

Planning Committee

Tuesday 19 April 2022

2.00 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

Membership

Councillor Martin Seaton (Chair)
Councillor Kath Whittam (Vice-Chair)
Councillor James Coldwell
Councillor Richard Livingstone
Councillor Adele Morris
Councillor Damian O'Brien
Councillor Cleo Soanes
Councillor Bill Williams

Reserves

Councillor Radha Burgess
Councillor Victor Chamberlain
Councillor Jon Hartley
Councillor Nick Johnson
Councillor Eleanor Kerslake
Councillor James McAsh
Councillor Victoria Mills
Councillor Margy Newens

INFORMATION FOR MEMBERS OF THE PUBLIC

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Contact: Greg Weaver on 020 7525 3667 or email: greg.weaver@southwark.gov.uk

Members of the committee are summoned to attend this meeting

Eleanor Kelly

Chief Executive

Date: 7 April 2022



Planning Committee

Tuesday 19 April 2022

2.00 pm

Ground Floor Meeting Room G02 - 160 Tooley Street, London SE1 2QH

Order of Business

Item No.	Title	Page No.
PART A - OPEN BUSINESS		
1.	APOLOGIES	
	To receive any apologies for absence.	
2.	CONFIRMATION OF VOTING MEMBERS	
	A representative of each political group will confirm the voting members of the committee.	
3.	NOTIFICATION OF ANY ITEMS OF BUSINESS WHICH THE CHAIR DEEMS URGENT	
	In special circumstances, an item of business may be added to an agenda within five clear days of the meeting.	
4.	DISCLOSURE OF INTERESTS AND DISPENSATIONS	
	Members to declare any personal interests and dispensation in respect of any item of business to be considered at this meeting.	
5.	REPORTS	
	5.1. THE COUNCIL'S STATEMENT OF CASE FOR APPEALS IN RELATION TO NEW CITY COURT 4-26 ST THOMAS STREET, SE1 9RS - 2018 SCHEME (18/AP/4039 AND 18/AP/4040)	1 - 203
	5.2. THE COUNCIL'S STATEMENT OF CASE FOR APPEALS IN RELATION TO NEW CITY COURT 4-26 ST THOMAS STREET, SE1 9RS - 2021 SCHEME (21/AP/1361 AND 21/AP/1364)	204 - 383

ANY OTHER OPEN BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

EXCLUSION OF PRESS AND PUBLIC

The following motion should be moved, seconded and approved if the committee wishes to exclude the press and public to deal with reports revealing exempt information:

“That the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1-7, Access to Information Procedure rules of the Constitution.”

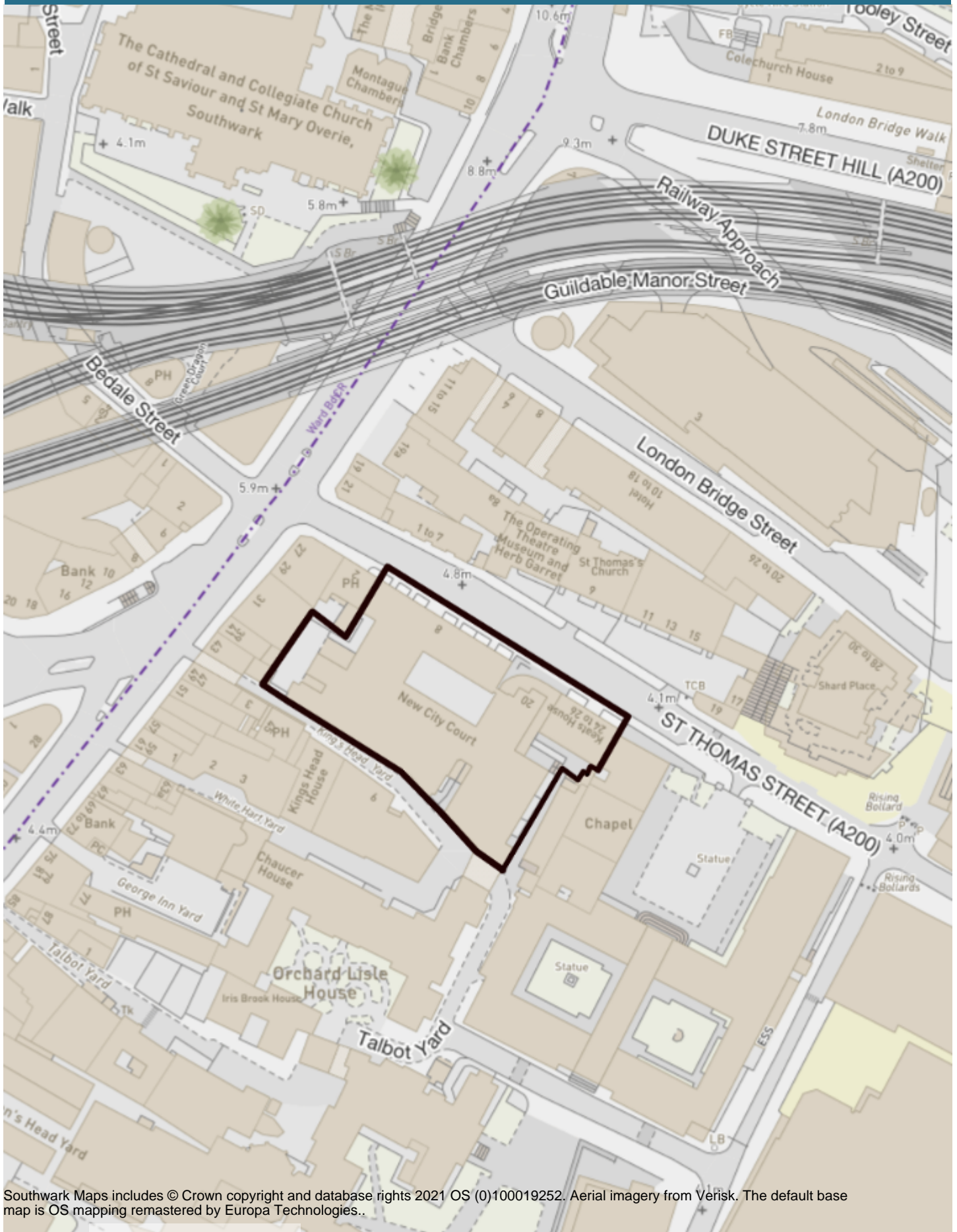
PART B - CLOSED BUSINESS

ANY OTHER CLOSED BUSINESS AS NOTIFIED AT THE START OF THE MEETING AND ACCEPTED BY THE CHAIR AS URGENT.

Date: 7 April 2022

18/AP/4039 & 18/AP/4040 & 21/AP/1361 & 21/AP/1364

NEW CITY COURT, 4-26 ST THOMAS STREET, LONDON, SE1 9RS



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5-Apr-2022

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Item No. 5.1	Classification: Open	Date: 19 April 2022	Meeting Name: Planning Committee
Report title:	The council's Statement of Case for appeals in relation to New City Court 4-26 St Thomas Street, SE1 9RS – 2018 scheme (18/AP/4039 and 18/AP/4040)		
Ward(s) or groups affected:	London Bridge And West Bermondsey		
From:	Director of Planning and Growth		

RECOMMENDATIONS

1. That planning committee:
 - 1) Note that appeals for non-determination have been received in respect of planning application reference 18/AP/4039 and application for listed building consent reference 18/AP/4040, that these are major applications which would normally have been considered and determined by planning committee but will now be determined by the Secretary of State.
 - 2) Note that a planning inspector has been appointed to decide the appeals and that a planning inquiry has been listed with a time estimate of 14 days commencing on the 19 July 2022.
 - 3) Consider and endorse the Statement of Case at Appendix 1 which has been submitted to the Planning Inspectorate and includes the likely reasons for refusal of the applications had they not been appealed for non-determination. These likely reasons for refusal relate to the following topics:
 - The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and the harm is not outweighed by public benefits
 - Poor design, harm to townscape and local character (including sustainable design matters)
 - Lack of a section 106 agreement
 - Other matters where the proposal does not comply with development plan policies (servicing, and daylight and sunlight impacts to surrounding properties)
 - In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails

to safeguard the special historic and architectural interest of the listed buildings on the site.

BACKGROUND INFORMATION FOR THIS REPORT

2. The purpose of this report is two-fold. Firstly to inform planning committee about the appeals for non-determination in respect of the application for planning permission (reference 18/AP/4039) and related application for listed building consent (reference 18/AP/4040), and secondly to request that Planning Committee consider and endorse the Statement of Case at Appendix 1 to this report which, in accordance with the timetable for the appeals, has already been submitted to the Planning Inspectorate. The Planning Inspectorate has appointed an Inspector to consider the appeals on behalf of the Secretary of State.
3. As the applications are now the subject of appeal, planning committee will no longer be able to decide the applications in the usual way as the decisions will be made by the Inspector. However, as it is the role of planning committee to consider major and strategic applications, this report seeks to provide further information about the applications and the content of the Statement of Case, which forms the basis of the case which the council will present at the public inquiry. The Planning Inspectorate has arranged the inquiry to commence on 19 July 2022 and it is expected to last for 14 days.
4. Applications for a second scheme relating to the same site (submitted in 2021 and given references 21/AP/1361 and 21/AP/1364) are also the subject of non-determination appeals and are addressed in a separate report to this planning committee. The Planning Inspectorate has decided to hear all four appeals at the same inquiry, hence the time estimate of 14 days. Members, and the public in general, will have the opportunity to attend the inquiry and make representations should they wish to do so.
5. The appellant, GPE (St Thomas Street) Limited, submitted their appeals in January, and on the 10 February 2022, the Planning Inspectorate informed the council that the inquiry procedure is to be followed and gave directions that the council's Statement of Case had to be submitted by 16 March 2022. The council is required to keep to the timetable and there are potential costs implications for failing to comply. Given the five week deadline for submission of the Statement of Case, there was not enough time to report to planning committee in advance of submission. The submitted Statement of Case contains the likely reasons for refusal had the council determined the applications, and therefore summarises the case that the council will present at the forthcoming inquiry. Whilst the Statement of Case has now been submitted in accordance with the procedural rules, the Planning Committee are asked to consider and endorse its contents.
6. The Statement of Case explains the history of the applications in section 3. At the pre-application stage in 2017/18, officers raised serious concerns with the emerging planning proposals and indicated that the development could not be supported because of adverse design and heritage impacts, and these issues were not resolved when the applications were submitted. Therefore the

appellant was aware that its applications were likely to be recommended for refusal had they proceeded to be reported to Planning Committee. The appellant has exercised its right to appeal for non-determination after expiry of the statutory timescale for determining the applications.

BACKGROUND INFORMATION FOR THE 2018 APPLICATIONS

7. This planning application (ref. 18/AP/4039) and associated listed building consent (18/AP/4040) for the New City Court site were submitted in December 2018. The scheme is for a large office-led development, and the full descriptions for the planning application and related listed building consent application are set out below:

Planning application ref. 18/AP/4039 - *Redevelopment to include demolition of the 1980s office buildings and erection of a 37 storey building (plus two basement levels) of a maximum height of 144m (AOD), restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) and change of use of lower floors to Class A1 retail, and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide a total of 46,374sqm of Class B1 office floorspace, 765sqm of Class A1 retail floorspace, 1,139sqm of Class A3 retail floorspace, 615sqm of leisure floorspace (Class D2), 719sqm hub space (Class B1/D2) and a 825sqm elevated public garden within the 37-storey building, associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works.*

Listed building consent application ref. 18/AP/4040 - *Restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including:*

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

8. This pair of applications are two of the four applications that propose the redevelopment of the application site, with a 2021 pair of applications submitted for an alternative scheme.
9. The 2018 planning application proposes the redevelopment of a site that comprises a 1980s office building, a terrace of listed Georgian buildings, and Keats House. The application proposes to demolish the 1980s building and extensions to the listed terrace, and to construct a 37-storey tower, to relocate the historic façades of Keats House and building new office and retail space behind the façades, and to extend and renovate the terrace of listed buildings. The tower would provide mainly office space, with some retail and Class D2 use, a raised garden within the building that would be publicly accessible, and a business 'hub' with an auditorium. The listed buildings and new Keats House would be used as retail at lower levels and offices above. Public realm across the site would provide new public routes through to Kings Head Yard, St Thomas Street, and link to the Borough High Street entrance to London Bridge Underground station. Servicing would be carried out in the proposed basement accessed from the yards to the south, and on the St Thomas Street highway.
10. The listed building consent application proposes the related works to the grade II listed Georgian terrace, including removal of the 1980s extensions at the rear, and to reinstate much of the historic layout, and restore the external fabric and features.
11. The submitted applications followed on from pre-application discussions with the council. The council's formal pre-application advice is included as Appendix 2 to this report. It stated that the proposal would not be supported in its current form, primarily because of the adverse design and heritage impacts.
12. The council carried out consultation on the submitted applications, and the responses received are summarised later in this report.
13. The appellant has appealed against non-determination for these two 2018 applications, so the Planning Inspectorate will decide the applications following a public inquiry. Historic England will be participating in the inquiry, in objection to the proposal. TfL has provided written comments to the Inspectorate raising its serious concerns in relation to the proposal.
14. A total of four applications have been submitted which relate to the redevelopment of the New City Court application site. These are all the subject of appeals to be heard at the same public inquiry:
 - 18/AP/4039 – the planning application for the redevelopment of the New City Court site with a 37-storey office building.
 - 18/AP/4040 – the listed building consent application for the works to grade II listed nos. 4-16 St Thomas Street within the New City Court site (both subject of this report).
 - 21/AP/1361 – a new planning application submitted in April 2021 for a revised design of the site's redevelopment with a 26 storey office building.

- 21/AP/1364 – the listed building consent application for the associated works to the grade II listed Georgian terrace (both subject of a linked report within this agenda).
15. There are also four associated applications on the adjoining site as a result of the party wall being demolished so that the relocated Keats House would sit away from Conybeare House of Guy's Hospital. These minor applications at the adjoining Conybeare House relate to the relocation of Keats House and will be considered separately under delegated powers once the appeal outcomes are known:
- 19/AP/5519 - a planning application for works to the party wall between Keats House and Conybeare House, including: removal of link to Keats House, reinstatement of the string courses and cornice to Conybeare House, and refurbishment of existing fire escape.
 - 19/AP/5520 - a listed building consent application at Conybeare House for the party wall works, reinstatement of the string courses and cornice.
 - A similar pair of a planning application and listed building consent applications (refs. 21/AP/2591 and 21/AP/2592) for the 2021 scheme.

SITE LOCATION AND DESCRIPTION

16. New City Court is on the southern side of St Thomas Street and comprises nos. 4-16 St Thomas Street, no. 20 St Thomas Street, and nos. 24-26 St Thomas Street. The site extends southward to form the northern side of Kings Head Yard, extends to the west to the rear of the Borough High Street properties, and to the east to Guy's Hospital campus. The site is in office use and at the time the application was submitted in 2018 housed around 900 employees.



Existing site plan layout showing the different building elements, and key to the colours below.

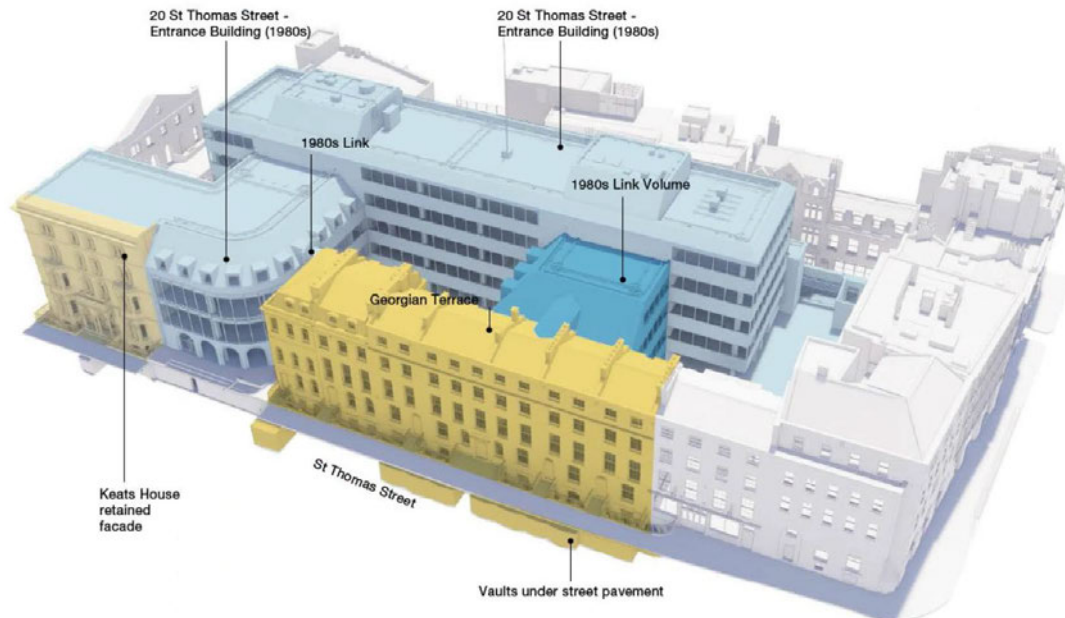
- Keats House retained facade
- 20 St. Thomas Street / Entrance
- Georgian Terrace
- Connection to the Georgian Terrace
- New City Court office space
- Four storey brick clad building

17. The site has an area of 3,700sqm (0.37 hectares). It comprises three main elements which are shown in the diagram below:
- No. 20 St Thomas Street, shown in different shades of blue in the visual below: the largest building is a four- to six- storey 1980s office building (plus basement) which covers most of the site, extending from its main entrance in the centre of the St Thomas Street frontage down to Kings Head Yard. The Kings Head Yard frontage is a two-storey façade in a Victorian design, forming the northern side of this yard. A four-storey, flat roofed block occupies the south-eastern corner of the site next to the hospital boundary.
 - Nos. 4-16 St Thomas Street, shown in yellow on the visual below: the 4-storey Georgian terrace of seven buildings forms most of the site's St

Thomas Street frontage. These grade II listed buildings were significantly altered internally to connect them together and are linked at the rear and side to the 1980s office building. They are also in office use, with front lightwells enclosed by railings along the edge of the pavement.

- Nos. 24-26 St Thomas Street, known as Keats House, shown in blue with a buff frontage on the visual below: a 4-storey building which sits between the main office building and Guy's Hospital. Its Italianate red brick and stone front façade, short eastern façade, railings and lightwells are original, while the rest of the building was rebuilt in the 1980s and forms part of the main office building.

18. These three elements are all joined together by the 1980s buildings linking at the rear and side of the listed terrace, and onto Keats House. There are courtyard areas between the buildings, and a servicing yard on the western side accessed from Kings Head Yard.



Axonometric view of the site

19. The photos below show key parts of the existing buildings.



Keats House, nos. 24 and 26.



No. 20 St Thomas Street main entrance.



Georgian terrace, nos. 4-16 St Thomas Street



Kings Head Yard frontage



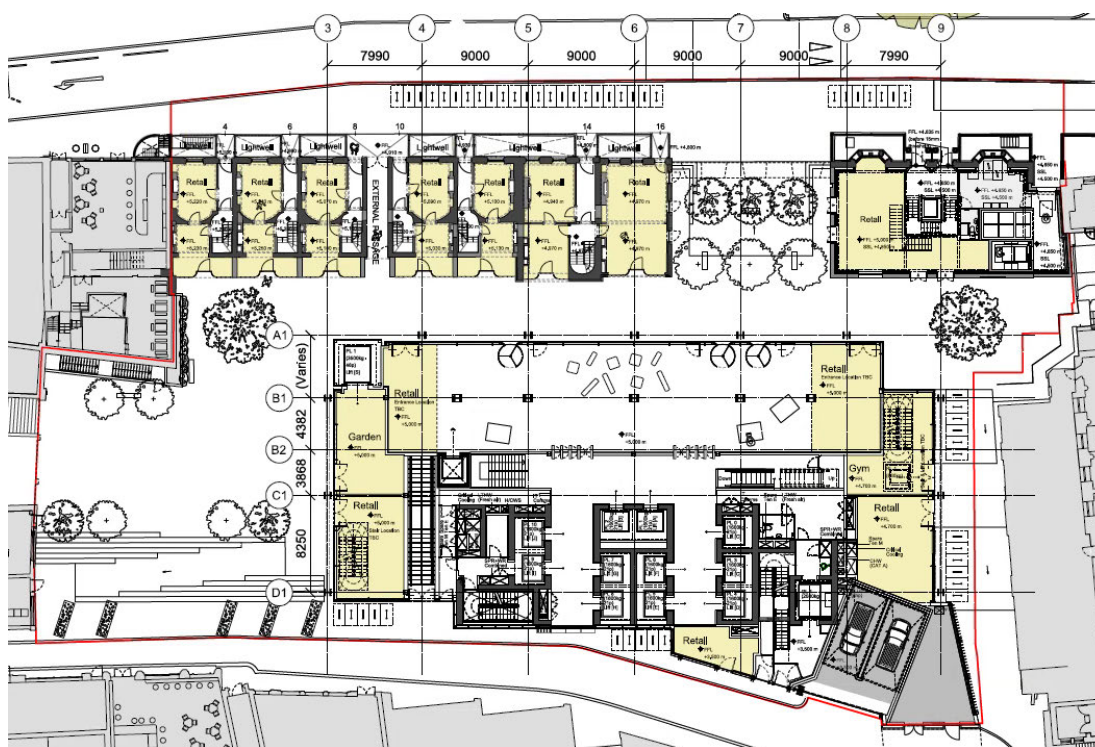
Rear of Keats House, with Guy's Hospital to the right

20. The application site is within the Central Activities Zone, the Bankside Borough and London Bridge Opportunity Area, and the London Bridge district town centre. It is also within the South Bank Strategic Cultural Quarter, flood zone 3 and the air quality management area.
21. The site is within the Borough High Street Conservation Area and the North Southwark and Roman Roads Archaeological Priority Area. Nos. 4-8 and 12-16 St Thomas Street within the site are grade II listed buildings. New City Court is within the background assessment area of the two London View Management Framework (LVMF) views from Parliament Hill, and from Kenwood viewing gazebo.
22. The site has an excellent PTAL of 6b given its proximity to London Bridge rail and Underground stations and bus routes in the area. It is accessed from St Thomas Street and White Hart Yard leading into Kings Head Yard, with vehicle access to the rear service area from Kings Head Yard.
23. To the north of the site are the buildings on the opposite side of St Thomas Street. Nos. 1-7 is a relatively modern, four-storey office block. Further east is a row of historic buildings set slightly back from the pavement, including the no. 9 St Thomas Church, 9A (Old Operating Theatre Museum and Herb Garret), 11-13 Mary Sheridan House all of which are grade II* listed, and no. 15 which is grade II listed. The K2 telephone box is also grade II listed. The recently completed Shard Place development (99m high above ground level) is to the north-east of the site, and further to the east is The Shard (306m high above ground level).

24. Guy's Hospital lies to the east of the site, with its grade II* listed main building set around courtyards, and its wider campus further to the south-east. The gates, piers and railings along St Thomas Street are themselves grade II listed, as is the statue of Thomas Guy in the main courtyard (currently covered). Further to the east is Guy's Tower (142m high) as part of the hospital site.
25. To the south of the site are the buildings along Kings Head Yard (including the grade II listed Old Kings Head public house) and White Hart Yard which are in use as offices, student housing and for higher education.
26. To the west, the Borough High Street properties adjoin the site. These are 3-, 4- and 5-storey buildings with a mixture of retail, commercial and residential properties and the Borough High Street access to the Underground station. The Bunch of Grapes public house attaches to the western end of the Georgian terrace on St Thomas Street and is grade II listed.
27. There are further heritage assets in the wider context of the site, including the following listed buildings and conservation areas:
 - Grade I - Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) and The George Inn.
 - Grade II - London Bridge station (platforms 9-16) and the railway viaduct arches along Crucifix Lane and St Thomas Street. Several properties along Borough High Street including numbers 2, 4, 6, 8, 10, 19A, 28, 30, 32, 34, 38, 40, 50, 52, 53, 53A, 54, 55, 58, 66, 67, 68, 70, 91, 93, 95, 101 and 103, the St Saviours Southwark war memorial, and the bollards at the entrance to Green Dragon Court. The Hop Exchange, 1B and 3 Southwark Street, bollard between nos. 1 and 2 Stoney Street, 5 and 6 Stoney Street. The Globe Tavern (and bollards and lamp post to rear), and post at north corner of Bedale Street.
 - Tooley Street Conservation Area (to the north-east), Bermondsey Street Conservation Area (to the south-east), Liberty of the Mint Conservation Area (to the south-west), Union Street Conservation Area (to the south-west) and Thrale Street Conservation Area (to the west).

SUMMARY OF THE 2018 PROPOSALS

28. The planning application proposes the redevelopment of most of the site, with the demolition of the 1980s office building and colonnade on Kings Head Yard. The application proposes the construction of a 37-storey building (plus two basement levels and including an elevated public garden), as well as the restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street), and the relocation of the historic façade of Keats House. The proposal includes the provision of new public realm, a new entrance to the Underground station, highway works, associated cycle parking, car parking, servicing, refuse and plant areas. These key elements will be considered in turn below.



Proposed ground floor plan

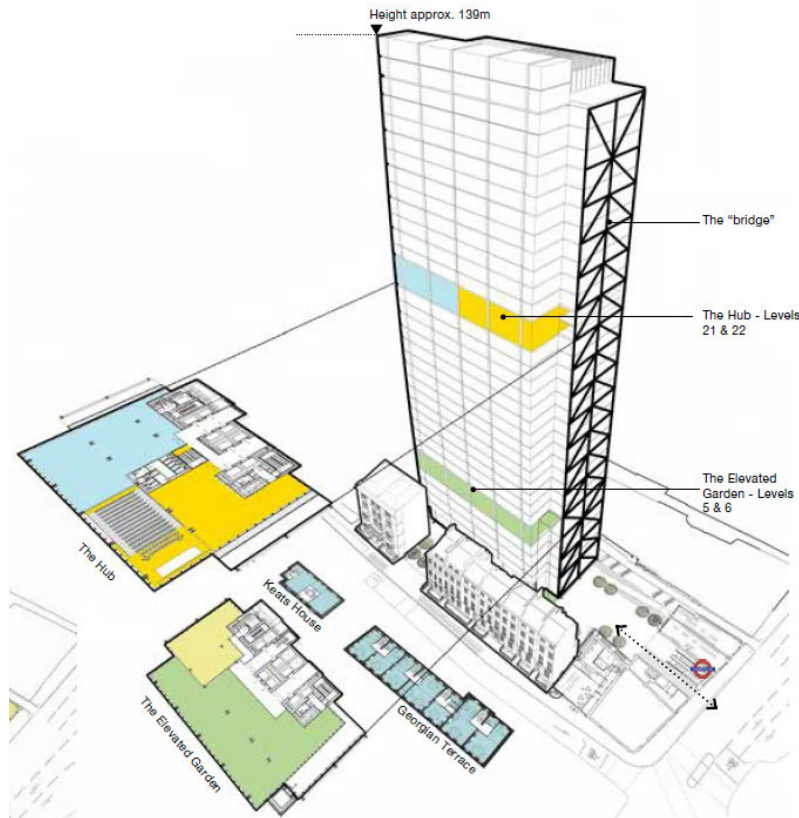
29. Across the site, a total of 54,501sqm GIA of floorspace is proposed, comprising the following quantum of different uses. While the government has changed the national Use Classes to introduce Class E since the application was submitted, as a current application it is appropriate to continue to refer to the Class A, B and D uses:

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

Tower

30. A 37-storey tower (139m high, 144m AOD) forms the main part of the proposal and would be sited back from the St Thomas Street frontage and along the Kings Head Yard frontage. It would be constructed with its “exoskeleton” of the exposed steel frame, and large areas of glazing. The architect describes the design as influenced by the railway bridges in the borough and the aesthetic of warehouses and glass towers in the area.

31. It would measure 52.4m wide and be broadly rectangular. The northern elevation would be gently curved to bow out towards St Thomas Street from 29m wide to 31.4m at its widest. The southern elevation would have the lift and stairs cores in the centre. The eastern and western elevations would have the exposed bracing of the frame as their central feature.



Schematic of the proposed scheme and certain features within the buildings

32. It would provide mainly office floorspace, with five retail units on the ground floor and mezzanine level and a two-storey restaurant unit at fifth floor, (totalling 132sqm of Class A1 and 931sqm of Class A3), and basement fitness studio and gym (615sqm Class D2).



The tower's northern façade, alongside The News Building and The Shard



The tower's southern façade, from Guy's Hospital Courtyard

33. A raised garden is proposed within the building at fifth and sixth floors, to complement the ground level public realm (further details are provided below). It would be planted with tropical and subtropical planting, and its internal climate carefully controlled to create suitable conditions for the plants and visitor

comfort. This would be publicly accessible with a dedicated lift. A retail unit at the eastern end of the garden would provide a shop or café facility to support the garden, and could be used as a classroom for education visits.



Visual of the raised garden

34. A 719sqm business hub space (a combined Class B1 and D2 use) would be provided at the 21st and 22nd floor levels with a 250-seat auditorium in the north-eastern corner of the building. Large foyer spaces, toilet facilities and outdoor terraces would be provided. This would be available to the office occupiers and be made available to others.



Visual of the business hub's auditorium

35. Part of the ground floor of the tower is intended to be an extension of the public realm as a “grand hall” with retail and seating for public use set in front of the secure line for the offices above. The mezzanine above may include a further retail unit.



Visual of the “grand hall”

36. The gym at the first basement level would be accessed from the eastern side of the building. The rest of the first basement level would provide cycle parking and shower facilities, and beneath Keats House a building management office and staff facilities would be provided. The second basement level would provide the servicing area for light vehicles with three loading bays (accessed by a car lift from Kings Head Yard), two accessible car parking spaces and plant rooms for the tower.
37. The roof would house the cooling towers, photovoltaic panels, building maintenance unit, aviation lights, and another roof terrace.

Listed terrace of Georgian buildings

38. Works are proposed in the planning application and listed building consent application to restore and refurbish the listed terrace of nos. 4-16 St Thomas Street, which are grade II listed.
39. In addition to demolishing the attached 1980s office building behind the listed buildings, the 1980s additions to the terrace would be removed, such as the rear extensions, and replaced with more sympathetic materials and design. The terrace would provide 7 retail units at ground and lower ground levels (totalling 633sqm GIA), and 1,067sqm Class B1 office space on the floors above. Shopfronts are proposed to the rear at ground floor, which would open onto the new public realm in the site. Two of the retail units (181sqm) would be provided as affordable retail space, and all of the office floorspace in the upper levels would be affordable workspace. The appellant sees the creation of retail units as helping to fill the “missing link” of retail between Borough Market and London Bridge Station.

40. Other proposed works to the Georgian terrace in the planning application and listed building consent application include:
- Internal alterations within the terrace to rearrange the ground and lower ground levels associated with changing their use to retail units (with new stairs between) and upper levels for office units, reinstate the historic plan form, internal features and providing a staircase in no.12.
 - Rebuilding the second floor, roof and chimneys of no. 16 at the eastern end of the terrace, re-skinning the side façade and creation of ground floor entrances.
 - Opening up the ground floor passage-way between nos. 8 and 10 by removing the 1930s door, and reinstating two adjacent door openings on front elevation.
 - Rebuilding, refurbishment and replacement roofs, chimneys, windows, secondary glazing, railings, balconettes, and brickwork cleaning

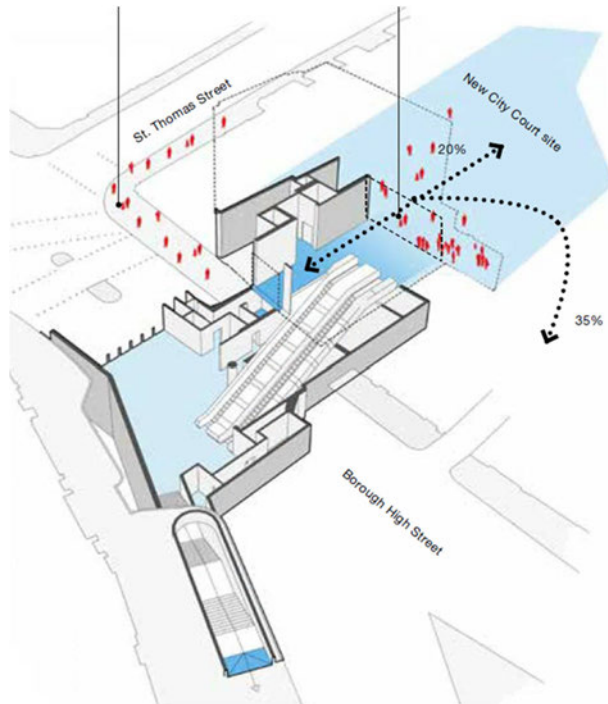
Keats House

41. Keats House was built in 1862 and substantially rebuilt in the 1980s to link into the new office building across most of the site. Only the front façade and short eastern façade (1.5m wide), front lightwells and railings are historic fabric, with red brick, ornate carved stone window surrounds, bays and cornice. The rest of the building behind these façades is 1980s fabric.
42. In the proposed development, the façades of Keats House would be dismantled and reinstated in a new location 2.7m further west along the St Thomas Street frontage as the front façade of a new, detached building. Keats House would provide 208sqm GIA of food and beverage retail (Class A3) at ground and first floor level, and 401sqm GIA of office (Class B1) on second and third floors.
43. The damaged brickwork, broken stone window reveals and pointing in the historic façades would be repaired in the reconstructed building, and the stone banding detailing continued on the new western elevation. The southern elevation would be a simplified version of the northern façade, with arched windows. The pitched roofs and the historic plan form of Keats House would be reinstated, and level access created on all sides.
44. The 2.7m spacing between the new location of Keats House and Conybeare House (part of Guy's Hospital) would be infilled by a new build extension. It would be set back from the street frontage contrasted in perforated brickwork with glass behind. This would not be wide enough for vehicles, but provide the service access point for bins and deliveries to be taken down into the basement with a bin holding area, and a management office.

