



The Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000/1625

PROOF OF EVIDENCE

RICHARD CRAIG

Date of Hearing: 14th December 2022

Appeal Reference: APP/A5840/W/22/3303205

LPA Reference: 21/AP/4297

Appellant: Tribe Avonmouth House Limited

Location: Avonmouth House, 6 Avonmouth Street, London, SE1 6NX

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1. INTRODUCTION

Qualifications and Experience

- 1.1. My name is Richard CRAIG and I have prepared this witness statement on behalf of the London Borough of Southwark ("the Council") in relation to an appeal made by Tribe Avonmouth House Limited ("the Appellant") against the non-determination of the planning application 21/AP/4297 and likely reasons for refusal, as set out in paragraph 5.4, below.
- 1.2. I have an M.Phil in Town Planning and a Post Graduate Qualification in Urban Design, and am a Team Leader within the London Borough of Southwark's Design and Conservation Team, where I have worked for over three years. Previously, I was a Principal Design Officer within the Conservation and Design Team at the Royal Borough of Kensington and Chelsea for 13 years, and a Senior Officer at Westminster City Council for 15 years prior to that.

My Role

- 1.3. I have been asked to act as expert witness in relation to the appeal inquiry. I was neither the case officer, nor the design officer initially consulted as part of the appeal application process, but have stepped in to provide support in taking the matter before the Council's Planning Committee and before the Planning Inspectorate.
- 1.4. I first visited the site in September 2022 and undertook a preliminary review of the planning application documents. I have since revisited the site and the neighbourhood on a number of occasions in order to understand its character and the proposal context.
- 1.5. Having reviewed the Appellant's Statement of Case (CD 8.0), the Council's Statement of Case (CD 8.2 & 8.3) (SOC), the Statement of Common Ground (CD 8.21) (SOCG) and the planning officer's report to Planning Committee of 2nd

November 2022, I consider that the Council's likely reason for refusal on the matters of townscape and design was justified.

Scope of Evidence

- 1.6. My role is to provide expert evidence that addresses the main issue of townscape and character and is in support of the likely reason for refusal (1), as set out in the Council's Statement of Case and endorsed by the Planning Committee. This reason is summarised in paragraph 31 of the planning officer's report, which states that:

"The proposed development would be contrary to policies P13 (Design of Places) and P17 (Tall Buildings) of the Southwark Plan 2022 because it fails to respond positively to the existing character and context and would as a result cause harm to the local townscape. Officers do not consider that the public benefits of the scheme in providing commercial space and residential student housing outweigh the harm."

- 1.7. In my evidence, I will examine the proposals that form this appeal and will consider the scheme in terms of the issue outlined above. My evidence includes commentary on architecture and urban design matters, chiefly in so far as to understand the design process undertaken by the scheme architects in arriving at the proposals and to elucidate the scheme's impacts on townscape and character.
- 1.8. It is important to record that whilst heritage matters are an important consideration, following further analysis, officers accept that the extent of harm to the settings of nearby heritage assets, most notably the Grade II listed Inner Sessions Court, is insufficient to warrant a reason for refusal. The council has therefore concluded not to pursue the matter as such, and has struck out reference to Southwark Plan policy P19 in its Statement of Case.

- 1.9. Nonetheless, the positive contribution that the heritage assets make to the townscape context remains valid to the consideration of this appeal, and as such is addressed in my evidence.

2. PLANNING CONTEXT

Introduction and overview

- 2.1. Whilst my evidence is put into the context of relevant policy, I defer to planning witness Zoe Brown, whose evidence will refer to planning policies in detail.
- 2.2. I have reviewed the policies stated as being relevant to the Appeal in the Statement of Common Ground (CD 8.21), the Council's Statement of Case (CD 8.2 and 8.3) and the officer report to planning committee of 2nd November 2022 (CD 8.4 and 8.5), and I consider that the following policies are of particular relevance to my evidence:
- 2.3. **Relevant Planning policies and guidance**

The London Plan (2021)

- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led process
- D4 Delivering good design
- D9 Tall buildings

The Southwark Plan (2022)

- AV09 Elephant and Castle
- P13 Design of places
- P17 Tall buildings
- NSP46 63-85 Newington Causeway

- 2.4. In addition, the following supplementary planning guidance is also material to the consideration of the appeal scheme:

- Elephant and Castle Supplementary Planning Document (2012) (CD 7.3)
- Trinity Church Square Conservation Area Appraisal

- Heritage (2021) (CD 7.8)

2.5. My evidence will demonstrate how the proposals fail to meet the objectives of the policies listed. They also fail to accord with the guidance contained within the SPD for the Elephant and Castle Opportunity Area. Having regard to the likely reason for refusal (1) in the Council's Statement of Case (CD 8.2) as endorsed by the Planning Committee on 2nd November 2022, I have identified the following key policy issues of relevance, which will be expanded upon in paras 2.11 to 2.30 of this evidence:

- Character and context
- Tall Buildings

2.6. As part of this evidence, I have also considered the proposed development against the locational criteria identified in Southwark Plan policy P17, namely whether it is located at a point of landmark significance and has a height proportionate to the significance of the proposed location and size of the site. This allows for a consideration of whether the proposed tall building would reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding, as required by the London Plan policy D9 c 1)b). These factors have a bearing on townscape.

2.7. I have also had regard to the National Planning Policy Framework (NPPF). Published in July 2021, it strengthens the importance of good design for all proposed development in Chapter 12 (Achieving well-designed places). Paragraph 126 emphasises the fundamental role of creating high quality, beautiful and sustainable buildings and places through the planning and development process. Moreover, Paragraph 134 makes it clear that "*development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account local design guidance and supplementary planning documents, such as design guides and codes.*"

2.8. The paragraph goes on to specify that significant weight should be given to development that reflects local and national design guidance and/or designs that are "*outstanding*" or "*innovative*", which "*promote high levels of sustainability*" or

help raise the standard of design in the area, subject to the requirement that they “fit in” with the overall form and layout of their surroundings.

- 2.9. The National Design Guide (CD 7.31) (NDG) sets out the government’s priorities for well-designed places in the form of ten key characteristics. The characteristics fall under the headings of context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources, and life span. The guide describes the importance of a clear design narrative:

“Well designed places and buildings come about when there is a clearly expressed ‘story’ for the design concept and how it has evolved into a design proposal. This explains how the concept influences the layout, form, appearance and details of the proposed development. It may draw inspiration from the site, its surroundings, or a wider context. It may also introduce new approaches to contrast with, or complement, its context. This ‘story’ will inform and address all ten characteristics. It is set out in a Design and Access Statement that accompanies a planning application.” (NDG, para.1)

- 2.10. My evidence will therefore briefly consider the narrative of the design process as set out in the Appellant’s Design and Access Statement (CD1.39), as well as the resultant proposals.

Key Issues arising from Policy

- 2.11. In this section of my evidence, I identify the principal issues from relevant policies for each of the key issues that I identify in paragraph 2.5, above.

Character and Context

- 2.12. Policies in the London Plan (2021) and the Southwark Plan (2022) emphasise the importance of local character and context in the design of all new buildings. This includes providing a design response that is informed by the nature of a place, and the surrounding environment.

- 2.13. The London Plan provides that development proposals should “*enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to the existing and emerging street hierarchy, building types, forms and proportions.*” (D3.D.1)
- 2.14. It also states in policy D3 that development proposals should “*respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.*” (D3.D.11).
- 2.15. The Southwark Plan in policy P13 states that development must “*ensure height, scale, massing and arrangement respond positively to the existing townscape, character and context*” and “*better reveal local distinctiveness and architectural character; and conserve and enhance the significance of the local historic environment.*” (P13.1 and 2).
- 2.16. Policy SD4 of the London Plan states that the distinct environment of the CAZ should be sustained and within this similarly that the “*quality and character of predominantly residential neighbourhoods, where more local uses predominate, should be conserved and enhanced*”. (SD4.K).
- 2.17. With regard to tall buildings specifically, the Southwark Plan policy P17 requires that tall buildings respond positively to local character and townscape and that their design makes a positive contribution to wider townscape character. (P17.2.3 and 3.2).
- 2.18. The London Plan policy D9 requires consideration of context in the immediate and wider context. It states that tall buildings should make a positive contribution to the local townscape in terms of legibility, proportions, and materiality. It highlights boundary sensitives saying that where the site’s edges are adjacent to significantly lower buildings or parks and open spaces there “should be an appropriate

transition in scale between the tall building and its surrounding context to protect amenity or privacy”. (D9.C.i-iii).

- 2.19. Appropriateness is emphasised as intrinsic to successful place-making, with the supporting text to London Plan policy D3 emphasising that optimising site capacity should be design-led and *‘based on an evaluation of the site’s attributes, its surrounding context and its capacity for growth to determine the appropriate form of development for that site.’* (D3.3.3.2).
- 2.20. These policies, and the importance of responding to context, are supported by the National Design Guide (NDG), which identifies “context as one of the ten characteristics of a well-designed place, providing a checklist against which to describe, understand and consider the context of a development. They are further supported by the characteristic of ‘identity’. The NDG states that well-designed buildings and places *“have a character that suits the context, its history, how we live today and how we are likely to live in the future.”* (p14).

Tall Buildings

- 2.21. I have already explained a number of the policy requirements specifically for tall buildings under the topic covered above. In this section, I will set out the remaining key policy requirements for tall buildings that are relevant to this Appeal and to my evidence.
- 2.22. The London Plan leaves it to individual boroughs to define what constitutes a tall building based on local context, acknowledging that the height will vary between and within different parts of London (D9.A). The Southwark Plan defines a tall building in the borough as generally above 30m; the exceptions being within the Thames Special Policy Area where the threshold is 25m or where the building is significantly above the existing or emerging context. (Fact Box, page 135).
- 2.23. In terms of the location of tall buildings, the strategic approach of the London Plan is that this should be local development plan led, with boroughs determining “locations where tall buildings may be an appropriate form of development, subject

to meeting the other requirements of the [London] Plan”, requiring locations to be identified within the plan (D9.B.1).

