accordance with what I say in paras. 16.118-16.122 above.

Inspector

ANNEX A: APPEARANCES

FOR TEIGHMORE LIMITED

Mr Christopher Katkowski QC Mr Russell Harris QC with him	Instructed by Berwin Leighton Paisner, Solicitors, Bouverie House, 154 Fleet Street, London, EC4A 1AQ.
They called	
Signor Renzo Piano	Architect, Renzo Piano Building Workshop, Paris.
Prof John Worthington AADip(Hons) MArch(Penn) HonFRIBA FRSA	Partner, DEGW, Architects and Space Planners, London.
Mr Nicholas Bridges RIBA	Partner, Ettwein Bridges, Architects, London.
Mr Malcolm Simpson BSc DipHTE FICE FIHT MRTPI	Consultant to Arup Group Limited, London.
Mr Michael Crook	Chairman, Planning & Environment Department, Cushman & Wakefield Healey & Baker, London.

FOR THE LONDON BOROUGH OF SOUTHWARK

Mr Tim Mould of Counsel	Instructed by the Borough Solicitor, London Borough of Southwark.
He called	
Mr Adrian Dennis BSc DipTP MRTPI	Principal Planner and Team Leader, Development Control, Planning and Regeneration Department, London Borough of Southwark.
Dr Paul Evans MA PhD DipArch	Strategic Director of Regeneration, London Borough of Southwark.
Dr Roy Turner DPhil MA BSc	Projects Team Leader, Transport Team, Planning and Regeneration Department, London Borough of Southwark.
Ms Julie Greer BA DipTP AADip(BCons)	Principal Design and Conservation Officer, London Borough of Southwark.

FOR THE MAYOR OF LONDON

Mr John Hobson QC	Instructed by Mr Howard Carter, Head of Law, Greater London Authority.
He called	
Mr Sam Richards BA BTP MRTPI	Head of Land Use Planning, Transport for London.
Mr Stewart Murray BA(Hons) MRTPI	Team Leader (Development), Planning Decisions Unit, Greater London Authority.
Lord Rogers of Riverside AADip MArch(Yale) RIBA	Architect, Chief Adviser to the Mayor on Architecture and Urbanism.

FOR ENGLISH HERITAGE

Mr Neil King QC

Instructed by Norton Rose, Solicitors, Kempson House,
Camomile Street, London, EC3A 7AN.

He called

Mr Nicholas Antram BA(Hons) MRTPI
IHBC

Assistant Director, London Region, English Heritage.

Mr Paul Calvocoressi BA BArch IHBC

Historic Buildings Inspector, London Region, English
Heritage.

FOR HISTORIC ROYAL PALACES

Mr Christopher Whybrow QC

Instructed by Hephher Dixon Limited, Town Planning
Consultants, 100 Temple Chambers, Temple Avenue,
London, EC4Y 0HP.

He called

Mr Paul Drury FSA MRICS IHBC

The Paul Drury Partnership, Historic Environment
Consultancy, London.

Mr Duncan Parr BA DUPI DipTP
FRGS MRTPI

Director, Hephher Dixon Limited.

FOR THE COMMISSION FOR ARCHITECTURE AND THE BUILT ENVIRONMENT

Mr Michael Humphries QC

Instructed by Herbert Smith, Solicitors, Exchange Street,
Primrose Hill, London, EC2A 2HS.

He called

Mr Paul Finch OBE MA(Cantab)
HonFRIBA

Deputy Chairman, Commission for Architecture and the Built
Environment.

FOR THE DEAN AND CHAPTER OF ST PAUL'S CATHEDRAL

Mr Martin Stancliffe

Surveyor to the Fabric of St Paul's Cathedral, 29 Marygate,
York, YO30 7WH.

INTERESTED PERSONS

Mr Archibald Galloway

Director of John D Wood International Ltd, Wanford Court,
Throgmorton Street, London, EC2N 2AT.

The Rt Hon Simon Hughes MP

House of Commons, London.

Ms Jo Dubiel

10 Betsham House, Newcomen Street, London, SE1 1YU.

Cllr Nick Stanton

London Borough of Southwark, The Members' Room,
Southwark Town Hall, Peckham Road, London, SE5 8UB.

ANNEX B: DOCUMENTS

A Documents submitted by Teighmore Limited

- A1/1 Renzo Piano's proof of evidence.
- A1/2 Volume of Appendices to Renzo Piano's proof of evidence:
A1/2/B The site;
A1/2/C Reference images;
A1/2/D Design development;
A1/2/E The proposal;
- A1/3/A-D RPBW Phaidon Volumes 1-4.
- A1/4*^A Renzo Piano's summary proof of evidence.
- A1/5 Copies of original manuscript notes affixed to A1/3/A-D, plus typed corroboration.
- A2/1 John Worthington's proof of evidence.
- A2/1s* John Worthington's summary proof of evidence.
- A2/2 Volume of Appendices to John Worthington's proof of evidence:
References referred to in the text of the evidence:
1 Steen Eiler Rasmussen, *Towns & Buildings*, 1951;
2 Central London Partnership, *Action Plan for Central London 2003*;
3 Banerjee and Southworth ed, *City Sense and City Design, Writings and Projects of Kevin Lynch*, 1991;
4 Kevin Lynch, *The Image of the City*, 1977;
5 Brian Lawson, *The Language of Space*, 2001;
6 Peter Ackroyd, *London The Biography*, 2002;
7 John Billingham and Richard Cole, *The Good Place Guide*, 2002;
8 Arup Transport Planning, *London Bridge Area Pilot Study to Test Accessibility Tools*, Transport for London, March 2002;
9 Bill Hillier, *Cities as Movement Economies*, March 1996;
10 Mario Campi, *Skyscrapers, An Architectural Type of Modern Urbanism*, 2000;
11 DETR and CABE, *By Design*, Summary, May 2000;
12 CABE, NHS Estates, NHS Modernisation Agency & Future Hospital Networks, *The Value of Better Health Buildings*.
13 Alan Byrne on behalf of English Heritage, excerpt from Thameslink 2000 public inquiry proof of evidence;
14 DEGW for GLA, *London's Skyline, Views and High Buildings*, SDS Technical Report Nineteen, GLA 2002, Appendix V1 – London's Views Surveys;
15 Arup Transport Planning, *London Bridge Tower Report on Pedestrian Activity, Surveys in the Tower of London Environs*, Draft, 2003;
16 English Heritage letter to the City Planning Officer regarding Minerva proposals;
17 Colin Rowe & Fred Koetter, *Collage City*, 1983:
Exhibits:
1 Central London Congestion Charging Zone, Transport for London;
2 Central London in Context and Key Activity Clusters in Central London Central – extracts from Action Plan for Central London 2003, Central London Partnerships;
3 Central London Transport Proposals – extract from Action Plan for Central London 2003;

^A Documents marked with an asterisk are not being submitted with this report, because they are summaries of witnesses' proofs of evidence, because they are Government publications or because they are superseded or duplicated by other Documents.