Public realm, raised garden and landscaping

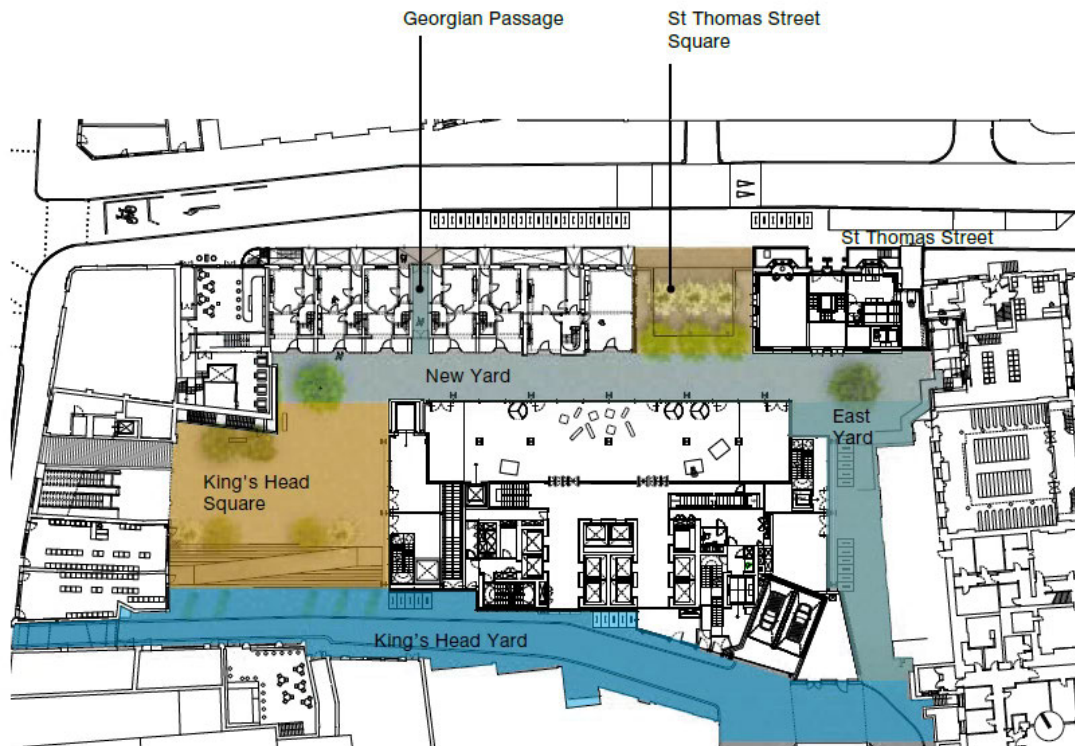
45. The application proposes to remove a wall on the boundary of the site and to create a new route into the Borough High Street entrance to the London Bridge Underground station, subject to London Underground's agreement(s). The diagram below indicates this with the dotted black lines that show the new

movements:



Schematic of how the tube station entrance would work with the rear wall removed

46. At ground level a linked series of new public spaces would be created, landscaped with trees and street furniture, totalling 1,305sqm (0.1305 hectares). These are shown on the visual below and comprise:
- “King’s Head Square” - the main courtyard on the western side of the site, next to a new Underground station entrance and Kings Head Yard
 - “New Yard” the passageway leading from King’s Head Square past the retail units in the listed terrace, along the northern side of the base of the tower.
 - “St Thomas Street Square” between the base of the tower and St Thomas Street.
 - “East Yard” on eastern side of the tower, rear of Keats House extending southwards along the boundary with Guy’s Hospital.



The areas of public realm on the site, and the existing Kings Head Yard highway



Visuals of New Yard (left) and King's Head Square (right)

47. The appellant sees the public realm and new links created as helping to reduce pressure on the narrow pavements of St Thomas Street and Borough High Street, which would otherwise likely increase with the other developments around London Bridge Station and further east on St Thomas Street. The application site includes part of the St Thomas Street highway; pavements are proposed to be widened on the southern side of St Thomas Street with the loading and parking bays in a shared surface finish (subject to the agreement of TfL as the highway authority). The passageway through the middle of the Georgian terrace would be opened up for daytime use as another smaller pedestrian link between Kings Head Square and St Thomas Street.
48. The double-height, indoor public garden would be at the fifth and sixth floor

levels in the tower, with an area of approximately 640sqm. Its main area would measure 35m wide by 16m, and its maximum dimensions would be 41.6m by 22m. This would be accessible via a dedicated lift for the public in the north-western corner of the tower, and included seating throughout the planted area. By controlling light levels and ventilation, the necessary artificial environmental conditions would allow plants to grow indoors. It would be useable throughout the year. The indoor space would have an area of 640sqm, and the small outdoor terrace on the western side a further 76sqm. Occupiers of the tower would be able to access the garden levels via the main building core.

Servicing and parking

49. The two-storey basement would provide 1,170 cycle parking spaces (out of the site-wide total of 1,322 cycle parking spaces) for office staff and visitors, lockers and 70 showers for staff. These would be accessed by a cycle stair from Kings Head Yard and a dedicated lift. Further cycle parking is proposed in the vaults underneath St Thomas Street for the retail staff, and in the public realm for short-stay visitor parking.
50. The scheme would be car-free except for two blue badge car parking spaces in the servicing yard at basement level and accessed on the rear elevation.
51. The current building is serviced from the yards, and St Thomas Street for larger vehicles, given the height constraint of the arches on White Hart Yard and Kings Head Yard. In the proposal, the intention is for the servicing by vans and light goods vehicles to be undertaken in the basement servicing yard. These smaller vehicles would access the site from White Hart Yard, use a vehicle lift down to the basement levels and then exit via White Hart Yard. Deliveries into the basement would be transferred to holding stores for the retail units, and taken up into the offices.
52. Larger vehicles (HGVs and refuse collection) would service from St Thomas Street. The suggested highway works include relocating the St Thomas Street loading bay further east. During the application the appellant has provided further information on the intended use of an off-site consolidation centre for deliveries.

Amendments to the application

53. The design of the proposal did not change during its assessment, but some of the supporting documents were amended and updated, particularly to reflect the proposed consolidated servicing strategy.
54. Additional Environmental Statement (ES) information was provided in response to queries from officers and consultees, and to update the cumulative impacts topic with the other submitted planning applications along St Thomas Street.

PLANNING HISTORY OF THE SITE

55. The history of the site comprises small scale applications since 2000, and the pre-application submission (17/EQ/0208) and the Environmental Impact

Assessment (EIA) scoping opinion (18/AP/2633) ahead of this submitted scheme. The two applications submitted in April 2021 for a redevelopment scheme with a lower 26-storey tower are also the subject of appeals, and are to be heard at the same public inquiry.

56. Appendix 2 provides the council's pre-application response letters.

PLANNING POLICY AND MATERIAL CONSIDERATIONS

57. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
58. The statutory development plans for the Borough comprise the London Plan (2021) and the Southwark Plan (2022). The National Planning Policy Framework (2021), SPDs, SPGs, draft LPGs and other planning documents constitute material considerations but are not part of the statutory development plan. A list of the relevant policies, guidance documents and other material considerations which are relevant to this application is provided within the Statement of Case at section 7.
59. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990) requires decision-makers determining planning applications for development within conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
60. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are referenced in the overall assessment at the end of the report.
61. The site is located within the:
- Central Activities Zone
 - London Bridge/Bankside Opportunity Area
 - London Bridge district town centre
 - South Bank Strategic Cultural Quarter
 - Air quality management area
 - Borough High Street Conservation Area
 - North Southwark and Roman Roads Archaeological Priority Area.
62. The site is not an allocated site in the Southwark Plan. It is adjacent to the NSP52 "London Bridge Health Cluster" of the Guy's Hospital site, and is within the London Bridge Area Vision (AV.11).
63. It is within the background assessment area of the two LVMF views, from Parliament Hill summit and from Kenwood viewing gazebo.

64. The site has an excellent PTAL of 6b.
65. The site is located within Flood Zone 3 as identified by the Environment Agency flood map, which indicates a high probability of flooding however it benefits from protection by the Thames Barrier.

ISSUES FOR CONSIDERATION

66. As a major redevelopment that includes a tall building and provides an Environmental Statement, the submitted planning application has been assessed against many policies within the development plan, the NPPF, guidance and other material considerations. The proposal complies with some aspects of the development plan, but is contrary to a number of others, including policies of particular importance. The extent and significance of the conflict with policy forms part of the council's case for why planning permission and listed building consent should be refused. The council's Statement of Case is attached at Appendix 1.
67. This section of the report has three areas; firstly, the planning issues that form the council's likely reasons for refusal in its Statement of Case; secondly, a summary of two other matters referred to in the Statement of Case; and thirdly a summary of the topics that are not identified as likely reasons for refusal within the Statement of Case.

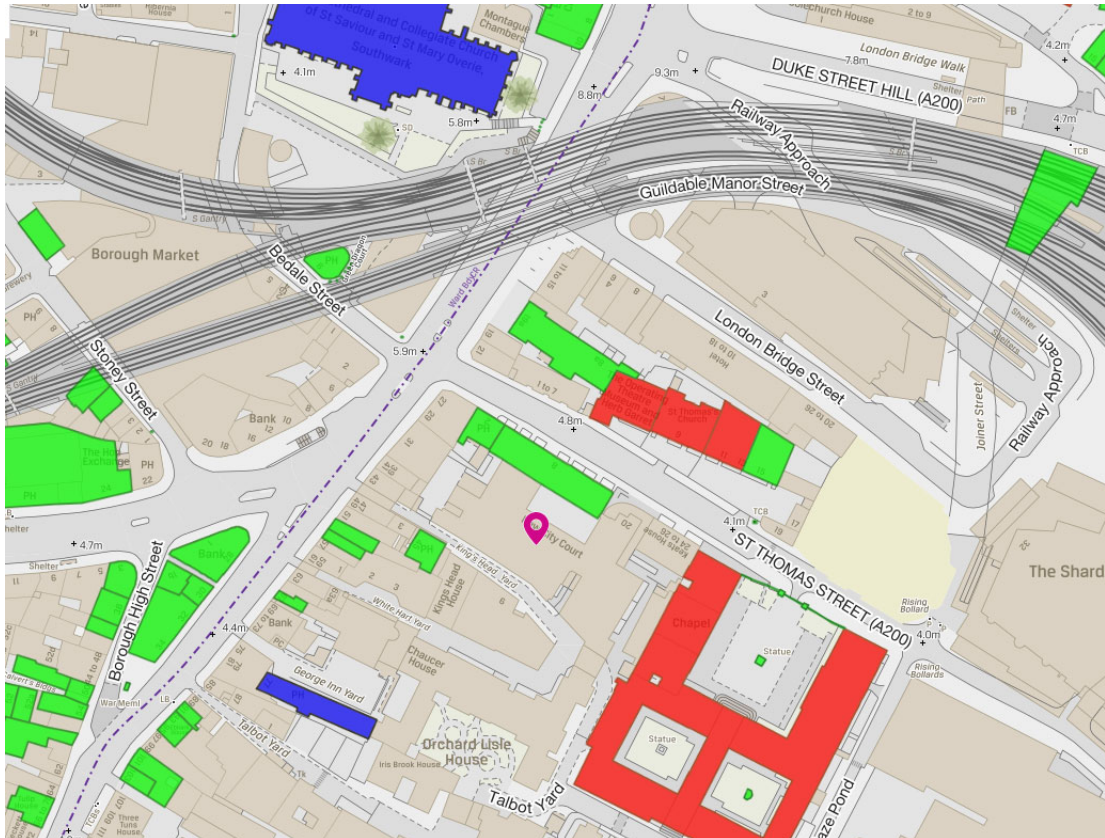
1) Summary of likely reasons for refusal in the Statement of Case

68. The council's case in response to the appeal focuses on two main issues that would have been likely reasons for refusal of the planning application:
 - The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and the harm is not outweighed by public benefits.
 - Poor design, harm to townscape and local character.
69. The council's case in response to the listed building consent appeal identifies one likely reason for refusal, as in the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest.
70. These likely reasons for refusal of the planning application and listed building consent are set out in the Statement of Case, which is an appendix to this report, and are reproduced in the paragraphs below along with images and diagrams to illustrate the issues.

The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and

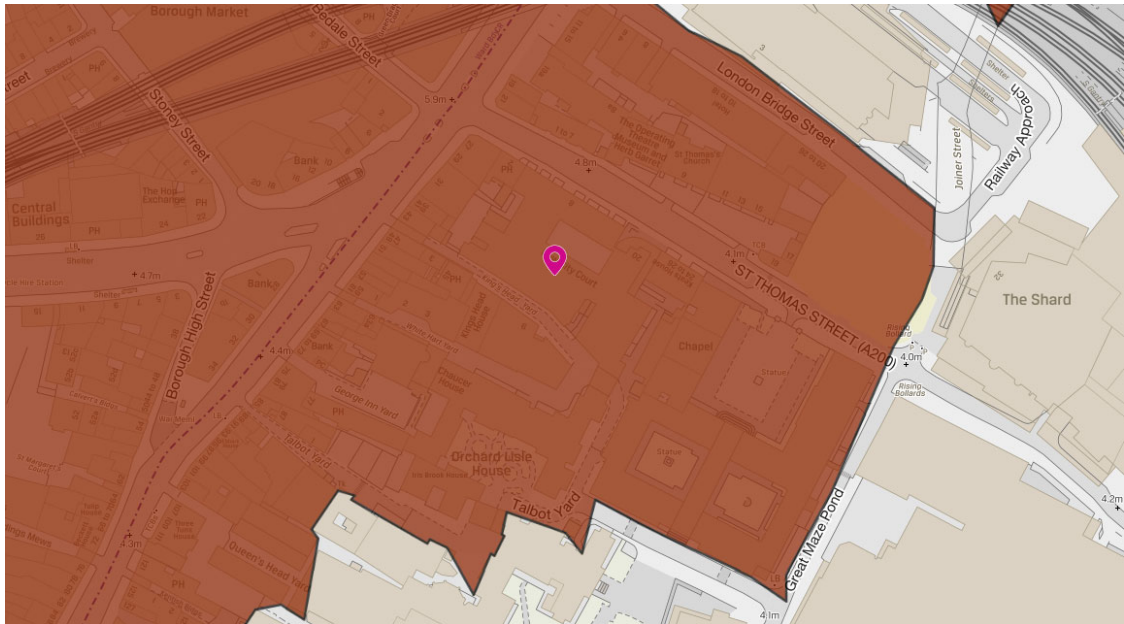
the harm is not outweighed by public benefits

71. The application site is located in the Borough High Street Conservation Area and the Georgian terrace within the site's St Thomas Street frontage is grade II listed. The surrounding area includes many historic buildings including grade I listed buildings, a World Heritage Site, grade II* and grade II listed buildings and conservation areas and the site is within one of the most historic parts of London. The impacts on heritage assets arising from all parts of the proposed redevelopment need to be given careful consideration. The extract from the GIS shows the listed buildings in the area, blue indicates grade I listed, red grade II* and green grade II.



Extract from the GIS to show the location of the listed buildings on and near to the application site

72. The extent of the Borough High Street Conservation Area immediately around the application site is shown on the GIS extract below, although it extends further to the north, west and south.



Extract from the GIS to show the extent of the Borough High Street Conservation across and near to the application site

73. The NPPF in section 16 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether the harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
74. The Townscape, Visual Impact and Built Heritage Assessment submitted as part of the Environmental Statement (ES), and its later addendum, include 63 views, mainly showing daytime views and some night time, taken from points to show how the proposal (particularly the tower) would appear alongside heritage assets in the area. Selected visuals from the ES are included in the report below to illustrate the impact of the proposal in its completed form as a useful tool to inform officers' professional judgement, and the Committee's consideration.
75. The Statement of Case sets out the likely reasons for refusal that relate to the heritage harms of the scheme, from paragraphs 8.2 to 8.19. These paragraphs from the Statement of Case are replicated below (shown in italics), with images from the application documents added to illustrate the points made.

8.2 The Council would have refused planning permission because the harm that would be caused to designated heritage assets by the Planning Application Proposal would be significant and would not be outweighed by the public benefits.

8.3 In reaching this view, the Council has had special regard to its statutory duties within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") to the desirability of preserving a listed building or its setting, and to the desirability of preserving or enhancing the character or appearance of a conservation area.

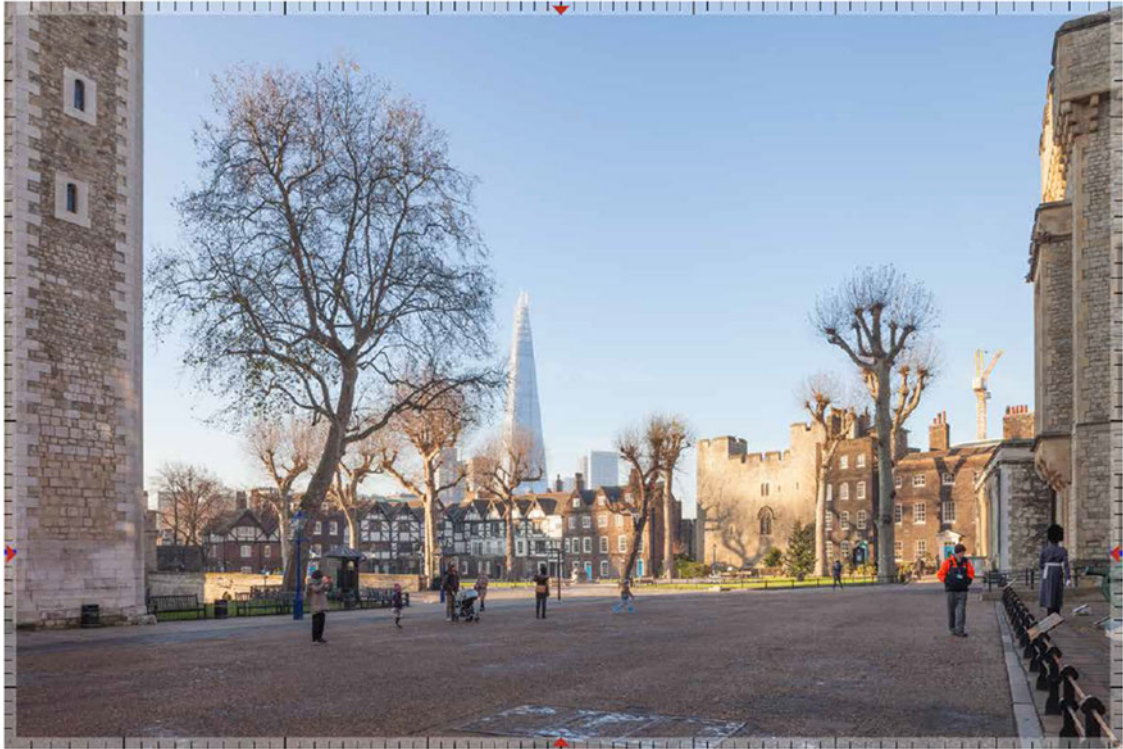
- 8.4 Any harm to a listed building or its setting, or to the character or appearance of a conservation area, gives rise to a strong presumption against the grant of planning permission (*Barnwell Manor Wind Energy Limited v. SSCLG* [2014] EWCA Civ 137).
- 8.5 Great weight should be given to the conservation of a designated heritage asset, and considerable importance and weight must attach to any harm to a designated heritage asset. Beyond this starting point, the further weight that is to be attributed to the harm is a product of the extent of assessed harm and the heritage value of the asset (*Palmer v. Hertfordshire Council* [2016] EWCA Civ 106).
- 8.6 The general statutory duty imposed by section 66(1) of the PLBCAA applies with particular force where harm would be caused to the setting of a Grade I listed building (*Barnwell Manor*).
- 8.7 As identified below, the Planning Application Proposal gives rise to significant, less than substantial harm to the special interest or significance of several heritage assets. This impact includes causing harm to the contribution made to the significance, or the ability to appreciate significance, by the current setting of a number of important listed buildings. Harm is also caused to the character or appearance of the Borough High Street Conservation Area, and the settings of a number of other conservation areas. Harm is caused to the Outstanding Universal Value (OUV) of the Tower of London World Heritage Site derived from its setting (and to the ability to appreciate the OUV).
- 8.8 There is therefore a strong statutory presumption in favour of the refusal of planning permission, and the Council's case will be that the public benefits of the proposal do not outweigh that harm. In those circumstances the proposed development is in conflict with relevant development plan policy (London Plan policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" and Southwark Plan policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures", P20 "Conservation areas", P21 "Conservation of the historic and natural heritage", P24 "World Heritage Sites") and national planning policy in the NPPF.
- 8.9 With the exceptions of the works to the listed buildings within the Site and the loss of heritage assets within the Site that contribute to the character and appearance of the Borough High Street Conservation Area, the proposal would not cause direct physical harm to the heritage assets set out below, but would cause harm to their special interest or significance, including the contribution made to significance or the ability to appreciate significance by their existing setting.

8.10 *The scale, height, form, arrangement and materiality of the proposed tower within an historic part of London would cause harm to the significance of a number of statutory listed buildings (including those of the highest order of significance) and have a harmful and overly dominant impact on the Borough High Street Conservation Area. It would also cause harm to the Trinity Church Square Conservation Area and The Bank Conservation Area.*

8.11 *The proposed tower would cause less than substantial harm to the significance of the following buildings and structures which are designated heritage assets:*

- *The Outstanding Universal Value of the Tower of London World Heritage Site – the proposed tower would be significantly intrusive and distracting in views from the Inner Ward (harming its special enclosed character), in views from the Inner Curtain Wall walkway, and would cause less than substantial harm to the setting of the grade I listed Queen’s House.*
- *Grade I listed Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) - the proposed tower would be significantly intrusive and distracting to appreciation of the silhouette and architectural composition of the listed building.*
- *Grade I listed St Paul’s Cathedral – reducing viewer’s ability to appreciate the significance of St Paul’s Cathedral (and to recognise and appreciate the Cathedral as a Strategically Important Landmark) in the Kenwood and Parliament Hill LVMF London Panorama views, and within the borough view from Nunhead Cemetery.*
- *Grade I listed The George Inn.*
- *Grade I listed The Monument and St Magnus the Martyr Church.*
- *Grade II* listed Guy’s Hospital.*
- *Grade II* listed 9, 9A and 11-13 St Thomas Street.*
- *Grade II* listed Church of St George the Martyr.*
- *Grade II listed Bunch of Grapes Public House and nos. 4-8 and 12-16 St Thomas Street – particularly as the height and curved form of the tower’s northern façade would loom behind this terrace of grade II listed buildings.*
- *Grade II listed 15 St Thomas Street.*
- *Grade II listed Kings Head Public House.*
- *Borough High Street Conservation Area.*
- *Trinity Church Square Conservation Area.*
- *The Bank Conservation Area in the City of London.*

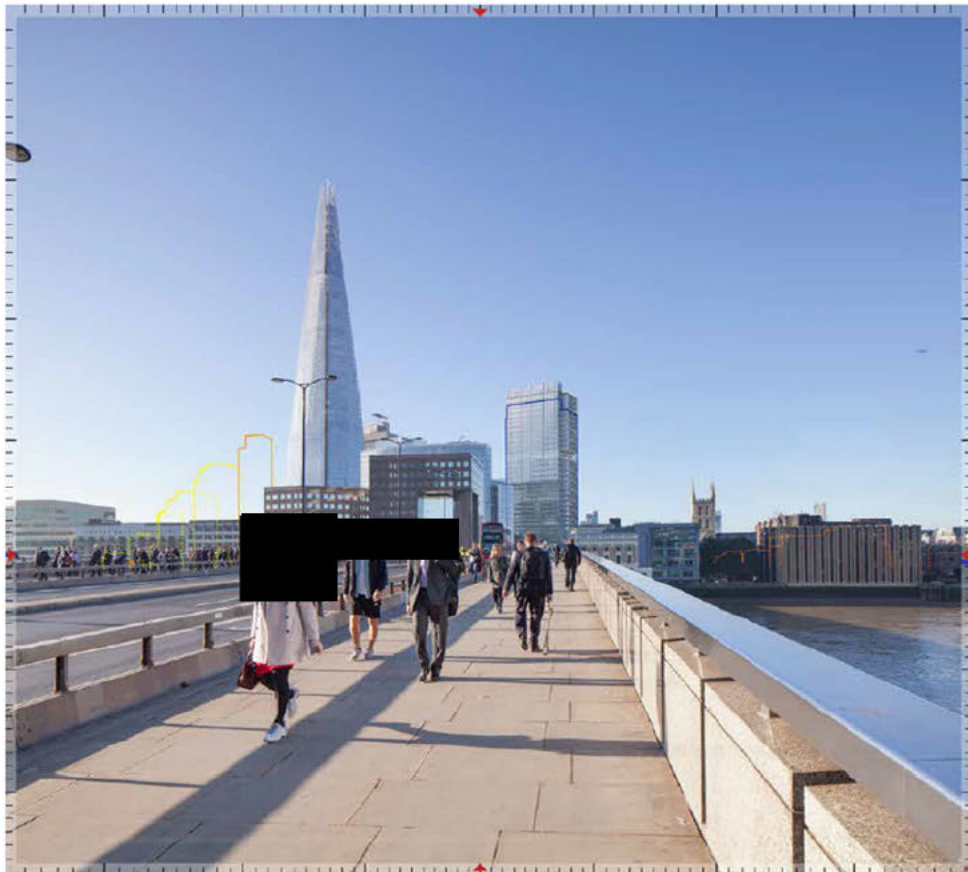
76. To illustrate the harms to the special interest or significance of the heritage assets listed in paragraph 8.11 of the Statement of Case, particularly due to the scale, height, form, arrangement and materiality of the proposed tower, some of the visuals provided with the application are copied below to assist Members.



77. Tower of London Inner Ward (World Heritage Site) and grade I listed Queen's House, showing the proposal to the right of the Shard and Shard Place



78. Tower of London Inner Curtain Wall (World Heritage Site), cumulative scenario – NB the blue line on the proposed tower is an error



79. View from London Bridge towards Southwark Cathedral (grade I listed) showing cumulative schemes at the time, showing the proposal in the centre, Southwark Cathedral to the right. NB the blue line on the proposed tower is an error



80. On Montague Close, at the north-western side of Southwark Cathedral, with the proposal above and to the left of the Cathedral's bell tower



81. On Montague Close, at the north-western side of Southwark Cathedral, with the proposal above and to the right of the bell tower, Shard Place, The Shard and The News Building towards the centre.



82. On Montague Close, at the northern side of Southwark Cathedral



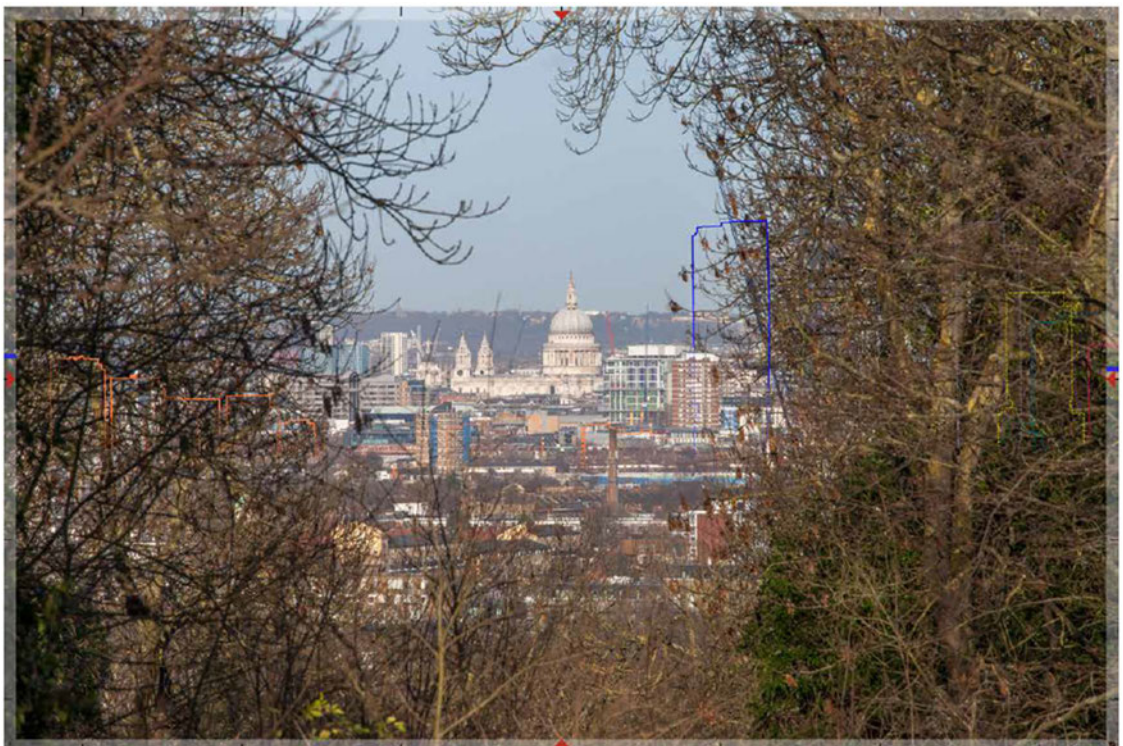
83. At the entrance gates to Millennium Courtyard, on the north side of Southwark Cathedral



84. St Paul's Cathedral (grade I listed) in the Kenwood LVMF view – telephoto



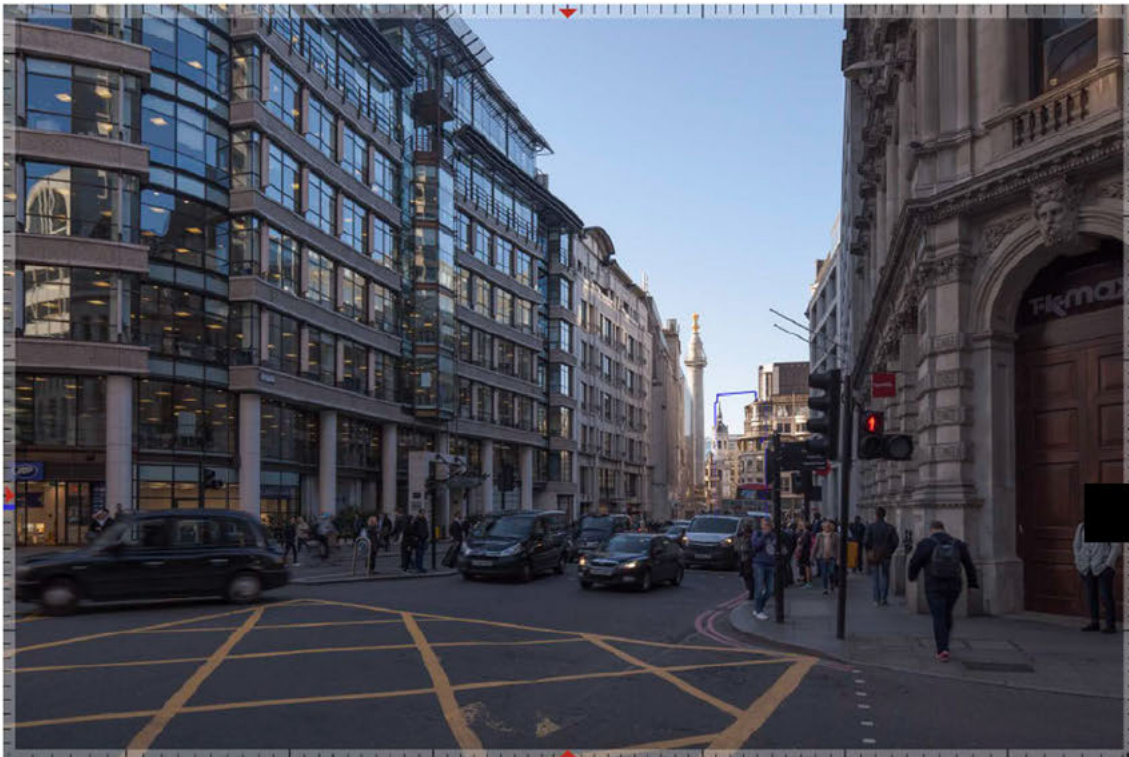
85. St Paul's Cathedral in the Parliament Hill LVMF view – telephoto



86. St Paul's Cathedral in borough view from Nunhead Cemetery – telephoto, showing the proposed tower in blue wireline on the right-hand side



87. The proposal viewed from grade I listed The George Inn



88. The Bank Conservation Area in the City of London, showing grade I listed The Monument and St Magnus the Martyr, and the proposal in blue wireline



89. Guy's Hospital, north quad, grade II* listed (NB, since this render was produced, the courtyard has been re-landscaped and the car parking removed).



90. Guy's Hospital courtyard, near the war memorial, with the grade II* Guy's Hospital building in dark brown brick behind the trees



91. Grade II* listed Church of St George the Martyr, with the proposed tower shown in blue wireline on the left-hand side.

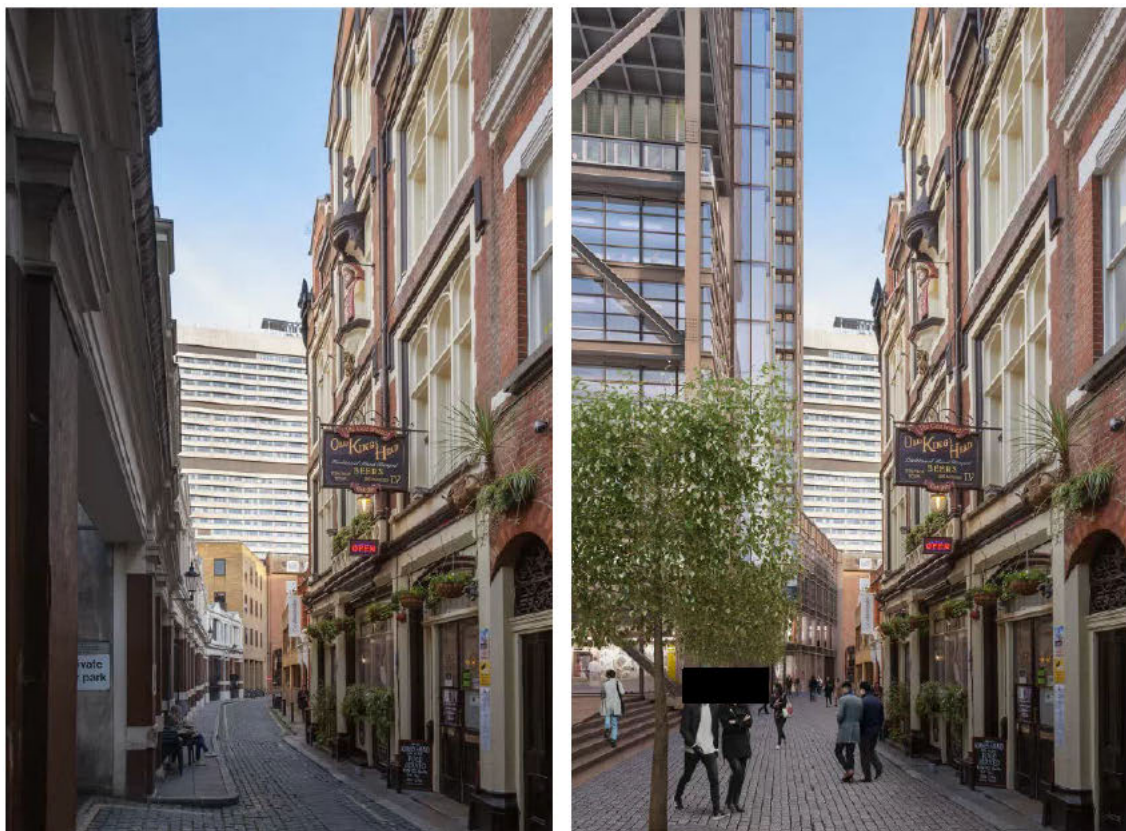


92. The Bunch of Grapes public house, and nos. 4-8 and 12-16 St Thomas Street

(cumulative scenario, showing in wireline the schemes to the east).