- 2.24. The Southwark Plan policy P17 identifies broad areas on the adopted policies map where tall buildings could be expected, comprising those “typically within our Major Town Centres, Opportunity Area Cores, Action Area Cores and the Central Activity Zone.” (P17.1). It also identifies specific sites within those areas where taller buildings may be appropriate. In the Elephant and Castle Opportunity Area there are seven such locations, including NSP46 63-85 Newington Causeway. The Appeal site falls within the boundaries of the site allocation.
- 2.25. In assessing tall building proposals, The design quality of tall buildings is emphasised in both the London Plan and the Southwark Plan; the former stating that the architectural quality and materials should be of ‘an exemplary standard’ (D9.C.1.c); and the latter requiring the design of tall buildings to be ‘of exemplary architectural design.’ (P17.3.1).
- 2.26. The London Plan’s tall building policy contains a set of detailed criteria to guide the assessment of impacts when making decisions on individual proposals. The impacts are grouped under visual, functional and environmental. Of relevance to my evidence is the visual impacts, with the plan placing emphasis on the greater potential for harmful impact that tall buildings can have on their surroundings at immediate, local and citywide scales.
- 2.27. Policy D9 requires long-range views, mid-range views and immediate views to be addressed, where attention should be paid to the design of the top and base of the building, and to the form and proportions of it so that it makes a positive contribution to the skyline and to the local townscape, and relates well to the surrounding local area and surrounding streets. Tall buildings should also reinforce the spatial hierarchy of the local and wider context and legibility and wayfinding under the London Plan policy D9 (C1a, b).
- 2.28. These criteria are echoed in P17 of the Southwark Plan, which insists on tall buildings being located at a point of landmark significance and the height being in

proportion to the significance of the location. It too requires a positive contribution to the skyline (P17.2.1-2).

- 2.29. The design quality of tall buildings is emphasised in both the London Plan and the Southwark Plan; the former stating that the architectural quality and materials should be of 'an exemplary standard' (D9.C.1.c); and the latter requiring the design of tall buildings to be 'of exemplary architectural design.' (P17.3.1).
- 2.30. In relation to this, the London Plan highlights the scrutiny applicable to tall buildings. The expectation is that the design of a development proposal is thoroughly scrutinised by borough planning, urban design and conservation officers and that use is made of the Design Review Process (DRP) to assess and inform design options early in the planning process (D4.D).

Key Issues arising from the Supplementary Planning Guidance

- 2.31. In this section of my evidence, I similarly identify the principal issues from the SPD for the Elephant and Castle Opportunity Area for each of the above key issues. I have separated out this matter, as the SPD is by definition for guidance purposes. I have also provided a more in depth review, reflecting that the guidance is area specific. It is a material planning consideration in this appeal.
- 2.32. The appeal site falls within the broad area identified by policy P17 for tall buildings, which includes the Central Activities Zone and the Elephant and Castle Opportunity Area. The Elephant and Castle SPD (CD 7.3) was prepared by the Council as a planning framework for the Opportunity Area (OAPF) and, following public consultations, was adopted by the Council in March 2012. Whilst this may be some ago, the document is referenced in the Southwark Plan 2022 and London Plan 2021 and is intended to guide development in the area over a 10-15 year lifespan. It therefore remains relevant.
- 2.33. The document sets out the vision for the Opportunity Area and is intended to be used by the Council and the Mayor of London to guide their decisions on planning matters, providing transparency in decision-making, clarity to the public and more confidence to developers (para.1.1.4).

- 2.34. Among a number of planning matters, the framework provides guidance on:
- The design and built form of new buildings, including the height, bulk and massing, and
 - The character of areas and heritage assets.
- 2.35. The document contains a characterisation study of the Elephant and Castle Opportunity Area. This divides the area into nine character areas, with the Enterprise Quarter and Rockingham particularly relevant to this Appeal (Figure 4).
- 2.36. It sets out a number of general principles or “themes” for the opportunity area. It goes on to establish a series of policies that are then tailored to guide development within each of the character areas. However, it stipulates that *“The edges of the character areas are indicative and are not meant to imply a sharp contrast between one side of a boundary and the other. The boundaries are not hard and fast and wherever developments are close to a character area boundary, they need to consider the character of the adjacent areas.”* (para.1.1.4).

Design and the Built Form

- 2.37. Under Theme 5, it promotes a built environment that supports attractive neighbourhoods with their own character, seeking to ensure, among other matters, that the design, scale and location of new buildings contribute to reinforcing and creating neighbourhoods which have distinctive character and a sense of place; and the highest design and architectural quality in new buildings. (para.3.2.9)
- 2.38. These matters are carried through in the guiding policies, SPD16 and SPD17 on built form and tall buildings. It is notable that SPD16 makes reference to the need for development to *“Consider the impact on neighbouring character areas as well as their own, and where developments are close to the boundaries of another character area, ensuring that the edge conditions integrate well with adjacent surroundings.”* (SPD16, bullet point 2).
- 2.39. Regarding tall buildings, in SPD17 the guidance is clear on location and scale in that:

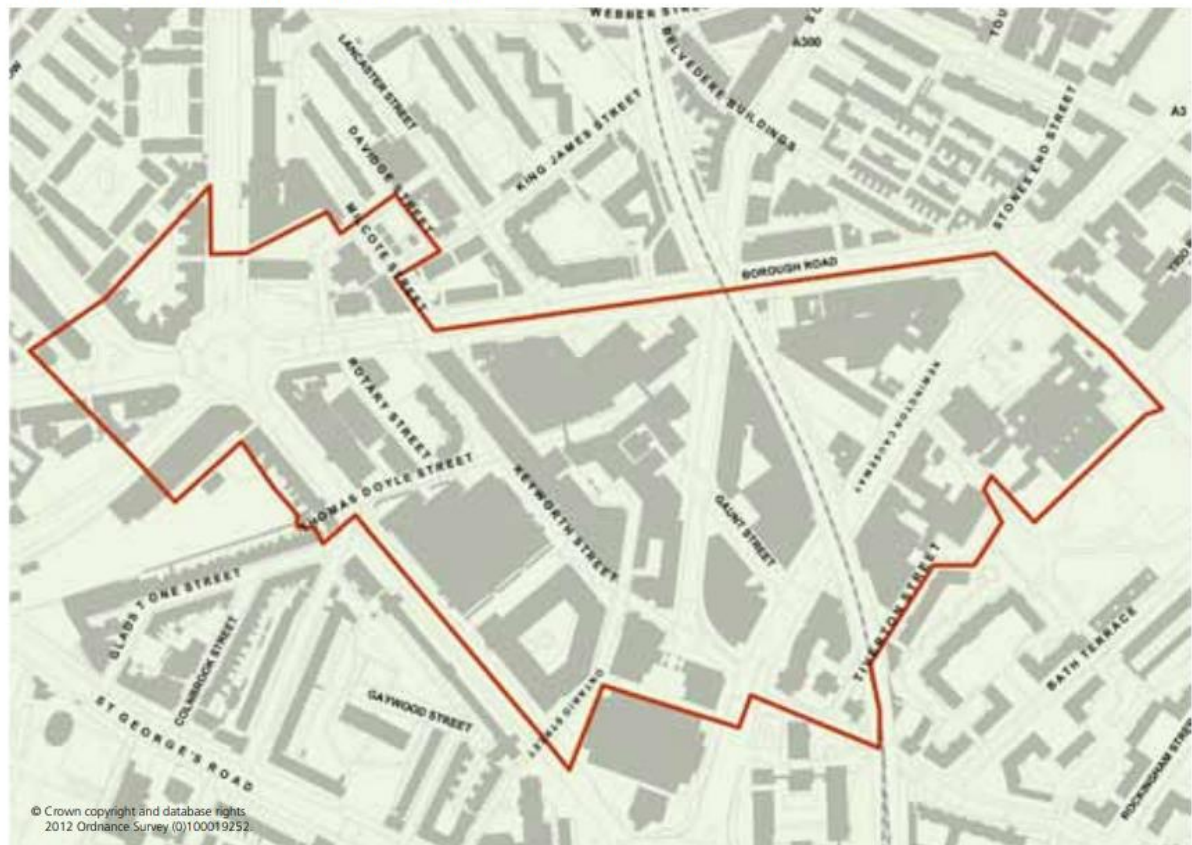
“The tallest buildings should act as focal points in views towards the Elephant and Castle along main roads and strengthen gateways into the central area. Moving away from the tallest points, they should diminish in height to manage the transition down to the existing context. They should be used to add interest to London’s skyline and when viewed in a cluster, should be articulated to ensure that they do not coalesce to form a single mass.”

- 2.40. Among many matters, the guidance policy expects tall buildings which will have a significant impact on the skyline to be slender and elegant, and have tops of buildings that are well articulated and recessive. It also considers the visual impact of clustering, expecting schemes to *“Demonstrate a considered relationship with other tall buildings and building heights in the immediate context; cumulatively, tall buildings should not coalesce visually to form a single mass.”* (SPD17, bullet points 8 and 9).