- 4 Tall Buildings in Context, a comparison, DEGW;
- 5 Strategic Statutory Views – extract from London's Skyline, Views and High Buildings;
- 6 Panoramic View from the London Bridge Tower High Level Gallery;
- 7 London Bridge Tower, day and night views from Unilever House;
- 8-13 Townscape views – Route 1 – from Tate Modern to London Bridge Tower;
- 14-20 Townscape views – Route 2 – from Borough High Street Tube Station to London Bridge Tower;
- 21-26 Townscape views – Route 3 – from Tower Bridge to London Bridge Tower.
- A3/1 Nicholas Bridges' proof of evidence.
- A3/1s* Nicholas Bridges' summary proof of evidence.
- A3/2 First volume of Appendices to Nicholas Bridges' proof of evidence:
 - 2 Maps and plans, 1572-1972;
 - 3 General History of Southwark and London Bridge;
 - 4 History of London Bridge Station;
 - 5 History of St Thomas's Hospital;
 - 6 History of Guy's Hospital.
- A3/7 Second volume of Appendices to Nicholas Bridges' proof of evidence:
 - 7 History of Southwark Cathedral;
 - 8 History of the Tower of London;
 - 9 History of the Royal Mint;
 - 10 History of the Church of St George the Martyr.
- A3/11 Third volume of Appendices to Nicholas Bridges' proof of evidence:
 - 11 Conservation Area details: Borough High Street & Newcomen Street;
 - 12 Conservation Area details: St Thomas Street;
 - 13 Conservation Area details: Tooley Street;
 - 14 Conservation Area details: Southwark Street;
 - 15 Conservation Area details: Trinity Church and Merrick Squares;
 - 16 Aerial photographs;
 - 17 Views of the River Thames.
- A3/18 Fourth volume of Appendices to Nicholas Bridges' proof of evidence:
 - 18 Detailed assessment of London Bridge Tower Environmental Statement Part 3 Views;
 - 19 London Research Centre views;
 - 20 Views – contexts of tall buildings within the City of London;
 - 21 *not used*
- A3/22 Nicholas Bridges' supplementary proof of evidence no. 1.
- A3/23 Fifth volume of Appendices to Nicholas Bridges' proof of evidence:
 - 23 Photographs: Trinity Church and Merrick Squares;
 - 24 Photographs: Tower of London moat;
 - 25 Photographs: Westminster Square to Westminster Bridge;
 - 26 Photographs: St Katharine's Dock along the north bank of the Thames;
 - 27 Photographs: Guy's Hospital forecourt;
 - 28 Photographs: footbridge over St Thomas Street;
 - 29 Photographs: St Thomas Street;
 - 30 Photographs: London Bridge Station from St Thomas Street;
 - 31 Photograph: London Bridge Station from end of platform;
 - 32 Photographs: St George the Martyr, Borough High Street;
 - 33 Photographs: Lambeth Palace;
 - 34 Photographs: from Queen's Walk to the Royal Mint;
 - 35 Location plans of Strategic Views.
- A3/36 Nicholas Bridges' supplementary proof of evidence no. 2.
- A4/1 Malcolm Simpson's proof of evidence.
- A4/2 Volume of Figures for Malcolm Simpson's proof of evidence:
 - MJS1 London Bridge Station;
 - MJS2 Rail network;

- MJS3 Number of trains – London Bridge Station;
- MJS4 Pedestrian flows – London Bridge Station;
- MJS5 LUL network;
- MJS6 LUL train frequencies;
- MJS7 Layout of London Bridge LUL station;
- MJS8 Pedestrian flows – London Bridge LUL station;
- MJS9 Existing bus station layout;
- MJS10 Bus network from London Bridge Station;
- MJS11 Local road network;
- MJS12 Congestion charging zone;
- MJS13 Tooley Street upgrade;
- MJS14 LUL flows;
- MJS15 Revised bus station.
- A4/3* Summary of Malcolm Simpson's proof of evidence.
- A5/1 Michael Crook's proof of evidence.
- A5/2 Appendices to Michael Crook's proof of evidence:
 - A LB Southwark UDP & UDP Review – other relevant policies;
 - B LB Southwark draft supplementary planning guidance.
- A5/3* Michael Crook's summary proof of evidence.
- A5/4 Michael Crook's supplementary proof of evidence in response to English Heritage and Historic Royal Palaces.
- A5/5 Michael Crook's supplementary proof of evidence in response to CABE.
- A6 Image book jpeg's.
- A7 Additional images – from Trinity Church Square (x2), Wakefield Gardens and Tower Bridge Approach.
- A8 Buildings index page from Heron Tower inquiry.
- A9 View 41, St Botolph's churchyard, from Heron Tower inquiry.
- A10 View 107, Devonshire Square, from Heron Tower inquiry.
- A11 Tower of London Management Plan, Fig. 1, Hierarchy of Areas.
- A12 Tower of London Management Plan, Fig. 5, World Heritage Site buffer zone.
- A13 K2 building – HRP letter and drawings.
- A14 Floor areas of 'back-pack'.
- A15 Canopy Plan LBT/AR/RF/Rev. F.
- A16 View under canopy on St Thomas Street (View 93 in A6).
- A17 View from New London Bridge House under proposed trees (View 94 in A6).

B Documents submitted by the London Borough of Southwark

- B1 Adrian Dennis's proof of evidence, with Appendices:
 - 1 Maps and photographs of the area;
 - 2 Details of the proposal;
 - 3 Assessment of compliance with national and UDP policies.
- B2 Julie Greer's proof of evidence, with Appendix:
 - 1 Officers' report to Planning Committee 3 February 2003 – (duplicated at Document CD8/15).
- B3 Roy Turner's proof of evidence.
- B4 Paul Evans' proof of evidence.
- B5 Memo of 30 April 2003 re. London Bridge area urban design analysis.