93. Looking west along St Thomas Street, showing grade II* listed Guy's Hospital, 9, 9A and 11-13 St Thomas Street, grade II listed 15 St Thomas Street, and within the Borough High Street Conservation Area



94. View of Kings Head Yard (existing on left, proposed on right) and the Old Kings Head public house (grade II listed)



95. London Bridge outside Glaziers Hall (within the Borough High Street Conservation Area). NB the blue line on the tower is an error.



96. View from the war memorial on Borough High Street, within the Borough High Street Conservation Area



97. Trinity Church Square Conservation Area – proposal is blue wireline
98. The Statement of Case continues at paragraphs 8.12 onwards as follows:

8.12 In reaching a planning judgment on the degree of less than substantial harm in each case, the Council has had regard to the following matters of law and guidance:

8.12.1 The Judgment of the Court of Appeal in City & Country Bramshill Ltd. v. SSHCLG [2021] EWCA Civ 320 and that the NPPF does not direct the decision-maker to adopt any specific approach to identifying harm or gauging its extent, and that there is no one approach, suitable for every proposal affecting a designated heritage asset or its setting.

8.12.2 The Judgment of Jay J in Bedford BC v. SSCLG [2012] EWHC 4344, indicating that a judgment that the significance of an asset is very much reduced would equate to a finding of substantial harm.

8.12.3 The guidance in the NPPG (post-dating Bedford) that “substantial harm” to the significance of a heritage asset arises when the adverse effect seriously affects a key element of the asset’s special architectural or historic interest.

8.12.4 Recent decisions on appeal by the Secretary of State in the context of Bedford, which explain that in considering this issue the key point is not whether some aspects would be left untouched, but the importance of what would be affected, that is the setting, to the significance of the asset (see the decision of the Secretary of State for Levelling Up, Housing and Communities on the Tulip dated 11 November 2021 (APP/K5030/W/20/3244984) (DL para. 16, IR para. 14.2)).

- 8.12.5 *The Council is aware that judgment is awaited in the case of R (London Historic Parks and Gardens Trust) v. Minister of State for Housing (CO/3041/2021) following a hearing before Lang J on 22-23 February 2022. One of the issues raised by that case is whether the approach in Bedford is correct and whether it has been correctly understood and applied. It is possible that the outcome of that case may affect the approach summarised above, and the Council therefore reserves the right to address its implications in due course. It is hoped that this could be achieved through a Statement of Common Ground with the Appellant.*
- 8.13 *The Council does not accept the Appellant's assessment of the impact of the proposed development on designated heritage assets, as summarised at paragraph 5.10 of the Appellant's Statement of Case. The Council's evidence will show that the harm to the Borough High Street Conservation Area, the Grade I listed Southwark Cathedral and the Grade II* listed Guy's Hospital will be above the middle and towards the upper end of the spectrum for less than substantial harm, and that there would also be significant less than substantial harm to a number of other designated heritage assets.*
- 8.14 *The Council's evidence will also explain why it considers the Appellant's Environmental Statement does not transparently and reliably identify the likely significant adverse effects of the Planning Application Proposal on built heritage, and thus why it should not be relied on for the purposes of determining the appeal (see the Appellant's Statement of Case at paragraph 5.17).*
99. The ES is considered to be adequate in most areas to enable a fully informed assessment of the environmental effects of the proposal, with the key exception of the heritage impacts where the council and the appellant differ on the method of the assessment, the clear reporting of the environmental effects in the ES, on the scale of harm in NPPF terms, and balancing exercise of the public benefits.
- 8.15 *The proposed redevelopment of the Site would also result in impacts to and the loss of non-designated heritage assets within the Site (the frontage to Kings Head Yard, and Keats House historic facades, railings and lightwells) which each make a positive contribution to the character of the Site, the streetscene and the historic character of the Borough High Street Conservation Area. Keats House would be reconstructed in a new location and altered form, changing its relationship with its historic streetscene. The harm to the character of the Borough High Street Conservation Area resulting from this loss of historic fabric and change to the streetscene is additional to the harm caused by the impact of the proposed new tower itself.*
- 8.16 *The harm caused to the significance of the designated heritage assets, and to the ability to appreciate that significance, has not been clearly and convincingly justified by the Appellant, and in the view of the Council, cannot be justified.*
- 8.17 *The Council recognises that the proposed development would provide some public benefits, and these will be identified in the Statement of Common Ground with the Appellant. The Council's evidence will show that*

these benefits are insufficient to outweigh the many incidences of harm identified to listed buildings, conservation areas, World Heritage Site and non-designated heritage assets.

100. The Statement of Case concludes on the heritage impacts as follows:

8.18 For those reasons the Council's case will be that the proposal is contrary to national planning policy on the protection of heritage assets in Section 16 of the NPPF, and to the following development plan policies:

8.18.1 London Plan (2021) policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" of the London Plan (2021).

8.18.2 Southwark Plan (2022) policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures", P20 "Conservation areas", P21 "Conservation of the historic and natural heritage", P24 "World Heritage Sites".

8.19 The proposal also fails to comply with the guidance within the Mayor of London's London View Management Framework SPG (2012) regarding St Paul's Cathedral, the London's World Heritage Sites SPG (2012) and the Tower of London World Heritage Site Management Plan (2016) in terms of the Tower of London, and Historic England's guidance notes.

101. The council will provide a proof of evidence on this topic from its expert witness ahead of the inquiry, and this will be supplemented by oral evidence as appropriate during the public inquiry. The council will also provide a proof of evidence from its expert planning witness ahead of the inquiry, supplemented by oral evidence as appropriate, to consider the public benefits of the proposal (summarised later in this report) and to explain why these do not outweigh the heritage harms. The consultation responses on this issue, including those from Historic England, Historic Royal Palaces and Southwark Cathedral are summarised below and have been provided to the Planning Inspectorate. Historic England will be participating in the inquiry as a Rule 6 party, and Historic England's Statement of Case is attached at Appendix 3. As set out in paragraphs 3.1 to 3.5 and 3.10 of the council's Statement of Case, the pre-application responses and consultation responses may be referred to by the council as part of its evidence.

Poor design, harm to townscape and local character

102. The proposed redevelopment does not constitute good design, primarily due to its location, height, form, massing and materiality causing harmful visual effects, especially from the proposed tall building.

103. The Statement of Case sets out the likely reason for refusal that relates to the poor design, harm to townscape and the local character, from paragraphs 8.20 to 8.27. The reasons derive from policies and guidance including those contained within the NPPF, the London Plan (2021) and Southwark Plan (2022).

These paragraphs from the Statement of Case are replicated below (shown in italics), with images from the application documents added to illustrate the points made.

8.20 The Council would have refused planning permission because the scale and design of the proposed development is not appropriate for this site and its surrounding context, resulting in harm to the townscape and local character. As a result of this harm (and the harm caused to heritage assets), and its relationship to the local and wider context, the proposed development does not constitute good design in context and would be contrary to development plan policies and to national planning policy on achieving well-designed places in the NPPF.

8.21 The proposed tower would have harmful visual impacts due to its location, height, form, massing and materiality.

8.22 Whilst the site is located in one of the areas in which the Southwark Plan expects tall buildings to be located (see the Appellant's Statement of Case paragraph 5.6), it is not amongst the individual sites allocated where tall buildings may be appropriate. The suitability of the site for a building of this height therefore falls to be determined through the development control process applying the requirements of Southwark Plan policy P17 and London Plan policy D9.

8.23 The Council's evidence will show that the proposed development does not satisfy those requirements.

8.23.1 It is not located at a point of landmark significance, being set back from the main street frontages and onto an historic yard.

104. To illustrate this point, this site layout diagram below shows the tower set behind the listed Georgian terrace and Keats House to be behind the St Thomas Street frontage, facing onto Kings Head Yard at its rear, and set behind the Borough High Street properties to the west.



Proposed ground level site plan

8.23.2 It is not of a height that is proportionate to the existing urban character, the significance of the location nor size of the Site.

8.23.3 The proposed tower would not contribute positively to the London skyline and would not consolidate a cluster within the skyline. The proposed tower would be visually and architecturally separated from the existing and emerging cluster of tall buildings around London Bridge station in a number of important views.

105. The visuals below and other visuals included earlier in the report (such as in the views towards Southwark Cathedral at paragraphs 80, 81 and 83, and Guy's Hospital paragraph 89) show how the proposal would be separate from the tall building cluster in a number of important views. The earlier visuals including those of the LVMF and borough views (paragraphs 84, 85 and 86) show the impact of the wider London skyline.



106. View along St Thomas Street, looking west



107. On Montague Close, at the northern side of Southwark Cathedral



108. Guy's Hospital courtyard, near the war memorial, with the grade II* Guy's Hospital building in dark brown brick behind the trees

8.23.4 The proposed tower would harm LVMF and designated borough views. Due to its location in the background of LVMF views, the scale and form of the tower would reduce viewer's ability to recognise and appreciate St Paul's Cathedral as a Strategically Important Landmark in the Kenwood and Parliament Hill LVMF London Panorama views. The tower would be a significant incursion into the borough view from Nunhead Cemetery to St Paul's Cathedral, as its location, scale and height significantly exceed that of the Cathedral in that view. It would dominate and crowd the Cathedral, and would contribute to the canyoning of the borough view. Therefore the tower would not preserve or enhance the borough views of this significant landmark, nor enhance the composition of the panorama across the borough and central London as a whole.

109. The sections of the LVMF views and borough view are included earlier in this report (at paragraph 84, 85 and 86) to show the impact on the significance of St Paul's Cathedral.

8.23.5 Its excessive height, scale, massing and incongruous form fail to respond positively to the character and townscape of its immediate and historic context. It would both dominate, and fail to make a positive contribution to, the local townscape and existing area character in terms of legibility, proportions and materials, nor would it reinforce the spatial hierarchy of the local and wider context.

110. The earlier section on heritage harm includes visuals of how the proposal would dominate and not make a positive contribution to local townscape.

8.23.6 *The Council's evidence will show that the poor relationship between the proposed tower and the surrounding townscape context includes its relationship with The Shard, a tall building of particular importance both in the local townscape and more widely. The Southwark Plan (2022) recognises the role of The Shard in forming the pinnacle within the cluster of tall buildings around London Bridge Station and Guy's Hospital. In a number of important views the proposed development would reduce the primacy and visibility of The Shard in the local townscape, and its singularity on the wider London skyline. Unlike other existing buildings in the emerging cluster, the formal and visual relationship between the proposed tower and The Shard would be discordant and unsympathetic.*

111. The visuals below show how the proposal would at certain points either obscure The Shard and/or would have a discordant and unsympathetic relationship with it.



112. View from Southwark Street



113. Existing view from Southwark Street/Stoney Street



Proposed view



114. The proposal viewed from grade I listed The George Inn

po



115. View from the war memorial on Borough High Street, within the Borough High Street Conservation Area

8.23.7 The proposal includes new public space at its base, but the attractiveness and spatial qualities of this space and the pedestrian experience would be reduced as a result of overshadowing of significant parts of the proposed landscaping at ground level and constraints on the sense of openness due to the tower's overbearing scale and curved northern façade.

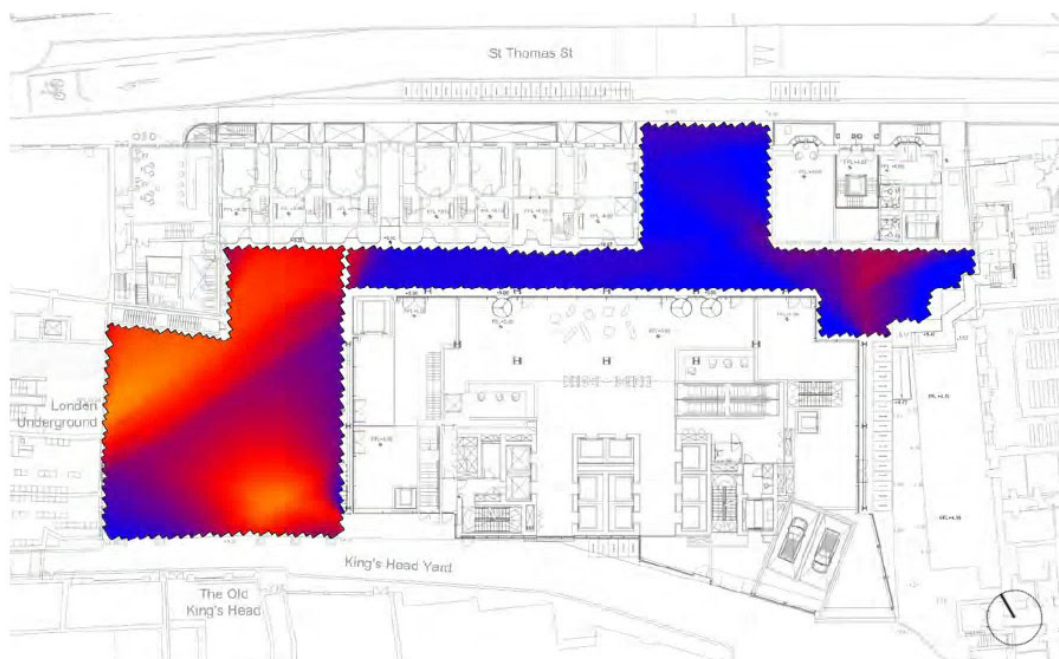
116. The scale of the tower overshadows and gives a feeling of enclosure to the new public realm on the northern side. The first diagram copied below is the sunlight on ground test for 21 March, which shows where the ground receives at least 2 hours of sunlight in yellow. The second diagram shows the hours of sunlight received in different parts of the proposed public realm on 21 March. The diagrams show the limited sunlight to the proposed public realm in the centre and eastern part of the site.



Fig. 07: Ground Floor Plan -Top view

AREA 1 - MAIN COURTYARD - COMPLIANCE RATE: 73 %

AREA 2 - NEW YARD/ST THOMAS ENTRANCE/EAST COURTYARD - COMPLIANCE RATE: 3 %



**SUN EXPOSURE
TOTAL HOURS**

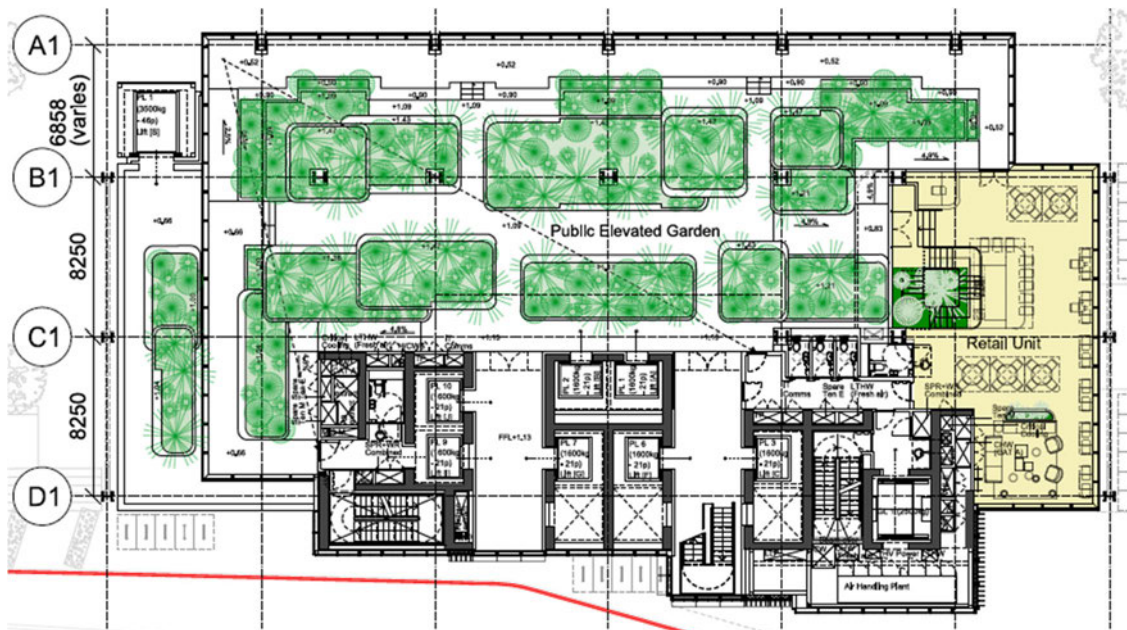


0.0 0.5 1.0 1.5 2.0 2.5 3.0 3.5 4.0 4.5 5.0 5.5 6.0+

117. 21 March sun exposure diagrams (from the appellant's January 2019 report)

8.23.8 The proposal includes an elevated publicly accessible garden. The quality of the raised internal garden would be limited by its enclosed and roofed location within the tower (and not at or near the top of the building). It would also require continuous environmental controls and management. The elevated garden would not contribute to public realm and pedestrian experience at street level.

118. While the provision of a public garden is supported in principle, the location within the tower and the constraints that it entails limits the quality of the space, and the benefits that it would deliver. The location of the garden space, facing primarily northwards, enclosed by the building above and cores results in a reliance on artificially maintained environment and heavily managed planting. The garden level would be visible from ground level in the surrounding area, although it may not be immediately obvious that it is a public space.



119. Floorplan of level 5 showing the raised garden alongside the cores and retail unit.



120. Visual showing the garden level above the St Thomas Street buildings

8.24 The proposed tower is not considered to be of an exemplary architectural quality. The glass and steel design and its unrelenting, geometric, slab-like profile serve to amplify the scale and the alien character of this architectural intervention within its historic context. The architectural language will serve to amplify its mass and overbearing presence.

121. The visuals included earlier in this report show how the tower would appear against the historic buildings in the site's context.

8.25 The proposed tall building does not respond positively to the local character, townscape, nor its historic context. It would have an overbearing presence on its setting and as a result would fail to conserve and enhance the significance of designated heritage assets on the site, within both its immediate and wider urban context.

122. The design of the tall building is in conflict with the Southwark Plan and London Plan policies which require tall buildings to make a positive response to their context and townscape. It also informs the council's likely reason for refusal regarding the harms to heritage assets, as set out earlier in this report and in the Statement of Case (at paragraphs 8.2 to 8.19).

8.26 In addition, the overall design quality of the proposed development is also negatively affected by the following matters:

8.26.1 The proposal relies on a significant redesign of the St Thomas Street highway to increase the pavement widths for its visitor cycle parking and to provide for its on-street servicing by large vehicles, which has not been agreed with the highway authority.

8.26.2 The proposal fails to demonstrate it has maximised energy efficiency and prioritised the use of sustainable materials. The proposal fails to achieve the minimum carbon reduction measures of Southwark Plan policy P70 "Energy" and London Plan policy SI2 "Minimising greenhouse gas emissions", fails to achieve the BREEAM ratings required by Southwark Plan policy P69 "Sustainability standards", and has not provided information on the whole life-cycle carbon or circular economy to address London Plan policies SI2 and SI7 "Reducing waste and supporting the circular economy".

123. The highways and servicing point is summarised later in this report.
124. The application was submitted in 2018, before the now-adopted 2021 London Plan's zero carbon requirements for non-residential buildings. Using the GLA's energy assessment guidance that applies from 2019, the proposal has a total carbon reduction of 33%. The proposal is therefore short of the 35% on-site reduction requirement of the London Plan and 40% reduction of the Southwark Plan. Given the length of time the application has been with the council before this London Plan policies on whole life carbon and circular economy came into effect, the associated documents have not been provided by the appellant.
125. The tower and rebuilt Keats House would achieve BREEAM "New Construction 2018" assessment and target an "excellent" rating for these office and retail uses. While the appellant aims to provide an exemplar tall building, the "outstanding" rating is not being targeted and none of the sustainability measures being incorporated appear to be especially innovative to suggest an exemplary sustainable design or that it is going significantly beyond the minimum policy requirements. The sustainability aspects of the proposal were questioned by the CABI Design Council review panel. The works to restore the listed terrace would use 'BREEAM Non-Domestic Refurbishment and Fit Out 2014' and target a "very good" rating for its office and retail uses, which is below the "excellent" rating required by Southwark Plan policy P69.
126. The Statement of Case concludes on the design quality and townscape issues as follows:

8.27 The Council's evidence will explain that as a result of the factors summarised above the proposed development is contrary to national planning policy in section 12 of the NPPF and to the following development plan policies:

8.27.1 London Plan (2021) policies SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D8 "Public realm" and D9 "Tall buildings", HC3 "Strategic and local views", HC4 "London View Management Framework".

8.27.2 Southwark Plan (2022) policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P21 "Borough views".

8.28 The proposal would also be contrary to the AV.11 London Bridge Area Vision, the guidance within the Mayor of London's London View Management Framework SPG (2012) and Historic England guidance.

127. The council will provide a proof of evidence on this topic from its expert witness ahead of the inquiry, and this will be supplemented as appropriate by oral evidence during the public inquiry. The consultation responses are summarised below and have been provided to the Planning Inspectorate. Historic England will be participating in the inquiry. As set out in paragraphs 3.1 to 3.5 and 3.10 in the council's Statement of Case, the pre-application responses and consultation responses may be referred to by the council as part of its evidence.

Listed building consent

128. The council's case that the listed building consent application for the works to the Georgian terrace should also be refused is as follows, as set out in paragraphs 9.1 to 9.4 of the Statement of Case.

9.1 The Council is supportive of the majority of the proposed works to the Georgian terrace in the Listed Building Consent Proposal which would replace the 1980s works with a more appropriate layout, appearance and detailing.

9.2 The introduction of shopfronts at the rear of each building is not a typical, traditional feature of a Georgian terrace house design, and is not a historic feature known for this Site. The rear shopfronts prevent a true reinstatement of the plan form of the buildings, and represents a small degree of harm. This one occurrence of less than substantial harm (at the lower end) would be outweighed by the wider package of benefits to the grade II listed buildings in the Listed Building Consent Proposal.

9.3 In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest. Therefore the Council considers that the proposal fails to comply with section 16 of the NPPF (2021) particularly paragraph 204, and to be contrary to London Plan policy HC1 "Heritage conservation and growth" and Southwark Plan policy P19 "Listed buildings and structures".

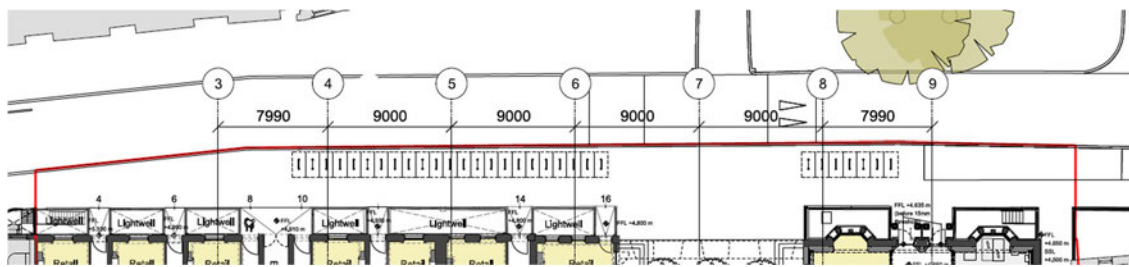
9.4 Should the Inspector be minded to grant consent for the Listed Building Consent Proposal alongside the Planning Application Proposal, then the Council would ask for the conditions proposed in Appendix 3 to be included. Should the Inspector be minded to grant consent only for the Listed Building Consent Proposal then the conditions in Appendix 3 would need to have the Georgian terrace materials condition recommended in Appendix 2 added. These conditions would ensure the demolition works only progress once a contract is in place for the rebuild works, method statements for the works, and to secure suitable materials and detailing are used.

2) Summary of other matters in the Statement of Case

129. The Statement of Case at paragraphs 8.32 to 8.38 refers to two other matters where the proposal does not comply with development plan policies. These matters are servicing, and the daylight and sunlight impacts to surrounding properties.

Servicing

130. The council is the highway authority for the yards to the south of the site, and TfL is the highway authority for St Thomas Street and Borough High Street, so the site is bound by highways under the control of two different authorities.



131. The proposed on-street pavement widening, visitor cycle parking and servicing bay
132. A widened pavement and visitor cycle parking are shown on St Thomas Street, in an area that is currently roadway (although the cycle parking shown would reduce the available footway width for pedestrians in a busy area). Larger servicing vehicles for deliveries and waste collection are proposed to park on St Thomas Street. Smaller vehicles would use White Hart Yard (off Borough High Street) to access the servicing yard in the basement of the tower. The St Thomas Street servicing arrangements and necessary highway works to accommodate the servicing and proposed cycle parking have not been agreed by TfL as the highway authority.
133. TfL has recently submitted its own representation to the Planning Inspectorate, setting out its “serious concerns” in relation to the servicing arrangements and the highway redesign in terms of Healthy Streets, Vision Zero and London Plan policies.
134. This key functional impact of the proposal has not been resolved satisfactorily, and without a highway redesign to allow sufficient pavement width, the visitor cycle parking could not be provided.

Daylight and sunlight impacts

135. The ES includes daylight, sunlight and overshadowing assessments of the scheme’s effect, based on the Building Research Establishment’s (BRE) guidelines on daylight and sunlight. The overshadowing of the proposed new public realm has been summarised earlier in this report.
136. No mitigation measures are proposed for the permanent loss of daylight or

sunlight. The appellant considers the residual effects to neighbouring properties at completion and operation of the proposal as set out in the ES to be as follows:

- Daylight – long term, local, insignificant effect to 8 properties, minor adverse effect to 5 properties and moderate adverse effect to 5 properties.
- Sunlight – long term, local, insignificant effect to 14 properties, moderate adverse effect to 2 properties.

137. Incidences of minor and moderate adverse effects to neighbour amenity have been identified in terms of daylight and sunlight reductions caused by the proposal. These cannot be mitigated, and would require the massing of the proposal to be reduced if they are to be lessened. The harms would likely not have been considered sufficient to warrant refusal of an otherwise acceptable application, however the council's evidence will suggest that the Inspector should consider these incidences of harm as part of the planning balance of the harms and benefits of the proposal.

3) Summary of topics not raised as concerns within the Statement of Case

138. Other planning issues have been considered in respect of the applications but are not identified as likely reasons for refusal. These are summarised below.

Principle of the proposed land uses

139. The proposed uses are appropriate for the site's location within the CAZ, Opportunity Area, South Bank Cultural Quarter and district town centre. The proposal would provide high quality office space and a range of unit sizes in the tower, Keats House and refurbished Georgian terrace, as well as acceptable town centre retail and leisure uses. There would be a significant uplift in office floorspace. It would increase employment numbers within the CAZ, the Opportunity Area and London Bridge Vision Area. The appellant has estimated that the proposed offices and business hub would equate to an additional 1,920 full time equivalent (FTE) office jobs and 10 FTE jobs associated with the hub, compared with the existing offices on the site (approximately 845 FTE office jobs), the proposed retail and gym uses would provide further jobs. The benefits of the additional jobs on the site and spending in the area are considered in the planning balance, as well as construction phase jobs and spending. A small element of affordable workspace and affordable retail are proposed on site, and the appellant has stated in the appeal documents that it would make a payment in lieu for the shortfall of on-site affordable workspace.

140. The Southwark Plan has been recently adopted and now forms part of the development plan for this 2018 planning application. Strategic policy ST2 "Southwark's Places" sets the spatial strategy for the borough. Table A in ST2 sets out how the vision areas of the Southwark Plan would achieve these targets, having calculated the capacity of the allocated sites, recently approved permission schemes and known major application schemes. The London Bridge Vision Area is identified in Table A for 43,156sqm uplift of employment floorspace, 1,526sqm uplift of retail, leisure and community use, and 605sqm of

open space within site allocations as well as approximately 483 housing units in site allocations. The area vision map identifies the site allocations of Guy's Hospital (NSP52), the eastern end of St Thomas Street (NSP53 and NSP54) and Colechurch House (NSP55) to come forward for redevelopment. With the exception of the Guy's Hospital, these site allocations each anticipate an increase in employment floorspace that together would achieve the ST2 target for the London Bridge Vision Area. The Southwark Plan's strategic targets do not assume the redevelopment of the New City Court application site, nor rely upon the redevelopment of the site to come forward to achieve the Plan's uplift of floorspace for the different uses between 2019 and 2036.

141. While there is no objection to the proposed uses or the addition of further office floorspace on this site in principle, the significant quantum of floorspace within the proposal would be delivered in a building which constitutes poor design and would cause significant harmful heritage impacts, as well as adverse servicing and neighbour amenity impacts. The uplift of 33,611sqm GIA of office floorspace would be a significant portion (77.8%) of the 43,156sqm net GIA increase suggested for London Bridge by the Southwark Plan strategic vision ST2 on this New City Court application site alone. As the Southwark Plan's target for the London Bridge Vision Area was calculated from the anticipated redevelopment of its site allocations within the Vision Area (and did not include any uplift in floorspace on the application site), the proposal's uplift in floorspace would be further additional floorspace. The redevelopment of the application site was not assumed in the recently adopted Southwark Plan, nor is the quantum of its redevelopment necessary for the Plan's targets to be met.
142. Were permission to be granted, it would be appropriate to condition the quantum of the different uses on the site to reflect the basis on which this application has been assessed (and within the EIA, transport impacts and neighbour amenity impacts). Planning obligations relating to the affordable workspace on-site, affordable workspace payment in lieu for the on-site shortfall, affordable retail, jobs, training and procurement opportunities during construction and the completed development, public access to the public realm and raised garden, and community use of the business hub would have been necessary to ensure compliance with adopted policies.

Environmental impact assessment

143. The proposed development is EIA development and an Environmental Statement (ES) has been provided with the planning application. An ES comprising a non-technical summary, Environmental Statement and its Technical Appendices accompanies this planning application. Additional information and an ES addendum were provided in July 2020. The submitted ES considers the following topics that were "scoped in" for assessment:
 - Transport;
 - Noise and vibration;
 - Air quality;
 - Archaeology;
 - Water resources and flood risk;

- Wind;
- Daylight, sunlight overshadowing, solar glare and light pollution; and
- Townscape, visual impact and built heritage.

144. Officers are satisfied that the ES is up-to-date (particularly with the July 2020 addendum with additional information, clarifications and cumulative assessment), and that, with the exception of the impact on heritage assets, the effects described in the ES properly identify the likely significant effects of the proposed development on the environment.
145. The EIA Regulations require the ES to provide information on the alternative options considered by the appellant. The “no development” alternative would leave the application site in its current state. The appellant did not consider fundamentally different alternative land uses, nor mix of uses, for the redevelopment of the site. The ES sets out the design evolution of the scheme from 2014 to late 2018.
146. The ES considers the cumulative effects from the combination of individual likely significant environmental effects from the development upon sensitive receptors, (e.g. the combination of noise, dust and visual effects on a particular receptor) which are referred to as “type 1” cumulative effects from the proposal. The ES also considers the cumulative effects from the proposal in combination with other surrounding consented and planned developments (“type 2”), especially those at the eastern end of St Thomas Street.
147. While most topics of the ES are acceptable, there remain key points of difference between the appellant and officers on the heritage impacts and how they have been reported. The council’s case will refer to how the ES does not transparently and reliably identify the likely significant adverse effects of the proposal on heritage.

Additional topics of assessment

148. The proposal would comply with policies in the development plan regarding the following topics if the necessary conditions and planning obligations were secured on any permission:
- Archaeology: subject to conditions and payment of a financial contribution (secured by a planning obligation) for the archaeologist’s monitoring and advice during the pre-commencement and construction works.
 - Quality of office and commercial accommodation: subject to conditions to secure inclusive access and fire evacuation lifts to the tower and Keats House, kitchen extract details, and to mitigate noise and vibration from the basement gym.
 - Impact of the proposed development on the amenity of nearby occupiers and surrounding area (except for daylight, sunlight and overshadowing): acceptable impacts on privacy and outlook. Incidences of solar glare could be reduced in the detailed glazing material selection. Further information on the kitchen extraction, plant and noise levels would have been secured by conditions, and the opening hours of the buildings and terraces

controlled by conditions. Demolition and construction phase environmental impacts (e.g. noise, dust, vibration) would also have been minimised by the mitigation secured by conditions.

- Security and fire safety: subject to the Secured by Design condition, security details and fire statement being secured by conditions.
- Impact of adjoining and nearby uses on occupiers and users of the proposed development.
- Demolition and construction phase environmental impacts: would need to be mitigated by securing environmental management plans and logistics plans by conditions.
- Water resources, flooding and sustainable drainage: subject to the conditions recommended by Thames Water (on water supply and piling method statement giving proximity to a strategic sewer), to require a flood risk management plan, a full drainage strategy, and an updated basement impact assessment.
- Land contamination: subject to conditions recommended by the environmental protection team and the Environment Agency.
- Air quality: subject to dust mitigation measures during demolition and construction being secured as part of the demolition and construction management plan conditions.
- Light pollution: subject to conditions requiring further details of the public realm and building lighting.
- Wind conditions: subject to conditions to secure the wind mitigation to the tower and the public realm, and a planning obligation to require a post-construction assessment to consider whether further mitigation is necessary.
- Transport matters (except for servicing): car parking, cycle parking (subject to conditions requiring further details of the locations and types of cycle parking for staff and visitors), impacts on Underground infrastructure (subject to protection measures being secured to TfL's satisfaction), highway protection measures would require conditions. Environmental management plans and logistics plans would be conditioned for the demolition and construction phases to secure the mitigation outlined in the ES. The public route through the site, Underground entrance, travel plan and transport mitigation financial contributions would need to be secured by planning obligations.
- Energy and sustainability: the sustainability of the proposal would need to be improved in terms of on-site carbon measures, payment of a carbon offset contribution and on-going "be seen" monitoring and reporting (secured by obligations), achieving BREEAM excellent to all buildings, providing whole life carbon and circular economy information (secured by conditions).
- Ecology and urban greening factor: subject to securing details of the planting, landscaping and bird boxes by conditions.
- Waste: subject to a delivery and servicing management plan by an obligation, and waste collection condition.
- TV, radio and telecoms networks: subject to securing a TV reception mitigation plan by condition.
- Aviation: subject to securing details of crane lighting in the CEMP condition.

PLANNING OBLIGATIONS AND CONDITIONS

149. The assessment of the planning application has noted areas where planning obligations would be necessary in order to secure necessary mitigation to make the impacts of the proposal acceptable, to comply with planning policies, and to ensure the public benefits of the proposal would be provided. The absence of a completed section 106 agreement is set out in the Statement of Case as a third likely reason for refusal of the planning application, set out in paragraphs 8.29 to 8.31, but is expected to be resolved through discussions with the appellant ahead of the inquiry.
150. Although the council's case at the appeal is that the applications should be refused, a legal agreement will be drafted with the appellant as part of the appeal procedure, so that the matters summarised above would be secured if the Inspector is minded to approve the applications. The heads of terms are summarised in the table below, and will need to be negotiated with the appellant.