Character areas – The Enterprise Quarter

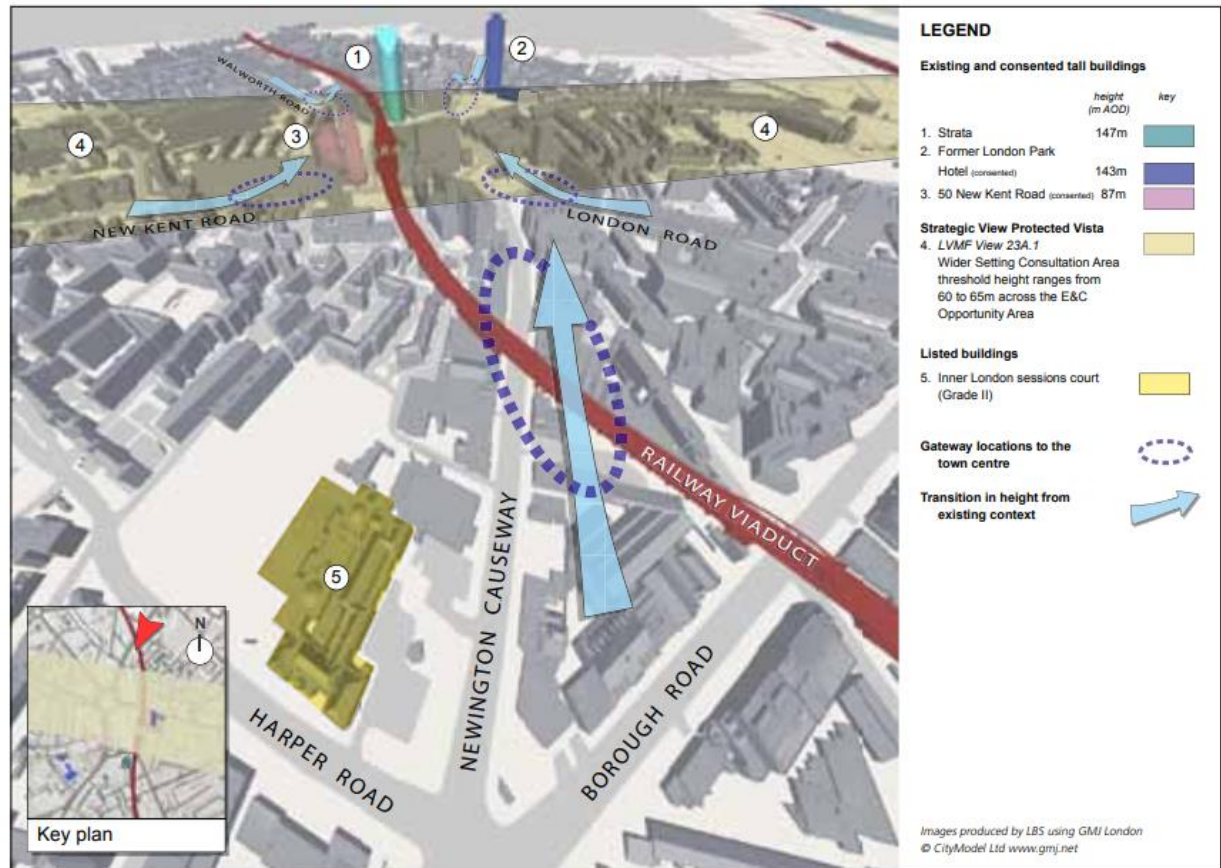
- 2.41. The Enterprise Quarter stretches from St George’s Circus to the west to Harper Road in the east, and just short of the Elephant and Castle roundabout to the south. The area is roughly triangular in shape with Borough Road forming its northern boundary. It includes the Appeal site, which sits on its eastern boundary, which is identified running along Tiverton Street. (See below map, reproduced from the SPD).

Figure 38: The Enterprise Quarter character area



- 2.42. The Enterprise Quarter character area is summarised as having a concentration of education and employment uses, with the London South Bank University playing a significant role, and with commercial activity located more towards Borough Road and St. George's Circus (para 5.8.1). Brief mention is made of the area's general appearance as *"having little coherent townscape character or quality with the exception of the remaining historic buildings around St. George's Circus and Borough Road which has an attractive character along much of its length, created by groups of buildings and street trees."* (para 5.8.15). Reference is also made of the value of trees within the area, including the mature London Plane trees on Newington Causeway. (para 5.8.3).
- 2.43. In terms of opportunities for the Enterprise Quarter it suggests that there is an opportunity for taller buildings to be developed on Newington Causeway to help define the gateway into the central area (para 5.8.4). Earlier on in the document, a figure is included to illustrate this, reproduced below:

Figure 15: Tall buildings strategy (view from north)



- 2.44. The strategy for the quarter is set out in para 5.8.7, with policy guidance on its built environment provided in SPD51. The guidance references that in terms of the built form development should contribute towards creating a more coherent townscape and conserving or enhancing the significance of the South London Inner Sessions Court on Newington Causeway as a listed building. The guidance policy goes on to address tall buildings confirming that they should help define the gateway into the central area in line with the above diagram, and that they “*should diminish in height moving north along Newington Causeway and London Road to manage the transition to surrounding built development.*”

Character areas – The Rockingham

- 2.45. As noted earlier in the SPD, the edge conditions of character areas require attention. The appeal site borders immediately onto the Rockingham Character Area. This encompasses the area to the southeast of Tiverton/ Avonmouth Street

and the Appeal site down to the New Kent Road, and eastwards across to Harper Road. (See figure below, reproduced from document).

Figure 41: The Rockingham character area



- 2.46. The area is mainly residential, with a local retail parade on Harper Road, as well as other community facilities, including Newington Gardens park. Its character is for the most part determined by the Rockingham Estate, comprising large inter-war residential housing blocks and later blocks built by the London County Council set within mature landscaping. As described in para 5.9.1, *“These are mainly 5 storeys and the brick built architecture gives an impression of robustness and durability. There is one taller building, Barnes House, which at 18 storeys, is an anomaly in the character area’s built form.”* It goes on to note how the Grade II listed Presbyterian chapel on Falmouth Road and the planned estate pubs help reinforce the character of the townscape, with the estate’s well landscaped intervening spaces and mature London Plane trees playing their part too.
- 2.47. The document identifies the opportunity to improve wayfinding through the area, but envisages this happening through landscaping, signage and public realm

improvements. Development is likely to be infill and intended to reflect the scale of the surrounding buildings and to reinforce the streetscape, as also referenced in its strategy (para 5.9.6).

- 2.48. Its guidance on the built form is set out in SPD55, which advises that, among matters, development should *“Help to reinforce the cohesive characteristics of the Rockingham area through consistent building heights of around 3-5 storeys, massing and materials.”*

Conclusion

- 2.49. The reason for refusal (1) as contained in the planning officer’s report makes specific reference to Southwark Plan policies. As I have set out above, the Southwark Plan is the adopted local development plan for the area and for the consideration of the Appeal scheme. Its policies P13 and P17 are of most relevance, relating to design matters of character and context and the impact of tall buildings, and form the clear reason for refusal on townscape grounds.
- 2.50. These policies are reflective of the London Plan policies, D3 and D9, which are detailed but operate at the strategic level, with the local development plan policies taking preference, operating within the policy remit of the London Plan and providing a borough-specific focus. As such, had the application not been appealed, the Council would have relied on its Southwark Plan policies in determining the application, and in the knowledge that they accord with this higher policy level.
- 2.51. In addition, the Council has also adopted an SPD for the Elephant and Castle Opportunity Area (CD7.3), which sets out a planning framework to help guide development within the area, including the Appeal Site. The document is endorsed by the GLA. The SPD is material to the consideration of this appeal and should be afforded significant weight, albeit it is not formally part of the development plan. Among other matters, it steers the design of new development towards achieving an appropriate scale and form, as well as summarising the character of a number of sub-areas within the Elephant and Castle Opportunity Area.

THE APPEAL SITE

Site location and description

- 2.52. The Appeal Site comprises a two-storey commercial building and ancillary service yard located on Avonmouth Street, close to its junction with Newington Causeway. Avonmouth Street runs southeast from Newington Causeway before returning southwest to wrap around the boundary of the Appeal Site and continuing to the southwest as Tiverton Street.



Map of Appeal Site (outlined in red)

- 2.53. The site has an area of 0.12 hectares, which is mostly built out with the exception of the service yard. The existing two-storey building comprises red brick elevations

in a stretcher bond, large window openings with a horizontal design emphasis and metal-framed windows, a cornice band finished in corrugated metalwork and a slack pitched metal-clad roof. Originally built in the late 1980s for light industrial/warehouse use, the property has been modified for office use and currently hosts a training and conference facility (ETC Venues). The main entrance is to the rear onto its service yard, which is accessed from Avonmouth Street (north).



Photograph 1: Appeal Building, Avonmouth Street

- 2.54. The service yard is shared with its four-storey office neighbour, Coburg House, no.63-67 Newington Causeway (Job Centre Plus) that partly abuts to the Appeal building to the rear and from its appearance likely formed part of the original development.
- 2.55. No. 69-71 Newington Causeway (Lavery Rowe advertising) also adjoins the Appeal site to its rear. It comprises a 1950s four-storey office building in brickwork and render onto the street; an internal courtyard; and a matching two-storey rear outbuilding that abuts the Appeal building. Lastly, no.49-51 Avonmouth Street (Autocar) abuts to the southern flank of the building and is a two-storey general industrial building in pale yellow brickwork and a 1950s architecture.

2.56. Other buildings within the street block, running anti-clockwise from the site, comprise:

- 2-2b Avonmouth Street, a four-storey late Victorian flatted block in London stock brick with red brickwork dressings and painted lintels, located adjacent to the service yard;
- Balppa House, 57-61 Newington Causeway, a 1990s part four/ five-storey block of flats above retail that sits on the junction with Avonmouth Street;
- No.73-75 Newington Causeway, a four-storey mid Victorian building in the classical style and converted
- Southwark Playhouse, 77-85 Newington Causeway, housed in a 1960s three storey former office building with a single storey industrial shed attached at the rear which runs through to a servicing entrance onto Tiverton Street
- Ceramic Building (aka the Kite), 87-91 Newington Causeway, a recently completed 24-storey tower and podium block in curtain wall glazing, providing a hotel and residential flats. The development includes new public open space and walkway adjacent to the railway viaduct.

2.57. In terms of the wider context, across Avonmouth Street to the north is the Grade II listed Inner London Sessions Court and open forecourt space (1914/17, WE Riley) with its 1970s modern two-storey annex closest to the site, and former LCC Weights and Measures building, which is now used in connection with servicing for the court.

2.58. To the east is the corner of Newington Gardens, a Victorian park laid out in the 1880s as part of the clearance of the former Inner Sessions Court and Surrey County gaol and extended onto Avonmouth Street in the early 1900s. The park is maintained by the Council as a local park and is designated Borough Open Land (BoL).

2.59. To the south and southwest of the Appeal site are two five-storey walk-up blocks of flats, Telford House and Stephenson House set within ancillary landscaped open space partly landscaped and with a narrow service road and parking apron

onto Avonmouth/ Tiverton Street. The blocks are part of the Rockingham Estate, constructed mainly by the LCC during the 1930s as part of a large-scale slum clearance programme. The estate comprises 23 blocks of flats and community facilities, with intervening landscaped lawns and tree planting.

2.60. In terms of relevant site designations, the Appeal site is within:

- Central Activities Zone (CAZ)
- Elephant and Castle Opportunity Area
- Site allocation NSP46, 63-85 Newington Causeway
- Elephant and Castle major town centre; and
- North Southwark and Roman Roads Archaeological Priority Zone.