CD Core Documents

CD1 Planning Application & Associated Documents

- CD1/1 Planning application forms and covering letter to London Borough of Southwark, 23 March 2001.
- CD1/2 OS extract – Site Location Plan, scale 1:1250.
- CD1/3 Environmental Statement, submitted March 2001:
Part I;
Part II;
Part III: Townscape;
Non-Technical Summary.
- CD1/4 Scheme Design Drawings, submitted March 2001.
- CD1/5 Design Report, submitted March 2001.
- CD1/6 Addendum to the planning application, 8 November 2001.
- CD1/7 Planning Application Inquiry Scheme (Revised Drawings/Plans), January 2003, with covering letter from Cushman & Wakefield Healey & Baker, 17 January 2003.
- CD1/8 Schedule of drawings submitted as part of planning application:
March 2001*;
November 2001*;
January 2003, with March 2003 amendment.
- CD1/9 Draft Section 106 Agreement, with Briefing Note.
- CD1/10 Revised Area Schedule, March 2003.
- CD1/11 Revised drawing LBT/AR/1200/F (included in March amendment to January 2003 schedule of drawings at CD1/8).
- CD1/12 Environmental Statement Addendum, submitted March 2003:
Parts I, II;
Part III;
Non-Technical Summary.
- CD1/13 Addendum to Part 2 of Environmental Statement, April 2003;
Solar Dazzle Study – April 2003;
Compact Disk with illustrative material.
- CD1/14 Revised Site Boundary drawing LBT-PA-05 (included in March amendment to January 2003 schedule of drawings at CD1/8).

CD2 Planning Application Correspondence

- CD2/1 Scoping Opinion of LB Southwark, 8 December 2000.
- CD2/2 LB Southwark letter acknowledging receipt and registration of planning application, 3 April 2001.
- CD2/3 Response of Consultees.
- CD2/4 LB Southwark letter requesting additional information, 8 October 2001.
- CD2/5 Initial GLA Report on London Bridge Tower proposal, 19 February 2002.
- CD2/6 Initial GLA letter to LB Southwark regarding London Bridge Tower, 22 February 2002, plus accompanying TfL Background Report dated 6 February 2002.
- CD2/7 LB Southwark Development Control Committee Report, 11 March 2002.
- CD2/8 LB Southwark Development Control Addendum Committee Report, 11 March 2002.
- CD2/9 Final GLA Report on London Bridge Tower Proposal, 20 March 2002.
- CD2/10 Final GLA Letter to LB Southwark regarding London Bridge Tower, 28 March 2002.
- CD2/11 Secretary of State's call in letter, 24 July 2002.
- CD2/12 LB Southwark Development Control Committee Report, 13 January 2003.
- CD2/13 LB Southwark Development Control Committee Report, 24 March 2003.

CD3 National Planning Guidance

- CD3/1* PPG1, *General Policy and Principles*, February 1997.
- CD3/2* PPG3, *Housing*, March 2000.
- CD3/3* PPG4, *Industrial and Commercial Development and Small Firms*, November 1992.
- CD3/4* PPG8, *Telecommunications*, August 2001.
- CD3/5* PPG10, *Planning and Waste Management*, October 1999.
- CD3/6* PPG13, *Transport*, March 1994 and revised copy March 2001.
- CD3/7* PPG15, *Planning and The Historic Environment*, September 1994.
- CD3/8* PPG16, *Archaeology and Planning*, November 1990.
- CD3/9* PPG21, *Tourism*, November 1992.
- CD3/10* PPG23, *Planning and Pollution Control*, February 1997.
- CD3/11* PPG24, *Planning and Noise*, September 1994.
- CD3/12* PPG12, *Development Plans*, December 1999.

CD4 Other Government Publications

- CD4/1* Preparation of Environmental Statement for Planning Projects that require Environmental Assessment – A Good Practice Guide – DoE, 1995.
- CD4/2* The Town & Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999.
- CD4/3* DETR Circular 1/97, *Planning Obligations*.
- CD4/4* DETR Circular 6/98, *Planning and Affordable Housing*.
- CD4/5* DETR/Spon – *Towards an Urban Renaissance*, Final Report of the Urban Task Force, 1999.
- CD4/6* DETR – *Our towns and cities: the future. Delivering an urban renaissance*, November 2000.
- CD4/7* ODP – Government's Response to the 11th Report of the Select Committee on Environment, Transport and Regional Affairs, November 2000.
- CD4/8* House of Commons, Transport, Local Government and the Regions Committee: *Tall Buildings*, Sixteenth Report of Session 2001-2002, Report and Proceedings of the Committee together with Minutes of Evidence and Appendices taken before the Urban Affairs Sub-Committee, 17 July 2002.
- CD4/9* The Government's Response to the Transport, Local Government and Regional Affairs Select Committee's Report on Tall Buildings, November 2002.
- CD4/10* GOL Circular 1/2000, *Strategic Planning in London*.

CD5 Regional Planning Guidance

- CD5/1* RPG3, *Strategic Guidance for London Planning Authorities*, 1996.
- CD5/2* RPG3A, Annex A, *Supplementary Guidance for London on the Protection of Strategic Views*, November 1991.
- CD5/3* RPG3B, *Strategic Planning Guidance for the River Thames*, 1997.
- CD5/4* RPG9, *Regional Planning Guidance for the South East*, March 2001.

CD6 London Planning Advisory Committee (LPAC)

- CD6/1 LPAC, *London's Skyline & High Buildings*, March 1989.
- CD6/2* LPAC, *Supplementary Planning Advice on High Buildings & Strategic Views in London*, March 1999.
- CD6/3 LPAC, *Strategic Planning Advice on High Buildings and Strategic Views in London*, November 1999.
- CD6/4* (bound in with 6.3) LPAC Strategic Planning Advice on High Buildings & Strategic Views, Nick Raynsford MP, Parliamentary Response, November 1999.