Planning obligation topic	Key items
Construction phase jobs and training	<ul style="list-style-type: none"> • An employment, skills and business support plan for the construction phase workplace coordination, skills development and on-going support. • To deliver 104 sustained jobs to unemployed Southwark residents, 104 short courses, and take on 26 construction industry apprentices • Or pay the employment and training contribution (a maximum of £495,850 (indexed) comprising £442,900 against sustained jobs, £15,450 against short courses, and £37,500 against construction industry apprenticeships) for shortfalls.
End phase jobs and training	<ul style="list-style-type: none"> • A skills and employment plan to identify suitable sustainable employment opportunities and apprenticeships for unemployed borough residents in the end use of the development. • To deliver 323 sustained jobs for unemployed Southwark residents at the end phase. • Or meet any shortfall through the employment in the end use shortfall contribution (a maximum of £1,388,900 (indexed) based on £4,300 per job).
Local procurement	A local procurement plan to provide opportunities for SMEs in construction and end phases.
Affordable workspace	To provide 1,067sqm GIA of the office floorspace in the Georgian terrace as affordable workspace, and fitted out to a minimum specification, with access to common facilities (cycle stores, showers, lifts etc), and:

	<ul style="list-style-type: none"> • provided for a 30-year period at a discount of at least 25% on the market rent level; • detailed plans showing final location of affordable workspace; • a management plan is in place to secure the appointment of a Workspace Provider and a methodology for that Provider to support the occupiers; • appropriate marketing of the affordable workspace; • the rates and service charges payable by the tenant will be capped; • a rent-free period is offered to incentivise uptake; • Provision of the affordable workspace before more than 50% of the market rate floorspace occupied. <p>A payment in lieu to address the on-site shortfall. With such a small on-site provision of affordable workspace, the additionality of moving most of the affordable workspace offsite must be considered: the proposed “normal” office space represents 90% of the total hypothetical office development (46,374sqm total, minus the 1,067 affordable = 45,307sqm), so that a 10% affordable provision is 5,034sqm GIA, of which 1,067sqm is to be provided on site and 3,967sqm to be provided by a financial payment in lieu. The size of this financial payment would be calculated using the council’s affordable workspace calculator, and recommended to the Inspector as a necessary financial contribution.</p>
Affordable retail	Provision of 2 units in the Georgian terrace (181sqm) as affordable retail, setting the discounted rental terms, fit out, management by an affordable retail provider, with access to cycle stores, basement servicing and refuse storage, and for 30 years.
Public access to ground floor and raised garden	<p>Free public access to the ground floor reception area of the tower with stated opening hours.</p> <p>Free public access to the raised garden, without need to book, setting its opening hours to public access, available each day, and free access to public toilet facilities.</p>
Making business hub available to community	A community use strategy for charities, organisations and local businesses to be able to hire the business hub spaces (auditorium and ancillary facilities), for certain days and times across the year, for free or at a reasonable cost.

Archaeological monitoring and advice contribution	A financial contribution (£11,171 indexed) for the archaeologist's monitoring and advice during the pre-commencement and construction works, in line with the Section 106 Planning Obligations and CIL SPD for a scheme of this scale
Listed building consent works monitoring and advice	A financial contribution towards the monitoring and providing advice during the LBC works to the Georgian terrace. To require an on-going management plan (to agree what would and wouldn't need LBC to change in the future).
Carbon reduction	<ul style="list-style-type: none"> • Require a revised Energy Strategy to detail the carbon reduction measures to achieve at least 40% savings on-site. • A carbon offset payment for the remainder (remaining maximum of 60% of carbon emissions) to achieve the zero carbon requirement of the London Plan 2021 (at a rate of £2,850 per tonne indexed). • Future-proofing by providing the connection and plant space for a future connection into a wider network. • "Be seen" monitoring, following the GLA draft guidance with the processes for the as-built and in-use (including annual reporting) stages, and the performance indicator groups for the reportable units set out for each stage.
Servicing and deliveries	<ul style="list-style-type: none"> • Delivery and servicing management plan, including commitment to use of off-site consolidation. • Restriction of hours of vehicles arriving (to both St Thomas Street and through the yards) to avoid peak times and lunchtimes, management of goods arriving/leaving on St Thomas Street highway. • Restrict hours of waste collection to outside peak times and lunchtimes. • Monitoring and review regime agreed with TfL and the council, and funded by the developer. • Deposit payment and monitoring fees.
Highway works (TfL)	Contribution of £1.8m (indexed) as proportionate part of St Thomas Street upgrade. Enter into a S278 with TfL for the highway works within and next to the site – including pavement upgrade, pedestrian crossing signal times to cross Borough High Street, raised table crossing over St Thomas Street.
Highway works (borough roads)	Contribution of £25,600 (indexed) for improvements to the quality of the pedestrian routes and roadways

	of Kings Head Yard and White Hart Yard (given their increased use by servicing vehicles to the development, cyclists accessing the basement cycle parking and pedestrians). Enter into a s278 with Southwark for the highway works within and the next to the application site on the yards side.
Cycle docking station contribution	Financial contribution towards a new docking station in the local area to serve the development's needs – as no space on appellant's land.
Travel plan	Submission of a detailed travel plan for approval (include cycle hire access)
Public realm	Setting out of the ground floor public realm shown on the submitted drawings, and make available prior to first occupation of the tower. Allow public access 24/7 each day to the ground floor public realm within the site (except the alley through the Georgian terrace to be closed at night). On-going maintenance of the public realm.
Station entrance and Underground protection	<ul style="list-style-type: none"> To enter into a development agreement for the station entrance with TfL prior to implementation. LUL infrastructure protection requirements for groundworks across the site. Detailed design of the entrance appearance and layout to be agreed with TfL and council. Construction of new station entrance at no cost to TfL and provided ready for use prior to first occupation of the tower. <p><i>TfL may also ask for the asset protection agreement to be a planning obligation, rather than a condition, so this will depend on the on-going discussions between the parties.</i></p>
Legible London contribution	Financial contribution to a local Legible London sign expansion and refresh.
Post-construction wind assessment	A post-construction review of whether the installed wind mitigation measures are sufficient or if more are necessary.
Administration and monitoring charge	2% of financial contributions (excluding the monitoring contributions already listed above)

151. Without a completed legal agreement in place (either a section 106 agreement or a unilateral undertaking), the necessary mitigation measures, and the elements of the scheme required to achieve policy compliance, would not be secured in the event that planning permission is granted. In the absence of a completed s106 agreement, the proposal is contrary to the development plan policies that relate to these topics, and to policy IP3 "Community infrastructure levy (CIL) and section 106 planning obligations" of the Southwark Plan (2022), policies T9 "Funding transport infrastructure through planning" and DF1

“Delivery of the Plan and planning obligations” of the London Plan (2021) and the guidance within the “Section 106 Planning Obligations and Community Infrastructure Levy” SPD (2015 and its 2020 addendum).

152. The conditions the council would like to be included on any planning permission and listed building consent were appended to the Statement of Case, in its appendices 2 and 3. These would also be discussed at the public inquiry with the Inspector and appellant.

CONSULTATION

Community involvement and engagement

153. Pre-application discussions were held between the appellant and local planning authority before the submission was made in December 2018. The appellant also held pre-application discussions with GLA, TfL, Historic England, CABE and Historic Royal Palaces. Pre-application public consultation events were held by the appellant in July 2018 and October 2018 which were advertised by flyers to 1,300 local addresses and local newspaper advert. Over 200 people attended across the seven days of exhibitions at the Guy’s Hospital and London Bridge Hotel, which are close to the application site. The submitted Statement of Community Involvement reports the feedback received as being generally supportive of the design, public realm improvements, new station entrance and elevated public garden. The appellant team set up a website with further information. Since April 2018, the appellant also met with local stakeholders such as Bankside Open Spaces Trust, Better Bankside, Borough Market, Southwark Cathedral and Guy’s and St Thomas’ Trust.
154. The council’s pre-application response letters were issued in May and December 2018 and are included at Appendix 2. The pre-application letters stated that the proposal would not be supported in its current form, primarily because of the adverse design and heritage impacts. The EIA scoping opinion (ref. 18/AP/2633) was issued by the council in October 2018 to set the content of the Environmental Statement that accompanies the planning application.
155. On receipt of the application, the council carried out consultation that exceeded the statutory minimum, and reflected the scale of the proposal. Site notices were posted around the site, a press notice was placed in the local paper and 671 letters were sent to surrounding properties. Re-consultation was undertaken in July to August 2020 as further environmental information was submitted. The responses received to the initial consultation and the re-consultation are summarised below.
156. As part of the appeals procedure, the council is required to notify those consulted during the application that the appeals have been made. The comments received to the first consultation, re-consultation and in response to the appeal notification have been sent onto the Planning Inspectorate, and those consulted have had further opportunity to make comments directly to the Planning Inspectorate.

Consultation responses

First round of consultation

Consultation responses from members of the public and organisations

157. Summarised below are the material planning considerations raised in the objections from members of the public and organisations local to the area.

Comments in objection from members of the public and organisations

158. 4 objections received from members of the public raising the following summarised topics:

Height, townscape and heritage harm:

- The current New City Court blends seamlessly with its surrounds and could easily be redeveloped and extended. Any increase in height over and above the existing building should not be allowed.
- The tower would dwarf the surrounding historic area of Southwark. A gross overdevelopment with no precedent (of insertion of glass and steel tower within a listed Georgian Terrace). It would obliterate the streetscape and the surrounding lanes,
- The proposed size is way out of the proportion of the neighbourhood and will cause unmanageable crowding and destroy the local character. The area bound by Long Lane, Tower Bridge Road, and Borough High Street should be protected for the historic character.
- It will significantly diminish the attractiveness of The Shard and London Bridge station.
- It is boxy and completely out of place.
- People come from all over the world to visit the historic buildings (the George Inn, the Old Operating Theatre, Town Hall Chambers, Maidstone Buildings, Southwark Cathedral and Borough Market) and businesses have moved to the area due to its historic nature.
- The scale height and mass of the building will completely ruin the character of Southwark Cathedral and Borough Market and bring infinite shadow to the nearby buildings. It will make Southwark Cathedral and Borough Market less attractive.
- Approving this development would seriously affect the historic and cultural richness of Southwark and would provide a starting point for other developers to be able to build across all of the area.

Keats House:

- The removal of Keats House should not be allowed; replacing the facade does not protect the heritage of this important row of buildings.

Office floorspace:

- There is an oversupply of unlet offices in the vicinity and small businesses are being forced out whilst large floor-plate spaces remain unlet.

Benefits:

- The offer of a second tube exit is at best tokenistic, to try and sway planning, with no proven demand for pedestrians to head that way from the station.

Pollution and amenity:

- It will bring pollution, traffic, over-crowdedness and significantly diminish the quality of life of locals and visitors alike.
- The streets are narrow and already the existing residents are suffering from increased traffic, noises, crowding, blocking of views and light.

159. Further comments in support or in objection were received from a range of organisations, groups and businesses in the local area and further afield. These are summarised below.

160. Better Bankside:

- Provided comments in terms of transport and the public realm as Better Bankside (BB) typically does not comment on aesthetic design.
- Public realm: welcome improved permeability through the site and new entrance to the underground. However there are fundamental concerns about the impact of the proposal on the urban realm and urban fabric of its immediate surroundings.
- The character of the inns and yards off Borough High Street are an intrinsic piece of Bankside and London Bridge's history and offer a more human scale and a level of respite from the bustle of Borough High Street itself. BB regrets the removal of the northern façade to Kings Head Yard, as it erodes the intrinsic narrow 'yard' character of Kings Head Yard. This change to the public realm sets a dangerous erosion of the character of Borough High Street's yard character.
- Directing freight and servicing traffic to the yards will significantly increase the number of motorised vehicles here to beyond what it was designed and intended for. The entrance of the Yards were designed for horse and carriage, hence suitable for pedestrians and people on bicycles but not LGVs in any numbers more than they currently receive (average of 26 traffic movements per day). The applicant's own underestimated figures suggest an 8-fold increase in the numbers of delivery and servicing vehicles visiting development through the yard. Do not consider the applicant's figures to be robust, and by not using Mondays which tend to be the busiest delivery day. Basing trip rates on floor area is a crude method as deliveries depend on how many businesses are in the development. The turn-around time for deliveries to the servicing yard seems unrealistically short.
- White Hart Yard has low pedestrian comfort. Plans are being developed by BB, Team London Bridge, council and local stakeholders to improve the

pedestrian environment in White Hart Yard with lighting upgrades, greening and granite paving. This proposed complementary heritage interpretation and wayfinding was not considered by the developer.

- The proposed level of servicing via the yards conflicts with the clean air ambitions.
- Foresee significant conflicts between motorised vehicles and other users of White Hart Yard with narrow entrance, which can cause queuing on Borough High Street. Restrict deliveries in peak hours to non-motorised vehicles.
- The site's servicing constraints mean innovative solutions are required to support such a significant development. Need to minimise the impact of freight by working with neighbours and partners, with careful planning to reduce the freight load on the highway network in the morning peak. Increased deliveries from online shopping. Obligatory uses of off-site consolidation centres of deliveries can mitigate against this, as can other strategies to discourage deliveries.
- Welcome improved permeability but fundamental concern about the impact on the urban realm and urban fabric in this important historic location, the character of the inns and yards. Welcome SUDs and further detail on landscape design and how raised garden would be a public amenity.
- Other comments regarding using zero emissions vehicles for servicing, using consolidation centre, timing vehicles away from peak times, that a good access solution for cyclists is needed, not sufficient space for waste storage on collection days.

161. Bankside Open Spaces Trust (BOST):

- BOST supports the exemplary approach to the urban realm and landscaping shown throughout the scheme, with three new public open spaces of evident quality that represent new and additional open space in an area of acknowledged Open Space deficiency. These open spaces are very different in character offering different benefits to the urban realm context.
- Proposed St Thomas Street Square which acts as the main north-south access adds to the series of new public realm interventions along St Thomas St. This is a welcome addition breaking up and enhancing the heritage buildings on St Thomas Street and providing additional permeability reducing congestion.
- A new landscaped public square behind Borough High Street and St Thomas Street would activate the historic yards in a way that no other previous scheme off Borough High St has been able to do. It will reduce the dangerous pedestrian congestion on Borough High Street around the Underground station entrance. New legible pedestrian routes with a new exit from the Underground Station will offer major positive urban realm enhancements. This is an opportunity that should not be lost and is to be welcomed.
- BOST fully supports the new public garden which would be of a similar size to Redcross Gardens. It aims at horticultural diversity and excellence. Despite planning policy encouraging the introduction of new green open space in an area of acknowledged open space deficiency, there are

precious few examples of this and certainly nothing on this scale or quality. The main users of this new garden will be workers in the area, this is the case with all the existing pocket parks and open spaces in the area (workers in the area outnumber residents 12-1), however this will also be a precious amenity to residents who cherish the small areas of green, as well as visitors to the area and particularly hospital visitors and patients.

- The applicant worked with BOST and asked to help with the design, the running and the maintenance of the garden. One of the most exciting prospects is the potential for education for the local community, particularly local schools and also for BOST's Future Gardeners initiative, providing employment for local people. The health and wellbeing benefits of green spaces and gardens are starting to be acknowledged more, and a generous space like this that is clearly aiming for excellence will be a major benefit.

162. Cathedrals Fabric Commission for England:

- The Commission has a statutory national planning role under the Care of Cathedrals Measure 2011, and this role extends to the setting of cathedrals. The quality of Southwark Cathedral's relationship with its wider setting in the city demands continued protection.
- The Commission is supportive of the principle of good economic development, but wishes to object to the scheme:
 - 1) Views of the cathedral and its tower, particularly from London Bridge, and its setting in the wider Conservation Area. The Commission wished to echo the concerns raised by the Cathedral Chapter about the visual impact of the proposal on views of the cathedral and its tower, particularly from London Bridge, and on the wider conservation area in which the cathedral is a major landmark. The Commission endorsed Chapter's assertions that the proposed tower would "*destroy the principal views of the unbroken silhouette of the cathedral roofline, its tower and pinnacles in views from the west and north ... uncompromised for over 1000 years*" and "*undermine the legibility of a route which has characterised the relationship of Southwark with the City of London for over 2000 years.*" Allowing the construction of a new tower of such height in the location proposed would inevitably increase pressure on the local authority to allow further development of comparable scale in the area around the cathedral, resulting in the steady erosion of the cathedral's setting.
 - 2) Potential wind damage to the Cathedral. Shares the concerns raised by the Cathedral Chapter about the risk posed to the cathedral fabric by the proposal's effect on wind conditions. Whilst computer modelling of the project's impact on wind conditions had been interpreted to find that "*no significant noticeable impact on cathedral surface pressures can be seen*", this modelling had failed to include the pinnacles to the choir and tower - the very elements of the fabric likely to be most vulnerable to increased wind pressure - and had not considered the risk that increased wind pressure would accelerate the general deterioration of the cathedral fabric through erosion by wind and water.

163. Guy's and St Thomas' Charity:

- The Charity owns a number of properties near to the site including its offices

in Francis House (9 Kings Head Yard), St Thomas Church, and the student accommodation in Orchard Lisle House and Iris Brook House in Talbot Yard.

- Supports the principle of redeveloping the site and recognises the benefits to the public realm, additional office accommodation which might attract bio-med technology companies, improved transport links, affordable retail, and preservation of Keats House.
- However this support has caveats regarding:
 - Servicing and amenity impacts – highway safety concerns of using the narrow yard for two-way traffic in what is currently a pedestrian environment with limited visibility at the corners. Noise from the increased number of vehicles next to the student accommodation.
 - Construction and amenity impacts – want to be consulted on the mitigation measures for the demolition and construction noise to ensure student accommodation (and offices) does not experience an unacceptable noise impact. Concern at air quality impacts.
 - Loss of daylight and sunlight with significant reductions to the student accommodation having a detrimental impact on the standard of accommodation and the welfare of residents studying. Loss of light to the Francis House offices too.
 - The proposed amenity spaces causing noise to surrounding properties so should have their opening hours conditioned. Concern that these outside spaces may prejudice the Charity's own redevelopment plans.

164. Guy's and St Thomas NHS Foundation Trust:

- Objects to the detrimental impact on Guy's Campus which contains a hospital and university. It is a unique mix of facilities which are of considerable importance internationally, nationally, regionally and locally, where ground breaking scientific research and medical care are carried out. Sets out the hospital and university facilities, and the 24 hour function of many departments.
- The Trust's main objective is to ensure that its safe operation is not unduly hampered by construction and subsequent use of the development. Demolition and build will take several years and result in substantial noise, dust, vibration and traffic, in close proximity to the hospital and units that are highly susceptible to noise, dust and vibration (out-patient departments, laboratories, acute wards and day hospitals), and to essential ventilation intake chambers. The planning system and relevant legislation should be used to ensure sufficient control of the demolition and construction processes to enable the hospital to perform unhindered.
- Vehicle access to/from the hospital is critical especially for emergency vehicles, and ease of pedestrian movement given the need to use public transport.
- The Trust is critically dependent on high level of supply of utilities and communications. Any interruption would have severe implications for treatment, patient well-being and research.
- If permission is granted, the Trust requests a clear, precise and enforceable legal agreement is in place to control demolition and construction processes (covering air quality, transport and any changes to the

hospital/trust property, to ensure all parts work as effectively as possible to enable these processes to run smoothly.

- Comment about the Florence Nightingale Museum potentially moving to the site, and the Trust would expect that this would be another s106 obligation.

165. Kings College London:

- Kings owns properties neighbouring and near to the application site. Much of its research is undertaken at Guy's Campus.
- Supports in principle the redevelopment of the site and recognises the benefits to the public realm, transport and new office space. However this support is caveated in terms of:
 - Loss of daylight and sunlight – concern about how a detrimental change in daylight and sunlight will impact on staff and students.
 - Servicing and amenity impacts – highway safety of the yards that are currently shared spaces used by students, staff and members of the public going to/from the hospital. Noise and pollution to student accommodation in White Hart Yard. Change in the character of these yards with increased traffic.
 - Construction and amenity impacts on the student accommodation, asks to be consulted on the mitigation measures during demolition and construction. Impact on air quality, impact on the ventilation systems of the research facilities. Increased pollution from vehicle servicing.

166. LAMAS (London and Middlesex Archaeological Society):

- Objects. This part of the Borough High Street Conservation Area retains the urban grain, indeed enhances it by its relative tranquillity and better survival of heritage building assets than the High Street. The conservation area appraisal notes it *"has a particularly distinguished historic character"* and that *"the early 18th century character of the street remains well preserved from its junction with Borough High Street"*.
- The proposed restoration of the Georgian Terrace is to be applauded, however the tower immediately behind it would cause great harm to its setting, and the settings of nearby St Thomas' Church and Guy's Hospital, thereby eroding the early 18th-century character of St Thomas Street.
- It would cause considerable harm the setting of the grade I listed Southwark Cathedral as seen from, or across, the River Thames.
- Insufficient justification has been advanced for why a tower would be an appropriate development on this site, and would outweigh the harm that would be caused to the settings of several designated heritage assets.
- Concern about the proposal for replacing the current building on St Thomas Street frontage with an open space. Replacing this building with another, while retaining the passage way beside it, would keep the urban grain intact. The conservation area is characterised by continuous street frontages along its main thoroughfares, and hence interruption of this aspect along a street as significant as St Thomas Street should not be permitted.
- Concerns about the Kings Head Yard walkway which, even if of relatively recently construction, still has a historic feel; this would be lost under the

proposals to modernise it with uncompromising tall buildings not even set back above a podium. The new square in place of Kings Head Yard should be masked by a structure such as a short screen or colonnade to maintain the urban grain.

- The proposals do too little to preserve some of the most important characteristics of the conservation area, and to respond positively to the historic built environment.
- The proposed restoration of the Georgian terrace is a long way from being sufficient mitigation for the harm that would be caused to the settings of a number of designated heritage assets, and to the conservation area. Reasonable use of the site in question would, in LAMAS's opinion, be met by a central building of no more than seven storeys – not a 37-storey tower. In accordance with NPPF paragraphs 194 and 200, and to help preserve the distinguished historic character of the Borough High Street Conservation Area, this proposal should be refused.

167. LBQ Fielden Limited (Shard Place):

- Raises the same objection as Teighmore Limited (below) to the height, scale and massing, the public realm, and the servicing impacts plus objection to the sunlight, daylight and amenity impacts.
- The daylight and sunlight assessment identifies a significant impact in respect of the impact on the sunlight and daylight of Shard Place (which contains 176 residential units). 21% of the windows assessed will not meet the BRE requirements in relation to the vertical sky component, with 27 windows experiencing a major adverse effect in excess of a 40% change. 22% of assessed rooms fail to meet the BRE criteria in respect of sunlight. This level of loss would have a detrimental impact on the living conditions of residents of these units. No assessment is provided on the impact on the units, so some homes and their residents to experience significant harmful impacts to their future living conditions.
- Shard Place delivers a significant new element of public realm (piazza, feature steps), that ties St Thomas Street with the concourse level and bus station at the upper level. The proposal will have a significant detrimental impact on the sunlight and daylight received by these important new public spaces during the afternoon and evening, severely reducing their attractiveness and function for the community.
- No explanation or justification is given for the level of loss and harm of daylight and sunlight to these homes, nor the impact on the public realm, the applicant considered these changes “unavoidable”. The harm could be avoided by reducing the scale of the scheme, and designing an appropriate building on the site that takes account of surrounding dwellings.

168. The Old Operating Theatre Museum and Herb Garret (9A St Thomas Street):

- Has concerns regarding:
 - Construction and amenity impacts, including on air quality in construction and operation.
 - Daylight and sunlight – adverse impact from the loss of daylight and question what measures the applicant will take to mitigate the impact

of the loss of light to the museum and other areas in St Thomas Church.

- Proposed amenity space - interested in the raised garden being developed as a Physic Garden as part of the Medical Museum Quarter along St Thomas Street.

169. Real Estate Management (based within The Shard):

- Raises the same objections as Teighmore Limited (below) to the height, scale and massing, the public realm, and the servicing impacts plus objections to the wind impacts, heritage impacts and further comment on transport impacts.
- Real Estate Management engaged WSP to undertake a wind microclimate study for the proposal, using computational fluid dynamics simulations to determine the aerodynamic effect that the proposal had on the wind flow patterns around the site and surrounding area. This was combined with long-term wind speed data to provide a statistical representation of the wind conditions, which were then compared against pedestrian comfort criteria. The results show that the proposal would have a notable effect upon the wind patterns in the surrounding area, with a negative impact upon the pedestrian comfort criteria, due to increased flow velocities within the Shard Place precinct and along St. Thomas Street. The proposal will have a harmful impact on the environment and pedestrian comfort criteria and is not acceptable in its current form, scale and massing and is required to be significantly revised.
- The scheme has completely disregarded aspects of the sensitive historic environment, would cause irrevocable harm to several highly sensitive heritage assets, and to the high quality townscape. The tall building is wholly disproportionate in the context and is not justified. It is not identified as a potential development site in the draft Local Plan, and nothing within the area vision that actively encourages a tall building. The site is not part of the emerging cluster of tall buildings in London Bridge. The proposed development will remain distinctly separate from the emerging cluster east of the Shard and instead of consolidating the cluster it creates a stark contrast with Shard Place and the News Building in the immediate vicinity of the Shard. The failure to consolidate the proposal into the emerging cluster derives from its proposed elevational typology, specifically, its bulky expressed bracing structure together with the solid horizontal spandrels will further emphasise its large scale and massing. It will stand distinctly different from the existing cluster of buildings around the Shard.
- The cumulative impact on the Tower of London WHS local setting area has not been adequately considered. It will adversely affect the delicate balance between modern urban form and the character of the WHS.
- Causes harm to St Paul's Cathedral as the tower appears behind the western towers, undermining the presence and primacy of the Cathedral. Also causes harm to the significance of Southwark Cathedral and of Guy's Hospital. The proposed tower would be entirely at odds with the character and appearance of the conservation areas and would significantly harm the significance and aspects of the setting that contribute toward that significance.

- While lower than the Shard, the balance in the relationship between the Shard and the proposed scheme has not been given sufficient weight as by virtue of its height it severely affects the established primacy of the Shard.
- Servicing arrangements are inappropriate and unsuitable. Vans are likely to use the loading bay on St Thomas Street as a quicker and easily accessible option for deliveries, especially those not booked into the basement access. Circuitous route to the basement service yard adding to congestion. Highway safety issue of using the yards, with additional traffic calming measures needed. Danger of vehicles meeting and one having to reverse blind onto Borough High Street.
- Construction vehicles: no discussions have been had about the impact the hoarding would have on pedestrian movements. Unclear how many road closures are needed for cranes with closures affecting businesses.

170. Teighmore Limited (interest in The Shard and Shard Quarter):

- Objects to the height, scale and massing: The height of the building is dominating in many views, diminishing and detracting from the primacy of The Shard, diminishing its role as a landmark building of importance. The proposal is majorly detrimental within the strategic view (Kenwood House to St Paul's), in key local views and has a harmful impact on the view from the Tower of London. The combination of the building's location (with no street frontage and not being at a point of significance), height, massing and form all act to provide a building which will appear out of place within the skyline and harmful to the setting and qualities of the area. The design of the building seems to have had little regard to those existing buildings surrounding it, with no apparent consideration as to how the building relates to its surroundings, responds to the skyline and touches the sky at its roof level. Harmful impact on the conservation area and the setting of the listed buildings located within St Thomas Street and Borough High Street. Objection raised to the loss of historic fabric from the demolition and re-siting of the building. Overall the proposals are contrary to Southwark and London Plan policies.
- Public realm: It is an unconvincing scheme of public realm improvements. It is unclear what purpose these courtyards will form and the quality of the space that will be created, being enclosed on all sides by existing or new built form, overshadowed by the tower, and how they will link into the current network of streets and spaces. It is unclear as to what function and purpose the provision of the "elevated" public garden will perform and be used. It appears that this will be an amenity of the building users, rather than being an easily accessible and beneficial space that would be readily accessed and utilised by the community. The lack of meaningful and useable public realm and the building's relationship with the ground are not satisfactory. Fails to comply with the relevant policies in relation to tall buildings.
- Transport and servicing: Concerns for the site's servicing and potential impact at this western end of St Thomas Street and on the other buildings and services that rely on this street for their operation. On-site servicing is expected, not on the highway, but on-street servicing is proposed with HGVs. Have serious concerns of the quantum of servicing on-street and

the impact on the existing buildings and operations in the area, the operation of the highway network and access to other existing businesses and infrastructure. The quality of the experience of the road for all users, particularly cyclist and pedestrians, will be significantly compromised. The road is an entrance and focal point to the borough when coming to and from the station. The provision of large servicing vehicles on the highway is not appropriate or conducive to the use and appearance of the street, nor the setting of the nearby listed buildings. For the scale of the proposal an on-site servicing strategy is essential to appropriately serve the development and to ensure the safe and efficient operation of the highway.

171. Save Britain's Heritage:

- Objects due to the significant harm to the character of the Borough High Street Conservation Area and to the setting of the adjacent listed buildings.
- The tower would be the first tall building within the boundaries of the conservation area and jeopardise the special character highlighted in the conservation area appraisal. While the Victorian frontage along King's Head Yard has been reconstructed during the 1980s, it is following the line of the yards. King's Head Yard is one of the ancient alleyways typical for the conservation area. The proposed arrangement of the new public spaces at the base of the tower with a gap along King's Head Yard would disrupt the historic street pattern. It is likely that the new square is overshadowed most of the day which in combination with strong winds would potentially stop people from using this space.
- The potential public benefits would not outweigh the harm caused by this development. The proposed public benefits could be delivered by a proposal that is significantly less harmful to surrounding heritage assets.
- The proposed development does not conserve or enhance the significance of Southwark's heritage assets, their settings and wider historic environment, including conservation areas, nor does the height and design of the development conserve and enhance strategic views.
- The proposal is contrary to local and national planning policy. The proposed tower would radically harm the special character of the Borough High Street Conservation Area and impact on the setting of several highly listed buildings. A tall building in the conservation area would set the precedent for further very tall buildings and risk erasing the special character of this part of London.

172. Southwark Cathedral (Fabric Advisory Committee):

- Objects to the effects the development would have on the setting of the grade I listed Cathedral, its churchyard and the surrounding conservation area. The proposal is inappropriate in respect to height and massing and will cause substantial harm to the historic environment with a number of different, cumulative negative impacts.
- The tower would effectively destroy what should be a protected view of the Cathedral, blocking the axial view across London Bridge (a view central to the whole conservation area). Views of the Cathedral tower which has, for centuries stood at this historic river crossing point and at the start of the

pilgrimage route to Canterbury will be compromised. It would contaminate the 'spirit of place' of the Cathedral as a historic point of setting-off for pilgrimage.

- The height and mass of the proposed tower destroys the principal views of the unbroken silhouette of the Cathedral roofline, its tower and pinnacles in views from the west and the north. This has been uncompromised for over 1000 years. The kinetic view sequence along the Thames Riverside Walkway is affected by the presence of the new tower set within the conservation area.
- The tower would be a daytime and night time intrusion (due to the extensive glazing) on views of and from the Cathedral and its churchyard.
- Views of the Cathedral are a significant contribution to the character of the Borough High Street Conservation Area. The conservation area appraisal notes the Cathedral is a major landmark, and that views of it are relatively limited, making those glimpses that there are all the more significant. One important and historically significant view is from the northern end of London Bridge. The conservation area appraisal acknowledges the key approach into the conservation area is over London Bridge. The tower of the Priory and then Cathedral has stood to the west of London Bridge allowing an extended view south along which the pilgrims to Canterbury massed and travelled. The proposed building will block this long view and visually act as a closure to this historic and spiritual gateway. It will also break the established precedent that tall development should respect this view from London Bridge. The tower will undermine the legibility of a route which has characterised the relationship of Southwark with the City of London for over 2,000 years.
- The towering presence of the proposed tall building beside and behind the Cathedral tower, in street views from the west and north will cause significant harm to a rare heritage asset.
- The quality of ambient light through the cathedral's large windows containing stained glass would deteriorate. Loss of sunlight through the south-facing windows which will have a devastating impact on the quality and character of the interior of the Nave, transept, choir and retrochoir
- The climate in the churchyard would be negatively affected due to overshadowing of one of the few green spaces within the conservation area, and overshadowing of the Cathedral's walls. This would undermine the experience of a unique and special quality and character of the conservation area.
- Impact of wind pressures and vortices. The wind studies are of ground level conditions. Concern of the created wind conditions impacting on the historic building fabric, especially the fine pinnacles and the tower.

173. Team London Bridge:

- Finds much in the proposal to welcome (new routes and increased permeability, replacing buildings that detract from the area's character, provide affordable workspace and retail units, and refurbish the Georgian buildings) but areas of significant concern on servicing and whether the site has capacity for a major development given the access constraints.
- Servicing: seriously concerned by the servicing strategy. The impact on

White Hart Yard will put vehicles in significant conflict with other users of the yard. Impact on St Thomas Street from 29 HGVs plus waste collection, only two bins can be brought up at a time and storage for only 6 at surface level. Needs a consolidated servicing strategy (ideally with neighbours) prior to any consent.

- Cycling: concern at the impact of the proposed cycle parking on St Thomas Street. Employee cycle parking entrance should be moved from Kings Head Yard. Pedestrian numbers across the yard entrance on Borough High Street would leave cyclists trapped on the carriageway.
- Public realm: welcome increased permeability as a major benefit to the area, and new western area of public realm. The current plans could be more sensitive to the inns and yards character, and need to do more to address the replacement of an historic yard with an overly large courtyard (e.g. breaking up the area with more appropriate landscaping, surface materials, colour, contour of the building, activation of the tower base in the yard). The new Underground pedestrian entrance should be explicitly recognised and addressed by designing the route as a new piece of public realm. More planting is needed to contribute to the Green Grid vision. The "Grand Hall" needs a rethink of the internal and external design of the ground floor of the tower, and its relationship with the new public space around it. To address the limited entrance points and visual prompts necessary to draw people in and encourage the building's use as internal public realm.
- Architecture and urban design: There is a tension between the welcome improvements to the Georgian terrace and the looming impact of the tower that widens and overhangs the terrace, and potentially detrimental impact on views of the Old Operating Theatre, which do not support the sense of openness to create a boulevard. Potentially significant impact on views from London Bridge, Southwark Street and Kings College courtyard, the distinct profile of the Shard from some viewpoints. The retail units in the Georgian terrace would have limited direct access off the street, turning their back on the historic entrance. Disappointed by the impact of the tower base's southern elevation on the current curve of buildings on the northern edge of Kings Head Yard - stepped and angular is inferior and detrimental to the historic significance of this space, plus cycle parking. Reconsider to respect the elegance of the existing curve.
- Land use: support office and retail, affordable office and retail should be secured, but only 2% of the total office space. Suggest extra provision in the lower levels of the tower.
- Culture: should be making a major contribution to the London Bridge cultural strategy and the emerging Medical Museum Quarter. Suggest repurposing the elevated garden to support the Museum Quarter through a planting, education and interpretation focus, which would help ensure the primary users of the garden are the public and not tower occupiers.
- Sustainability: the sustainability performance lack formal targets and remain aspirational. BREEAM "outstanding" should be the target, and the highest level of environmental standards. Opportunities should be sought in relation to shared delivery of power, wind mitigation, servicing, construction consolidation, green infrastructure, public realm etc with other large schemes in the area.