2.61. It is not within the backdrop to a protected Strategic London view or within a protected Borough view. It is also not within a conservation area. Regarding local heritage assets, the nearest conservation area is the Trinity Church Square Conservation Area, c.200m to the northeast of the site; whilst the nearby Inner London Sessions Court (see above) is the closest statutory listed building, others being within Trinity Gardens Square and in Borough Road. Newington Gardens park is referenced in the Southwark Plan as locally listed, in addition to being Borough Open Land (BOL). No.73-75 and 56-62 Newington Causeway are similarly referenced as being locally listed.

Existing Character and Townscape Qualities

2.62. Whilst the SPD refers to the Appeal site being within the character study area, the Enterprise Quarter, it is not especially obvious on visiting the site and its surrounding context to appreciate this.

Newington Causeway

2.63. Newington Causeway is one of several primary streets in the Enterprise Quarter. It connects the Elephant and Castle town centre with Borough High Street and onwards to London Bridge. The roadway has performed this purpose since its beginnings in the mid-1700s, when the paved street of Borough High Street was

extended beyond its junction with Borough Road. Ribbon developments of terraced housing occurred to either side, initially on its west side as part of the infill of St George's Fields, but soon followed on the east side with both sides built up by the early 1800s.

- 2.64. The sense as a primary connector comes through in its character today, with its wide expanse of carriageway, which until the 1960s had room to accommodate a central tramline. Its properties are mostly positioned at the back edge of its pavements, which brings a consistent building line to its property frontages and a distinctly urban character to the main road.
- 2.65. Focussing on the section of road running between the railway viaduct and Borough High Street, which is contextual to the Appeal Site, the consistent building line is paired with moderately low building heights of generally three or four storeys, which has been the contextual scale of Newington Causeway for much of its history. The architecture, however, is varied, with styles representative of the Victorian, Edwardian, interwar and postwar periods, reflecting the episodic process of urban renewal.
- 2.66. Whilst the built form has a consistency of position and scale, the enclosure of the street by buildings is patchy in places, with the loss of buildings through dilapidation, wartime damage or clearance in expectation of development that has not ways progressed. This is especially notable on the west side of the road, with the gaps in the built form created by the loss of nos. 40 and 44 through to 54, which are currently being cleverly exploited by the meanwhile uses and particularly with the relatively recent demolition of nos. 18 to 36. With the addition of the garage forecourt at the junction with Borough Road, this presently gives the west side a more fractured and open townscape.
- 2.67. The east side is more cohesive in form, only opening up for the junction with Avonmouth Street and again close to the junction with Harper Road with the contribution of Inner Sessions Court and its large forecourt to the street scene. That said, the procession of street trees are an important feature of the townscape, with the avenue of mature and semi-mature London Planes providing a good sense of enclosure, as well as welcome softening of the street scene.



Photograph 2: Newington Causeway, looking northwards from railway bridge

- 2.68. Over time, the area's housing has become adapted, accompanied and squeezed out by commercial uses, with the development of small scale retail, warehousing and manufacturing; the latter making use of the adjoining land to the rear for workshops. Several such premises survive, but have undergone further adaptation for offices or entertainment, such as the Southwark Playhouse Theatre. Others have closed and been demolished, awaiting new development. Elements of residential remain on the upper floors of some buildings.
- 2.69. Activity is focussed around the popular covered market and eatery (Mercato Metropolitano) and the playhouse theatre during the evenings, and the Institute of Optometry and the Inner Sessions Court during the daytime. Otherwise, it is mostly a matter of movement through the area.
- 2.70. In terms of building quality, the occasional building has architectural merit, including in particular no. 73-75 Newington Causeway, which is in dialogue with the similarly styled no.58-62 (Institute of Optometry) opposite, both of which are

locally listed. The 1960s adapted office buildings are reasonable for their time, but in need of further refreshing.

- 2.71. The architectural highlight is the Inner Sessions Court with its classical styling, composition form and rich but rugged detailing, which reads as impressive building of civic quality and of evidently landmark importance within the townscape, despite its contextual height. The building is set within a large courtyard space with a tall stone gateway and a low stone perimeter walls onto the street.



Photograph 3: Inner Sessions Court

- 2.72. As a connector, Newington Causeway's linear form and onward views contribute to its townscape character. The westward view is towards the railway viaduct, which forms an obvious gateway through to Elephant and Castle town centre with its cluster of high-rise buildings. Eileen House (aka 251) sits on the west side of Newington Causeway at nos. 80-94, beyond the viaduct. At 41-storeys, it is of metropolitan scale, with its distinctive, sharply angled top that stretches some eight storeys evident on the skyline. Diagonally opposite is the recently completed Ceramic Building, a 24-storey podium and tower, which is positioned east of the viaduct.



Photograph 4: Newington Causeway, looking westwards

- 2.73. Looking eastwards, the view is channelled by the charming Victorian architecture of the Ship Public House and terraced group opposite, but is terminated by the Grade II* listed St. George the Martyr's Church, although the backdrop is dominated by the iconic Shard.



Photograph 5: Newington Causeway/ Borough Road, looking eastwards

- 2.74. Running off Newington Causeway, Avonmouth Street has the feel of a local access road that would normally bisect a wider street block as a secondary street. However, it finds itself redirected and threading its way towards the southwest as Tiverton Street, with its earlier layout (Devonshire Street) truncated by the setting out of the Rockingham Estate in the 1930s.
- 2.75. The twisting roadway is narrow, as are the pavements, which are disrupted by vehicle entrances and service bays. The west side of the street takes on a back-of-house character, with buildings hard up against the narrow pavement and service entrances to activities that face onto Newington Causeway. The opening up of the ground floor of the new Ceramic Building softens this appearance, but nonetheless reads as secondary.
- 2.76. The east side features a parallel estate road that doubles as a parking apron for the residents of Telford House. The street itself is treeless, adding to its hard appearance, albeit the adjacent greenery of Newington Gardens offers visual relief in the background. Looking southwards, the street is crossed by the railway viaduct, with commercial premises set within the archways on either side, adding to the working character of the street.



Photograph 6: Avonmouth Street, near to junction with Newington Causeway

- 2.77. The four-storey Telford House and near-by Stephenson House bring a residential character and function to the east side of the street, with the walkways and front doors evident. The architecture is typical of its period and form, featuring robust brickwork and painted concrete banding. Whilst overall the townscape is mixed, it has a binary condition, with the street separating the two functions.
- 2.78. It is understandable how the west side of Avonmouth/ Tiverton Street is drawn within the same boundary as Newington Causeway, being part of the same small street block and with buildings running through. It does, however, have more of low-key backland quality and reads as being on the cusp of a further change in townscape character, shifting towards a predominantly residential townscape formed by the neighbouring estate.



Photograph 7: Avonmouth/ Tiverton Street

Rockingham Estate

- 2.79. The Rockingham Estate covers an area of c.7.4 hectares and is bounded by Newington Gardens park and Harper Road to the north and east, Rockingham Street and County Street to the south and Avonmouth/ Tiverton Street to the west. Today, the estate comprises 23 blocks of social housing and community facilities, including a local retail parade on Harper Road a day nursery, community centre and allotments on Falmouth Road, and corner pub on County Street
- 2.80. Mostly constructed in the early 1930s, the original estate comprised 19 deck-access blocks of five storeys, set amongst landscaping. Several infill buildings were added to the estate during the 1960s and again recently, however, it is the character of the original estate that predominates
- 2.81. The original estate was constructed by the London County Council deliberately masterplanned to take in the earlier road layouts of Bath Terrace, Rockingham Street (formerly Williams Street and St Andrews Street), Falmouth Street (formerly

St George's Street), Country Street (formerly County Terrace) and one side of Harper Street (formerly Union Street). The intervening streets and lanes became subsumed as estate access points or mostly lost altogether. The terraces of Victorian housing that had gradually infilled the area running eastwards from Newington Causeway from the mid-19th century onwards were demolished to make way for the comprehensive housing programme



Photograph 8: The Rockingham Estate, boundary sign in Bath Terrace

- 2.82. The five-storey blocks are laid out in a generally linear manner, set back c.3m from the street edge behind low perimeter walls with railings and green margins, and are extensively articulated and positioned to relieve the massing and to enclose a series of intervening green spaces. Planted as lawns, with shrubs and trees, the margins and courtyard spaces provide a landscaped setting to the estate and to the townscape in general that belies the generally dense character of the estate.

- 2.83. Not surprising given the short period of development, the residential blocks share the same architectural language of multi-stock brown brickwork in a Flemish bonding pattern, punched-hole openings and white multi-paned windows with a vertical bias, albeit the windows are modern replacements in a like-for-like fenestration pattern. The tiled roofs are pitched and hipped, with overhanging eaves and brickwork chimneys.
- 2.84. The street facing elevations have a sober appearance of well-ordered windows and brickwork quoins and banding, which are designed to add a robustness to the architecture, as well as visual order and relief. Further relief is provided by the occasional projecting brickwork balcony that overlooks the street or courtyard garden. The entrance elevations are generally to the rear, set off short access roads and hard landscaped forecourts, and are characterised by the stair towers and access decks, the latter comprising brickwork and painted concrete, which give a horizontality to the designs.



Photograph 9: Rockingham Estate, Rockingham Street, looking northeast

- 2.85. Overall, it is the sense of the estate's calm, ordered appearance of its planned form and architecture, softened by its mature landscaping that characterises the

Rockingham Estate and provides its local distinctiveness. Its townscape is of streets enclosed by residential buildings of a consistent scale and appearance, softened by greenery and trees, and in a deliberate layout that results in a strong visual coherency. The height of the buildings and degree of enclosure are such that within the estate the buildings are seen against the skyline, reinforcing this visual coherency. Towards its edges, looking northwards and eastwards, the presence of Newington Gardens and the layout and scale of the adjoining residential housing and estate maintain or at least do not disrupt this visual coherency. Looking south and southwest, the cluster of tall buildings around the Elephant and Castle are apparent in the backdrop

Newington Gardens

- 2.86. Brief mention should be made of Newington Gardens, which the SPD area characterisation includes within Rockingham, but which I wish to highlight in response to the Appeal development. It is the local park for the Rockingham Estate and other residents in the surrounding area, but has a character and townscape that is appreciably different from the residential streets.
- 2.87. The park predates much of its residential context, with the exception of those within Bath Terrace and around Trinity Gardens Square. Opened in 1884, the park was laid out and initially managed by the Metropolitan Public Gardens Association (MPGA), a charity established in the late 19th century to provide “green lungs in poor districts” (English Heritage). On the site of the former Surrey Gaol, a criminal and debtor prison built in 1791, the gaol was demolished 90 years later and the land released to the charity. The park was likely designed by or overseen by the then head gardener, Fanny Rollo Williamson, who is celebrated as England’s first woman professional landscape gardener.