CD7 Mayor of London (GLA)

- CD7/1 Towards The London Plan: Initial Proposals for the Mayor's Spatial Development Strategy, May 2001.
- CD7/2 Draft Economic Development Strategy for London, July 2001.
- CD7/3 Mayor's Transport Strategy, July 2001.
- CD7/4 Interim Strategic Planning Guidance on Tall Buildings, Strategic Views and the Skyline in London, October 2001.
- CD7/5 The draft London Plan, draft Spatial Development Strategy for Greater London, June 2002.
- CD7/6 DEGW: London's Skyline, Views and High Buildings, Final Report, August 2002.
- CD7/7 Draft London Plan Technical Report, Analysis of the Transport Programme to support the Draft London Plan, January 2003.
- CD7/8 Letter and Schedule of Representations from the Mayor to LB Southwark: Response to First Deposit UDP, 10 January 2003.
- CD7/9 Letter and Schedule of Representations from Mayor of London to LB Southwark: Response to Southwark UDP SPGs, 28 February 2003.
- CD7/10 Mayor's response to English Heritage's Position Statement
- CD7/11 Note from Mayor of London on work commissioned from DEGW on London's Skyline, Views and High Buildings.
- CD7/12 Extract of street map, showing position of statue in Trafalgar Square in relation to Whitehall.
- CD7/13 Photographs looking north-west from Tower Bridge Approach, with plan showing viewpoints.

CD8 London Borough of Southwark – Planning Policy

- CD8/1 LB Southwark Unitary Development Plan, July 1995.
- CD8/2 LB Southwark Revised Unitary Development Plan, November 2002.
- CD8/3 LB Southwark Supplementary Planning Guidance – Affordable Housing, February 2002.
- CD8/4 LB Southwark Draft Supplementary Planning Guidance 1 – Preferred Industrial and Office Locations and Mixed Use Development, November 2002.
- CD8/5 LB Southwark Draft Supplementary Planning Guidance 4 – London Bridge Opportunity Area, November 2002.
- CD8/6 LB Southwark Draft Supplementary Planning Guidance 13 – Planning Obligations, November 2002.
- CD8/7 LB Southwark Draft Supplementary Planning Guidance 16 – Design, November 2002.
- CD8/8 LB Southwark Draft Supplementary Planning Guidance 18 – Heritage Conservation, November 2002.
- CD8/9 LB Southwark Draft Supplementary Planning Guidance 21 – Parking, November 2002.
- CD8/10 LB Southwark Draft Supplementary Planning Guidance 24 – Sustainability, November 2002.
- CD8/11 LB Southwark Draft Supplementary Planning Guidance 25 – Tall Buildings, November 2002.
- CD8/12 LB Southwark Draft Supplementary Planning Guidance 27 – Thames Special Policy Area, November 2002.
- CD8/13 LB Southwark, Draft London Bridge Framework and accompanying A3 illustrations, October 2002.
- CD8/14 LB Southwark, Interim Local Implementation Plan (ILIP).
- CD8/15 LB Southwark Committee Meeting – Conservation Areas Appraisal for Tower Bridge, Tooley Street (North and South), Borough High Street and Bermondsey Street, 3 February 2003.

CD9 Heritage and Townscape

- CD9/1* London Skylines: A Study of High Buildings and Views by the London Research Centre, Reviews and Studies Series No. 33, 1987.
- CD9/2 *Conservation Area Practice*, English Heritage, 1996.
- CD9/3 *Conservation Area Appraisals*, English Heritage, 1997.
- CD9/4 Bernard M Feilden & Jukka Jokilehto, ICCROM: *Management Guidelines for World Cultural Heritage Sites*, 2nd Edition, 1998.
- CD9/5 UNESCO (Paris, France): *Convention Concerning the Protection of the World Cultural and Natural Heritage*, 16 November 1972, reprinted March 1999.
- CD9/6 *The Borough at London Bridge, An Urban Study*, for English Heritage, Kim Wilkie Associates, November 1999.
- CD9/7 ICOMOS: *Guidelines for the Definitions of Boundaries for Candidate World Heritage Sites*, 1999.
- CD9/8 *English Heritage in London – Our Future Strategy*, English Heritage, March 2000.
- CD9/9 *By Design*, CABE/DETR, 2000.
- CD9/10 *Power of Place – The future of the historic environment*, English Heritage, 2000.
- CD9/11 English Heritage & CABE: *Guidance on Tall Buildings*, Consultation Paper, June 2001.
- CD9/11a English Heritage & CABE: *Guidance on Tall Buildings*, Responses to Consultation Paper.
- CD9/11b English Heritage & CABE: *Guidance on Tall Buildings*, March 2003.
- CD9/12 DCMS: *The Historic Environment: A Force for Our Future*, December 2001.
- CD9/13 English Heritage/CABE: *Building in Context: New development in historic areas*, 2001.
- CD9/14 English Heritage, Minutes of Commission Meeting, 23 January 2002 (Item 7 - Paragraphs 7.3-7.5 - World Heritage Sites).
- CD9/15 *State of the Historic Environment Report*, English Heritage, November 2002.
- CD9/16 *Changing London – An historic city for a modern world*, English Heritage, 2002.
- CD9/17 Tower of London World Heritage Site Management Plan, Final Draft for Consultation, Historic Royal Palaces, January 2003.
- CD9/18 Details of Tower Bridge, Bermondsey Street, Borough High Street and Tooley Street (North & South) Conservation Areas.
- CD9/19 Listed building citations with key plan.
- CD9/20 Letter from Philip Davies of English Heritage to Peter Rees of the Corporation of London in respect of the Minerva Building, 20 December 2001 (English Heritage Press Release attached).
- CD9/21 Letter from Peter Stewart of CABE to Joost Moolhuijzen of Renzo Piano Building Workshop in respect of London Bridge Tower, 27 February 2003.