174. Trustees of Borough Market, Southwark (TBMS):

- Objects. While generally welcoming of investment in the area, it has serious concerns about the impacts of the proposal on the operation of the Market, on its setting, and on the wider conservation area and nearby heritage assets.
- Height of the tower: impacting on the setting of the Borough High Street Conservation Area, and the setting of the Market. Long term impact of the tower on the appearance and setting of the sensitive heritage assets close by.
- Overshadowing and daylight/sunlight: the proposed tower would be of sufficient height and proximity to impact the enjoyment of the Market by visitors and traders alike by significantly altering its setting and the feeling of enclosed-ness within it, and overshadowing the amenity area next to Southwark Cathedral. TBMS is concerned that this poses a threat to trading. Concerns about impacts on daylight and sunlight on the flat at No. 8 Borough High Street and on the upper floor at The Globe public house, which do not appear to have been included in the daylight and sunlight report.
- Wind: the Market accepts that some impacts on micro-climate are to be expected with the development of such a tall building, but TBMS want to understand the impacts on its amenity areas (Bedale Street, Stoney Street, frontage to Borough High Street, The Green Market) with an expanded wind study.
- Servicing: concerns about adverse impacts on existing Market operations. The development is predicted to significantly increase the number of servicing vehicles currently accessing the area. TBMS is concerned that such a large increase in vehicles using White Hart Yard, will impact Borough High Street outside Borough Market in terms of additional traffic flow and congestion caused by vehicles waiting to turn into White Hart Yard. All HGV traffic would exit St Thomas Street via Borough High Street, directly opposite the Market and Bedale Street. Both of these issues are likely to have an impact on the Market's daily operations as a result of the number and frequency of additional vehicle movements and congestion caused on major routes right next to the Market. There will also be impacts on pedestrian accessibility and experience of the Market since these pinch points are directly outside Market entrances and trader premises with outside dining spaces. The servicing and delivery plan underestimates the impact of the significant increase in servicing vehicles in the surrounding roads. Further assessment of the capacity for the area is needed.
- Construction impacts: the 4 year construction would impact on businesses for a long period. The Construction Management Plan will need further refinement and detail, and TBMS requests to be party to discussions to better help it to monitor and protect impacts on trader operations. Unclear which direction vehicles are expected to leave the site, and what the impact will be on traffic on Borough High Street. Request that a condition is placed on any consent that requires construction traffic to avoid the main market set up/delivery slots. Requests assurances for other construction impacts, such as dust and noisy works, and the applicant's mitigation.

- Retail: welcome the introduction of artisan/independent retailers and small-scale cafes, which follow the principles TBMS adheres to in the selection of traders for the Market. These uses form a major part of the character of the conservation area and TBMS's strict controls over this partly define why it is unique. Urge the council to consider conditioning the split of A class uses and shopfront design, obligations setting standards on the selection of future occupiers to prevent high street chains and supermarkets, and no takeaways.
- Other issues: Public toilets should be included, a wayfinding strategy required. Welcomes the public realm enhancements and request funds are secured to improve the interface of the development with the Market and areas around the market.

Consultation responses from internal consultees

175. Summarised below are the material planning considerations raised by internal consultees.

176. Ecology officer:

- The preliminary ecological assessment is acceptable, and no further surveys are required. The report makes recommendations for installation of nest boxes so conditions should be applied (including nest boxes for house sparrows, swifts and starlings). Recommends a biodiverse roof under the PVs on the tower roof.
- Would welcome further detail on how the tropical garden will enhance biodiversity as stated in the Sustainability Statement.

177. Environmental protection team:

- Recommend conditions on demolition and construction noise, plant noise, kitchen ventilation, construction management, construction logistics, air quality and contamination. Further detail is included in the assessment sections above.

178. Flooding and drainage team:

- Comments on the proposed floor levels being below the maximum modelled water level. These should be raised or floor resistance and resilience measures should be adopted to mitigate the potential damage to property in case of flooding. Would like to see an alternative measure than temporary barriers as these require intervention to function plus continued maintenance which cannot be guaranteed.
- Welcome the proposals to limit surface water discharges through the use of SuDS, including blue roofs. Recommend further details are conditioned as the drainage strategy is only preliminary.
- The submitted preliminary Basement Impact Assessment outlines additional data requirements including ground investigations to inform a full assessment which would need to be conditioned.

179. Local economy team:

- Broadly supports this application from economic, growth, and employment considerations.
- The applicant has offered the upper floors of the Georgian terrace providing 1,067sqm of affordable workspace and two of the ground floor/lower ground floor retail units providing 181sqm of affordable retail floorspace.
- Should permission be granted, the construction phase jobs, skills and employment requirements would be secured in a legal agreement (104 sustained jobs to unemployed Southwark residents, 104 short courses, and take on 26 construction industry apprentices during the construction phase, or meet the Employment and Training Contribution with a maximum £495,850).
- An employment, skills and business support plan should be secured for the construction phase for job brokerage, skills development, targets, local supply chain activity.
- End use job required would also be secured, the proposed employment densities would be expected to deliver 323 sustained jobs for unemployed Southwark residents at the end phase, or meet any shortfall through the Employment in the End Use Shortfall Contribution (a maximum of £1,388,900).
- A skills and employment plan would be required to identify suitable sustainable employment opportunities and apprenticeships for unemployed borough residents in the end use of the development, how opportunities would be filled, key milestones, identifying skills and training gaps, and methods to enough applications from unemployed borough residents.

Consultation responses from external consultees

180. Summarised below are the material planning considerations raised by external consultees (in alphabetical order).

181. Arqiva:

- Raises no objection. The developer instructed a specialist electronic communications consultant who consulted Arqiva at pre-app stage. The proposal is unlikely to cause major issues with mobile networks.

182. Conservation Area Advisory Group (CAAG):

- The panel was concerned by this scheme which lies within an important historic conservation area and outside the area for tall buildings designated by the council. Particular concern arose from its proximity to and the effect of its height and visual impact on the grade I listed Southwark Cathedral and on Guy's Hospital Courtyard. It would also impact heavily on the Georgian terraces in St Thomas Street, St Thomas's church, views down Borough High Street from around the war memorial and on views from the west, including those of the Shard, now a London icon. All these would be damaged by the intrusion of the proposed tower. In particular, the nearby cathedral, the oldest medieval gothic church in London and a national

treasure would be dwarfed by the planned high building. The panel thought all this unacceptable.

- It was reported that the council's officers had advised the applicant that the scheme could not be recommended for approval primarily on these grounds. The panel expressed surprise that, in the circumstances, the applicant had persisted in developing the scheme to its present advanced stage. They also noted that, when CAAG members attended the public consultation it was being carried out with the part of the tower above the 7th floor "public" garden absent from the displayed model, thus rendering public feedback on the scheme of limited significance.
- There was some discussion as to why The Shard was acceptable and welcome and the planned tower not. The group noted the elegance and dramatic form of The Shard in contrast to the crude lumpiness of the proposed tower and particularly its greater distance from the Cathedral and the High Street.
- The panel was also concerned by the proposals for the King's Head Yard frontage. This yard is human in scale and one of a series of old inn yards that are a key element of Southwark's history from medieval times. It provides a very largely pedestrian route from the High Street to Guy's Hospital. It was noted that the proposed scheme removes the north side of the space entirely, thus destroying the narrow yard character that is its essential historic form. The panel was strongly opposed to this and unconvinced by the argument that it opened up a view of the frontage of the Old King's Head pub as a kind of compensation.
- If a scheme is to proceed it was suggested that the gently curving two-storey structure of the present Italianate frontage to the yard might be retained as an elegant open screen, thus defining the narrow yard whilst giving transparency and allowing movement through the site where required.
- Concern was expressed that opening up the Underground station entrance could create a wind tunnel effect.
- The gap created on the St Thomas Street frontage was thought to be uncomfortable. Landscape proposals were criticised as nominal and inadequate, and could be greatly improved by more planting to soften the new backland plaza and to obscure blank rear walls by the new tube exit and the adjoining Grapes pub garden. There was scope for creation of much more interest in the large paved area of the piazza perhaps using pattern, and texture changes.
- The attraction of a pedestrian route from the rear of the station to St Thomas Street was appreciated but it was noted that much of the retail area on it would be in permanent shade, obscured by the tower.
- The group was unconvinced by the raised "public" garden. A garden not open to the sky and so not naturally lit or maintained was not an obviously attractive idea and not somewhere that many would regard as a garden or a great benefit to the public.

183. City of London:

- Consider the proposal would result in demonstrable significant harm, failing to preserve the setting of strategic London landmarks – the Monument to

the Great Fire of London (grade I listed and a scheduled ancient monument), St Paul's Cathedral (grade I), and St Magnus the Martyr Church (grade I).

- The Monument, by seminal architect Sir Christopher Wren, was symbolically sited on near axis with the Old London Bridge. Since the Medieval period, the Church of St Magnus the Martyr welcomed the visitor to London and was re-built, also by Wren, near the origin of the Great Fire, to be seen in conjunction with the Monument as part of an arrival experience from London Bridge of the gravitas and grandeur of a Renaissance city. As it did then, it has informed the height and curation of the townscape around it for over 300 years. The City's Protected Views SPD has protected the immediate setting of the Monument, including in kinetic views on approach from Gracechurch Street from as far back as Bishopsgate, near the junction with Threadneedle Street. The applicant has isolated the moment at the junction with Lombard Street so the full and true impact on this approach is not made apparent. Bishopsgate and Gracechurch Street form an ancient spine, and are two of the oldest thoroughfares in London. Buildings have preserved and curated the observer's ability to appreciate the Monument and its distinctive sky-etched silhouette. The Monument, when seen in sequence with the tower of St Magnus, is of clear group value and an important heritage view. The proposal in view 23 would crash into and engulf the pristine sky-etched silhouette of the church and Wren's distinctive dome and spire, the scale of the proposal overwhelming it. It is unclear on the wider approach as to whether the proposal would also affect the silhouette of the Monument. If it did, this would cause further harm to the setting of both, undermining the group value of the two on this seminal character-defining approach. The proposal would fail to preserve the setting of the Monument and St Magnus the Martyr. This harm would be significant to the church, and could also be significant to the Monument depending on further analysis of the approach.
- St Paul's Cathedral is a building of outstanding national and international significance, to London, the nation and as a seminal piece of UK and European architecture. It is the source of protected views deemed integral to preserving London's character and identity at a strategic level – identified as a Strategic Landmark in the LVMF, and at a local borough-wide level in a series of local views. The City's Protected Views SPD provides geometric protection to preserve the local townscape setting of St Paul's via the 'St Paul's Heights', originally conceived in the 1930s to protect and enhance local views of the Cathedral, including from Farringdon Road as the most impressive approach (where the drum, peristyle, dome and lantern are prominent, largely uncluttered, and with a sky-etched silhouette). The SPD is clear that it is important to consider the backdrop and skyline setting of the protected views. In views 58, 59 and 60, from the vicinity of Farringdon Road, the proposal would diminish the sky-backed silhouette and thus the pre-eminence of St Paul's Cathedral, on an important London-wide approach. The City considers that the change would fail to preserve the setting of St Paul's Cathedral, causing harm to its special architectural and historic interest and heritage significance.
- The City's strong position is that the proposal would cause harm to the setting of strategic London landmarks deemed to be of outstanding national interest. The City respectfully ask that, in accordance with the law,

considerable importance and weight is attributed to this harm in Southwark's planning balance exercise.

184. City of Westminster:

- Does not wish to comment.

185. Environment Agency:

- Has no objection subject to conditions regarding contamination (site investigation, risk assessment, verification plan and unexpected contamination), no surface water drainage unless agreed by the local planning authority, and a piling method statement.
- Comment on flood resilience measures should follow the guidance in the DCLG document.

186. GLA: The GLA's Stage 1 response was written in advance of the adoption of the London Plan 2021, and so refers to the previous version (2016) and the draft new London Plan. Whilst the proposal is strongly supported in principle, the application does not yet fully comply with the London Plan and draft London Plan as set out below:

- Principle of development: The principle of the proposed office-led mixed use redevelopment within the CAZ and an Opportunity Area and Town Centre is strongly supported in principle. The proposal would provide a significant quantitative increase and qualitative enhancement to the existing office and commercial floorspace including affordable workspace and affordable small retail units and a hub auditorium/conference facility. Further clarification is required in relation to the affordable workspace in terms of rent levels and management. The affordable workspace should be secured by planning obligation. The additional public space and publicly accessible viewing garden is supported.
- Urban design: The development layout is strongly supported and the height and massing is acceptable in strategic planning terms, noting associated strategic views and heritage considerations. Overall, the scheme is of a high design and architectural quality.
- Heritage: Whilst the application would result in a degree of harm to the setting of the Tower of London World Heritage Site (and various designated heritage assets within it); Southwark Cathedral (grade I); Borough High Street Conservation Area; and, other designated heritage assets (including the setting of St Paul's Cathedral (grade I) within LVMF view 3A.1 from Kenwood House), GLA officers consider that this harm would be less than substantial, and would be outweighed by the wider public benefits associated with the scheme.
- Climate change: The application complies with the climate change policies in the London Plan and draft London Plan.
- Transport: The proposed cycle parking and car parking is acceptable and complies with the draft London Plan policy, subject to agreeing the locations of the short stay cycle parking. The new station entrance and improved pedestrian access between Borough High Street and St Thomas Street is strongly supported and should be secured by a s106 agreement. Financial

contributions are required towards TfL's improvement scheme for St Thomas Street, cycle hire docking stations and legible London signage. The servicing strategy is acceptable in principle, however significant site constraints require the detailed design of servicing arrangements to be approved and secured including restrictions on the servicing vehicle numbers, hours of deliveries and vehicle size restrictions. The proposed consolidation strategy must also be secured. A road safety audit is required to support the servicing arrangements via White Hart Yard. Conditions are required in relation to London Underground infrastructure asset protection and construction logistics as well as a travel plan.

187. Heathrow Airport:

- Has no safeguarding objections.

188. Historic England (HE):

- Strongly objects to these proposals due the harm, which in some cases it considers to be bordering on 'substantial', to a range of designated heritage assets, including those of national and international significance. These proposals fall substantially short of meeting national planning policies relating to the historic environment, and do not appear to reflect the council's strategic policies for tall building development. HE urges the council to refuse this application.
- HE was involved in extensive pre-application discussions, and that advice was subject to the endorsement of the London Advisory Committee. HE strongly objected to these initial plans and recommended that alternative forms of development more sensitive to the historic environment were pursued.
- HE recognises the potential for this scheme to deliver a positive change to the Borough High Street Conservation Area, particularly in the removal of the 1980s office building and improvements to the listed buildings on site. However, these proposals totally fail to respond to the distinctive and remarkable urban grain of the area which makes Borough High Street one of London's most important historic places, and would have major implications on London's skyline, adversely affecting numerous heritage assets of national and international importance. Simply put, these proposals would be exceptionally and irrecoverably harmful to some of England's most important historic sites.

189. HE's key issues to particular heritage assets are summarised below:

Borough High Street Conservation Area

The proposal would be visible from almost all parts of Borough High Street, Southwark Street, and St Thomas Street located within the conservation area, and would result in a dramatic contrast in scale due to the close proximity of the development set behind the frontage of the fine grain and predominantly 4-storey buildings fronting Borough High Street. The proposed demolition of the historic south façade of New City Court and the creation of large and open public realm would erode the historic street pattern of King's Head Yard and enclosed backland character which is illustrative of the historic pattern of yards that

fundamentally underpins the overall significance of the Conservation Area. This impact would cause very serious, bordering on substantial harm to the significance of the conservation area. It would also set a worrying precedent for further backland tall building development in this core part of the conservation area. The demolition and relocating of Keats House (a strong positive contributor to the character of the conservation area) would cause additional harm to the conservation area.

Southwark Cathedral

In views of the grade I Southwark Cathedral from the forecourt to the south and Montague Close, the proposed tall building would be clearly visible above the nave roof and behind the tower, both currently read against a clear sky. While other development is visible in a number of views of Southwark Cathedral, the view affected is a key location from which the architectural and landmark qualities of the building and its importance to this historic part of Southwark can be clearly appreciated. Therefore this setting contributes greatly to the overall significance of Southwark Cathedral. The proposed tower would seriously affect the architectural and landmark qualities of the cathedral in these important views which we consider would cause serious and bordering on substantial harm to its significance.

Guy's Hospital

The proposed tower would rise significantly above the roofline of the west range of the grade II* Guy's Hospital. Whilst development around London Bridge Station presents a major visual impact in views of the (1960s rebuilt) east range of Guy's Hospital, the south and west ranges which are original can largely be appreciated against a clear skyline in views within the forecourt and along St Thomas Street. This setting contributes towards the building's institutional and architectural significance as a neo-classical and orthogonally proportioned 18th century hospital complex. The significance of Guy's hospital would be seriously impacted by the proposed tower, causing bordering on substantial harm to its significance in our opinion. Additional harm would likely be caused by the impact of the tower on the interior of the Hospital chapel, which is located at the centre of the west range and benefits from a west facing elevation which provides natural light through its stained glass windows. A daylight assessment will help determine the extent of the harm caused by the blocking of natural light into the chapel.

Tower of London

The proposed tower would also be visible from within the Inner Ward of the Tower of London, above the roofline of the grade I listed Queen's House, which is an attribute of the World Heritage Site's Outstanding Universal Value. Whilst various tall buildings including the Shard Place development are visible, the proposal would create a significant cumulative effect that would further encroach on the Tower of London. This would cause harm to the setting of the grade I Queen's House, and harm the Outstanding Universal Value of the World Heritage Site. A Heritage Impact Assessment prepared in line with the International Council on Monuments and Sites (ICOMOS) guidelines does not appear to have been included in the ES.

St Paul's Cathedral

Within the protected LVMF vista orientated towards the grade I listed St Paul's Cathedral in the London Panorama from Kenwood Gazebo, the proposed tall building would sit immediately behind the Cathedral's western towers, impacting on their silhouette and reducing the ability to appreciate the landmark status of the Cathedral. This would cause harm to the significance of St Paul's Cathedral. HE's view remains that the proposals also fail to comply with the guidance as set out in paragraph 121 of the LVMF SPG, which explains how the protected vista includes a landmark viewing corridor to the peristyle, drum, dome and western towers of the Cathedral. Development behind the Cathedral that breaches the Wider Setting Consultation Area should contribute to a composition that enhances the setting of the Strategically Important Landmark, and the ability to recognise and appreciate it when seen from the Assessment Point. HE's view remains that the tall building by appearing behind the western towers, would not contribute positively to this composition nor enhance the setting of the Cathedral.

190. HE's response continues that:

- The harm identified should be considered by the council within the context of the relevant policies, legislation and guidance relating to the historic environment including the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) duties, the NPPF, the Southwark Plan tall building policy, and HE's Tall Buildings guidance (Advice Note 4) that recommends that the location and design of tall buildings should be part of a plan-led system that reflects the local vision for an area.
- The proposed development would neither preserve nor enhance the significance of the designated heritage assets, and there should be a high level of scrutiny applied to the conservation of these assets by the council given their high and, in some cases, international importance.
- Tall building development has a place in London, but these proposals should be part of a plan-led system and not a reaction to speculative development applications. In this instance, a tall buildings cluster is developing around London Bridge, and the emerging Local Plan tall buildings policy seeks to manage this development in order to reflect the vision for the area and minimise harm to the historic environment. The New City Court site has not been included in the draft site allocation for tall building development in part due its location within the conservation area. Any approved tall building development in this location could lead to a creep of further high-density development along Borough High Street and call into question the credibility of the conservation area.
- Not only are these proposals contrary to strategic planning policies, it has not been demonstrated in the submission that a development of this scale and impact on the historic environment presents the only viable solution for the site. HE considers that the application falls substantially short of providing 'clear and convincing' justification for the harm identified as required in the NPPF.
- When considering the heritage harm with the context of the public benefits of the scheme, elements of the scheme which are proposed as public benefits include a publically accessible garden, a large public square with a new route between St Thomas Street and Borough High Street incorporating an additional access point to the Underground. Whilst these benefits cover a wide range of considerations, the Planning Practice

Guidance explains that public benefits can include heritage benefits. Accordingly, HE has assessed the relevant elements of the scheme proposed as heritage benefits but consider that a number of these proposals are unconvincing, and in some cases are actually harmful to the historic environment.

- 1) For example, HE disagrees with the applicant's view that the demolition of the historic south façade of New City Court and the creation of a large public space would have a positive effect on the setting of the grade II listed Old King's Head Public House. HE strongly considers that the existing ensemble of Victorian architecture around King's Head Yard which includes a decorative archway giving way to a narrow alleyway with a pedimented north frontage provides a cohesive and characterful setting for the listed public house and contributes positively to the character of the conservation area. The removal of the north frontage and creation of a large open space would erode legibility of this historic ensemble and our ability to appreciate the enclosed historic backland setting of the public house particularly on the approach from Borough High Street.
- 2) HE similarly strongly disagrees with the implication that the demolition and reconstructing of Keats House as a standalone building would enhance its significance as an undesignated heritage asset and positive contributor to the conservation area. Keats House's plot positioning along St Thomas Street and abutment with Guy's Hospital represents the organic historic development and urban morphology of this part of the conservation area. Whilst most of its interior and rear elements have been lost, it remains a striking and authentic composition comprising of a highly decorative front and partial flank elevation, double portico and associated lightwell walkway, iron railings, and coal vaults. HE therefore considers the building to be more than a façade. Demolishing and relocating just the street facade erodes its authenticity by removing it from its original context, and divorcing the façade from its lightwell components. Whilst some reassurances have been provided regarding the salvaging and reuse of materials, there is still a significant risk of loss of fabric and patina through its reconstruction. As the demolition and rebuilding is proposed to provide a service route into the site, and that an alternative route could theoretically be provided in place of the existing 1980s building, HE remains unconvinced that the harm caused by this particular aspect of the scheme has been justified.
- 3) The refurbishment of the grade II listed terrace at 4-6 St Thomas Street is also proposed to provide heritage-related public benefits in support of this application. HE has commented on those proposals separately under the associated LBC application and have been broadly supportive of the intention to reinstate elements of their historic plan and features of interest. HE considers that this particular element of the scheme has the potential to deliver meaningful heritage benefits. HE maintains the view that the addition of active shopfronts to the rear of the terrace would disrupt the hierarchy of spaces which are fundamental to the terrace house typology. Their inclusion prevents a truly scholarly and heritage-led restoration of the listed terrace.

- In conclusion, HE maintains the position as endorsed by the London Advisory Committee that these proposals would cause bordering on substantial harm to the significance of the Borough High Street Conservation Area, the grade I listed Southwark Cathedral and the grade II* listed Guy's Hospital. Additional harm would be caused to the Outstanding Universal Value of the Tower of London World Heritage Site, and to the setting of the grade I listed St Paul's Cathedral in our opinion. HE strongly object to these proposals and recommend that the application is refused.

191. Historic Royal Palaces:

- Objects due to the impact on the Tower of London. One of the key characteristics of the Tower World Heritage Site is the sense of enclosure and separateness from the surrounding city that is experienced in the Inner Ward, from which until recently no external buildings were visible (until Guy's Tower and The Shard); UNESCO has warned that any building up of further tall buildings in the vicinity of The Shard could threaten the Tower's status of as a WHS. Views from the Inner Ward north of the White Tower especially, the solid block of the proposed tower element rising well above the roof line of the buildings would be extremely intrusive and visually damaging to the character of the Inner Ward) and from the Inner Curtain Wall walkway. The proposed development would be extremely intrusive in outward views from the Inner Ward of the Tower and thus damaging to its special enclosed character.

192. London Borough of Camden:

- Has no objection. The proposal does not fall within LB Camden's St Paul's Cathedral strategic viewing corridor the proposed building would be visible in views from Parliament Hill; however, the TVIBHA assesses the effect to be 'neutral'. The proposed building would also be visible in views from Kenwood House; however, the TVIBHA assesses the effect to be 'neutral'. Due to the distance of the application's site from Camden's boundary, it is not considered that the proposal would have a harmful impact on Camden.

193. London Borough of Lambeth:

- Has no objection.

194. London Borough of Tower Hamlets:

- Has no objection in highways terms. The air quality, noise and vibration impacts from traffic are described in the ES as local issues that are unlikely to affect LBTH.
- Comment on the quality of the non-technical summary of the ES needing to be improved to include a clear summary of the effects and their significance.
- Comment on the method of the TVIBHA differing to that presented in the

ES on which effects are significant. Southwark Council may wish to consider if effects have been understated as a result. A number of effects in the TVIBHA have been classified as local and district despite the heritage assets being situated within LBTH. This error should be noted. Southwark Council should consider whether adequate justification has been provided for the conclusions of the ES in relation to townscape, visual and heritage effects from within LBTH (e.g. LVMF view of Tower Bridge, Tower Bridge Conservation Area views of and within the Tower of London World Heritage Site).

195. London Fire Brigade:

- An undertaking should be given that access for fire appliances as required by Part B5 of Building Regs Approved Document B and adequate water supplies for firefighting purposes be provided.

196. London Underground:

- The applicant is in communication with LU engineers and initial comments for the Basement Impact Assessment have been discussed. The developer is also in communication with TfL Sponsors regarding a potential alteration to Ticket Hall at London Bridge Station.
- No comment to make except that the developer should continue to work with LU engineers.

197. Metropolitan Police:

- Generally the scheme has been successfully designed with security in mind and Secured by Design specifications for the entire scheme.
- The development could achieve the security requirements of Secured by Design (Commercial 2015 guide), which should be welcomed especially as it is in a high crime area.
- Recommends a condition to achieve Secured by Design accreditation. Consultation with the Designing Out Crime office should continue.

198. NATS:

- Anticipates no air traffic impact from the proposal and has no objection.

199. Natural England:

- Has no objection, and considers that the proposal will not have significant adverse impacts on statutorily protected sites or landscapes.

200. Planning Casework Unit (MHCLG):

- Has no comment to make on the environmental statement.

201. Port of London Authority:

- Has no objection to the proposed development. Welcomed that river bus services are referred to in the transport statement and travel plan, along with associated targets to increase public transport use. Considers that information on river bus timetables and maps must also be provided and highlighted in the Travel Plan.

202. Royal Borough of Greenwich:

- Has no objection

203. Thames Water:

- Has no objection in terms of the combined water network infrastructure capacity.
- In terms of water supply, Thames Water has identified an inability of the existing water network infrastructure to accommodate the needs of this development proposal. Request a condition be added to any planning permission to prevent occupation of the development until all water network upgrades required to accommodate the additional flows from the development have been completed, or a housing and infrastructure phasing plan has been agreed with Thames Water.
- Comments on proximity to underground water assets and water mains.

204. Transport for London: comments included with the GLA summary above.

Re-consultation

205. Following receipt of the additional environmental information and clarifications, and the various amended documents (on the revised servicing proposals etc) re-consultation was undertaken between July and August 2020. The following summarised responses were received.

Consultation responses from members of the public and organisations to the re-consultation

206. Guy's and St Thomas' Charity:

- Repeated earlier comments on property ownership, supporting the principle of redeveloping the site, but with the same caveats as the re-consultation has not addressed these matters:
 - Servicing and amenity impacts: servicing numbers are still substantial for the narrow yards, and significant increase in traffic on the current number of vehicles.
 - Construction and amenity impacts.
 - Loss of daylight and sunlight with significant reductions to the student accommodation having a long-term detrimental impact on the standard of accommodation and the welfare of residents studying. Loss of light to the Francis House offices.
 - The proposed amenity spaces causing noise to surrounding properties.

207. Save Britain's Heritage:

- Wishes to reiterate its previous objection. Remains of the view that the proposed 37-storey tower would radically harm the special character of the Borough High Street Conservation Area and impact on the setting of several highly listed buildings. Consider the approval of such a tall building in the heart of a conservation area would set a dangerous precedent for further very tall buildings and risks erasing the special character of a historic area of London which is already under considerable development pressure.

208. Team London Bridge:

- Earlier representations remain valid and additional comments:
- Servicing: welcome the consolidation, but access through White Hart Yard remains challenging even with a reduction in the number and size of vehicles. Further measures are needed such as e-cargo bikes and no motorcycles. Impact on the road network with the (unknown) location of the consolidation centre.
- Air quality: negative impact on air quality with small increases in NOX and NO2 emissions, so further measures would ensure the development is air quality positive, e.g. cargo bike in construction and servicing during construction.
- BREEAM: Seeking BREEAM excellent rather than outstanding, even though the council has declared a climate emergency. There are opportunities working with other local developers especially on local energy generation.
- Cultural offer: disappointed no changes are proposed to the medi-culture offer in the scheme, i.e. by not incorporating the Florence Nightingale museum to contribute to the London Bridge Culture Strategy.

Consultation responses from internal consultees to re-consultation

209. Ecology officer:

- No further comment.

210. Flooding and drainage team:

- Repeat the previous comments in terms of floor levels and question why the finished floor levels of the new buildings can't be raised.

Consultation responses from external consultees to re-consultation

211. Arqiva:

- Has no objection.

212. Environment Agency:

- Refers to the previous consultation response.

213. Historic England:

- Refers to the previous consultation response.

214. London Borough of Camden:

- Has no objection and refers to previous consultation response.

215. London Borough of Tower Hamlets:

- Has no further comment.

216. London Fire Brigade:

- Repeats previous response.

217. London Underground:

- Has no comment to make except that the applicant should continue to work with LU engineers as the project progresses.

218. Met Police:

- The crime figures remain largely the same as they were when the first consultation was undertaken. Again recommends a condition to achieve Secured by Design accreditation.

219. Natural England:

- The previous comments still apply as the proposed amendments are unlikely to have significantly different impacts.

220. Port of London Authority:

- Has no objection. Welcomes the inclusion of information on the river bus services in the Transport Statement and travel plan to future occupiers.

221. Royal Borough of Greenwich:

- Has no objection.

222. Thames Water:

- Have amended the earlier comments to request conditions: requiring a piling method statement be included on any permission due to the proximity to a strategic sewer; regarding waste water infrastructure (for foul water drainage), surface water drainage and water supply.

223. Transport for London:

- Supports the reduction in service vehicle movements by the “aggressive” consolidation set out in the revised strategy but has fundamental concerns regarding the suitability and deliverability of the proposed servicing arrangements in terms of Healthy Streets, Vision Zero and future aspirations for the area, particularly in the context of post-pandemic recovery. Both the use of St Thomas Street (TLRN) for HGV servicing and of White Hart Yard for LGV servicing raises Healthy Streets and Vision Zero accident reduction policy implications. Although the yards are borough roads, vehicles need to cross and access from Borough High Street (TLRN) incurring potential pedestrian conflict at junctions with totally unsatisfactory sightlines.
- TfL made series of detailed comments and queries on the servicing strategy document, especially the comparison sites used, the need for monitoring and review, how the arrangement of St Thomas Street has not been agreed by TfL (e.g. the location of a cycle hire docking station, the location of the loading bay), how traffic levels increase around the off-site consolidation centre, that the availability of the on-street loading bay cannot be guaranteed for New City Court nor managed solely for New City Court, could more overnight servicing be done).
- There has been a material change of circumstances since GLA Stage 1 report was issued, namely the Covid-19 pandemic and associated social distancing requirements and walking and cycling-led recovery plan (e.g. the London Streetspace Plan – “LSP”).
- TfL had been progressing a ‘Healthy Streets’ scheme for St Thomas Street as a single eastbound carriageway, wider footways and a contraflow westbound, south-side cycle track to allow two-way cycle access along the length of St Thomas Street, a movement which isn’t possible now. A key difficulty TfL had in design work is accommodating these wider footways and a contra-flow cycle lane around existing requirements in the street and of other users’ requirements such as the pub. The proposal for HGV servicing on St Thomas Street has compounded this difficulty and to date TfL has not been presented with a possible design solution.
- The existing loading bay on St Thomas Street and those on Borough High Street have been suspended as part of the LSP temporary measures. The covid-19 pandemic has reinforced TfL’s aspiration to continue to improve walking and cycling in this area. The temporary scheme will need either to be consulted on and made permanent or withdrawn by around November 2021. TfL may consider making some amendments to re-introduce some loading, depending on local feedback.
- TfL needs to be convinced that an on-street loading solution for the proposal, regardless of the degree of consolidation, is workable and will not preclude its plans for St Thomas Street. TfL is yet to see a plan that shows this, at least in terms of physical layout, and regardless of the layout, there is still a safety risk and inconvenience to other road users associated with goods being trolleyed across the footway and, very likely, a cycle track also.
- TfL considers not enough work has been done to investigate and/or discount the potential for an off-highway loading bay accessed from St

Thomas Street. Although this would introduce a crossover and hence a pedestrian and possibly a cycle conflict, and would preclude HGV servicing, it would make deliveries more secure and safer and would be easier to monitor, manage and control. It could also negate the need to use White Hart Yard, overcoming the safety concerns there, and would comply with council policy that seeks off-street servicing in all new developments.

- Aside from the servicing, other mitigation measures include:
 - Delivery of the Underground entrance at no cost to TfL should be a requirement of any approval.
 - A contribution to the St Thomas Street Healthy Streets scheme, allowing direct cycle access to the site in both directions and providing more footway space. The cost can be apportioned to the 5 major schemes on St Thomas Street that would benefit from the scheme (currently estimated at £5.5m) and as New City Court is the largest in terms of trips and floorspace, a contribution of £1.8m is considered appropriate.
 - Expect a new cycle hire docking station to be funded to provide alternative access options, and a contribution to a local Legible London sign expansion and refresh.

PUBLIC BENEFITS

224. The proposed 2018 scheme redevelopment would, if granted planning permission, bring the following public benefits (in no particular order):

1. **Jobs in the demolition and construction phase** – an estimated 225 full time equivalent (FTE) construction jobs would be created. The appellant has estimated £3.4m would be spent by these construction workers in the local area during the build phase of approximately 4 years. A planning obligation would have secured job and training opportunities for local people in the construction phase, in line with the Section 106 Planning Obligations and CIL SPD requirements.
2. **Provision of employment floorspace and jobs, and increased expenditure in the area** – the uplift in employment floorspace on the site would provide an estimated 2,750 FTE jobs (an increase on the 845 FTE from the established use of the site). The appellant considers these staff would bring an estimated £5.1m of expenditure in the local area each year (compared with the £1.6m per year from staff on the established use of the site). These would mainly be additional office employment opportunities, and new retail job opportunities. Indirect benefits from supply chains and staff expenditure have been estimated by the appellant to equate to a further 675 FTE jobs. A planning obligation would have secured job opportunities for local people in the completed scheme in line with the SPD requirements.