Photograph 10: Newington Gardens, south entrance

- 2.88. The park has a loosely pleasure gardens design, with curving footpaths, lawns and pockets of shrubbery and tree planting that lend a picturesque quality. The footpaths lead to a central space that originally contained the bandstand. Deep hedging runs around much of the perimeter of the park, in places on the alignment of the prison's outer walls. The park was extended and redesigned during the Edwardian period, incorporating an adjacent stonemason's yard in Bath Terrace and an earlier verdant lane (Rope Walk). Today, the gardens feature tennis courts and play courts, climbing equipment and lawn set beneath mature park trees. The park has no formal entrance, with simple gated openings onto Harper Road and Avonmouth Street.
- 2.89. The park has a quiet, informal character and appearance, enclosed by hedges and modest rear elevations of the Inner Sessions Court, Stephenson House, the tenement blocks of Bath Terrace, and beyond by the front facades of traditionally styled new townhouses beyond in Harpers Road and the quiet, flank façade of the Appeal building on Avonmouth Street. Outward views are mainly of the adjoining domestic context and contained by the extensive tree cover, with the cluster of tall buildings of Elephant and Castle glimpsed in the long distance as the footpath runs parallel to Bath Terrace or more widespread once the trees are out of leaf.



Photograph 11: Newington Gardens, central area

Conclusion

- 2.90. The townscape context can be divided into three separate areas, albeit the SPD has simplified this into two, based on the layout of the street blocks. Importantly, in my opinion, none sit in isolation, with streets and views interconnecting the areas. The Appeal Site is on the edge, defined as part of the Newington Causeway context, but with its flank facades facing towards Newington Gardens and the more residential context of the Rockingham Estate. It is therefore a relatively sensitive location in terms of townscape influence. This is reflected in the Council's assessment of the visual impacts of the Appeal Scheme.

3. THE APPEAL SCHEME

Introduction

- 3.1. This section of my evidence provides a brief description of the appeal scheme and a commentary on the iterative process in developing the designs and submitting the application, and its reception by the GLA.

Appeal Proposal

- 3.2. The description of the appeal development as registered under the planning application (21/AP/4297) is for the:

“Demolition of existing building and structures and erection of a part 2, part 7, part 14, and part 16 storey plus basement development comprising 1,733sqm (GIA) of space for Class E employment use and/or community health hub and/or Class F1(a) education use and 233 purpose-built student residential rooms with associated amenity space and public realm works, car and cycle parking, and ancillary infrastructure.”

- 3.3. Looking at the proposals in more detail, the proposals involve the demolition of the existing two-storey former warehouse, excavation of two new basement levels and the construction of a single building onto Avonmouth Street that steps in height from 7-storeys at its southwest corner to 14-storeys midway across the short block to 16-storeys at its northeast corner. The development is for a mixed-use building, providing replacement commercial office floorspace over part basement, part ground and first floor level; and student accommodation and supporting facilities over part ground, second floor level and above. Plant and ancillary storage for the student accommodation (bikes and bins) is located at sub-basement level.

- 3.4. The office floorspace is intended to be flexible, allowing its alternative use as a community health facility, albeit the nature of this is not specified. The student accommodation comprises 217 bedrooms with en-suite facilities that are arranged in clusters of 6-7 rooms with access to a kitchen/diner space, and 16 self-contained studio units. The students have access to a communal rooftop terrace at 7th floor level and to a small communal lobby area at ground. The two uses have separate entrances that bookend the building, with the student entrance onto the northeast corner and the commercial entrance onto the southwest corner. Servicing is onto its front (southeast) elevation.
- 3.5. The architecture is devised into a series of layers, which is then further articulated by changes to the elevational planes, brickwork colours and detailed treatments of the facades. The ground and first floor are designed to read as a distinct base to the building, featuring corner recessed entrances and large window openings, with the base finished in dark red brickwork. Above the base, the massing is slightly articulated with the central four bays modestly stepped forward to break up the plane of the building's main elevation.
- 3.6. The student accommodation features a regular grid of smaller windows, with the elevations detailed to introduce a variety of colours and finishes for the piers, spandrels and lintels. The upper floors include the stepped massing, with the 7-storey element featuring the rooftop communal terrace; the 14-storey element including a green roof with photovoltaics behind the parapet wall; and the northeast corner running to the full height of 16-storeys. The latter two additional storeys are further profiled with extended brickwork piers to help visually express this element as the 'top'. The three 'massings' are further reflected in the change in primary brickwork colour, with the 7-storey element finished in a multi-stock red brickwork, the 14-storey element using cream and grey brickwork in a two-tone effect, and the 16-storey element continuing the aubergine red brickwork of the base.
- 3.7. Lastly, whilst the scheme layout generally fills its red line boundary, the proposed scheme includes landscaping at street level, including a narrow boundary planter on its north elevation that encompasses a basement lightwell and a further planter at its southern corner, protecting a lightwell adjacent to the recessed entrance. In

addition, the scheme proposes pavement extensions with street trees; a new raised carriageway; and a new pocket park with trees and planters. The pocket park is located within the triangle of carriageway at the junction of Avonmouth Street, currently used for servicing (incl. Autocar). These additional landscape improvements are outside of the red line boundary and are therefore would be subject to a S.106 agreement and a highways compliant design being reached.

The Design Story

- 3.8. The National Design Guide explains that ‘Well-designed places and buildings come about when there is a clearly expressed ‘story’ for the design concept’ and ‘how it has evolved into a design proposal (NDG, p4, para 16).
- 3.9. The starting point for a consistent and coherent ‘design story’ should be a rigorous interrogation of the client brief. This accords with LP policy D3, which seeks ‘a design-led approach’ to ensure that ‘development is of the most appropriate form and land use for the site.’ A careful design-led exercise in respect of these proposals should weigh the quantity of accommodation sought along with the associated aspiration for a tall building, against a forensic evaluation of the site’s capacity to meet this brief.
- 3.10. The Design and Access Statement (DAS) (CD 1.39) and Planning Statement (CD 1.44) do not describe or reproduce the client’s original brief and I am unaware of a submission document that provides a schedule of accommodation or a clear brief for the development beyond the policy land-use requirement for sufficient replacement commercial floorspace and the project’s aspiration for a mixed-use development for student housing.
- 3.11. The DAS sets out a number of opportunities and constraints for the development, a number of which respond to the Council’s planning policies and guidance for the site, but not all. The following factors are raised by the scheme architects rather than the planning authority:
- This will be a unique opportunity to transform an unloved area into a new gateway to Newington Gardens.

- Creating a signpost for the park with new development is suitable in this location, with enough height to be easily readable from Newington Causeway.
- It is notable that in the introduction to the section refers to the need to ‘transform an unwelcoming backland site into a proud piece of townscape that makes a positive contribution to the local area” (para 2.4, DAS 2021).

3.12. The DAS runs through the iterative design process undertaken by the scheme architects, with the input of the townscape consultants, which is confirmed in the submitted HTVIA (CD 1.69). The DAS describes how the team recognised the need for a split built form to allow the massing to respond to its neighbouring context and reviewed a series of height options that articulate the massing over 10/12-storeys, 10/14-storeys, 10/20-storeys, 9/14-storeys and 7/14-storeys.

3.13. From this, the team concludes that 7-storeys is sympathetic to the context of the Rockingham Estate; 20-storeys is too tall and overbearing to the park and too close in scale to the Ceramic (Kite building). The team felt that the taller element had a landscape role to play, but needed to be subservient to the Ceramic Building, and therefore 16-storeys was the optimum (para 3.2, DAS 2021). At this point, the designs were further adjusted to articulate a ‘crown’ and park-facing façade (para 3.3, DAS 2021).

3.14. It is this design that is taken forward as a pre-application for presentation to the planning authorities, beginning with a meeting with the GLA’s planning officers on 6th July 2021 and followed by a meeting with the Council’s planning officers on 17th August 2021. It is also the same design that is carried forward to its public consultations at its two zoom events on 9th and 16th September 2021.

3.15. Reference is made within the DAS and Planning Statement to meetings with adjoining landowners and to a meeting with the Council’s Regeneration Team on 6th October 2021. At the latter meeting, matters of comprehensive development of the wider site and scale of the Avonmouth scheme were discussed and in reference to a regeneration masterplan exercise undertaken by Tibbalds on behalf of the Regeneration Team. It should be noted that the Tibbalds study is not part of a formal planning process; has not undergone any public consultation and does

not have the agreement of the planning committee; and above all, is not material to the consideration of this planning appeal.

- 3.16. The pre-application received a generally favourable response from the GLA, as set out in its Stage 1 Report of 3rd May 2022 (CD 6.11), as discussed below. It is understood that the Council's planning officers raised a number of concerns, including the height of the proposals, although no formal note of the meeting was issued. As it was, no further pre-application meetings were held with the planning authorities and no further design iterations presented to the Council's planning officers. Moreover, at no stage does it appear that the scheme was presented to the Council's Design Review Panel or to an alternative review panel operated by the GLA or the Design Council. It is therefore questioned whether the pre-application proposals received sufficient design scrutiny expected of tall buildings as required by the London Plan policy D4, particularly given the Council's concerns with the proposals at that time.
- 3.17. The formal application for the development was received by the council in November 2021, with the application being made valid on the 22nd of the month. The application scheme appears very similar, if not identical to the earlier consultation scheme in terms of its architecture and urban design.