CD10 English Heritage Reports and Minutes

- CD10/1 London Advisory Committee – Report on London Bridge Tower, 8 June 2001.
- CD10/2 London Advisory Committee – Minutes of Meeting of 8 June 2001 (Item 8).
- CD10/3 English Heritage Commission – Minutes of Meeting of 27 June 2001 (Item 4.1.1).
- CD10/4 London Advisory Committee – Report on London Bridge Tower, 11 January 2002.
- CD10/5 London Advisory Committee – Minutes of Meeting of 11 January 2002 (Item 7).
- CD10/6 London Advisory Committee – Report on London Bridge Tower, 4 October 2002.
- CD10/7 English Heritage Commission – Report on London Bridge Tower, 30 October 2002.
- CD10/8 English Heritage Commission – Minutes of Meeting of 30 October 2002 (Item 14).
- CD10/9 English Heritage Commission – Report on Minerva Tower, 17/18 December 2002.
- CD10/10 English Heritage Commission – Minutes of Meeting of 17/18 December 2002 (Item 7 – London Bridge Tower).
- CD10/11 London Advisory Committee – Report on London Bridge Tower, 21 February 2003.
- CD10/12 London Advisory Committee – Minutes of Meeting of 21 February 2003 (Item 10).

CD11 Railtrack

- CD11/1* Application Details: Thameslink 2000 Scheme (T2000).
- CD11/2* Application Details: The Railtrack Masterplan Scheme.
- CD11/3 LB Southwark Committee Report, 6 November 2000.
- CD11/4 Inspector's Report on Thameslink 2000 inquiry, July 2002.
- CD11/5 Office of the Deputy Prime Minister Letter, 29 January 2003, and News Release, Further work needed on Thameslink proposals, of same date.
- CD11/6 The Strategic Plan 2003, Strategic Rail Authority.
- CD11/7 Rees & Freres' letter of 23 April 2003 (Network Rail's response to the Secretary of State letter of 29 January 2003).

CD12 Details of Other Relevant Proposals

- CD12/1 Planning Permission and Committee Reports for Phases II & III of the London Bridge City Development.
- CD12/2 Inspector's Report on the Heron Tower inquiry (application by Heron (London) Properties Limited), 30 April 2002.
- CD12/3 ODPM, decision letter on the application by Heron (London) Properties Limited, 22 July 2002.
- CD12/4 Photographs of Minerva Scheme contained in Environmental Statement accompanying planning application.
- CD12/5 English Heritage London Advisory Committee – Report on Minerva Building, 22 November 2002.
- CD12/6 English Heritage London Advisory Committee – Minutes of Meeting, of 22 November 2002 (Item 6).
- CD12/7 English Heritage Commission – Report on Minerva Tower, 17/18 December 2002.
- CD12/8 English Heritage Commission – Minutes of Meeting of 17/18 December 2002, (Item 6).
- CD12/9 English Heritage London Advisory Committee – Minutes of Meeting of 8 June 2001 (Item 7 – Joint EH/CABE Guidance on Tall Buildings).
- CD12/10 English Heritage Commission – Minutes of Meeting of 27 June 2001 (Item 4.2/3).
- CD12/11 English Heritage Commission – Report on Tall Buildings in London, 30 October 2002.
- CD12/12 English Heritage Commission – Minutes of Meeting of 30 October 2002 (Item 13).

CD13 Transport

- CD13/1 *Transport Development Areas*, RICS Policy, July 2000.
- CD13/2 *Intermodal Transport Interchange for London*, Best Practice Guidelines, January 2001.
- CD13/3 *London Bridge PEDS Report*, London Underground Limited, November 2001.
- CD13/4 *Transport for London*, Technical Report 2003.
- CD13/5 *Interchange Plan – Improving interchange in London*, Transport for London, August 2002.

CD14 Miscellaneous

- CD14/1 Cross River Partnerships' Strategy.
- CD14/2 Pool of London Partnership – Single Regeneration Budget Challenge Fund.
- CD14/3 Impact Assessment Guidelines & Environmental Statement Review Criteria from the Institute of Environmental Management & Assessment (IEMA).
- CD14/4 LB Tower Hamlets Unitary Development Plan, adopted December 1999.
- CD14/5 City of London Unitary Development Plan 2002, Supplementary Planning Guidance – St Paul's and Monument Views, January 2002.
- CD14/6 City of London Unitary Development Plan, adopted April 2002.
- CD14/7 Faber Maunsell: *Tall Buildings and Sustainability*, Corporation of London, February 2002.

- CD14/8 *Tall Office Buildings in London: Guidance on Planning* – Research conducted by Linklaters and published by British Council for Offices, November 2002.
- CD14/9 *Tall Buildings: Vision of the Future or Victims of the Past*, London School of Economics on behalf of Development Securities Plc.
- CD14/10 Corporation of London, Financial Services Clustering and its Significance for London, February 2003.
- CD14/11 Hayes Davidson Methodology.
- CD14/12 360 Degree Views.
- CD14/13 Stereo Views.
- CD14/14 History of the Site and Surroundings.

E Documents submitted by the Mayor of London

- E/SR/1 Sam Richards' proof of evidence.
- E/SR/2* Sam Richards' summary proof of evidence.
- E/SM/1 Stewart Murray's proof of evidence.
- E/SM/2* Stewart Murray's summary proof of evidence.
- E/SM/3* Errata to Stewart Murray's proof of evidence.
- E/RR/1 Lord Rogers' proof of evidence.
- E/RR/2* Lord Rogers' summary proof of evidence.
- E/RR/3 Letter of 17/03/03 from Lord Rogers to Sir Stuart Lipton, Chairman of CABE.
- E/RR/4 Addendum photographs:
Unnumbered – from p15 of *Changing London, An Historic City for a Modern World*, English Heritage;
RR1, RR2, RR3, RR4 and RR4A – Five views from within the Tower of London;
RR5 – Composite view looking south-west from the south-western corner of the Tower of London;
RR6 – Composite view looking south-west from the gates to the Royal Mint.

F Documents submitted by English Heritage

- F:NA Nicholas Antram's proof of evidence.
- F:NA(S)* Nicholas Antram's summary proof of evidence.
- F:PC Paul Calvocoressi's proof of evidence.
- F:PC(S)* Paul Calvocoressi's summary proof of evidence.
- F1a MORI research: *Attitudes towards the Heritage*.
- F1b MORI research: *Public Attitudes towards Tall Buildings in Cities*, June 2001.
- F1c MORI research: *London's Heritage*, August 2002.
- F2 English Heritage News Release, *Tall Buildings – Public Have Their Say for First Time*, 13 June 2001.
- F3 London Heritage Notifications.
- F4 Role of English Heritage in London (Appendix referred to in English Heritage's statement to the Draft London Plan EIP).
- F5 Mr Tony McNulty's speech in the House of Commons, 4 March 2003.
- F6 *Viewpoint* by Giles Worsley, Daily Telegraph, 25 August 2001.
- F7 GLC High Buildings Policy Map, 1976.
- F8 LPAC *Strategic Planning Advice for London*, 1988.
- F9 Letter from Tim Catchpole to English Heritage, 22 August 2001.