Officers consider the additional employment opportunities to be a benefit from the proposal, however the scale of redevelopment on the application site is not necessary to achieve the Southwark Plan's employment, retail and leisure floorspace strategic targets for the London Bridge Vision Area. The uplift of 33,611sqm GIA of Class B floorspace would be a significant portion (77.8%) of the 43,156sqm net GIA increase suggested for London

Bridge by the Southwark Plan strategic vision ST2 on this New City Court application site alone. As the Southwark Plan's target for the London Bridge Vision Area was calculated from the anticipated redevelopment of its site allocations within the Vision Area (and did not include any uplift in floorspace on the application site), the proposal's uplift in floorspace would be further additional floorspace. The proposed office, retail and leisure uses are consistent with planning policy requirements for this location within the CAZ, Opportunity Area and town centre, but the scale of additional floorspace provision on this site as a non-allocated, "windfall" site is not required to meet the council's strategic targets for the London Bridge Vision Area.

3. **Improved mixed of uses on the site and resulting activation of the frontages** – retail and leisure uses would provide a mix of uses on the site. Changing the use of the listed buildings and Keats House to provide ground floor retail (and the associated internal alterations) would provide more activation along the St Thomas Street frontage. The proposed public realm, station entrance and tower's ground floor retail would provide more activation along the Kings Head Yard frontage.
4. **Redevelopment of the 1980s office building** – a more intensive use of the land is proposed, and there is no objection in principle to the replacement of the current 1980s building (which is of little design merit and has a relatively neutral impact on the streetscenes and area) with one of a better design and better environmental performance. However, as set out above the scale and design of the replacement tower as one particular aspect of the proposal would result in significant harm to the townscape to the extent that the proposed redevelopment is not a public benefit.
5. **Provision of affordable workspace** – the Georgian terrace would provide 1,067sqm of affordable office space (2.3% of the total office space across the space) to house small and independent businesses. While the inclusion of some affordable workspace accords with Southwark Plan policy P31 in principle, and would provide some affordable space for eligible businesses, the low percentage is less than a quarter of what would be expected on-site (10%) to be policy compliant. A payment in lieu for the shortfall is less optimal than on-site delivery, reducing the weight that can be attached to this benefit.
6. **Provision of affordable retail** – two of the units in the Georgian terrace (181sqm) are offered by the appellant as affordable retail spaces, to be occupied by small, independent retailers.
7. **Provision of ground floor public realm across the site** – the proposed public realm would provide new routes across the site which would improve permeability, reduce pedestrian pressure on Borough High Street (away from a junction with history of accidents) and has been designed to be accessible to all. The soft planting would enhance the biodiversity of the site. The quality of the public realm would be limited along the northern side of the tower and St Thomas Street Square due to

the overshadowing and projection of the proposed tower, and the planting may be limited by the limited root volume, wind conditions and limited sunlight hours.

8. **Provision of the publicly accessible raised garden** – the raised garden within the tower would provide a new public space (and a public toilet), and a small scale visitor attraction throughout the year. It would be free to access. Concerns remain as to the quality of such a space being enclosed and overshadowed by the building above, and requiring intensive management for the plants to survive. These concerns reduce the weight that can be attached to this benefit.
9. **Publicly accessible ground floor reception of the tower** – the reception is offered as a publicly accessible, free to use space as a public amenity. Details of the area of the space, the public facilities to be provided (for example, seating, Wi-Fi, toilet, power points) and opening hours would need to be secured by an obligation.
10. **Provision of a business hub** – with a 250- seat auditorium, associated facilities and terraces, which would be made available to office users and as an event space for the wider community. Details of access for organisations, businesses and the wider community outside the building have not been provided, nor the cost of hire. Such a facility would be of benefit primarily to occupiers at an accessible site within the CAZ.
11. **Entrance to the Underground station** – would provide a new arrival point into the site, linking to new routes across the site and onto Kings Head Yard, and relieving pedestrian pressure on Borough High Street. It would be useful to the wider public, not just those accessing the site. The appellant has been in discussion with LUL about this access, and the necessary works to demolish the wall and make good would appear to be straightforward. It is considered to be a benefit from the scheme, but its provision has not yet been secured, and the resulting uncertainty about delivery reduces the weight that can be given to this benefit.
12. **Restoration and improvements to the grade II listed buildings on the site** – the proposed works to the Georgian terrace would restore these historic buildings with more appropriate and sympathetic alterations than were carried out in the 1980s. The inclusion of rear shopfronts would not be an original feature, but overall the proposals are considered to be improvements to these grade II listed buildings that would improve their historic character. As the works are proposed as part of the same planning application, they cannot be granted permission separately. The proposed tower would cause harm to the setting of the terrace, and therefore to the significance of these buildings.
13. **CIL payments** – Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material local financial consideration in planning decisions. With a significant increase in floorspace in the redevelopment, the CIL amounts are large at over £11.5m. These are estimates (based on the floor area information

provided) for the two levy payments before any relief is applied are £7,824,484.52 for the Mayoral CIL payment, and £3,753,732.55 for the Southwark CIL. Were this application to be approved, the final CIL figures would be refined based on the detailed CIL liability information that will be submitted. Final figures would be subject to the relevant technical formulas and indexation following any grant of planning permission. The Mayoral CIL would be used to fund the delivery of Crossrail 1 (The Elizabeth Line) and Crossrail 2, which will benefit the Greater London area. Although Crossrail will not pass through the borough it will reduce pressure on other local lines. The Southwark CIL would be apportioned so that 70% is made available to the council's Regulation 123 List (which includes education, health, libraries, open space, sports and transport infrastructure improvements in the borough), 25% is made available to local community areas and 5% funds the administration of the Southwark CIL. The Southwark CIL from this scheme could be used to fund a number of infrastructure projects within the local area and wider borough.

14. **Planning contributions and infrastructure** – Financial contributions to the council would be secured in a section 106 agreement, including for carbon off-set payment, highway improvements and to provide cycle hire improvements. These would be necessary to achieve compliance with planning policy by mitigating the scheme's impacts. The highway works would need to be secured to ensure the highway safety for people travelling to/from the development, and improve the pedestrian environment immediately around the site. Elements of the proposed scheme would also need to be secured through obligations, for example to ensure the provision and rent levels of the affordable workspace, a payment in lieu for the on-site shortfall of affordable workspace, construction phase and end phase jobs, and public access through the site and raised garden to ensure planning policy compliance. These planning obligations and financial contributions would be necessary to mitigate some of the scheme's adverse impacts, and to secure the provision of key elements of the scheme to achieve compliance with relevant policies.

15. **Community involvement** – The appellant's own Social Value Strategy sets out how it aims to create relationships with the local community during construction and operation of the development, engaging and providing access for local schools, businesses, and individuals to jobs, training and the spaces in the development. Such measures would often be planning requirements (such jobs and training requirements, public access to the raised garden) and accord with the council's Development Consultation Charter.

225. The appellant has suggested that two further elements of the proposal should be considered as public benefits, quoted below, however officers do not consider these to be public benefits:

16. *"Reconstruction and improvement of unlisted Keats House as a standalone building and retention of the original façade, enhancing the character and appearance of an undesignated heritage asset."*

Reconstructing Keats House in a new location and altered form, changes its relationship with the historic streetscene. It is not considered to be a public benefit.

17. *“Improvement of the setting of adjacent listed buildings, including The Old King’s Head, creating greater public appreciation of this listed building in views from newly created vantage points within the proposed public realm”.* The change to the existing setting of the grade II listed pub (which Historic England describes as a cohesive and characterful setting) by removing the historic screen on the northern side of the yard and replacing it with public realm and a tower would erode the yard character of the pub’s enclosed, historic, backland setting. It is not considered to be a public benefit.

226. In the appellant’s view, the less than substantial harm to the setting of the grade I listed Southwark Cathedral and the grade II* listed Guy’s Hospital would be at the lower end of the “less than substantial” scale”, with the proposal having a beneficial effect on the townscape of the surrounding area and the views in which it is most prominent, and enhancing the character and appearance of the grade II listed Georgian terrace and the surrounding Borough High Street Conservation Area. The appellant considers the heritage harm is “far outweighed” by the public benefits of the proposal.

227. As set out in paragraphs 8.13 and 8.17 of the Statement of Case, the council does not agree with the appellant’s view as to the level of harm, and identifies harm to a number of additional heritage assets. Nor does the council consider the public benefits to be sufficient to outweigh the many incidences of harm identified to listed buildings, conservation areas, the Tower of London World Heritage Site and non-designated heritage assets.

PLANNING BALANCE AND CONCLUSION

228. Officers have considered the extent of policy conflict and compliance, the public benefits from the proposal (as summarised above) and the harms identified from the proposal in the planning balance. Paragraphs 8.39 to 8.42 of the Statement of Case state the following for the planning application:

8.39 It will be the Council’s case that the public benefits of the proposal do not outweigh the harm that would be caused to a number of designated heritage assets, including assets of the highest importance, and that the heritage balance is clearly in favour of refusal.

8.40 The Council’s case will be that that the proposal conflicts with a range of key development plan policies relating to heritage, tall buildings, townscape and design, public realm, strategic views and amenity. These policies are amongst the most important in the development plan. The nature and extent of that conflict is substantial. As such, it will be the Council’s case that the proposed development is in conflict with the development plan when considered as a whole.

8.41 The Council’s case will be that the other material considerations in this case do not indicate that it would be appropriate to grant planning permission

notwithstanding the conflict with the development plan. On the contrary, when considered as a whole they clearly weigh in favour of refusal.

8.42 Accordingly, the Council's case will be that the appeal should be dismissed and planning permission refused.

229. For the listed building consent application, paragraph 9.3 of the Statement of Case states:

In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed Georgian terrace building are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest. Therefore the council considers that the listed building consent proposal fails to comply with section 16 of the NPPF (2021) particularly paragraph 204, and to be contrary to London Plan policy HC1 "Heritage conservation and growth" and Southwark Plan policy P19 "Listed buildings and structures". Accordingly, the council's case will be that the appeal should be dismissed and listed building consent refused.

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Law and Governance

230. Members will note the recommendations and background information for this report at paragraphs 2 to 6. The report is not the usual development management report asking members to determine whether or not to grant planning permission. Instead, the report relates to planning appeals for non-determination. The appellant has not waited for the council's Planning Committee to decide the applications but has instead exercised their right to appeal to the Secretary of State via the Planning Inspectorate. Such appeals can be made when the local planning authority has not determined the applications within the statutory time period.
231. Part 3F of the council's constitution provides that matters reserved for decision by the Planning Committee include the consideration of strategic and major planning applications, the categorisation of which are described in the constitution and include applications such as those for New City Court, which are the subject of this report.
232. The appeals were submitted on 5 January 2022 and on 10 February 2022 the council received a letter from the Planning Inspectorate informing the council that the appeals would be heard at an inquiry commencing at 10am on the 19 July and estimated to last for 14 days. The letter outlined the timetable for preparation for the inquiry and directed that the council's Statement of Case had to be submitted by 16 March. The letter makes clear that there are costs implications for failing to keep to the timetable. Given the five week period allowed to prepare and submit the Statement of Case, there was insufficient time to report to Planning Committee about the appeals before 16 March. The

Statement of Case has been prepared under the delegated authority of the Director of Planning and Growth. However, it is important for good governance that the Statement of Case is considered by Planning Committee given that these are strategic and major planning applications.

233. The Secretary of State (through a planning inspector) will now decide whether to allow or dismiss the appeals. The inquiry process will be the opportunity for representations to be made to the planning inspector from supporters or objectors to the schemes and the applications are no longer able to be determined by officers or the planning committee. Members are being asked to endorse the submitted Statement of Case at Appendix 1 and the likely reasons for refusal.

Community impact and equalities assessment

234. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three “needs” which are central to the aims of the Act:

1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low
3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.

235. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.

236. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.

237. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of considering this application.

Human rights implications

238. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
239. This application has the legitimate aim of redeveloping this site for a mixed use scheme and alterations to listed buildings on the site. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 1214 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Statement of Case
Appendix 2	Pre-application response letters
Appendix 3	Historic England's Statement of Case

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth		
Report Author	Victoria Crosby, Team Leader		
Version	Final		
Dated	4 April 2022		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director of Law and Governance	Yes	Yes	
Date final report sent to Constitutional Team		5 April 2022	



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

STATEMENT OF CASE
LONDON BOROUGH OF SOUTHWARK

Date: 16 March 2022

Appeal References: APP/A5840/W/22/3290473 and APP/A5840/Y/22/3290477

LPA References: 18/AP/4039 and 18/AP/4040

Appellant: GPE (St Thomas Street) Limited

Site Address: New City Court, 4-26 St Thomas Street, London, SE1 9RS

Contents:

1. Introduction
2. Description of the Site and Area
3. Planning Application and Listed Building Consent Application
4. Appeal
5. Planning History of the Site
6. Planning History of Nearby Sites
7. Planning Policies
8. Likely Reasons for Refusal of the Planning Proposal
9. Likely Reason for Refusal of the Listed Building Consent Proposal
10. Conditions

Appendices:

1. Documentary Evidence
2. List of Conditions Should Planning Permission be Granted
3. List of Conditions Should Listed Building Consent be Granted

Copies:

Copies of this statement and the documents referred to are available on the council's online planning register (<https://planning.southwark.gov.uk/online-applications> using references APPEAL/22/0003, APPEAL/22/0001, 18/AP/4039 and 18/AP/4040), and for inspection Mondays to Fridays 9am to 5pm by prior arrangement at the Council's offices, 160 Tooley Street, London SE1P 5LX. Please contact Victoria Crosby (victoria.crosby@southwark.gov.uk 020 7525 1412) to arrange a time to view the appeal documents.

1. Introduction

- 1.1 This statement has been prepared by the London Borough of Southwark (“the Council”) in relation to the two appeals, allocated reference APP/A5840/W/22/3290473 for the planning application and reference APP/A5840/Y/22/3290477 for the listed building consent application. The appeals have been made by GPE (St Thomas Street) Limited (“the Appellant”), to the Secretary of State against the Council’s failure to determine the applications referred to in section 3 below.

2. Description of the Site and Area

- 2.1 The applications relate to a site known as New City Court, 4-26 St Thomas Street, London, SE1 9RS (“the Site”). The Site is on the southern side of St Thomas Street and extends southward to form the northern side of Kings Head Yard, extends to the west to the rear of the Borough High Street properties, and to the east to Guy’s Hospital campus.
- 2.2 The Site has an area of 0.37 hectares and comprises three main buildings, all of which are in office use:
- No. 20 St Thomas Street, is a four- to six-storey 1980s office building (plus basement) which covers most of the site. Its Kings Head Yard frontage is a two-storey façade in a Victorian design, forming the northern side of this yard.
 - Nos. 4-16 St Thomas Street is Georgian terrace of seven buildings that forms most of the site’s St Thomas Street frontage. These grade II listed buildings are linked at the rear and side to the 1980s office building.
 - Nos. 24-26 St Thomas Street, known as Keats House, is a 4-storey building which sits between the main office building and Guy’s Hospital. Its Italianate red brick and stone front façade, short eastern façade, railings and lightwells are original, while the rest of the building was rebuilt in the 1980s and links to the main office building.
- 2.3 The Site is within the Central Activities Zone, the Bankside Borough and London Bridge Opportunity Area, and the London Bridge district town centre. It is also

within the South Bank Strategic Cultural Quarter, flood zone 3 and the air quality management area.

- 2.4 The Site is within the Borough High Street Conservation Area and the North Southwark and Roman Roads Archaeological Priority Area. It is within the background assessment area of the two London View Management Framework (“LVMF”) views from Parliament Hill, and from Kenwood viewing gazebo. There are no protected trees within the Site nor adjacent to it.
- 2.5 The Site has an excellent PTAL of 6b due to its proximity to London Bridge rail and Underground stations and bus routes in the area. Its main entrance is on St Thomas Street and it has vehicle access to the rear service yard from White Hart Yard leading into Kings Head Yard.
- 2.6 To the north of the Site are the buildings on the opposite side of St Thomas Street. Nos. 1-7 is a relatively modern, four-storey office block. Further east is a row of historic buildings, some of which are set slightly back from the pavement. These buildings include no. 9 St Thomas Church, 9A (Old Operating Theatre Museum and Herb Garret) and 11-13 Mary Sheridan House with associated railings, all of which are grade II* listed, and no. 15 which is grade II listed. A K2 telephone box outside nos. 17 and 19 is grade II listed. The recently completed Shard Place development (99m high above ground level, 101.5m AOD) is to the north-east of the Site, and further to the east is The Shard (306m above ground level, 312m AOD) and entrances to the train station.
- 2.7 Guy’s Hospital lies to the east of the Site, with its grade II* listed main building set around courtyards, and its wider campus further to the south-east. The gates, piers and railings along St Thomas Street are themselves grade II listed, as is the statue of Thomas Guy in the main courtyard (currently covered). Further to the east is Guy’s Tower (142m high) as part of the hospital site.
- 2.8 To the south of the Site are the buildings along Kings Head Yard (including the grade II listed Old Kings Head public house) and White Hart Yard which are in use as offices, student housing and higher education.

- 2.9 To the west, the Borough High Street properties adjoin the Site. These are 3-, 4- and 5-storey buildings with a mixture of retail, commercial and residential properties and the Borough High Street entrance to the London Bridge Underground station. The Bunch of Grapes public house attaches to the western end of the Georgian terrace on St Thomas Street and is grade II listed.
- 2.10 In addition to those already mentioned, there are further heritage assets whose setting is potentially affected by development of the site, including the following:
- The Tower of London World Heritage Site.
 - Grade I Listed Buildings - Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) and The George Inn.
 - Grade II* Listed Building Church of St George the Martyr, Borough High Street.
 - Grade II Listed Buildings - London Bridge station (platforms 9-16) and the railway viaduct arches along Crucifix Lane and St Thomas Street. Several properties along Borough High Street including numbers 2, 4, 6, 8, 10, 19A, 28, 30, 32, 34, 38, 40, 50, 52, 53, 53A, 54, 55, 58, 66, 67, 68, 70, 91, 93, 95, 101 and 103, the St Saviours Southwark war memorial, and the bollards at the entrance to Green Dragon Court. The Hop Exchange, 1B and 3 Southwark Street, bollard between nos. 1 and 2 Stoney Street, 5 and 6 Stoney Street. The Globe Tavern (and bollards and lamp post to rear), and post at north corner of Bedale Street.
- 2.11 The Council will seek to agree with the Appellant a description of the Site, the area within which it is situated and the Site's designations in the Statement of Common Ground. If it proves not possible to agree this information, further detail may be provided in the proofs of evidence of the Council's witnesses.

3. Planning Application and Listed Building Consent Application

- 3.1 In June 2017 a formal request for pre-application advice was submitted (reference 17/EQ/0208) in relation to a scheme to redevelop the Site with an office building, changes to the listed buildings and relocation of Keats House. A series of pre-application meetings were held with the Appellant. The pre-application advice letter issued by the Council in December 2018 stated that the

proposal would not be supported in its current form, primarily because of the adverse design and heritage impacts.

- 3.2 In addition to seeking pre-application advice from the Council, the Appellant presented its proposals to the Design Council's Design Review Panel on two occasions during 2018. The Council will refer to and rely in particular on the second response of the Design Review Panel dated 13 November 2018 which identified a series of concerns as to the height and environmental sustainability of the proposed tall building, its impact on the identity, character and heritage of Southwark and the approach taken to the proposed application for planning permission.
- 3.3 The Appellant also presented its proposals to Historic England's London Advisory Committee on 26 June, following a site visit. Having regard to the views of the London Advisory Committee, Historic England advised the Appellant in a letter dated 9 July 2018 that if the proposals were submitted in their then current form it would strongly object to the scheme due to the serious harm that would result to the historic environment. It advised that the level of harm would be bordering on substantial, particularly with regards to the impact on the character of the Borough High Street Conservation Area, and on the setting of Guy's Hospital and Southwark Cathedral.
- 3.4 The pre-application advice from Transport for London ("TfL") dated 29 August 2018 identified the proposed servicing of the site as a key concern.
- 3.5 The Council may refer to these relevant pre-application responses as part of the evidence before the Inquiry.
- 3.6 In October 2018 the Council issued an EIA scoping opinion (reference 18/AP/2633) for the redevelopment of the Site with a proposal as follows:
Request for an Environmental Impact Assessment (EIA) Scoping Opinion for the redevelopment of the site (comprising numbers 4-16, 20 and 24-26 St Thomas Street) including:
 - *Demolition of 20 St Thomas Street and construction of a new office tower building approximately 139m high (comprising double height ground floor*

reception and retail, 31 storeys of office space, and double height publicly accessible elevated garden and retail unit) totalling 31,200sqm of office and retail floorspace. Double basement for servicing, cycle storage, refuse storage and plant, with vehicle access from Kings Head Yard and two disabled parking spaces.

- *Relocation of Keats House (24-26 St Thomas Street) facade 2m to the west in a new stand alone building. Alterations to and restoration of the listed terrace (8-14 St Thomas Street). Up to 1,800sqm of retail and office floorspace in the listed terrace and Keats House.*
- *A new access to the London Bridge Underground station.*
- *New ground level pedestrian routes and public realm throughout the site with hard and soft landscaping.*
- *Ancillary servicing, highway works and associated works.*

3.7 On 11 December 2018, the Appellant submitted an application for planning permission (for the “Planning Application Proposal”) and listed building consent (for the “Listed Building Consent Proposal”) to the Council. The submitted proposals are substantially the same as the final pre-application version of the scheme to which the Council’s pre-application advice letter related. The applications were given two references by the Council and have the following descriptions:

Planning Application Proposal 18/AP/4039 - Redevelopment to include demolition of the 1980s office buildings and erection of a 37 storey building (plus two basement levels) of a maximum height of 144m (AOD), restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) and change of use of lower floors to Class A1 retail, and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide a total of 46,374sqm of Class B1 office floorspace, 765sqm of Class A1 retail floorspace, 1,139sqm of Class A3 retail floorspace, 615sqm of leisure floorspace (Class D2), 719sqm hub space (Class B1/D2) and a 825sqm elevated public garden within the 37-storey building, associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works.

Listed Building Consent Proposal 18/AP/4040 - Restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including:

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

3.8 The planning application was accompanied by an Environmental Statement. The Council advertised the applications and consulted with the Greater London Authority ("GLA"), statutory bodies, internal specialists, local neighbours and amenity groups. A number of responses were received which the Council will refer to as part of its evidence before the Inquiry.

3.9 Re-consultation was undertaken in July to August 2020 as further environmental information was submitted.

3.10 The Council's likely reasons for refusal (set out below) take due account of the representations received in response to consultation, including those from the

GLA, TfL, Historic England, Southwark Cathedral and others. It is understood that Historic England has been granted Rule 6 status for the forthcoming Inquiry, and will therefore be able to provide its advice to the Inquiry directly. It is also understood that TfL will be submitting written representations to the Inquiry.

- 3.11 On 22 October 2020 the Appellant asked by email that the applications be put on hold as an alternative scheme was being progressed, and thereafter it was this alternative scheme upon which the Council focussed its resources and attention. The alternative scheme, comprising a planning application and application for listed building consent, was submitted to the Council in April 2021. These applications are also the subject of appeals against non-determination.

4. Appeal

- 4.1 In January 2022, the Appellant made an appeal to the Secretary of State against the Council's failure to determine the applications, and requested that this be heard by way of an inquiry. The Inspectorate reference is APP/A5840/W/22/3290473 for the planning application. This appeal is to be heard alongside the related listed building consent application (appeal reference APP/A5840/Y/22/3290477) as well as the pair of 2021 applications for an alternative scheme (appeal references APP/A5840/W/22/3290483 and APP/A5840/Y/22/3290490).
- 4.2 On 10 February 2022, the Planning Inspectorate wrote to the Council stating that the inquiry procedure is considered suitable to determine the appeals and setting out the timetable for the appeal process. The letter provided a deadline for submission of the Council's statement of case of 16 March 2022. Given the short period between the receipt of the letter and the deadline, there has been insufficient time to present reports to the Council's Planning Committee in respect of the appeals. The Council's Director of Planning and Growth has delegated authority to prepare this statement of case identifying the likely grounds for refusal. Reports in respect of the appeals will be presented to the Planning Committee for its consideration but the timetable for this is constrained by the local elections, which take place on 5 May 2022 and the pre-election period commencing on 25 March 2022.

5. Planning History of the Site

- 5.1 The earlier planning history of the site relates to small-scale proposals for the buildings and listed building consent works, which are of limited relevance to the Appeal Scheme.
- 5.2 The Council will seek to agree with the Appellant a description of the planning history of the Site in the Statement of Common Ground. If it proves not possible to agree this information, this will be provided in the proof of evidence of the Council's witnesses.

6. Planning History of Nearby Sites

- 6.1 The Council's evidence will consider the planning history of nearby sites where relevant to the appeal.
- 6.2 The Council will seek to agree a list of any relevant nearby planning decisions and land uses with the Appellant in the Statement of Common Ground.

7. Planning Policies

- 7.1 The statutory development plan for the borough consists of the London Plan (2021) and the Southwark Plan (2022). The National Planning Policy Framework is a material consideration with significant weight.
- 7.2 The Southwark Plan (2022) was adopted on 23 February 2022 and replaces the Council's earlier Core Strategy (2011) and saved policies of the Southwark Plan (2007). The site is not within a site allocation of the Southwark Plan (2022) and is within the AV.11 London Bridge Area Vision.
- 7.3 The following is a list of the policies considered relevant to the issues in this case and copies will be provided with this statement.
- 7.4 The relevant policies of the London Plan (2021) are:

- Policy GG1 - Building strong and inclusive communities
- Policy GG2 - Making the best use of land
- Policy GG3 - Creating a healthy city
- Policy GG5 - Growing a good economy
- Policy GG6 - Increasing efficiency and resilience
- Policy SD1 - Opportunity Areas
- Policy SD4 - The Central Activities Zone (CAZ)
- Policy SD5 - Offices, other strategic functions and residential development in the CAZ
- Policy SD6 - Town centres and high streets
- Policy SD7 - Town centres: development principles and Development Plan Documents
- Policy D1 - London's form, character and capacity for growth
- Policy D2 - Infrastructure requirements for sustainable densities
- Policy D3 - Optimising site capacity through the design-led approach
- Policy D4 - Delivering good design
- Policy D5 - Inclusive design
- Policy D8 - Public realm
- Policy D9 - Tall buildings
- Policy D10 - Basement development
- Policy D11 - Safety, security and resilience to emergency
- Policy D12 - Fire safety
- Policy D14 - Noise
- Policy S6 - Public toilets
- Policy E1 - Offices
- Policy E2 - Providing suitable business space
- Policy E3 - Affordable workspace
- Policy E8 - Sector growth opportunities and clusters
- Policy E9 - Retail, markets and hot food takeaways
- Policy E10 - Visitor infrastructure
- Policy E11 - Skills and opportunities for all
- Policy HC1 - Heritage conservation and growth
- Policy HC2 - World Heritage Sites
- Policy HC3 - Strategic and Local Views

- Policy HC4 - London View Management Framework
- Policy HC5 - Supporting London's culture and creative industries
- Policy HC6 - Supporting the night-time economy
- Policy G1 - Green Infrastructure
- Policy G5 - Urban greening
- Policy G6 - Biodiversity and access to nature
- Policy G7 - Trees and woodlands
- Policy SI 1 - Improving air quality
- Policy SI 2 - Minimising greenhouse gas emissions
- Policy SI 3 - Energy infrastructure
- Policy SI 4 - Managing heat risk
- Policy SI 5 - Water infrastructure
- Policy SI 6 - Digital connectivity infrastructure
- Policy SI 7 - Reducing waste and supporting the circular economy
- Policy SI 10 - Aggregates
- Policy SI 12 - Flood risk management
- Policy SI 13 - Sustainable drainage
- Policy T1 - Strategic approach to transport
- Policy T2 - Healthy Streets
- Policy T3 - Transport capacity, connectivity and safeguarding
- Policy T4 - Assessing and mitigating transport impacts
- Policy T5 - Cycling
- Policy T6 - Car parking
- Policy T6.2 - Office parking
- Policy T6.3 - Retail parking
- Policy T6.5 - Non-residential disabled persons parking
- Policy T7 - Deliveries, servicing and construction
- Policy T9 - Funding transport infrastructure through planning
- Policy DF1 - Delivery of the Plan and Planning Obligations.

7.5 The relevant policies of the Southwark Plan (2022) are:

- ST1 Southwark's Development Targets
- ST2 Southwark's Places
- SP2 Southwark Together

- SP3 Great start in life
- SP4 Green and inclusive economy
- SP5 Thriving neighbourhoods and tackling health inequalities
- SP6 Climate emergency
- P13 Design of places
- P14 Design quality
- P16 Designing out crime
- P17 Tall buildings
- P18 Efficient use of land
- P19 Listed buildings and structures
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P22 Borough views
- P23 Archaeology
- P24 World Heritage Sites
- P26 Local list
- P28 Access to employment and training
- P30 Office and business development
- P31 Affordable workspace
- P32 Small shops
- P33 Business relocation
- P35 Town and local centres
- P39 Shop fronts
- P44 Broadband and digital infrastructure
- P45 Healthy developments
- P46 Leisure, arts and culture
- P47 Community uses
- P49 Public transport
- P50 Highway impacts
- P51 Walking
- P53 Cycling
- P54 Car parking
- P55 Parking standards for disabled people and the physically impaired
- P56 Protection of amenity

- P59 Green infrastructure
- P60 Biodiversity
- P61 Trees
- P62 Reducing waste
- P64 Contaminated land and hazardous substances
- P65 Improving air quality
- P66 Reducing noise pollution and enhancing soundscapes
- P67 Reducing water use
- P68 Reducing flood risk
- P69 Sustainability standards
- P70 Energy
- IP1 Infrastructure
- IP2 Transport infrastructure
- IP3 Community infrastructure levy (CIL) and Section 106 planning obligations
- IP6 Monitoring development.

7.6 The Supplementary Planning Documents (SPDs) produced by the Council that are relevant to the appeal include:

- Design and Access Statements (2007);
- Heritage (2021);
- Sustainable Design and Construction (2009);
- Section 106 Planning Obligations and CIL (2015, November 2020 Update);
- 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document
- Draft Bankside, Borough and London Bridge Supplementary Planning Document (2009).

7.7 The GLA's Supplementary Planning Guidance (SPGs) and London Plan Guidance (LPGs) that are relevant to the appeal include:

- Accessible London: Achieving an Inclusive Environment (October 2014)
- Be Seen Energy Monitoring LPG (September 2021)
- Character and Context (June 2014)
- Energy Assessment Guidance (April 2020)

- London View Management Framework (March 2012)
- London World Heritage Sites (March 2012)
- Air quality neutral LPG – consultation draft (November 2021)
- Circular Economy Statements Guidance – consultation draft (October 2020)
- Fire Safety LPG – consultation draft (February 2022)
- Optimising site capacity: A design-led approach LPG – consultation draft (February 2022)
- Sustainable transport, walking and cycling LPG – consultation draft (September 2021)
- Urban Greening Factor LPG – consultation draft (September 2021)
- Whole-life Carbon Assessments Guidance – consultation draft guidance (October 2020).

7.8 Other relevant documents include:

- The Borough High Street Conservation Area Appraisal (2006).
- Tower of London World Heritage Site Management Plan, Historic Royal Palaces (2016).
- Historic England advice:
 - Good Practice Advice 2 – Managing Significance in Decision-Taking in the Historic Environment (July 2015)
 - Good Practice Advice 3 – The Setting of Heritage Assets (Second edition, December 2017)
 - Advice Note 2 – Making Changes to Heritage Assets (February 2016)
 - Advice Note 4 – Tall Buildings (March 2022).

7.9 The relevant sections of the National Planning Policy Framework (July 2021) are:

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 10: Supporting high quality communications
- Section 11: Making effective use of land

- Section 12: Achieving well designed places
- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment.

7.10 The Council will seek to agree with the Appellant a list of policies, guidance and other documents relevant to the Site and the development in the Statement of Common Ground. To the extent that the relevance or otherwise of these matters is disputed, this will be addressed in the proofs of evidence of the Council's witnesses.

7.11 The Council may refer to other new or emerging policies, documents or guidance which raise relevant material considerations during the preparation of evidence or at the Inquiry.

8. Likely Reasons for Refusal of the Planning Application Proposal

8.1 Had the Council determined the application, it would have refused planning permission for the reasons summarised below.

(1) The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and the harm is not outweighed by public benefits

8.2 The Council would have refused planning permission because the harm that would be caused to designated heritage assets by the Planning Application Proposal would be significant and would not be outweighed by the public benefits.

8.3 In reaching this view, the Council has had special regard to its statutory duties within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") to the desirability of preserving a listed building or its setting, and to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.4 Any harm to a listed building or its setting, or to the character or appearance of a conservation area, gives rise to a strong presumption against the grant of planning permission (*Barnwell Manor Wind Energy Limited v. SSCLG* [2014] EWCA Civ 137).
- 8.5 Great weight should be given to the conservation of a designated heritage asset, and considerable importance and weight must attach to any harm to a designated heritage asset. Beyond this starting point, the further weight that is to be attributed to the harm is a product of the extent of assessed harm and the heritage value of the asset (*Palmer v. Hertfordshire Council* [2016] EWCA Civ 106).
- 8.6 The general statutory duty imposed by section 66(1) of the PLBCAA applies with particular force where harm would be caused to the setting of a Grade I listed building (*Barnwell Manor*).
- 8.7 As identified below, the Planning Application Proposal gives rise to significant, less than substantial harm to the special interest or significance of several heritage assets. This impact includes causing harm to the contribution made to the significance, or the ability to appreciate significance, by the current setting of a number of important listed buildings. Harm is also caused to the character or appearance of the Borough High Street Conservation Area, and the settings of a number of other conservation areas. Harm is caused to the Outstanding Universal Value (OUV) of the Tower of London World Heritage Site derived from its setting (and to the ability to appreciate the OUV).
- 8.8 There is therefore a strong statutory presumption in favour of the refusal of planning permission, and the Council's case will be that the public benefits of the proposal do not outweigh that harm. In those circumstances the proposed development is in conflict with relevant development plan policy (London Plan policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" and Southwark Plan policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures",

P20 “Conservation areas”, P21 “Conservation of the historic and natural heritage”, P24 “World Heritage Sites”) and national planning policy in the NPPF.