GLA Stage 1 Report (CD 6.11)

- 3.18. The GLA report references the July pre-application meeting and that its officer advice was issued on 7th March 2022 stating that the *"land use principles were supported, but further work was required with respect to urban design, fire safety, inclusive access, heritage, transport and sustainable development."* (para 13). The Stage 1 report follows the submission of the planning application and notification by the Council.
- 3.19. The report sets out the relevant planning policies and guidance for its consideration of the scheme, referencing the Southwark Plan (2022) and London Plan (2021) as the development plans in force, and the Elephant and Castle SPD and OPAF (2021) as material. (paras 14-15).

- 3.20. Looking within the body of the report, it is worth highlighting the sections on visual impact and heritage matters in relation to this Appeal. Paragraphs 54 to 57 state that:

“The bulk of the building would sit comfortably within the site and its context and the articulated massing would create visual interest with contrasting materials defining the two taller elements of the proposed development, the building would appear in mid-range views; this is further discussed in paragraph 78 of this report. In mid-range views, GLA officers consider the form and proportions of the building would make a positive contribution to the townscape.

The submitted HTVIA does not include any long-range views and therefore officers cannot conclude whether the development would make a positive contribution to the existing or emerging skyline....

In terms of the immediate views, the stepped massing with 2 storeys at the rear helps create some separation distance for neighbouring existing properties, and provides an appropriate transition in scale between the proposed tall buildings and their surrounding context along the rear site boundary.

In terms of visual impacts, GLA officers consider the proposal could have a positive impact on views from different distances, but further information is required. The building would be of good quality in appearance with well-considered architecture and detailing that references local character. The proposed development would cause no harm to heritage assets (as assessed at this stage) and is not expected to cause adverse glare or excessive light pollution.”

- 3.21. Paragraph 78 concerns the impact of the scheme on the Grade II listed Inner London Sessions Court. It records that the building would be:

“of comparative prominence to no.87 Newington Causeway, and GLA officers recognise that the perceived massing of the proposed development is mitigated by its distinctive consecutive parts, achieved by alternating planes and contrast in brickwork tones that separate its elevations.”

- 3.22. The report concludes with its support in principle to the redevelopment and optimisation of the site, including the delivery of purpose-built student accommodation. Whilst on urban design matters it offers its support for the principle of a tall building in strategic terms, subject to addressing its impacts. (para 145, GLA Stage 1 2022)
- 3.23. As commentary, there does not appear to be a full endorsement of the proposed designs, given that the GLA’s officers could not conclude whether it would make a positive contribution at all ranges of views. The impact on the skyline remains unverified. It is also odd that the GLA has not commented on the transition of building heights within the wider townscape, as highlighted by the SPD guidance and endorsed by the Mayor, but focuses on the two-storey transition with the neighbouring buildings to the rear as an immediate view, which conflates the matters of townscape and amenity.
- 3.24. It is also worth noting that the GLA regard the new development to be of ‘*comparative prominence*’ to the Ceramic building when viewing the Inner sessions Court, which presumably is a mid-range view. Lastly, that in summary, the GLA consider the building to be “of good quality in appearance”, which is underwhelming for a tall building that in accordance with policy D9 of the London Plan and P17 of the Southwark Plan should be of ‘exemplary standard’.

4. LIKELY REASONS FOR REFUSAL

4.1. Introduction

- 4.2. My evidence addresses the likely reason for refusal (1) dealing with the townscape issues arising from the Appeal scheme and will explain how the proposed development is contrary to the development plan policies, as briefly set out in the Council's Statement of Case, including national planning policy in section 12 of the NPPF.

4.3. Reason for Refusal

- 4.4. On 2nd November 2022, the Council's planning committee endorsed the likely reasons for refusal of the Appeal scheme. Reason 1 is explained in the Council's Statement of Case in paragraphs 8.2 to 8.15 and in the officer's report in paragraphs 34 to 51, and is summarised in paragraph 31 (bullet point 1) of the latter, which states:

“The proposed development would be contrary to policies P13 (Design of Places) and P17 (Tall Buildings) of the Southwark Plan 2022 because it fails to respond positively to the existing character and context and would as a result cause harm to the local townscape. Officers do not consider that the public benefits of the scheme in providing commercial space and residential student housing outweigh the harm.”

- 4.5. It is for my planning colleague, Zoe Brown, to address the planning benefits of the scheme and to set out the Council's case on the planning balance. I shall address the matters of townscape and harm.

Impact on townscape and local character

- 4.6. At 16-storeys (c.55m) it is commonly accepted that the Appeal scheme constitutes a tall building, principally for being above 30m, which the Council defines as being

the threshold height for tall buildings. Its proposed location is onto Avonmouth Street, with a return frontage onto Tiverton Street. However, it does not directly front onto Newington Causeway, being to the rear of several properties that do.

- 4.7. The development has a stepped built form arranged north-eastwards across the site. When looking at its main elevation, its massing can be broadly read in thirds: The first four bays at its southern end rise seven storeys to a shoulder height of 25.3m. The massing then steps to 14-storeys, or 47.5m to parapet height, mid-block for four further bays, and reaches 16-storeys (54.8m to roofline) for five bays, including one bay that overlaps with the mid-section. The massing briefly returns to 14-storeys for a final windowless bay at the building's north end, although this is recessed c.4m behind the main facade line and generally would not be read in the immediate street view. The stepped form is further differentiated by a shift in plane of the mid-section, which cantilevers slightly forward above the second floor, and by changes in the brickwork colours and façade details, albeit the window grid remains consistent.
- 4.8. The planning submission was accompanied by a heritage and townscape visual impact assessment (HTVIA). This set out how the proposal would appear in key local views were it to be implemented. It is notable that the document provides 13 verified views during the daytime, using photographs taken in during the daytime in summer. It does not provide any winter views or renders during dusk hours.

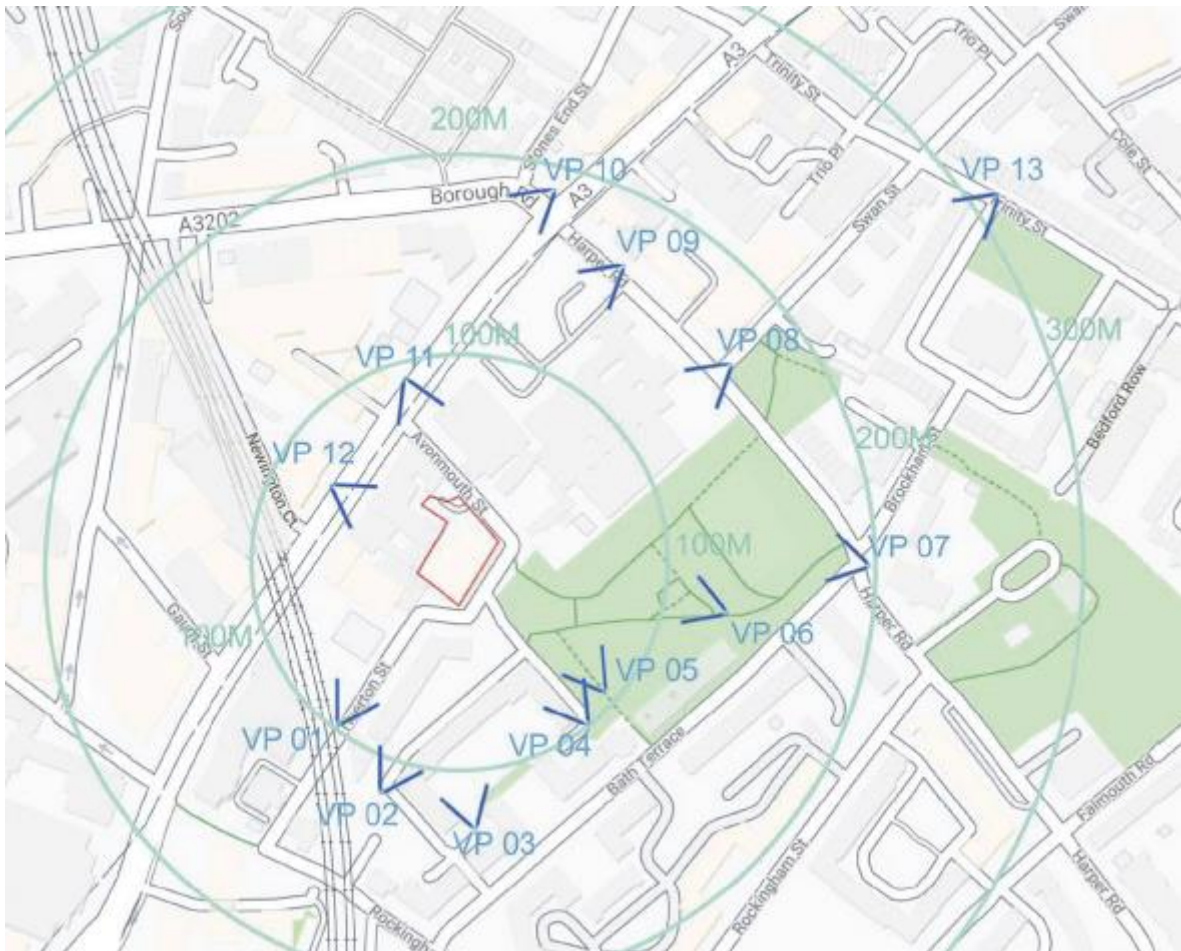
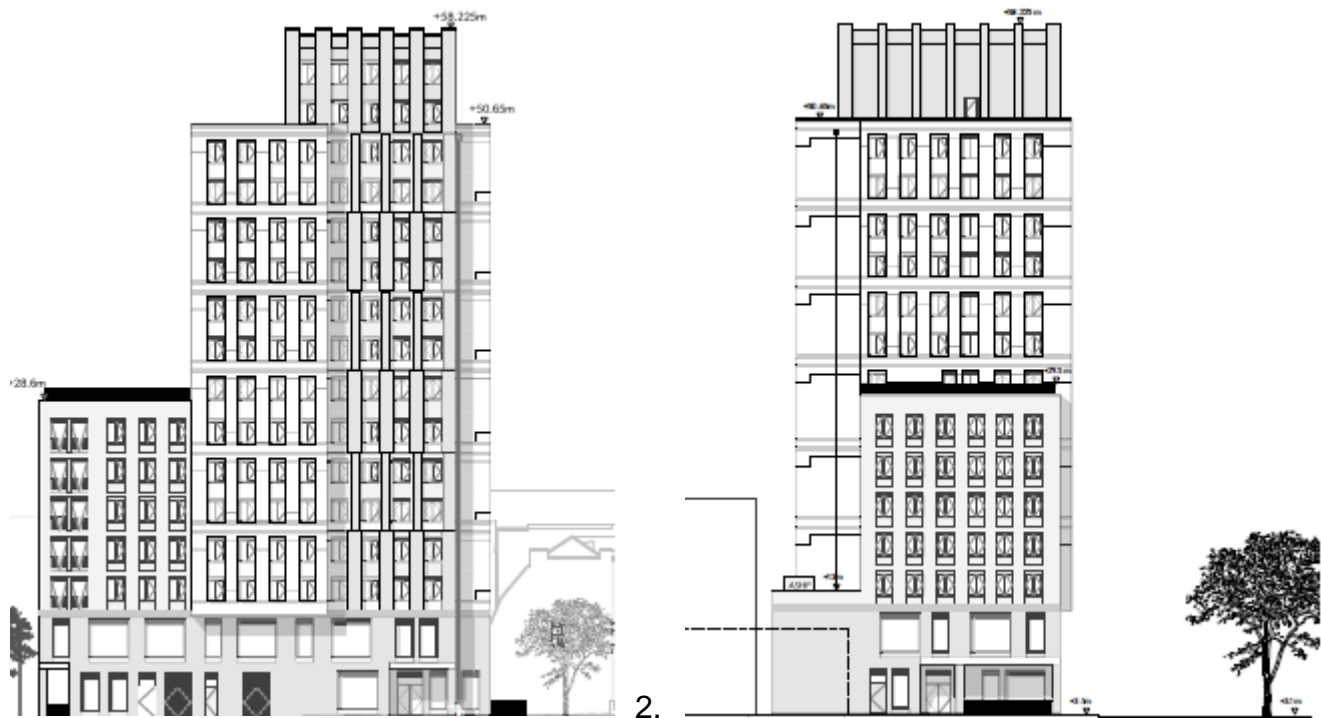