- F10* *not used*
- F11 Letter regarding Drapers Gardens, 26 March 2002.
- F12 Comparative illustrative material for Drapers Gardens redevelopment.
- F13 Letter to Nicky Gavron from English Heritage, 11 May 2000.
- F14 English Heritage's response to *Interim Strategic Planning Guidance on Tall Buildings, Strategic Views and Skylines in London*, 7 February 2002.
- F15 English Heritage's statement to the Draft London Plan EIP.
- F16 Consultation draft for the WHS Management Plan, October 2000.
- F16a English Heritage's formal response to consultation draft of WHS Management Plan October 2000.
- F16b Letter from Gordon Higgott, 14 February 2003.
- F17 Report of the Bureau, Paris 14-17 June 1988, and report of the 12th Session of the World Heritage Committee, Brasilia 1988.
- F18 Letter to the London Borough of Southwark, 27 June 2001.
- F19 Letter to the Government Office for London, 27 June 2001.
- F20 Letter to the London Borough of Southwark, 29 November 2001.
- F21 Letter to the Renzo Piano Building Workshop, 7 February 2002.
- F22 Letter to the Government Office for London, 14 March 2002.
- F23 Letter from the English Heritage Chairman to Lord Falconer, 22 March 2002.
- F24 Letter to the London Borough of Southwark, 20 December 2002.
- F25 Letter to the London Borough of Southwark, 14 March 2003.
- F26 Diagonal section through the crossing of St Paul's Cathedral from *St Paul's Cathedral, Measured and Drawn*, Arthur Poley, 1927.
- F27 Drawing of St Paul's Cathedral identifying key features.
- F28 Ste Genevieve (the Pantheon), Paris (1757-90), from Banister Fletcher *A History of Architecture on the Comparative Method* (19th edition 1987) p954.
- F29 Photograph of the United States Capitol, Washington DC (dome completed 1867), from Banister Fletcher *A History of Architecture on the Comparative Method* (19th edition 1987) p1223.
- F30 *Hampstead with London in the Distance* by John Constable, c1827-30, Glasgow Art Gallery and Museum.
- F31 *View of London from Highgate* c1775, attributed to Robert Crone.
- F32 Photograph of St Paul's Cathedral from a roof top near Fleet Street on the night of 29-30 September 1940, by Herbert Mason.
- F33 History and description of the Tower of London from Simon Bradley and Nikolaus Pevsner *The Buildings of England: London 1 The City of London*, pp 354-71.
- F34 Photograph looking towards the application site from the north side of the Tower of London's moat, 15 February 2003.
- F35 Plans of the Palace of Westminster World Heritage Site and buffer zone.
- F36 *Townscape Study, Reference: 9982_1024B* showing Frogmore Developments Ltd's proposed development at One Westminster Bridge from the western approach to Westminster Bridge.
- F37 Decision letter refusing consent, and Inspector's Report, following the public inquiry into a proposed development at the Island Block, County Hall, and the Addington Street Annex Site, London SE1.
- F38 Decision letter refusing consent following the public inquiry into a proposal for opencast coal extraction on land at the former Stagshaw Colliery, Grottington, Corbridge, Northumberland, affecting the Hadrian's Wall World Heritage Site.
- F39 Photograph of Tower Bridge from the entrance to St Katherine Dock, 27 September 2002.
- F40 Plan showing listed buildings and conservation areas in north Southwark.
- F41 Plan showing local viewpoints referred to in the evidence.

- F42 The London Borough of Southwark's draft *Conservation Area Appraisal* for the Borough High Street Conservation Area.
- F43 Plan showing buildings of special architectural or historic interest at Guy's Hospital.
- F44 Plan showing buildings of special architectural or historic interest in St Thomas Street.
- F45 Photograph of the trainshed to platforms 9-16 at London Bridge Station from the country end of platforms 5-6, 15 February 2003.
- F46 Measured drawing of the church of St George the Martyr, Borough High Street, by F A Evans of the London County Council's Survey of London team, c1955.
- F47 Photograph of the Church of St George the Martyr from just south of Borough Underground Station.
- F48 Photograph of the Henry Wood Hall (the former Holy Trinity Church) Trinity Church Square, from Brockham Street, looking north towards the application site, 31 January 2003.
- F49 Photograph of the west side of Trinity Church Square looking north towards the application site, 15 February 2003.
- F50 Photograph of the east side of Trinity Church Square looking north towards the application site, 15 February 2003.
- F51 Photograph of Merrick Square looking north towards the application site, 15 February 2003.
- F52 Etching by Wenceslaus Holler of Lambeth Palace in 1647.
- F53 Letter to Corporation of London regarding the Millennium Tower, 22 January 1997.
- F54 Letter to Corporation of London regarding the Swiss Re Tower, 3 November 1999.
- F55 Letter to Corporation of London regarding the Swiss Re Tower, 22 June 2000.
- F56 Letter to Corporation of London regarding the Minerva Tower, 20 December 2002.
- F57 Position Statement of English Heritage on Draft London Plan EIP.
- F58* Errata of Paul Calvocoressi and Nicholas Antram.
- F59 Extracts from Applicant's London Bridge Tower website.
- F60 Photograph of St Paul's Cathedral from Kenwood.
- F61 Photograph of St Paul's Cathedral from Parliament Hill.
- F62 Extracts from One Westminster Bridge View Assessment, 27 March 2001.
- F63 London Weather Centre visibility figures.
- F64 English Heritage letter to Southwark regarding Tabard Square, 10 July 2002.
- F65 Extracts from Tabard Square, Appendices to addendum planning and design statement – Vol. 1, drawings, May 2002.
- F66 Extract from Swiss Re Townscape Report.
- F67 Photographs of South Bank warehouses prior to redevelopment.