- 8.9 With the exceptions of the works to the listed buildings within the Site and the loss of heritage assets within the Site that contribute to the character and appearance of the Borough High Street Conservation Area, the proposal would not cause direct physical harm to the heritage assets set out below, but would cause harm to their special interest or significance, including the contribution made to significance or the ability to appreciate significance by their existing setting.
- 8.10 The scale, height, form, arrangement and materiality of the proposed tower within an historic part of London would cause harm to the significance of a number of statutory listed buildings (including those of the highest order of significance) and have a harmful and overly dominant impact on the Borough High Street Conservation Area. It would also cause harm to the Trinity Church Square Conservation Area and The Bank Conservation Area.
- 8.11 The proposed tower would cause less than substantial harm to the significance of the following buildings and structures which are designated heritage assets:
- The Outstanding Universal Value of the Tower of London World Heritage Site – the proposed tower would be significantly intrusive and distracting in views from the Inner Ward (harming its special enclosed character), in views from the Inner Curtain Wall walkway, and would cause less than substantial harm to the setting of the grade I listed Queen’s House.
 - Grade I listed Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) - the proposed tower would be significantly intrusive and distracting to appreciation of the silhouette and architectural composition of the listed building.
 - Grade I listed St Paul’s Cathedral – reducing viewer’s ability to appreciate the significance of St Paul’s Cathedral (and to recognise and appreciate the Cathedral as a Strategically Important Landmark) in the Kenwood and Parliament Hill LVMF London Panorama views, and within the borough view from Nunhead Cemetery.
 - Grade I listed The George Inn.

- Grade I listed The Monument and St Magnus the Martyr Church.
- Grade II* listed Guy's Hospital.
- Grade II* listed 9, 9A and 11-13 St Thomas Street.
- Grade II* listed Church of St George the Martyr.
- Grade II listed Bunch of Grapes Public House and nos. 4-8 and 12-16 St Thomas Street – particularly as the height and curved form of the tower's northern façade would loom behind this terrace of grade II listed buildings.
- Grade II listed 15 St Thomas Street.
- Grade II listed Kings Head Public House.
- Borough High Street Conservation Area.
- Trinity Church Square Conservation Area.
- The Bank Conservation Area in the City of London.

8.12 In reaching a planning judgment on the degree of less than substantial harm in each case, the Council has had regard to the following matters of law and guidance:

- 8.12.1 The Judgment of the Court of Appeal in *City & Country Bramshill Ltd. v. SSHCLG* [2021] EWCA Civ 320 and that the NPPF does not direct the decision-maker to adopt any specific approach to identifying harm or gauging its extent, and that there is no one approach, suitable for every proposal affecting a designated heritage asset or its setting.
- 8.12.2 The Judgment of Jay J in *Bedford BC v. SSCLG* [2012] EWHC 4344, indicating that a judgment that the significance of an asset is very much reduced would equate to a finding of substantial harm.
- 8.12.3 The guidance in the NPPG (post-dating *Bedford*) that “substantial harm” to the significance of a heritage asset arises when the adverse effect seriously affects a key element of the asset’s special architectural or historic interest.
- 8.12.4 Recent decisions on appeal by the Secretary of State in the context of *Bedford*, which explain that in considering this issue the key point is not whether some aspects would be left untouched, but the importance of what would be affected, that is the setting, to the significance of the asset (see the decision of the Secretary of State for Levelling Up, Housing and Communities on the Tulip dated 11 November 2021 (APP/K5030/W/20/3244984) (DL para. 16, IR para. 14.2)).

- 8.12.5 The Council is aware that judgment is awaited in the case of *R (London Historic Parks and Gardens Trust) v. Minister of State for Housing* (CO/3041/2021) following a hearing before Lang J on 22-23 February 2022. One of the issues raised by that case is whether the approach in *Bedford* is correct and whether it has been correctly understood and applied. It is possible that the outcome of that case may affect the approach summarised above, and the Council therefore reserves the right to address its implications in due course. It is hoped that this could be achieved through a Statement of Common Ground with the Appellant.
- 8.13 The Council does not accept the Appellant's assessment of the impact of the proposed development on designated heritage assets, as summarised at paragraph 5.10 of the Appellant's Statement of Case. The Council's evidence will show that the harm to the Borough High Street Conservation Area, the Grade I listed Southwark Cathedral and the Grade II* listed Guy's Hospital will be above the middle and towards the upper end of the spectrum for less than substantial harm, and that there would also be significant less than substantial harm to a number of other designated heritage assets.
- 8.14 The Council's evidence will also explain why it considers the Appellant's Environmental Statement does not transparently and reliably identify the likely significant adverse effects of the Planning Application Proposal on built heritage, and thus why it should not be relied on for the purposes of determining the appeal (see the Appellant's Statement of Case at paragraph 5.17).
- 8.15 The proposed redevelopment of the Site would also result in impacts to and the loss of non-designated heritage assets within the Site (the frontage to Kings Head Yard, and Keats House historic facades, railings and lightwells) which each make a positive contribution to the character of the Site, the streetscene and the historic character of the Borough High Street Conservation Area. Keats House would be reconstructed in a new location and altered form, changing its relationship with its historic streetscene. The harm to the character of the Borough High Street Conservation Area resulting from this loss of historic fabric and change to the streetscene is additional to the harm caused by the impact of the proposed new tower itself.

- 8.16 The harm caused to the significance of the designated heritage assets, and to the ability to appreciate that significance, has not been clearly and convincingly justified by the Appellant, and in the view of the Council, cannot be justified.
- 8.17 The Council recognises that the proposed development would provide some public benefits, and these will be identified in the Statement of Common Ground with the Appellant. The Council's evidence will show that these benefits are insufficient to outweigh the many incidences of harm identified to listed buildings, conservation areas, World Heritage Site and non-designated heritage assets.
- 8.18 For those reasons the Council's case will be that the proposal is contrary to national planning policy on the protection of heritage assets in Section 16 of the NPPF, and to the following development plan policies:
- 8.18.1 London Plan (2021) policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" of the London Plan (2021).
 - 8.18.2 Southwark Plan (2022) policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures", P20 "Conservation areas", P21 "Conservation of the historic and natural heritage", P24 "World Heritage Sites".
- 8.19 The proposal also fails to comply with the guidance within the Mayor of London's London View Management Framework SPG (2012) regarding St Paul's Cathedral, the London's World Heritage Sites SPG (2012) and the Tower of London World Heritage Site Management Plan (2016) in terms of the Tower of London, and Historic England's guidance notes.

(2) Poor design, harm to townscape and local character

- 8.20 The Council would have refused planning permission because the scale and design of the proposed development is not appropriate for this site and its surrounding context, resulting in harm to the townscape and local character. As a result of this harm (and the harm caused to heritage assets), and its relationship to the local and wider context, the proposed development does not constitute good design in context and would be contrary to development plan policies and to national planning policy on achieving well-designed places in the NPPF.
- 8.21 The proposed tower would have harmful visual impacts due to its location, height, form, massing and materiality.
- 8.22 Whilst the site is located in one of the areas in which the Southwark Plan expects tall buildings to be located (see the Appellant's Statement of Case paragraph 5.6), it is not amongst the individual sites allocated where tall buildings may be appropriate. The suitability of the site for a building of this height therefore falls to be determined through the development control process applying the requirements of Southwark Plan policy P17 and London Plan policy D9.
- 8.23 The Council's evidence will show that the proposed development does not satisfy those requirements.
- 8.23.1 It is not located at a point of landmark significance, being set back from the main street frontages and onto an historic yard.
- 8.23.2 It is not of a height that is proportionate to the existing urban character, the significance of the location nor size of the Site.
- 8.23.3 The proposed tower would not contribute positively to the London skyline and would not consolidate a cluster within the skyline. The proposed tower would be visually and architecturally separated from the existing and emerging cluster of tall buildings around London Bridge station in a number of important views.
- 8.23.4 The proposed tower would harm LVMF and designated borough views. Due to its location in the background of LVMF views, the scale and form of the tower would reduce viewer's ability to recognise and appreciate St Paul's

Cathedral as a Strategically Important Landmark in the Kenwood and Parliament Hill LVMF London Panorama views. The tower would be a significant incursion into the borough view from Nunhead Cemetery to St Paul's Cathedral, as its location, scale and height significantly exceed that of the Cathedral in that view. It would dominate and crowd the Cathedral, and would contribute to the canyoning of the borough view. Therefore the tower would not preserve or enhance the borough views of this significant landmark, nor enhance the composition of the panorama across the borough and central London as a whole.

- 8.23.5 Its excessive height, scale, massing and incongruous form fail to respond positively to the character and townscape of its immediate and historic context. It would both dominate, and fail to make a positive contribution to, the local townscape and existing area character in terms of legibility, proportions and materials, nor would it reinforce the spatial hierarchy of the local and wider context.
- 8.23.6 The Council's evidence will show that the poor relationship between the proposed tower and the surrounding townscape context includes its relationship with The Shard, a tall building of particular importance both in the local townscape and more widely. The Southwark Plan (2022) recognises the role of The Shard in forming the pinnacle within the cluster of tall buildings around London Bridge Station and Guy's Hospital. In a number of important views the proposed development would reduce the primacy and visibility of The Shard in the local townscape, and its singularity on the wider London skyline. Unlike other existing buildings in the emerging cluster, the formal and visual relationship between the proposed tower and The Shard would be discordant and unsympathetic.
- 8.23.7 The proposal includes new public space at its base, but the attractiveness and spatial qualities of this space and the pedestrian experience would be reduced as a result of overshadowing of significant parts of the proposed landscaping at ground level and constraints on the sense of openness due to the tower's overbearing scale and curved northern façade.
- 8.23.8 The proposal includes an elevated publicly accessible garden. The quality of the raised internal garden would be limited by its enclosed and roofed location within the tower (and not at or near the top of the building). It would also require continuous environmental controls and management. The elevated

garden would not contribute to public realm and pedestrian experience at street level.

- 8.24 The proposed tower is not considered to be of an exemplary architectural quality. The glass and steel design and its unrelenting, geometric, slab-like profile serve to amplify the scale and the alien character of this architectural intervention within its historic context. The architectural language will serve to amplify its mass and overbearing presence.
- 8.25 The proposed tall building does not respond positively to the local character, townscape, nor its historic context. It would have an overbearing presence on its setting and as a result would fail to conserve and enhance the significance of designated heritage assets on the site, within both its immediate and wider urban context.
- 8.26 In addition, the overall design quality of the proposed development is also negatively affected by the following matters:
- 8.26.1 The proposal relies on a significant redesign of the St Thomas Street highway to increase the pavement widths for its visitor cycle parking and to provide for its on-street servicing by large vehicles, which has not been agreed with the highway authority.
- 8.26.2 The proposal fails to demonstrate it has maximised energy efficiency and prioritised the use of sustainable materials. The proposal fails to achieve the minimum carbon reduction measures of Southwark Plan policy P70 “Energy” and London Plan policy SI2 “Minimising greenhouse gas emissions”, fails to achieve the BREEAM ratings required by Southwark Plan policy P69 “Sustainability standards”, and has not provided information on the whole life-cycle carbon or circular economy to address London Plan policies SI2 and SI7 “Reducing waste and supporting the circular economy”.
- 8.27 The Council’s evidence will explain that as a result of the factors summarised above the proposed development is contrary to national planning policy in section 12 of the NPPF and to the following development plan policies:

8.27.1 London Plan (2021) policies SD4 “The Central Activities Zone” part C, D3 “Optimising site capacity through the design-led approach” part D, D8 “Public realm” and D9 “Tall buildings”, HC3 “Strategic and local views”, HC4 “London View Management Framework”.

8.27.2 Southwark Plan (2022) policies P13 “Design of places”, P14 “Design quality”, P17 “Tall buildings”, P21 “Borough views”.

8.28 The proposal would also be contrary to the AV.11 London Bridge Area Vision, the guidance within the Mayor of London’s London View Management Framework SPG (2012) and Historic England guidance.

(3) Lack of a section 106 agreement

8.29 In the absence of a completed section 106 agreement or unilateral undertaking, the Planning Application Proposal fails to secure appropriate planning obligations to mitigate its adverse impacts and to secure the public benefits of the proposal to ensure compliance with planning policies for these topics. Planning obligations are necessary in relation to:

- provision of the on-site affordable workspace, and the proposed affordable retail space offered by the Appellant, at discount rent with the associated fit out, marketing and management, and payment in lieu for affordable workspace in order to comply with policy P31 “Affordable workspace” of the Southwark Plan and E3 “Affordable workspace” of the London Plan;
- provision of the public realm within the site and public access to it;
- free public access to the raised garden, without need to book or have a ticket, with access using the dedicated lift, and free public access to the toilet facilities at the raised garden level;
- free public access to the ground floor reception area;
- making the business hub available for use by the community and local organisations at reasonable cost;
- transport mitigation (highway works and financial contributions for improvements to Kings Head Yard and St Thomas Street, bus service improvement contribution, Legible London contribution, cycle docking station improvement contribution, provision of the Underground station entrance, servicing and deliveries management with the associated

deposit and monitoring fee, and a travel plan including cycle hire access) to comply with Southwark Plan policies P49, P50, P51 and P53, and London Plan transport chapter policies;

- construction phase employment and training to comply with London Plan policy E11 “Skills and opportunities for all” and Southwark Plan policy P28 “Access to employment and training”;
- operational phase employment and training to comply with London Plan policy E11 and Southwark Plan policy P28;
- local procurement during construction and operational phase to comply with Southwark Plan policy P28;
- carbon offset payment to comply with policy SI2 “Minimising greenhouse gas emissions” of the London Plan and P70 “Energy” of the Southwark Plan;
- archaeological monitoring contribution to comply with policy P23 “Archaeology” of the Southwark Plan;
- wind assessment post-construction to ensure sufficient mitigation to comply with policy P17 “Tall buildings” of the Southwark Plan and D9 “tall buildings” of the London Plan; and
- listed building monitoring contribution during the works and an on-going management plan to comply with policy P19 “Listed buildings and structures” of the Southwark Plan.

8.30 In the absence of an appropriate signed agreement, the proposal is contrary to the development plan policies that relate to these topics, and to policy IP3 “Community infrastructure levy (CIL) and section 106 planning obligations” of the Southwark Plan (2022), policies T9 ‘Funding transport infrastructure through planning’ and DF1 “Delivery of the Plan and planning obligations” of the London Plan (2021) and the guidance within the “Section 106 Planning Obligations and Community Infrastructure Levy” SPD (2015 and its 2020 addendum).

8.31 It is anticipated that this issue will be resolved through discussions with the applicant on the heads of terms and draft planning agreement which are to progress ahead of the Inquiry. Other mitigation would need to be secured by conditions imposed on any permission. The Council’s list of suggested conditions is attached as Appendix 2 to this statement.

(4) Other matters

Servicing

8.32 Whilst not at this stage advanced by the Council as a likely reason for refusal, the arrangements for servicing the proposed development are not yet agreed between the Appellant and Transport for London. The Council's understanding of the current position is as follows:

8.32.1 The servicing of the proposal by larger vehicles would be undertaken on the St Thomas Street highway, with goods and waste transported across the pavement to/from the proposed basement of the Site.

8.32.2 The on-street servicing arrangements and highway layout have not been agreed by Transport for London, the highway authority for St Thomas Street.

8.32.3 The Appellant has proposed off-site consolidation of deliveries to reduce the number of large vehicles, however they would likely remain for longer and continue to move goods and waste across the busy pavement.

8.32.4 With the scale of the proposal having significant associated servicing activities on a street with high pedestrian numbers, this key functional impact has not been resolved satisfactorily.

8.33 The proposal does not accord with policies D9 "Tall buildings" part C2, T2 "Healthy streets", T4 "Assessing and mitigating transport impacts" and T7 "Deliveries, servicing and construction" of the London Plan, nor policies P14 "Design quality" part 8 and P50 "Highways impacts" of the Southwark Plan, nor paragraphs 110 to 112 of the NPPF.

8.34 The Council will await Transport for London's comments on whether appropriate mitigation is possible, and its written representations to the Inquiry on this matter.

Daylight and sunlight

8.35 The massing of the tower would cause a significant reduction in daylight to surrounding residential and student housing properties, a noticeable reduction in sunlight to nearby residential units, and overshadowing of the public realm.

These adverse impacts on daylight and sunlight are not considered by the Council to be so severe as to give rise to a separate reason for refusal of the scheme, however the adverse impacts are material considerations that weigh against the scheme and need to be included in the planning balance.

- 8.36 These adverse impacts are reflected in conflict with the following development plan policies D9 “Tall buildings” part C3a of the London Plan, P14 “Design quality” part 3, P17 “Tall buildings” part 3.3. and P56 “Protection of amenity” of the Southwark Plan. The harms and resulting conflicts with development plan policy have been considered in the Council’s assessment of the planning balance of the Planning Application Proposal, and further count against permission being granted.
- 8.37 The Council’s evidence will refer to the assessments submitted by the Appellant which identify the nature and extent of these harms, and explain why they should attract material weight in the planning balance.
- 8.38 The Council will seek to narrow these issues, so far as possible, with the Appellant as part of the Statement of Common Ground. If this is not possible, the issues will be dealt with as appropriate in the Council’s evidence.

Conclusions

- 8.39 It will be the Council’s case that the public benefits of the proposal do not outweigh the harm that would be caused to a number of designated heritage assets, including assets of the highest importance, and that the heritage balance is clearly in favour of refusal.
- 8.40 The Council’s case will be that that the proposal conflicts with a range of key development plan policies relating to heritage, tall buildings, townscape and design, public realm, strategic views and amenity. These policies are amongst the most important in the development plan. The nature and extent of that conflict is substantial. As such, it will be the Council’s case that the proposed development is in conflict with the development plan when considered as a whole.

- 8.41 The Council's case will be that the other material considerations in this case do not indicate that it would be appropriate to grant planning permission notwithstanding the conflict with the development plan. On the contrary, when considered as a whole they clearly weigh in favour of refusal.
- 8.42 Accordingly, the Council's case will be that the appeal should be dismissed and planning permission refused.

9. Likely Reason for Refusal of the Listed Building Consent Proposal

- 9.1 The Council is supportive of the majority of the proposed works to the Georgian terrace in the Listed Building Consent Proposal which would replace the 1980s works with a more appropriate layout, appearance and detailing.
- 9.2 The introduction of shopfronts at the rear of each building is not a typical, traditional feature of a Georgian terrace house design, and is not a historic feature known for this Site. The rear shopfronts prevent a true reinstatement of the plan form of the buildings, and represents a small degree of harm. This one occurrence of less than substantial harm (at the lower end) would be outweighed by the wider package of benefits to the grade II listed buildings in the Listed Building Consent Proposal.
- 9.3 In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest. Therefore the Council considers that the proposal fails to comply with section 16 of the NPPF (2021) particularly paragraph 204, and to be contrary to London Plan policy HC1 "Heritage conservation and growth" and Southwark Plan policy P19 "Listed buildings and structures".
- 9.4 Should the Inspector be minded to grant consent for the Listed Building Consent Proposal alongside the Planning Application Proposal, then the Council would ask for the conditions proposed in Appendix 3 to be included. Should the

Inspector be minded to grant consent only for the Listed Building Consent Proposal then the conditions in Appendix 3 would need to have the Georgian terrace materials condition recommended in Appendix 2 added. These conditions would ensure the demolition works only progress once a contract is in place for the rebuild works, method statements for the works, and to secure suitable materials and detailing are used.

10. Conditions

- 10.1 Should the Inspector be minded to grant planning permission, a list of suggested conditions is included in Appendix 2. Should the Inspector be minded to grant listed building consent, a list of suggested conditions is included in Appendix 3. These conditions would be in addition to the heads of terms to be contained within a section 106 agreement, a draft of which will be provided to the Inspector in line with the timeframe.

Appendix 1

Documentary Evidence:

1. The National Planning Policy Framework (2021)
2. The Planning Practice Guidance
3. The London Plan (2021)
4. The Southwark Plan (2022)
5. Evidence base of the New Southwark Plan including:
 - London Borough of Southwark New Southwark Plan Site Allocations Methodology Report Update 2021 (May 2021) (EiP82b)
 - Southwark Employment Land Study Part 1 Final Report (SP412)
 - London Borough of Southwark Response Examination of the New Southwark Plan Inspectors' Matters, Issues and Questions, Matter 5.
6. Relevant Southwark Supplementary Planning Documents:
 - Design and Access Statements (2007);
 - Heritage (2021);
 - Sustainable Design and Construction (2009);
 - Section 106 Planning Obligations and CIL (2015, November 2020 Update);
 - 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document
 - Draft Bankside, Borough and London Bridge Supplementary Planning Document (2009).
7. The GLA's Supplementary Planning Guidance (SPGs) and London Plan Guidance (LPGs) including:
 - Accessible London: Achieving an Inclusive Environment (October 2014)
 - Been Seen Energy Monitoring LPG (September 2021)
 - Character and Context (June 2014)
 - Energy Assessment Guidance (April 2020)
 - London View Management Framework (March 2012)
 - London World Heritage Sites (March 2012)
 - Air quality neutral LPG – consultation draft (November 2021)
 - Circular Economy Statements Guidance – consultation draft (October 2020)
 - Fire Safety LPG – consultation draft (February 2022)

- Optimising site capacity: A design-led approach LPG – consultation draft (February 2022)
 - Sustainable transport, walking and cycling LPG – consultation draft (September 2021)
 - Urban Greening Factor LPG – consultation draft (September 2021)
 - Whole-life Carbon Assessments Guidance – consultation draft guidance (October 2020).
8. Other relevant guidance documents including:
- The Borough High Street Conservation Area Appraisal (2006).
 - Listing particulars for listed buildings on the site and context.
 - Tower of London World Heritage Site Management Plan, Historic Royal Palaces (2016).
 - Historic England advice:
 - Good Practice Advice 2 – Managing Significance in Decision-Taking in the Historic Environment (July 2015)
 - Good Practice Advice 3 – The Setting of Heritage Assets (Second edition, December 2017)
 - Advice Note 2 – Making Changes to Heritage Assets (February 2016)
 - Advice Note 4 – Tall Buildings (March 2022).
9. Application documents (as provided to the Inspectorate by the Appellant)
10. Consultation responses received on the applications (previously provided to the Inspectorate with the Council's questionnaires) including those from consultees (Historic England, TfL, the Conservation Area Advisory Group, City of London, Historic Royal Palaces, Save Britain's Heritage, London and Middlesex Archaeological Society) and from stakeholders in the local area (e.g. Borough Market, RPS, Guy's and St Thomas' Charity, Kings College, The Old Operating Theatre Museum and Herb Garret, Team London Bridge)
11. Pre-application advice documents including the letters from the Council (15/5/18 and 19/12/18), Design Council CABE (1/6/18 and 13/11/18), Historic England (9/7/18), GLA (23/4/18) and Transport for London (29/8/18).
12. Legal cases including:
- Barnwell Manor Wind Energy Limited v. SSCLG [2014] EWCA Civ 137.
 - Palmer v. Hertfordshire Council [2016] EWCA Civ 106.
 - City & Country Bramshill Ltd. v. SSHCLG [2021] EWCA Civ 320

- Bedford BC v. SSCLG [2012] EWHC 4344
- R (London Historic Parks and Gardens Trust) v. Minister of State for Housing (CO/3041/2021) following a hearing before Lang J on 22-23 February 2022

13. Appeal decisions including:

- Secretary of State for Levelling Up, Housing and Communities' decision letter and Inspector's report on "the Tulip" – land adjacent to 20 Bury Street London EC3A 5AX dated 11 November 2021 (APP/K5030/W/20/3244984)
- Secretary of State for Levelling Up, Housing and Communities' decision letter and Inspector's report on Land at 8 Albert Embankment dated 23 June 2021 (APP/N5660/V/20/3254203 and 3257106) application made by U and I (8AE) Ltd and London Fire Commissioner (sic).

The Council intends to refer to the above documents as part of its Proofs of Evidence prepared by the Council's witnesses and/or appointed agents. The Council reserves the right to refer to other documents as necessary at the Inquiry.

Appendix 2

List of Conditions Should Planning Permission be Granted

In the event the Inspector is minded to recommend the scheme for approval, the Council asks that the following conditions be included on the permission. The conditions have been arranged into parts related by the timing of their triggers and whether the conditions apply to the whole application site or a specific building.

Part 1: Time limit for implementing the permission and the approved plans

Part 2: Pre-commencement conditions site-wide

Part 3: Above grade conditions – site-wide

Part 4: Prior to occupation conditions – site-wide

Part 5: Compliance conditions – site-wide

Part 6: Other trigger conditions – site wide

Part 7: Tower building specific conditions

Part 8: Keats House specific conditions

Part 9: Georgian terrace specific conditions

Where in the list of conditions below reference is made to “the Georgian terrace”, “Keats House”, “the tower building”, “the public realm element”, “the basement element”, this shall be understood as a reference to these elements as shown on plan [x] and plan [y]. Plan [x] and plan [y] may be amended from time to time, subject to obtaining the prior approval of the Local Planning Authority. *NB, the Council has requested the Appellant provide the “plan [x] and plan [y]” drawings that identify the elements of the proposal and these will be sent onto the Inspectorate.*

Part 1: Time limit for implementing the permission and the approved plans

1. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development shall be carried out in accordance with the following approved plans:

14032_G_(00)_P119	Georgian Townhouses Proposed Lower Ground Floor Plan	P01
14032_G_(00)_P120	Georgian Townhouses Proposed Ground Floor Plan	P01
14032_G_(00)_P121	Georgian Townhouses Proposed First Floor Plan	P01
14032_G_(00)_P122	Georgian Townhouses Proposed Second Floor Plan	P01
14032_G_(00)_P123	Georgian Townhouses Proposed Third Floor Plan	P01
14032_G_(00)_P125	Georgian Townhouses Proposed Roof Floor Plan	P01
14032_G_(00)_P201	Georgian Townhouses Proposed North Elevation	P01
14032_G_(00)_P202	Georgian Townhouses Proposed East Elevation	P01
14032_G_(00)_P203	Georgian Townhouses Proposed South Elevation	P01
14032_G_(00)_P301	Georgian Townhouses Proposed Section A-A	P01
14032_G_(00)_P302	Georgian Townhouses Proposed Section B-B	P01
14032_G_(00)_P304	Georgian Townhouses Proposed Section DD - no.16	P01
14032_G_(00)_P305	Georgian Townhouses Proposed Section EE - no.14	P01
14032_G_(00)_P306	Georgian Townhouses Proposed Section FF - no.10	P01
14032_G_(00)_P307	Georgian Townhouses Proposed Section GG - no.4	P01
14032_G_(00)_P308	Georgian Townhouses Proposed Section HH - no.4	P01
14032_G_(00)_P309	Georgian Townhouses Proposed Section JJ - no.12	P01
14032_G_(00)_P401	Georgian Townhouses Proposed Vault	P01
14032_G_(12)_P119	Georgian Townhouses Lower Ground Floor Demolition Plan	P01
14032_G_(12)_P120	Georgian Townhouses Ground Floor Demolition Plan	P01
14032_G_(12)_P121	Georgian Townhouses First Floor Demolition Plan	P01
14032_G_(12)_P122	Georgian Townhouses Second Floor Demolition Plan	P01
14032_G_(12)_P123	Georgian Townhouses Third Floor Demolition Plan	P01
14032_G_(12)_P125	Georgian Townhouses Roof Floor Demolition Plan	P01
14032_G_(12)_P201	Georgian Townhouses North Elevation Demolition	P01
14032_G_(12)_P202	Georgian Townhouses East Elevation Demolition	P01
14032_G_(12)_P203	Georgian Townhouses South Elevation Demolition	P01
14032_G_(12)_P401	Georgian Townhouses Vaults Demolition	P01
14032_K_(00)_P119	Keats House - GA Plan Level B1 - Proposed	P01
14032_K_(00)_P120	Keats House - GA Plan Level 00 - Proposed	P01
14032_K_(00)_P121	Keats House - GA Plan Level 01 - Proposed	P01
14032_K_(00)_P122	Keats House - GA Plan Level 02 - Proposed	P01
14032_K_(00)_P123	Keats House - GA Plan Level 03 - Proposed	P01
14032_K_(00)_P124	Keats House - GA Plan Roof - Proposed	P01
14032_K_(00)_P201	Keats House - GA Elevation North Elevation - Proposed	P01
14032_K_(00)_P202	Keats House - GA Elevation West Elevation - Proposed	P01
14032_K_(00)_P203	Keats House - GA Elevation South Elevation - Proposed	P01
14032_K_(00)_P204	Keats House - GA Elevation East Elevation - Proposed	P01
14032_K_(00)_P205	North Elevation Full Tower Proposed	P01
14032_K_(00)_P301	Keats House - GA Section AA - Proposed	P01
14032_K_(00)_P302	Keats House - GA Section BB	P01
14032_K_(00)_P303	Keats House - GA Section CC	P01
14032_X_(00)_P118	Tower TN03 GA Plans - Level B2	P01
14032_X_(00)_P119	Tower TN03 GA Plans - Level B1	P01
14032_X_(00)_P120	Tower TN03 GA Plans - Level G	P01

14032_X_(00)_P120M	Tower TN03 GA Plans - Level GM	P01
14032_X_(00)_P121	Tower TN03 GA Plans - Level 01	P01
14032_X_(00)_P122	Tower TN03 GA Plans - Level 02	P01
14032_X_(00)_P123	Tower TN03 GA Plans - Level 03	P01
14032_X_(00)_P124	Tower TN03 GA Plans - Level 04	P01
14032_X_(00)_P125	Tower TN03 GA Plans - Level 05	P01
14032_X_(00)_P126	Tower TN03 GA Plans - Level 06	P01
14032_X_(00)_P127	Tower TN03 GA Plans - Level 07	P01
14032_X_(00)_P128	Tower TN03 GA Plans - Level 08	P01
14032_X_(00)_P129	Tower TN03 GA Plans - Level 09	P01
14032_X_(00)_P130	Tower TN03 GA Plans - Level 10	P01
14032_X_(00)_P131	Tower TN03 GA Plans - Level 11	P01
14032_X_(00)_P132	Tower TN03 GA Plans - Level 12	P01
14032_X_(00)_P133	Tower TN03 GA Plans - Level 13	P01
14032_X_(00)_P134	Tower TN03 GA Plans - Level 14	P01
14032_X_(00)_P135	Tower TN03 GA Plans - Level 15	P01
14032_X_(00)_P136	Tower TN03 GA Plans - Level 16	P01
14032_X_(00)_P137	Tower TN03 GA Plans - Level 17	P01
14032_X_(00)_P138	Tower TN03 GA Plans - Level 18	P01
14032_X_(00)_P139	Tower TN03 GA Plans - Level 19	P01
14032_X_(00)_P140	Tower TN03 GA Plans - Level 20	P01
14032_X_(00)_P141	Tower TN03 GA Plans - Level 21	P01
14032_X_(00)_P142	Tower TN03 GA Plans - Level 22	P01
14032_X_(00)_P143	Tower TN03 GA Plans - Level 23	P01
14032_X_(00)_P144	Tower TN03 GA Plans - Level 24	P01
14032_X_(00)_P145	Tower TN03 GA Plans - Level 25	P01
14032_X_(00)_P146	Tower TN03 GA Plans - Level 26	P01
14032_X_(00)_P147	Tower TN03 GA Plans - Level 27	P01
14032_X_(00)_P148	Tower TN03 GA Plans - Level 28	P01
14032_X_(00)_P149	Tower TN03 GA Plans - Level 29	P01
14032_X_(00)_P150	Tower TN03 GA Plans - Level 30	P01
14032_X_(00)_P151	Tower TN03 GA Plans - Level 31	P01
14032_X_(00)_P152	Tower TN03 GA Plans - Level 32	P01
14032_X_(00)_P153	Tower TN03 GA Plans - Level 33	P01
14032_X_(00)_P154	Tower TN03 GA Plans - Level 34	P02
14032_X_(00)_P155	Tower TN03 GA Plans - Level 35	P02
14032_X_(00)_P156	Tower TN03 GA Plans - Level 36	P02
14032_X_(00)_P201	North Elevation Proposed	P01
14032_X_(00)_P202	South Elevation Proposed	P01
14032_X_(00)_P203	East Elevation Proposed	P01
14032_X_(00)_P204	West Elevation Proposed	P01
14032_X_(00)_P301	Section AA Proposed	P01
14032_X_(00)_P302	Section BB Proposed	P01
14032_X_(12)_P119	Demolition Scope of Existing Level LG Plan	P01
14032_X_(12)_P120	Demolition Scope of Existing Level 00 Plan	P01
14032_X_(12)_P121	Demolition Scope of Existing Level 01 Plan	P01
14032_X_(12)_P122	Demolition Scope of Existing Level 02 Plan	P01

14032_X_(12)_P123	Demolition Scope of Existing Level 03 Plan	P01
14032_X_(12)_P124	Demolition Scope of Existing Level 04 Plan	P01
14032_X_(12)_P125	Demolition Scope of Existing Lower Roof Plan	P01
14032_X_(12)_P126	Demolition Scope of Existing Upper Roof Plan	P01
14032_X_(12)_P201	Demolition Scope of Existing Elevation 01	P01
14032_X_(12)_P202	Demolition Scope of Existing Elevation 02	P01
14032_X_(12)_P203	Demolition Scope of Existing Elevation 03	P01
14032_X_(12)_P205	Demolition Scope of Existing Elevation 05	P01
14032_X_(12)_P206	Demolition Scope of Existing Elevation 06	P01
14032_X_(12)_P207	Demolition Scope of Existing Elevation 07	P01
14032_X_(12)_P301	Demolition Scope of Existing Section A-A	P01
14032_X_(12)_P302	Demolition Scope of Existing Section B-B	P01
14032_X_(12)_P303	Demolition Scope of Existing Section C-C	P01
14032_X_(12)_P304	Demolition Scope of Existing Section D-D	P01
14032_X_(12)_P305	Demolition Scope of Existing Section E-E	P01
14032_X_(00)_P401	Ventilation air intake Bunch of Grapes Party Wall	P01
14032 (K) 0916	Tower TN03 – Future Tenant Lift GA Plans – Level 34	P01

Reason:

For the avoidance of doubt and in the interests of proper planning.

DEFINITION OF WORKS

3. Prior to any works commencing, including demolition, a Works Element Plan shall be submitted to and approved in writing by the Local Planning Authority. The Works Element Plan shall confirm by reference to a drawing or drawings the extent of the works to be undertaken within each element of the approved development: the demolition element; the Georgian terrace element; the Keats House element; the tower building element; the public realm element; the basement element; and the intended duration and completion of each element.

The development shall be undertaken only in accordance with the approved Works Element Plan. The Works Element Plan may be amended from time to time, subject to obtaining the prior written approval of the Local Planning Authority.

The works within the basement element, Georgian terrace element and Keats House element shall be completed and made ready for occupation, and the public realm element completed and made available for public use prior to the first occupation of the tower building element, unless otherwise agreed by the Local Planning Authority in an approved Works Element Plan.