Figure 1: Viewpoints submitted as part of the HTVIA

- 4.9. The HTVIA references in paragraph 2.26 that the viewing points were agreed by the Council's officers, although I am unaware of any communication to support this. Nevertheless, the prepared viewing points provide a reasonable spread of views in the area and the Appellant has provided the relevant digital information to allow the Council to undertake any further modelling of views should it wish. Regrettably, the Council has been unable to process the model information in time for this submission of evidence, although I shall reference other likely viewing points.
- 4.10. The submitted HTVIA sets out how the appeal scheme would appear in key local views were the scheme to be implemented. The Council contends that in several of the townscape views the building would be tall enough, relative to the context of the site, to cause harm to the townscape and by extension the local character of the immediate area. It considers that this is in part a result of the scale and overall 16-storey height of the appeal building, which would appear incongruous within

the townscape to an unacceptable degree. This visual harm is compounded by the architectural approach to the building's crown, which exaggerates the building's overt presence in the townscape and gives the building a 'top-heavy' appearance.

- 4.11. The officer's report briefly references the dark red colour of the final two storeys (floors 14 and 15), which rise above and contrast strongly with the light-buff colour of the 14-storey sections below. However, as illustrated below, the detailed designs of the brickwork piers and infill panels add to this effect, particularly when viewed in-the-round, as a tall building typically is. The piers widen in detail over the final two floors compared to floors 12 and 13 below, as well as slightly protrude above the roofline to effect a castellated detail. Large panels of brickwork infill between the piers, especially on the flank walls where they become exposed at high level. The outcome is the top-heavy impression of the building rather than its elegant and visually engaging conclusion.



5.12 *Figure 2: South and west elevations*

- 4.13. For the assessment of the impacts of the Appeal scheme on the townscape, I have categorised the relevant views set out in the HTVIA into four general groups, adding to the three set out in the officer's report.

- 4.14. The groupings reflect distance and the characterisation analysis described in section 3 of my evidence, although there is some degree of overlap:

Local Townscape Views

- 4.15. The following views are from the immediate streets and the estate access road which adjoin them and generally fall within the Enterprise Quarter character area.



View #1: Tiverton Street

- 4.16. This view is a linear view along Tiverton Street, looking north-eastwards towards the Appeal site. The proposed building would terminate the view, shouldering out the appearance of the Shard. In this view the lower element of the building is closest to the viewer, with the stepped form rising to the rear. The 7-storey shoulder height generally relates to the scale of the 4-storey podium of the Ceramic Building and Telford House in the foreground, though the difference in height with Telford House would become more apparent as the viewer advances towards the Appeal site. However, the Council considers the difference in comparative heights of the 7-storey element and the 5-storey Telford House would not appear uncomfortable.

- 4.17. The further step up in height to 14-storeys again does not feel uncomfortable within this view, seen as only three additional storeys compared to the shoulder height of the podium building in the foreground. The impact is particularly eased by the softer appearance of the mid-section, created by its pale coloured brickwork, its open glazed appearance and by the evident greenery roof gardens. By contrast, the crown of the building sits awkwardly above in its positioning and its heavy appearance.
- 4.18. The HTVIA notes the development would enhance the composition of built form of Tiverton Street and the street scene with an activated frontage and public realm improvements, although I consider these features are delivered by the 7-storey element.
- 4.19. It is difficult to appreciate the scale relationship with the tower of the Ceramic Building in this view or how the proposed building would add to any cluster of tall buildings within the Elephant and Castle Area, which are behind the viewer and would be obscured by the railway viaduct. To me, the view indicates how the appeal building would sit on the cusp of two areas.



View #4: Stephenson House, access road

4.20. View 4 is within taken within 100m of the appeal site and is directly towards the current building. The 7-storey element is seen head-on, with its proposed shoulder height relating to the height of the 4th floor walkway of Stephenson House and its robust red brickwork similarly relating. The 14-storey massing appears comfortable in this view, reading not dissimilar in height to the eaves of the staircase to Stephenson House and softened by its pale coloured brickwork and glazing that generally allow this element to recede in view. However, the effect is curtailed by the harsher appearance of the building's crown, seen to the right. Glimpsed among the foliage, the crown would become more evident in winter.



View #11: Newington Causeway, close to junction with Avonmouth Street

4.21. In this view, the buildings around the junction of Avonmouth Street are of similar height, with the proposed appeal building rising above in the immediate background. The double-storey visual order and banding of the grey brickwork ease the perceived scale of the new building to a reasonable extent. However, the crown reads as a top-heavy finish to the building that brings prominence to its additional height.

4.22. The tall tower of the Ceramic Building is to the right, as is the cluster of towers towards the Elephant and Castle. However, in this photograph it is difficult to appreciate whether the appeal development would achieve an evident and

effective transition in height down to the local context, as set out in the SPD guidance.

- 4.23. The HTVIA refers to the building “demarcating the entry point into Newington Gardens”. Section 5.9 of the report also notes how “special attention has been paid to the crown of the building, which will assist in legibility and wayfinding to Newington Gardens”. The Council considers the additional height afforded by the crown is unnecessary, if not unflattering and unwarranted in highlighting the entrance to the local park in this view.

4.24. Views from within the Rockingham Estate



View #2: Telford House and Stephenson House, access road

- 4.25. The view is taken from the estate road that spurs off Rockingham Street and runs between Telford House and Stephenson House and connects through to Avonmouth Street. The two residential blocks enclose areas of lawns and echelon parking. In this view the proposed building will appear in the backdrop to Telford House, rising above the latter’s roofline, with the mid-section’s six uppermost

storeys and the crown of the tall building evident. The final storey of its seven-storey element goes unnoticed among the row of chimney-stacks.

- 4.26. The pale brickwork and glazing soften the building's appearance, which helps it to recede in view against the cloudy sky. The contrasting dark and solid appearance of the crown gives the building a top-heavy appearance and brings it back into visual prominence. It is hard to agree that the building adds "visual interest and legibility to the lower-rise uniformity of the estate". On the contrary, it intrudes on and diminishes the sense of place.
- 4.27. The tower element of the Ceramic Building is present in the backdrop, although much closer to the viewer. Whilst not seen in this view, the Ceramic Building sits on the edge of a cluster of tall buildings, which are more towards the rear of the viewer and understood as part of the nearby town centre. The Appeal Building looks remote from this cluster and too tall to convey any sense of transition in height downwards, particularly given the additional crown.



View #3: Stephenson House, central garden space

- 4.28. This view is taken from the central garden square that sits between Stephenson House, Rennie House and Rumford House. It is landscaped mainly with lawns and trees, and contains a small playground. Within this enclosed space, the uniform height and coherent character of the estate is strongly evident. The appeal building would be seen rising above Stephenson House towards the centre of the long, articulated block. In this view, the uppermost floors of its mid-section breach the roofline, but sit amongst its chimney-stacks, generally reducing the impact. By contrast the additional height of the crown with its heavy appearance is evident, appearing well above the chimney line, catching the eye. It has the effect of drawing attention to the lower element, making for a more intrusive built form in the background. Its appearance erodes the sense of place.
- 4.29. A similar view would be obtained from Bath Terrace, more within the heart of the estate, where the planned layout of Rennie House and Rumford House opens up to provide a public view into the central garden square from the street and from Binnie House beyond. This more public view is not illustrated in the HTVIA, but would likely be similarly affected by the new building, with its taller elements breaching the roofline of Stephenson House. It is acknowledged that looking more southwards, several existing tall buildings would come into view, although they would be understood as part of the nearby town centre.

Views from within and across Newington Gardens

- 4.30. Newington Gardens is included within the Rockingham character area in the Council's SPD, functioning chiefly as the local park for the estate and neighbouring residential streets. The park sits within this mainly residential context, but has an appreciably different character and appearance. It is also one that subtly changes with the seasons, as outward views become more extensive.