G Documents submitted by Historic Royal Palaces

- G-A Duncan Parr's proof of evidence.
- G-B Paul Drury's proof of evidence.
- G-C* Duncan Parr's summary proof of evidence.
- G-D* Paul Drury's summary proof of evidence.
- G-E* Corrections to Duncan Parr's proof of evidence.
- G-F* Notes on Paul Drury's proof of evidence.
- G1 Plan summarising relevant planning policy designations for the Tower of London.
- G2 HRP representations on Southwark's draft Supplementary Planning Guidance.
- G3 HRP submission to the Examination in Public into the Draft London Plan.
- G4 Draft London Plan EIP, Panel Note, Matter 2d – Quality of Life: Built Environment, 11 March 2003.

- G5 Draft London Plan EiP, Participants' Submissions and Written Representations, Matter 2 – Quality of Life, Sub Matter 2d – Built Environment, 10 February 2003.
- G6 Draft London Plan EiP, Statement by GOL, Matter 2d: Quality of Life – Built Environment, 10 February 2003.
- G7 Letter from GOL to LB Southwark, 21 February 2003.
- G8 ODP, Consultation Paper on Review of PPG 21 on Tourism, February 2003.
- G9 Policy STRAT 10D, Extract from City of London UDP 2002.
- G10 Policy ENV24, Extract from City of London UDP 2002.
- G11 Policy DEV8, Extract from City of London UDP 2002.
- G12 1 HRP letter to LB Southwark 8 June 2001;
2 Historic Royal Palaces letter to GOL, 23 May 2002.
- G13 Royal Charter (1998).
- G14 HRP, extract from Minutes of Trustees Meeting of 30 May 2001 – re. London Bridge Tower.
- G15 HRP, extract from Minutes of Trustees Meeting of 27 March 2002 – re. Policy on Tall Buildings.
- G16 HRP, extract from Minutes of Trustees Meeting of 31 July 2002 – Resolution to appear at London Bridge Tower inquiry.
- G17 World Heritage Convention.
- G18 Responses to WHS Management Plan Re-consultation Exercise.
- G19 Colvin and Moggridge, *Sky Space Around London's Inner Parks*.
- G20 Extract from WHS Management Plan – Historic Evolution of the Tower of London.
- G21 World Heritage Convention – UK Nomination.
- G22 Minute of World Heritage Committee, December 1988.
- G23 Plan of Tower identifying views of photos and axis through White Tower.
- G24 Photographs.
- G25 Extracts of Minutes of World Heritage Committee, 2001/2002, re Vienna.
- G26 Assessment of the Economic Benefits of the Tower of London, report by Nathaniel Lichfield & Partners Ltd.
- G27 Extract from *Design Review*, CABE.
- G28 CABE March 2001.
- G29 CABE Design Review Report on London Bridge Tower, January 2002.
- G30 HRP letter to Mr P Drury, 17 March 2003.
- G31 DoE letter re Number One Poultry Limited, 22 May 1985.
- G32 Tower Gateway Interchange Study, Faber Maunsell, October 2002.
- G33 HRP letter to Corporation of London, 30 August 2002.
- G34 HRP letter to Corporation of London, 30 January 2003.
- G35 DoE letter to UNESCO, 11 October 1988.
- G36 London Bridge Tower Presentation Document, Renzo Piano Building Workshop, November 2000.
- G37 Land Use Consultants submission to HRP, April 2003.
- G38 Extract from Stanton Williams Tower Environs Scheme May 2001
- G39 Extract from Swiss Re planning application and Environmental Statement.
- G40 Location plan identifying Swiss Re (30 St Mary Axe), the Tower of London and the London Bridge Tower application site.
- G41 HRP Conservation Director's Note re. WHS Management Plan.
- G42 Extract from Report of Chief Executive to HRP Board of Trustees re. WHS Management Plan.

Documents submitted by Others Appearing at the Inquiry

- K1 Proof of evidence by Martin Stancliffe, Surveyor to the Fabric, on behalf of the Dean and Chapter of St Paul's Cathedral.
- L1 Proof of evidence by Paul Finch on behalf of CABE.
- L2 Appendices to Paul Finch's proof of evidence:
 - A Letter of 4 October 1999 from CABE to all planning authorities;
 - B Letter of 15 May 2001 from DETR to planning authorities;
 - C *Design Review*, CABE, March 2002;
 - D *Guidance on Tall Buildings*, English Heritage and CABE, March 2003;
 - E Letter of 6 November 2000 from LB Southwark to CABE;
 - F Extracts from minutes of CABE Design Review Committee of 20 December 2000;
 - G Letter of 6 February 2001 from CABE to RPBW;
 - H Letter of 12 February 2001 from RPBW to CABE;
 - I Letter of 26 March 2001 from CABE to RPBW;
 - J Letter of 14 May 2001 from CABE to LB Southwark;
 - K CABE press release of 28 March 2001;
 - L Minutes by Bovis Lend Lease of a meeting held on 23 November 2001;
 - M Extracts from minutes of CABE Design Review Committee of 9 January 2002;
 - N letter of 21 January 2002 from CABE to RPBW;
 - O Extracts from minutes of CABE Design Review Committee of 12 February 2003;
 - P Letter of 27 February 2003 from CABE to RPBW.
- L3* Paul Finch's summary proof of evidence.
- L4 Supplementary proof of evidence by Paul Finch.
- N1 Proof of evidence by Archibald Galloway.
- N2 Statement by Jo Dubiel.
- N3 Letter of 31 January 2002 from Jo Dubiel to LB Southwark.
- N4 Annual Report of Charterhouse in Southwark.

Written representations

- H1 Proof of evidence of Jon Dingle of GVA Grimley on behalf of Guy's and St Thomas' NHS Trust and King's College, London.
- H2 Letter of 6 May 2003 from GVA withdrawing the Trust's and the College's objection subject to the Section 106 agreement
- J1* Pre-inquiry statement on behalf of RLAM (Royal London Asset Management Limited and Portfolio Holdings Limited)
- J2 Written representations with Appendices by Linklaters on behalf of RLAM.
- J3 Letter of 28 March 2003 from Linklaters setting out RLAM's position.
- M1 Letter of 17 March 2003 from the City Heritage Society.
- M2 Letter of 20 March 2003 from Network Rail.
- M3(1) Letter of 21 March 2003 from the Pool of London Partnership.
- M3(2) Pool of London Partnership brochure.
- M4 Letter of 26 March from Rosemary Blaise.
- M5(1) Letter of 31 March 2003 from Jonathan Lewin.
- M5(2) Letter of 22 April 2003 from Jonathan Lewin.
- M6 Letter of 1 April 2003 from Colin St John Wilson & Associates.
- M7 Letter of 2 April 2003 from John McAslan + Partners.