View #5: Newington Gardens, play area

- 4.31. This view is taken from within the southwest section of the park, incorporated as part of its Edwardian expansion. Little remains of its initial layout, with the exception of the line of mature London plane trees. The pathways and landscaping have been replaced and the area laid out as a children's play area. In this photograph the trees are in foliage, with glimpsed views of the walkways of Stephenson House to the left and in the existing the low-rise Appeal building (not illustrated here). The above shows the replacement tall building, albeit it is mainly the lower floors that are visible below the tree canopy, with glimpsed views of the upper floors. The comparative increase glazing of the lowermost floors brings increased animation onto Avonmouth Street, although it is difficult to read the carved out entrances, which are not especially prominent.
- 4.32. With the loss of foliage during the autumn and winter months, however, the building's presence will increase, with the extent of the new buildings height and massing becoming more overt in the backdrop to the park. In this view, the 7-storey element would relate well enough to Stephenson House, maintaining the visual coherency of the park's enclosure. Seen head-on the stepped increase in height to 14-storeys is less comfortable and the building begins to dominate the outlook and setting of the park. At this height, it reads below the height of the Ceramic Building, which is glimpsed to the left further into the backdrop. The

additional 2-storeys would be evident and likely seen to rise to the height of, if not above, the main branches and read as similar in height to the ceramic Building, with no sense of a transition in scale. The close proximity of such a tall building detracts from the quiet, informal character of the local park. This is partly recognised in the HTVIA, which refers to the architecture contributing to ‘the viewers contrasting experience of the tranquillity of Newington Gardens within a highly urban context’, albeit the analysis regards this as a positive effect.



View #6: Newington Gardens, pathway

- 4.33. A not dissimilar view is shown in view #6, which is taken towards the southern edge of the park, as the outer pathway curves inwards to head towards Avonmouth Street. The walkways of Stephenson House with their banded painted soffits can be seen to the left, as is the existing low-rise building on the site (not shown above) which sits to the immediate right of the path, notable for its metalwork parapet and regular line of windows below. In the proposed view, the lower floors of the new building are seen below the tree canopy, with the large windows animating the building. The upper floors are largely obscured by the tree cover, but can be made out, suggesting the presence of a large building in the immediate backdrop to the park.

- 4.34. As earlier, with the loss of foliage during the autumn and winter months, the building's presence will increase, with the extent of the new building's height and massing becoming more overt.
- 4.35. In this view, the slight change in angle has reduced the appearance of the 7-storey massing, although it remains sufficiently visible to maintain the height relationship with Stephenson House. The step in height is again emphatic in this view. It is likely that the tall building will be read in the wider context of the Ceramic Building. However, it is also likely that the two additional storeys would not achieve a notable downward transition in height, given the appeal building's closer proximity. The tall building detracts from the quiet, informal character of the local park.

Wider townscape views

- 4.36. This selection of views are middle to long distance views towards the site.



View #7: Harper Road/ Brockham Street

- 4.37. Taken from just beyond Newington Gardens, the building is almost completely screened by the park's dense tree foliage. However, the crown can be glimpsed

within the tree line, where its crenulated red top would be evident. Positioned more towards the centre of the backdrop to the gardens, the building's presence would increase during winter months, particularly with internal illumination, with the top becoming especially more evident. Whilst there is a transition in heights, it is underwhelming, whilst the increased presence of the building diminishes the open aspect and welcome break in the urban context that the park brings to the townscape.



View #8: Harper Road/ Swan Street

- 4.38. In this view, the appeal building is read above the rear extension of the Crown Court and against the massing of Eileen House. The building appears to obscure the Ceramic Building. The appeal building's 14 and 16-storey elements are visible and although treated to articulate and relieve the visual massing, reads as a thin veneer. Moreover, whilst the 14-storey element sits below the angled roof profile of Eileen House, the additional crown confuses this relationship and blurs any sense of a downward transition or cascading of height, with the 16-storey building jockeying for visual dominance. This detracts from the townscape, creating a busy backdrop to the Crown Court, albeit it does not affect its heritage significance.



View #9: Harper Road, opposite pedestrian gate to Crown Court

4.39. In this view, the appeal building is read immediately above the roofline of the Crown Court and very close to the Ceramic Building. Whilst the pale coloured 14-storey element sits comfortably with the Portland stone, the dark red brickwork is contrasting, serving to draw attention to the additional height of the crown. In this view, the building has an awkward, top-heavy appearance. There is no transition in overall heights, with the appeal building matching the Ceramic Building in height. The impact is a dense, if not slightly overwhelming backdrop of tall buildings, which would be significantly eased by a reduction in height to 14-storeys.

4.40. The impacts would become augmented if the viewer were to move to the courtyard of the listed building, although this has not been illustrated. The presence of the appeal tall building within the wider backdrop to the crown court would also be evident when seen head-on from Newington Causeway, again not illustrated in the HTVIA. Whilst the latter would be unlikely to unduly harm the significance of the Grade II listed building, it would impact on how the court is read within the townscape, drawing significance away from its landmark, civic quality.



View #10: Newington Causeway, outside the Ship Pub

- 4.41. In this view, the dark crown of the appeal building is read emerging from the intervening trees. The location of the appeal building away from Newington Causeway is evident and whilst there is a reduction in comparative heights between the buildings, the transition is underwhelming and unconvincing, due to the additional crown. This would become more evident in winter months, highlighted by the visibility of the contrasting 14-storey element, which is better scaled and finished to achieve the transition, including the step down towards the Crown Court in the middle ground.



View #12: Newington Causeway, outside nos.58-62

- 4.42. In this view, the tall building would be seen sitting behind the terrace of buildings fronting onto Newington Causeway, reading as a backland development. In this view, the building would appear to transition in height northwards, contradicting the guidance and the wider townscape relationship of having buildings diminish in height away from the Elephant and Castle town centre. The argument that the additional height serves as a way-finder to the local park is unconvincing.



View #13: Trinity Street/ Trinity Garden Square, north side

- 4.43. This view is within the heart of the Trinity Gardens Square Conservation Area and shows the uniform terraces of Grade II listed townhouses enclosing the central gardens and Grade II listed church (now Henry Wood Hall). The new building would not be seen within this townscape view, being behind the terraced housing to the right and well below its roofline, and would therefore not affect the settings of the heritage assets.

Setting of the Grade II Listed Inner Sessions Court

- 4.44. Finally, the Council no-longer contests the impact of the Appeal proposals on the setting of the Inner Sessions Court as a Grade II heritage asset. As referenced in the officer's report (para 31), the putative reason for refusal was withdrawn from its initial Statement of Case. This followed further analysis by officers, reassessing the contribution made by the townscape setting to the understanding of the significance of the heritage asset.
- 4.45. In this instance, although the loss of the terraced housing along Newington Causeway could arguably be seen as better revealing the heritage asset, on further reflection it was acknowledged that the setting no-longer closely resembled

that in which it was originally constructed. Furthermore, whilst the new development would appear above the historic building in some views, the appreciation of its formal composition when seen head-on, as originally intended, would be marginal. As such, the harm to the significance of the heritage asset was no-longer considered sufficient to warrant a reason for refusal. My understanding is that the Council remains content with this decision.

Considerations

- 4.46. The Council contests that the appeal building is out of character with the existing townscape in the immediate and wider vicinity of the Site. This is as a primarily as a consequence of the proposed height of the building at 16 storeys.
- 4.47. It is acknowledged that the townscape character within Newington Causeway is mixed in terms of building scale and architectural design, and that this site is potentially suitable for a taller building as set out in the NSP site allocation NSP46. As such, a building that is taller, but not as tall as the proposed may work well within the local context and potentially satisfy the NSP policy requirements and guidance contained with the Elephant and Castle SPD.
- 4.48. As proposed, the 16-storey building does not successfully respond to the existing townscape of taller buildings located towards the Elephant and Castle town centre, including in the context of the views of the Inner London Sessions Court, in which these existing taller buildings also appear. Moreover, its additional height and material treatment in close proximity to the Court vies for attention within the local townscape, diminishing the latter's landmark quality.
- 4.49. Due to the location of the site and its distance from the Elephant and Castle town centre, the 16-storey building's scale is read within the townscape as being the same height as that of the 24-storey Ceramic building located to the south west of the Site. Within these townscape views, the proposal would be contrary to the Council's otherwise consistent approach of steering development of taller buildings towards locations where the imposing impact of the taller height on the townscape is justified, such as at the convergence of key routes or focuses of activity, including town centres.

- 4.50. The results of this strategy are demonstrated in the submitted views, where Eileen House (aka 2-50-1) remains the tallest building while being located closest to the Elephant and Castle town centre (and so furthest away from the Site), and which the Ceramic Building is appropriately subservient too. This progression of scale of buildings within the townscape would not be achieved with the 16-storey proposal within these views.
- 4.51. The proposal is also considered to be excessively tall in relation to the five-storey housing blocks of the Rockingham Estate as demonstrated in the townscape views. The presence of the additional height appears disruptive, intruding into views within the estate and detracting from its coherent character and quality. Similarly, the proposed height is considered excessive in views within Newington Gardens, which although partly obscured by the park's trees would appear overbearing in winter when the upper storeys would become more evident. Its presence would be out of character with the park's low-key setting and tranquil quality.

5. CONCLUSION

- 5.1. Paragraph 126 of the NPPF emphasises the fundamental role of creating high quality, beautiful and sustainable buildings and places through the planning and development process. Moreover, paragraph 134 makes it clear that:

“development that is not well-designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account local design guidance and supplementary planning documents, such as design guides and codes.”

- 5.2. The Council's policies P13 and P17 stress the importance of local townscape and how a well-designed tall building should positively respond. It accepts the principle of a taller building on the site, as set out within its site allocation policy NSP46. This is supported by its SPD guidance for the Elephant and Castle Opportunity Area, which outlines the opportunity for tall or taller buildings within Newington Causeway, but which makes the case for the transitioning of heights downwards away from the town centre to ensure a positive response to the local context.
- 5.3. It is the Council's view that had the Appeal not been submitted, it would have refused the application for the new 16-storey tall building at 6 Avonmouth Street on the basis that at this height it would have harmed the local townscape and failed to achieve the positive response to the local context. Its height is disproportionately tall for its location. This is evidenced in the townscape analysis contained in this proof of evidence. As such, the appeal scheme is contrary to national policy and to the local development plan.
- 5.4. The Inspector is duly asked to dismiss this appeal on the above grounds.
- 5.5. Finally, the evidence which I have prepared and provide for this appeal reference APP/A5840/W/22/3303205 in this proof of evidence is, to the best of my knowledge, true and is my opinion as a member of the Council's Design and Conservation Team.