M8	Letter of 7 April 2003 from Sir Jack Zunz.
M9	Letter of 7 April 2003 from Prof William Alsop.
M10	Letter of 8 April 2003 from Ian Ritchie Architects.
M11	Letter of 8 April 2003 from Cllr Richard Thomas.
M12	Letter of 8 April 2003 from Save Britain's Heritage.
M13	Letter of 10 April 2003 from Prof Maxwell Hutchinson.
M14(1)	Letter of 11 April 2003 from LB Lambeth.
M14(2)	Letter of 24 April 2003 from LB Lambeth.
M15	Letter of 14 April 2003 from the London Forum of Amenity and Civic Societies.
M16(1)	Letter of 15 April 2003 from Farrer & Co.
M16(2)	Programme Officer's response to Farrer & Co, as instructed by the Inspector.
M16(3)	Letter of 9 May 2003 from Farrer & Co.
M17	Letter of 22 April 2003 from the Architecture Foundation.
M18	Letter of 24 April 2003 from Lord Foster of Thames Bank.
M19	Letter of 24 April 2003 from Tom Ball.
M20	Letter of 24 April 2003 from Sir Terry Farrell.
M21	Letter of 30 April 2003 from the Worshipful Company of Glaziers and Painters of Glass.
M22	Letter of 6 May 2003 from the Bermondsey Street Area Partnership.
M23	Letter of 9 May 2003 from Farrer & Co.
M24	Bundle of 270 emails in support of London Bridge Tower.

Other Inquiry Documents

O1	Attendance Lists for the Inquiry.
O2	Statement of Common Ground, between LB Southwark and Teighmore Limited.
O3	Statement of Common Ground – Transport, between LB Southwark and Teighmore Limited.
O4	Copy of Section 106 Agreement, 9 May 2003.
O5	Condition re. public access suggested by the Applicant.
O6	Conditions suggested by English Heritage.
O7	List of accompanied and unaccompanied site visits.

ANNEX C: CONDITIONS

1. The development hereby permitted shall be begun before the expiration of five years from the date of this decision.
2. The development hereby permitted shall not be carried out other than in accordance with the details shown on the submitted plans listed in Inquiry Document CD1/8, a copy of which is attached to this decision, plus drawing number LBT/AR/RF/Rev.F.
3. Notwithstanding the information on the application plans, no development shall take place until the following have been submitted to and approved in writing by the local planning authority:
 - a) details and samples of all materials to be used in the construction of the external surfaces of the building, including those for the facades at street level to St Thomas Street and at concourse level to London Bridge Station;
 - b) details of the floor-to-floor ventilated cavity façade system;
 - c) details of the winter gardens;
 - d) specifications and details of the radiator structure (including both the radiator and its supporting structure and also the structure and detail of the shards at radiator level);
 - e) samples of the glass to be used in the facades of the building (which shall be 'extra white', low in iron oxide);
 - f) details of all blinds within the cavities and all internal blinds, including their colours;
 - g) details of any external lighting and any security surveillance equipment for external areas around the building;
 - h) details of internal perimeter lighting, which shall comprise ceiling soffit uplighters as indicated in inquiry Document A1/2 at E55;
 - i) details of all canopies over the railway station, the bus station and St Thomas Street, including a scheme for their maintenance and cleaning, and
 - j) details of both hard and soft landscape works at street and concourse levels;development shall be carried out in accordance with the approved details and, where appropriate, maintained thereafter.
4. The developer shall afford access at all reasonable times to any archaeologist nominated by the local planning authority, and shall allow him or her to observe the excavations and record items of interest and finds.
5. The uses hereby permitted shall not commence until details of a scheme to provide public access to specified parts of the building, including provision for its implementation and retention thereafter, have been submitted to and approved in writing by the local planning authority.
6. The uses hereby permitted shall not commence before details of the arrangements for the storing and collection of refuse or waste have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
7. The uses hereby permitted shall not commence before the following have been completed in accordance with the application plans or details first approved by the local planning authority:
 1. kerb radii at the service yard access;
 2. vehicle ramp profiles;
 3. vehicle ramp extension at basement level;
 4. location and level of basement, mezzanine and ground floor slabs;
 5. location and level of motor cycle parking at mezzanine level.
8. Notwithstanding the provisions of Parts 24 and 25 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), no external telecommunications equipment or structures shall be placed on any part of the building without the prior written consent of the local planning authority.

ANNEX D: ABBREVIATIONS/GLOSSARY

CAZ	Central Activities Zone
CABE	Commission for Architecture and the Built Environment
DETR	(former) Department of Transport, Environment and the Regions
DoE	(former) Department of the Environment
EiP	Examination in Public
GLA	Greater London Authority
GOL	Government Office for London
LB	London Borough (most commonly, 'LB Southwark')
LPAC	London Planning Advisory Committee
LUL	London Underground Limited
ODPM	Office of the Deputy Prime Minister
PPG	Planning Policy Guidance Note
RPBW	Renzo Piano Building Workshop
RPG	Regional Planning Guidance Note
SDMG	Strategic Development Management Group (set up by LB Southwark to co-ordinate development in the vicinity of London Bridge Station)
SDS	Spatial Development Strategy (alternative description for the London Plan)
SPG	Supplementary Planning Guidance
TfL	Transport for London
UDP	Unitary Development Plan
WHS	World Heritage Site

EH/CABE Guidance *Guidance on Tall Buildings*, English Heritage and CABE, March 2003

LPAC 1999 [Advice] *Strategic Planning Advice on High Buildings and Strategic Views in London*, LPAC, November 1999

Guy's tower	The existing tall building at Guy's Hospital, described at para. 2.9
Heron Tower	The familiar name for the building at 106-126 Bishopsgate, London EC3, granted planning permission on 22 July 2002 but not yet under construction
More London	The office development on the south bank of the Thames, just west of City Hall
Swiss Re	The familiar name for the building under construction in St Mary Axe (on the site of the former Baltic Exchange) for Swiss Re-Insurance