Reason:

To ensure each element of the approved development is delivered prior to the occupation of the tower building with its associated basement servicing and cycle parking facilities to prevent a gap in the streetscene, by requiring the re-provision of Keats House and ensuring the replacement walls and roof are constructed to the listed buildings to protect their historic fabric. In order to comply with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policies D9 Tall buildings and HC1 Heritage conservation and growth of the London Plan (2021), and policies P17 Tall

buildings, P19 Listed buildings and structures, P20 Conservation areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

Part 2: Pre-commencement conditions site-wide

DEMOLITION LOGISTICS PLAN

4. Demolition works shall not begin until a Demolition Logistics Plan to manage all freight vehicle movements to and from the site during demolition of the existing building(s) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The Demolition Logistics Plan shall include:
 - (a) the management of all freight vehicle movements to and from the site during demolition of the existing buildings;
 - (b) loading and unloading of plant and materials including vehicle turning areas;
 - (c) storage of plant and materials;
 - (d) programme of works (including measures for traffic management and pedestrian safety);
 - (e) provision of boundary hoarding, behind any visibility zones of construction traffic routing;
 - (f) hours of operation;
 - (g) means to prevent deposition of mud on the highway;
 - (h) location and height of any crane(s) and scaffolding;
 - (i) any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority), in order to identify and address potential cumulative highway effects during the demolition phase.
 - (j) relevant measures from the Mayor of London's Construction Logistics Plan Guidance (2017), and specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Cyclist Safety (CLOCS) Standard for Construction Logistics, Managing Work Related Road Risk.

As a minimum, all haulage contractors should be FORS (or equivalent) registered and use the highest rated Direct Vision Standard lorries as possible.

The demolition shall not be carried out otherwise than in accordance with the approved Demolition Logistics Plan. The approved plan shall be implemented as approved and periodically reviewed following audits of its implementation. Results of these audits will be made available to the Local Planning Authority upon request. The approved plan shall be retained for the duration of the demolition, site clearance and construction process for the relevant phase.

Reason:

The demolition of the scheme is likely to be challenging, given the site access constraints, busy surrounding roads, high numbers of vulnerable users, and scale of development. These details are required prior to demolition work commencing in order that the impact on the transport network is minimised from

the time that demolition starts. To ensure that demolition works do not have an adverse impact on public safety and the transport network by securing the mitigation identified in the Environmental Statement, in accordance with London Plan policy T7 Deliveries, servicing and construction and policy P50 Highway impacts of the Southwark Plan (2022).

DEMOLITION ENVIRONMENTAL MANAGEMENT PLAN

5. There shall be no demolition on the site until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The scheme shall be based on the Southwark's Code of Construction Practice, GLA/London Council's Best Practice Guide Dust & Plant Emissions and Mayor of London's emissions standards for NRMM (or any subsequent, replacement code of practice) and arrangements for liaison and monitoring set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the demolition process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The demolition shall not be carried out other than in accordance with the approved Demolition Environmental Management Plan.

Reason:

To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the mitigation identified in the Environmental Statement and to comply with policy P56 Protection of amenity of the Southwark Plan (2022).

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

6. Prior to the commencement of the development including demolition, site clearance and/or construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The CEMP shall include (but not be limited to) details relating to all structures:
 - (a) any demolition, ground works, (including decontamination)
 - (b) scheme for security fencing / hoardings, depicting a readily visible 24-hour contact number for queries or emergencies
 - (c) construction and access to the site
 - (d) hours of operation
 - (e) predicted levels of, means to control / minimise the impact of, and monitoring of noise, odour dust, vibration and smoke
 - (f) road cleaning including wheel washing
 - (g) suitable pollution prevention measures for the safe storage of fuels, oils and chemicals and the control of sediment laden site discharge to protect water quality including into the Thames during the construction phase
 - (h) details of vibro-compaction machinery and a method statement
 - (i) details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded)
 - (j) any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority), in order to identify and address potential cumulative environmental effects during the demolition and construction phase.

The CEMP should be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction', Southwark's Code of Construction Practice, GLA/London Council's Best Practice Guide Dust & Plant Emissions and Mayor of London's emissions standards for NRMM (or any subsequent, replacement code of practice). The development shall be constructed in accordance with the approved management plan. The CEMP shall be implemented as approved and periodically reviewed following environmental audits of its implementation. Results of these audits will be made available to the Local Planning Authority upon request. The CEMP shall be retained and complied with for the duration of the demolition, site clearance and construction process for the relevant element.

Reason:

In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with the mitigation identified in the Environmental Statement and to comply with policy P56 Protection of amenity of the Southwark Plan (2022). These details are required prior to demolition in order that the impact on amenities is minimised from the time that the construction starts.

CONSTRUCTION ENVIRONMENTAL PROTECTION

7. There shall be no construction on the site until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects during construction has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The scheme shall be based on Southwark's Code of Construction Practice, GLA/London Council's Best Practice Guide Dust & Plant Emissions and Mayor of London's emissions standards for NRMM (or any subsequent, replacement code of practice) and arrangements for liaison and monitoring set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the construction process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

Reason:

In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network, in accordance with London Plan policy T7 Deliveries, servicing and construction and policy P56 Protection of amenity of the Southwark Plan (2022). These details are required prior to construction in order that the impact on amenities is minimised from the time that the construction starts.

CONSTRUCTION LOGISTICS PLAN

8. No construction works shall commence until a Construction Logistics Plan(s) (CLP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The CLP shall include details of:
 - (a) the management of all freight vehicle movements to and from the site during construction of the development;
 - (b) loading and unloading of plant and materials including vehicle turning areas;

- (c) storage of plant and materials;
- (d) sourcing of materials;
- (e) programme of works (including measures for traffic management and pedestrian safety);
- (f) provision of boundary hoarding, behind any visibility zones of construction traffic routing;
- (g) hours of operation;
- (h) means to prevent deposition of mud on the highway;
- (i) location and height of crane(s) and scaffolding, including crane aircraft safety lighting;
- (j) any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority), in order to identify and address potential cumulative highway effects during the demolition and construction phase.

The CLP shall be prepared in accordance with the Mayor's CLP Guidance dated July 2017, add further detail to the submitted outline construction management plan and shall specifically address the safety of vulnerable road users through compliance with the CLOCS Standard.

As a minimum, all haulage contractors should be FORS (or equivalent) registered and use the highest rated Direct Vision Standard lorries as possible.

The development shall be constructed in accordance with the relevant approved CLP. The CLP shall be implemented as approved and periodically reviewed following audits of its implementation. Results of these audits will be made available to the Local Planning Authority upon request. The CLP shall be retained for the duration of the construction process for the relevant phase.

Reason:

The construction of the scheme is likely to be challenging, given the site access constraints, busy surrounding roads, high numbers of vulnerable users, and scale of development. To ensure these phases do not raise highway safety or aircraft safety matters by securing the mitigation identified in the Environmental Statement, to accord with policy P50 Highway impacts of the Southwark Plan (2022) and policy T7 Deliveries, servicing and construction of the London Plan (2021).

DEMOLITION OF BUILDINGS

9. Prior to commencement of demolition works to the Georgian terrace, Keats House or the existing office building, a valid construction contract (under which one of the parties is obliged to carry out and complete the works of redevelopment of the site for which planning permission has been granted (or the relevant element of the redevelopment) shall be entered into and evidence of the construction contract shall be submitted to for approval in writing by the Local Planning Authority.

Reason:

To prevent a partial implementation that would leave a gap in the streetscene, to require the reprovion of Keats House and ensuring the replacement walls and roof are constructed to the listed buildings to protect their historic fabric and to maintain the character and appearance of the Borough High Street Conservation Area. In accordance with Section 16 Conserving and enhancing the historic

environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021) and P20 Conservation areas of the Southwark Plan (2022).

PROTECTION OF THE GEORGIAN TERRACE, KEATS HOUSE AND CONYBEARE HOUSE FACADES DURING THE WORKS

10. Prior to the commencement of development (including any demolition) Method Statement(s) for the protection of the elements of the Georgian terrace that are to be retained, for the protection of the Keats House façades to be retained and relocated, and for the protection of the Conybeare House façade during and after the Keats House removal shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement(s) shall detail how these heritage assets are to be protected and supported during the demolition works, basement excavation works, and construction works, and include the design of any internal and external scaffolding, any temporary roof (including details of all fixings into historic fabric and protection at building interfaces). The works shall not be undertaken otherwise than in accordance with the approved details.

Reason:

In order to ensure the special historic qualities of the listed buildings and Keats House façades are protected, in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021), and policies P19 Listed buildings and structures, P20 Conservation areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

ARCHAEOLOGICAL MITIGATION

11. Prior to the commencement of development (exception for demolition works above ground level) a written scheme of investigation (WSI) for those parts of the site which have archaeological interest shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant phase. For land that is included within the WSI, no demolition/development/excavation shall take place other than in accordance with the approved WSI which shall include:
 - (i) The programme and methodology of site investigation and recording
 - (ii) The programme for post-excavation assessment

The archaeological works shall be undertaken in accordance with the approved details. The WSI shall be prepared and implemented by a suitably qualified professionally accredited archaeological practice.

Reason:

In order that the details of the programme of works for the archaeological mitigation (as identified in the Environmental Statement) are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with policy P23 Archaeology of the Southwark Plan (2022), policy HC1 Heritage conservation and growth of the London Plan (2021) and the National Planning Policy Framework (2021).

ARCHAEOLOGICAL PUBLIC ENGAGEMENT PROGRAMME

12. a) Prior to commencement of the development (excluding demolition and site investigation works) hereby permitted a Public Engagement Programme shall be

submitted to and approved by the Local Planning Authority. The Public Engagement Programme shall set out:

- 1) How the archaeology fieldwork areas will be hoarded to provide opportunities for passers-by to safely view the excavations;
- 2) Drawings (artwork, design, text and materials, including their location and a full specification of the construction) for the public interpretation and presentation display celebrating the historic setting of the site, to be located on suitably visible public parts of the temporary site hoarding;
- 3) Details of at least one event, such as a heritage trail, that will be held during the fieldwork phase (as a minimum this should state the date/time, duration, individuals involved and advance promotional measures for the event, and provide an outline of the content of the event).

b) Prior to the commencement of the archaeology fieldwork, the hoarding shall be installed in full accordance with the approved details referred to in parts a.1 and a.2 of the condition, and the hoarding shall remain as such and in place throughout the archaeology fieldwork phase. During the archaeology fieldwork, the event (referred to in part a.3) shall be carried out.

Reason:

To promote knowledge and understanding of the archaeological interest of the application site and provide information on the special archaeological and historical interest of this part of Southwark, in accordance with the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021) and P23 Archaeology of the Southwark Plan (2022).

BASEMENT IMPACT ASSESSMENT

13. Prior to the commencement of development, a Basement Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Basement Impact Assessment shall be based upon the topics considered in the submitted Basement Impact Assessment by AKT II dated October 2018, be informed by the site specific geotechnical and fabric investigations undertaken. It shall include groundwater mitigation measures to protect the underlying aquifer and to minimise the risk of ground water flooding, and details of the underpinning of foundations of the buildings within and adjoining the site as required.

The development shall be undertaken in accordance with the approved Basement Impact Assessment.

Reason:

To minimise the potential for the site to contribute to changes in groundwater conditions, the risk to the underlying aquifer and groundwater flooding in accordance with the Environmental Statement mitigation, Southwark's Basements and Flooding Guide, Appendix I of Southwark's Strategic Flood Risk Assessment (2016), and policy P68 Reducing flood risk of the Southwark Plan (2022), and to support the historic buildings during the basement excavation work.

LONDON UNDERGROUND ASSET PROTECTION

14. Prior to the commencement of development, including demolition, detailed design and method statements shall be submitted to and approved in writing by the Local Planning Authority (in consultation with London Underground) which:

- provide demolition and construction details of all structures, details of all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) for each stage of the development;
- accommodate the location of the existing London Underground structures and tunnels;
- accommodate ground movement arising from the construction thereof;
- and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in this condition shall be completed in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with policy T3 Transport capacity, connectivity and safeguarding of the London Plan (2021) and 'Land for Industry and Transport' Supplementary Planning Guidance (2012).

SITE WASTE MANAGEMENT PLAN

15. No works shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall include details of how waste for each phase will be reused, recycled and/or disposed of and managed during demolition and construction. The development shall be carried out in accordance with the approved Site Waste Management Plan.

Reason:

In the interest of promoting waste reduction and protecting the amenity of the site as mitigation identified in the Environmental Statement in accordance with policies SI7 Reducing waste and supporting the circular economy of the London Plan (2022) and P62 Reducing waste of the Southwark Plan (2022).

PILING

16. No piling or any other foundation designs using penetrative methods shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, demonstrating there is no resultant unacceptable risk to groundwater, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water and the Environment Agency). Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. The proposed works will also be in close

proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Mitigation has been identified in the Environmental Statement. To ensure that the development does not harm groundwater resources in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

HIGHWAY PROTECTION

17. No development shall take place (except for demolition to ground level) until a design and method statement detailing how the public highways adjoining the site are to be protected during the excavation and construction of the foundations and basement structures of the development have been submitted to and approved by the Local Planning Authority. The detailed design and method statements (AIP) for any proposed foundations and basements structures (temporary and/or permanent) retaining the highway shall demonstrate accordance with CG 300 'Technical Approval of Highway Structures'. The excavation, foundation and construction works shall be undertaken in accordance with the approved statement.

Reason:

To protect the structural integrity of the pavements and roadways during the excavation and construction of the development, and to accord with policy P50 Highway impacts of the Southwark Plan (2022).

SITE CONTAMINATION

18. Prior to the commencement of development, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency):
 - 1) A site investigation scheme, based on the Preliminary Environmental Risk Assessment' (PERA) by Waterman (reference WIE11375-100-R-2-1-6-RJM dated October 2016), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

For the protection of Controlled Waters. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy

Framework (2021) paragraph 183 and policy P63 Contaminated land and hazardous substances of the Southwark Plan (2022). The site is located over a Secondary Aquifer and it is understood that the site may be affected by historic contamination.

DRAINAGE STRATEGY

19. Prior to the commencement of development (excluding demolition), details of the proposed surface water drainage system incorporating Sustainable Drainage Systems (SuDS) shall be submitted to and approved in writing by the Local Planning Authority, including detailed design, size and location of attenuation units and details of flow control measures. The strategy should achieve rates limited to the greenfield rate (unless otherwise agreed by the Local Planning Authority) and a reduction in surface water runoff rates during the 1% Annual Exceedance Probability (AEP) event plus climate change allowance. The applicant must demonstrate that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows, and set out the maintenance responsibilities of the site owner.

The site drainage must be constructed in accordance with the approved details.

Reason:

To minimise the potential for the site to contribute to surface water flooding, as identified in the Environmental Statement, and to accord with policy SI 13 Sustainable drainage of the London Plan (2021) and policy P68 Reducing flood risk of the Southwark Plan (2022).

CARBON SAVINGS

20. Prior to the commencement of development, an updated Energy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Energy Statement shall show how the energy hierarchy of be lean, be clear, be green measures have improved the on-site carbon saving measures from the submitted Energy Statement document by Chapman BDSP, to achieve a minimum 40% reduction in on site carbon emissions including achieving a 15% reduction through energy efficiency measures.

The development shall be carried out in accordance with the approved Energy Strategy.

Reason:

To ensure this major development improves its carbon saving measures to achieve at least the minimum on-site reductions, and maximise carbon savings to comply with policy SI2 Minimising greenhouse gas emissions of the London Plan (2021) and policy P70 Energy of the Southwark Plan (2022).

SECURED BY DESIGN

21. a) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development, in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and shall be implemented in accordance with the approved details prior to occupation of the relevant phase.

b) Prior to first occupation of the relevant phase a satisfactory Secured by Design inspection must take place and the resulting Secured by Design certificate submitted to and approved in writing by the Local Planning Authority.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework (2021), policy P16 Designing out crime of the Southwark Plan (2022) and D11 Safety, security and resilience to emergency of the London Plan (2021).

HOSTILE VEHICLE MITIGATION

22. Prior to the commencement of development (with the exception of demolition works), details of the proposed hostile vehicle mitigation on St Thomas Street between the Georgian terrace and Keats House and along the site boundary with Kings Head Yard are to be submitted to and approved in writing by the Local Planning Authority. The specification of the accredited vehicle security barriers shall be informed by a vehicle dynamics assessment by a suitably qualified specialist listed on the Register of Security Engineers and Specialists and shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Metropolitan Police). The development shall then be implemented in accordance with the approved details and maintained thereafter.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework (2021), policy D11 Safety, security and resilience to emergency of the London Plan (2021) and policy P16 Designing out crime of the Southwark Plan (2022).

BLAST MITIGATION IMPACT ASSESSMENT

23. Prior to the commencement of development (with the exception of demolition works), a Blast Mitigation Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Metropolitan Police). The development shall incorporate such measures as are necessary within the site to mitigate the blast impact, details of which shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Metropolitan Police) before any construction works thereby affected are begun. The development shall be implemented in accordance with the approved details and shall be retained in place for the life of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework (2021), policy D11 Safety, security and resilience to emergency of the London Plan (2021) and policy P16 Designing out crime of the Southwark Plan (2022).

FULL FIBRE CONNECTIVITY

24. Prior to the commencement of development (with the exception of demolition works), detailed plans shall be submitted to and approved in writing by the Local Planning Authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans.

Reason:

To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness in accordance with policy SI6 Digital connectivity infrastructure of the London Plan (2021).

FIRE SAFETY

25. Prior to the commencement of development (except demolition), a fire statement prepared by an independent qualified assessor shall be submitted to and approved in writing by the Local Planning Authority. The fire statement will set out how the buildings will each function in terms of the building's construction, means of escape, features that reduce the risk to life, access to the premises by fire service personnel and equipment, and how provision will be made to enable fire appliances to gain access to the buildings. The development shall not proceed other than in accordance with the approved details.

Reason:

To ensure that it is demonstrated that fire safety considerations have informed the design and layout of the proposed development in accordance with policy D12 Fire Safety of the London Plan (2021).

WHOLE LIFE CARBON

26. (a) Prior to the commencement of development (including demolition) a Whole Life-Cycle Carbon Assessment demonstrating compliance with Part F of Policy SI 2 "Minimising greenhouse gas emissions" of the London Plan (2021), shall be submitted and approved in writing by the Local Planning Authority. This assessment shall develop a strategy for the implementation of whole life cycle carbon principles in both the approved buildings' and the site's construction, operational and demolition phases. The development shall be carried out in accordance with the approved details.

(b) Within 12 months of first occupation of the development, an updated Whole Life-Cycle Carbon Assessment demonstrating compliance with Part F of policy SI 2 "Minimising greenhouse gas emissions" of the London Plan (2021), shall be submitted and approved in writing by the Local Planning Authority. This assessment should calculate updated whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment based on actual emissions. The updated assessment should evidence what actions have been taken in implementing the development to reduce whole life-cycle carbon emissions, including assessment and evidencing of the recommendations set out in the approved pre-commencement Whole Life-Cycle Carbon Assessment.

Reason:

To maximise the reduction in greenhouse gas emissions and to minimise peak and annual energy demand in compliance with policy SI2 Minimising greenhouse gas emissions of the London Plan (2021).

CIRCULAR ECONOMY

27. (a) Prior to the commencement of development (including demolition) a Circular Economy Statement demonstrating compliance with Part B of Policy SI 7 'Reducing waste and supporting the circular economy' of the London Plan (2021) and including measures for monitoring and reporting against the targets within the Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall develop a strategy for implementing the London Plan's circular economy principles in the approved building structures and the site's operational phase, in addition to developing an end-of-life strategy for the development according to circular economy principles, including disassembly and deconstruction. The development shall be carried out in accordance with the approved details.

(b) No later than three months following substantial completion of the development hereby consented, a Post Completion Circular Economy Report setting out the predicted and actual performance against all numerical targets in the relevant Planning Stage Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To promote resource conservation, waste reduction, material re-use, recycling and reduction in material being sent to land fill in compliance with policies GG6 Increasing efficiency and resilience and SI 7 Reducing waste and supporting the circular economy of the London Plan (2021).

HARD AND SOFT LANDSCAPING

28. Prior to the commencement of development (excluding demolition), detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details) and including the roof terraces shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the submitted urban greening factor calculation (April 2019) to achieve a score of at least 0.36 shall be detailed and implemented in full. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and prior to first occupation of the development.

Any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance recommendations for maintenance of soft landscape (other than amenity turf).

Reason:

So that the Local Planning Authority may be satisfied with the details of the landscaping scheme, in accordance with the National Planning Policy Framework (2021), policies G5 Urban greening and D8 Public realm of the London Plan

(2021), policies P13 Design of places, P14 Design quality and P17 Tall buildings of the Southwark Plan (2022). Landscaping is necessary to mitigate the anticipated wind conditions detailed in the Environmental Statement, and needs to be in place prior to first occupation of the development, in accordance with policy D9 Tall buildings of the London Plan (2021) and policy P17 Tall buildings of the Southwark Plan (2022).

TREE PLANTING

29. Prior to the commencement of development (excluding demolition), details of all proposed tree planting shall be submitted to and approved in writing by the Local Planning Authority. This will include tree pit cross sections, soil volumes, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period, and programme for the timing of the planting. All tree planting shall be carried out in accordance with the approved details and timing, and shall be completed prior to the first occupation of the development. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, and in accordance with the National Planning Policy Framework (2021), policy G7 Trees and woodland of the London Plan (2021), policies P13 Design of places and P61 Trees of the Southwark Plan (2022). Tree planting is necessary to mitigate the anticipated wind conditions detailed in the Environmental Statement, and needs to be in place prior to first occupation of the development, in accordance with policy D9 Tall buildings of the London Plan (2021) and policy P17 Tall buildings of the Southwark Plan (2022).

CYCLE PARKING FOR STAFF

30. Prior to the commencement of development, details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles, and staff facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the type of cycle stands, the provision for larger accessible cycles, along with the shower facilities, the cycle lift access, and cycle ramp.

The cycle parking facilities shall be provided in accordance with the approved details prior to first occupation of the development, be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Unless otherwise approved in writing by the Local Planning Authority, changing

facilities and showers, including no fewer than 70 showers and 447 lockers, shall be provided in accordance with the drawings hereby approved and retained throughout the life of the building for the use of occupiers of the building.

Reason:

To make travel by bicycle more convenient in order to encourage greater use of bicycles by commuters in accordance with the National Planning Policy Framework (2021), policies D5 Inclusive design and T5 Cycling of the London Plan (2021) and policy P53 Cycling of the Southwark Plan (2022).

Part 3: Above grade conditions – site-wide

BIRD BOXES

31. Before any above grade work begins, details of bird nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority. No fewer than four nesting boxes/bricks shall be provided (two with unobstructed entrances for swifts, and two for starlings placed at least 3m apart to reduce aggression in starling pairs) and the details shall include the exact location, specification and design of the habitats. The boxes/bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The nesting boxes/bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

A post completion assessment confirming the nest/roost features have been installed to the agreed specification shall be submitted to the Local Planning Authority within three months of first occupation of the building of which they form part.

Reason:

To ensure the development contributes towards creation of habitats and valuable areas for biodiversity in accordance with Section 15 Conserving and enhancing the natural environment of the National Planning Policy Framework (2021), policy G6 Biodiversity and access to nature of the London Plan (2021) and P60 Biodiversity of the Southwark Plan (2022).

PUBLIC REALM MANAGEMENT PLAN

32. Before any above grade work begins, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules (for all landscaped areas, trees, biodiverse roof, terrace planting and ecological features), shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason:

This condition is necessary to ensure the management of the public realm and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with the NPPF (2021), policies D8 Public realm, G1 Green infrastructure, G5 Urban greening and G6 Biodiversity and access to nature of the London Plan (2021). It is a mandatory criteria of BREEAM (LE5) to monitor

long term impact on biodiversity, a requirement is to produce a landscape and habitat management plan.

CYCLE PARKING FOR VISITORS

33. Prior to the commencement of any works above grade of the approved building, and notwithstanding the cycle parking indicated on the approved ground floor drawings, details (1:50 scale drawings) of the cycle parking facilities to be provided for visitors shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the type cycle stands, their locations (so as not to block pedestrian routes around the building), provision for larger accessible cycles, and arrangement for accessing any visitor parking proposed within the basement of the tower building.

The cycle parking facilities for visitors shall be provided in accordance with the approved details prior to first occupation of the development, be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason:

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with the National Planning Policy Framework (2021), policy T5 Cycling of the London Plan (2021) and policy P53 Cycling of the Southwark Plan (2022).

Part 4: Prior to occupation conditions – site-wide

VERIFICATION REPORT

34. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy (approved pursuant to condition 18) and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency). The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the Local Planning Authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use. To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

THAMES WATER – WATER NETWORK INFRASTRUCTURE

35. No development shall be occupied until documentary evidence has been submitted to and approved in writing by the Local Planning Authority that Thames Water has provided confirmation that either:

1. all water network upgrades required to accommodate the additional flows to serve the development have been completed;

Or:

2. a development and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing plan.

Reason:

The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. The condition is necessary to ensure compliance with policy SI5 Water infrastructure of the London Plan (2021) and IP1 Infrastructure of the Southwark Plan (2022).

PROVISION OF REFUSE STORAGE AND STRATEGY

36. a) The refuse stores shall be provided in accordance with the approved plans and be made available for use prior to the occupation of the development and retained as such thereafter.

b) Prior to the occupation of the development a detailed refuse management strategy including details of a refuse holding area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved.

Reason:

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Sections 8 Promoting healthy and safe communities and 12 Achieving well-designed places of the National Planning Policy Framework (2021), and policies P56 Protection of amenity and P2 Reducing waste of the Southwark Plan (2022).

FLOOD RISK MANAGEMENT

37. Prior to the occupation of the development, a flood risk management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall confirm that the site will be registered for the flood warning system, and how the site's facilities management would deploy the temporary flood protection measures in the event of an expected flood. The site shall be operated in accordance with the approved flood risk management plan.

Reason:

To reduce the flood risk for future occupiers, in accordance with policy SI2 Flood risk management of the London Plan (2021) and P68 Reducing flood risk of the

Southwark Plan (2022).

Part 5: Compliance conditions – site-wide

APPROVED DEVELOPMENT

38. The quantum of built floorspace for the development shall be as specified below.

The uses within the tower building hereby permitted are limited to the following maximum floor areas and at the identified floor levels

- Office (Class B1) – basement to level 33 – 45,682sqm GEA
- Retail (Class A1) – basement and ground – 136sqm GEA
- Retail (Class A3) – ground, mezzanine, level 05 and level 06 – 948sqm GEA
- Raised garden (Class D2) – ground, lift shaft and level 05 – 851sqm GEA
- Gym (Class D2) – basement and ground – 640sqm GEA
- Business hub (Class B1/D2) – levels 21 and 22 – 734sqm GEA
- Ancillary plant and servicing space at basement and ground levels, and roof levels 34 to 36.

The uses within the Keats House building hereby approved are limited to the following maximum floor areas and at the identified floor levels:

- Retail (Class A3) – ground and mezzanine – 252sqm GEA
- Office (Class B1) – ground to level 02 – 480sqm GEA

The uses within the Georgian terrace hereby approved are limited to the following maximum floor areas and at the identified floor levels:

- Retail (Class A1) – lower ground and ground – 729sqm GEA
- Office (Class B1) – ground to level 03 – 1,204sqm GEA

No more than 2 car parking space and 3 loading bays shall be provided in the development. The 2 car parking spaces suitable for use by people with disabilities shall be provided in accordance with the drawings hereby approved and shall be retained throughout the life of the building and be readily available for use by disabled occupiers and visitors without charge to the individual end users of the parking.

The development must be undertaken in accordance with this description of development and quantum of built floorspace.

Reason:

To ensure that the development is carried out in accordance with the approved drawings, documents and the Environmental Statement.

RESTRICTION ON USE CLASS

39. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment of enactment of those Orders), and notwithstanding the uses within Class E, the development shall be used only for the following purposes:
- the office floorspace hereby approved shall be used for Use Class B1 office

purposes only;

- the leisure floorspace hereby approved shall be used for Use Class D2 gym purposes only;

- the retail floorspace in the Georgian terrace building shall be used for Use Class A1 retail purposes only;

- the retail floorspace in the Keats House building shall be used for Use Class A3 restaurant or café purposes only;

- the retail floorspace in the tower building at basement level and at ground level 122sqm shall be used for Use Class A1 retail purposes only, and at ground level (110sqm), the first, fifth and sixth floor levels be used for Use Class A3 restaurant or café purposes only;

- the raised garden (and its associated ground floor entrance and lift access) shall be used for Use Class D2 public garden use only;

- the business hub floorspace at levels 21 and 22 of the tower hereby approved shall be used for Class B1 and/or Class D2 use as an auditorium and ancillary facilities only;

- the ancillary floorspace within the basement and at roof levels shall be used for ancillary purposes to the above listed uses only;

unless otherwise agreed by way of a formal application for planning permission.

Reason:

In order to ensure that the site provides the proposed office, retail, leisure and combined office and community space for this site within the Central Activities Zone, Opportunity Area and town centre in line with the submitted application, its Environmental Statement and its assessment. Other uses within the same Use Classes may have different impacts than those assessed within the Environmental Statement and application.

UNEXPECTED CONTAMINATION

40. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason:

There is always the potential for unexpected contamination to be identified during development groundworks. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

SURFACE WATER DRAINAGE/INFILTRATION

41. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority in advance of the system's installation, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in

accordance with the approval details.

Reason:

Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater. This is in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

FLOOD RISK

42. The development hereby permitted shall be carried out in accordance with the recommendations of the approved Flood Risk Assessment 06/12/2018; 3948 New City Court, unless a revised flood risk assessment is submitted to and approved in writing by the Local Planning Authority prior to the relevant works being carried out.

Reason:

To ensure the development is designed safely in reference to flood risk, in accordance with policy SI2 Flood risk management of the London Plan (2021) and P68 Reducing flood risk of the Southwark Plan (2022).

OPENING HOURS

43. The retail, business hub and raised garden uses of the development hereby permitted shall not be open to customers or visitors between the hours of 23:00 on one day and 07:00 on the following day.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with the National Planning Policy Framework 2021 and policy P56 Protection of amenity of the Southwark Plan (2022).

HOURS OF USE OF TERRACES

44. Other than for maintenance purposes, repair purposes or means of escape, the terraces and balconies of the tower building hereby approved shall not be used outside of the following hours: 08:00 - 22:00 on Mondays to Fridays.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with the National Planning Policy Framework 2021 and policy P56 Protection of amenity of the Southwark Plan (2022).

WINDOWS

45. The approved window openings to the tower building, Keats House building and Georgian terrace building hereby approved shall be clear glass and shall not be painted, covered or otherwise obscured or obstructed without prior written consent of the Local Planning Authority.

Reason:

In order that the Local Planning Authority may be satisfied as to the design of these buildings, in the interest of their appearance and the frontages remain active and retaining a relationship with the public realm and streets in

accordance with policies D4 Good quality design of the London Plan (2021) and P14 Design quality of the Southwark Plan (2022).

NO MERGING OF RETAIL UNITS

46. No retail unit in the Georgian terrace shall be merged, combined or consolidated with any other retail unit to form a larger retail unit, without having first obtained express written consent from the Local Planning Authority. A retail unit is defined as one which has been displayed on the lower ground and ground floor plans hereby approved.

Reason:

To ensure the provision of small retail units as proposed by the application, to accord with policy P31 of the Southwark Plan (2022), in order to protect and preserve the special character of the area.

RESTRICTION ON THE INSTALLATION OF ROOF PLANT

47. No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof(s) or be permitted to project above the roofline of any part of the buildings as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosures of any buildings hereby permitted.

Reason:

In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building, the visual amenity of the area and LVMF view in accordance with the National Planning Policy Framework (2021), policy HC4 London View Management Framework of the London Plan (2021), and policy P14 Design Quality of the Southwark Plan (2022).

RESTRICTION ON THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT

48. Notwithstanding the provisions of Schedule 2 Part 16 The Town and Country Planning (General Permitted Development) Order 2015 (as amended or re-enacted) no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby approved.

Reason:

In order to ensure that no telecommunications plant or equipment which might be detrimental to the design and appearance of the building, visual amenity of the area or LVMF view is installed on the roof of the building in accordance with: the National Planning Policy Framework (2021), HC4 London View Management Framework of the London Plan (2021), and policy P14 Design quality of the Southwark Plan (2022).

Part 6: Other trigger conditions – site wide

ARCHAEOLOGY REPORTING SITE WORK

49. Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site findings and preparation of an archive for the archaeological findings shall be submitted to and approved in writing by the Local Planning Authority. The works

detailed in this assessment report shall be carried out in accordance with any such approval given, and publication of the site findings shall be undertaken prior to the first occupation of the development.

Reason:

In order that the archaeological interests of the site are secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with P23 Archaeology of the Southwark Plan (2022), HC1 Heritage conservation and growth of the London Plan (2021) and the National Planning Policy Framework (2021).

PLANT NOISE

50. The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the Specific plant sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific Sound levels shall be calculated fully in accordance with the methodology of BS 4142:2014.

Prior to the plant being commissioned a validation test shall be carried out following completion of the development. The results along with details of any acoustic mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The plant and equipment shall be installed, constructed and operated in accordance with the approval given and shall be permanently maintained thereafter.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with policy P56 Protection of amenity of the Southwark Plan (2022).

SECURITY EQUIPMENT

51. Details of the lighting (including: design; power and position of luminaries; light intensity contours) of external areas and security surveillance equipment shall be submitted to and approved by the Local Planning Authority prior to the installation of any such equipment. Prior to the external lighting being commissioned for use, a validation report to confirm the lighting levels are in accordance with the approved details shall be submitted to the Local Planning Authority for approval in writing. The development shall not be carried out or operated otherwise than in accordance with any such approval given. Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance Note 1 for the reduction of obtrusive light (2020).

Reason:

In the interest of the security of the development, the visual amenity of the area, the amenity and privacy of adjoining occupiers, and their protection from light nuisance, in accordance with the National Planning Policy Framework (2021), policy D11 Safety, security and resilience to emergency of the London Plan (2021) and P56 Protection of amenity of the Southwark Plan (2022).

Part 7: Tower building specific conditions

GYM USE MITIGATION AND ACCESS

52. Prior to the commencement of the tower building (except for demolition), details of the specification of the construction to mitigate the noise and vibration from the gym use of the basement level to the rest of the tower building and neighbouring properties shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be in accordance with the approved details.

Prior to the commencement of the tower building (except for demolition), details of the mechanical ventilation for the basement gym, including the associated extraction point(s) shall be submitted to and approved in writing by the Local Planning Authority. The construction shall be in accordance with the approved details.

Prior to the commencement of the tower building (except for demolition) details of the step free access between ground level and the basement gym level shall be submitted to and approved in writing by the Local Planning Authority. The step free access shall be provided in accordance with the approved details prior to first occupation of the gym.

Reason:

To ensure the proposed basement use does not raise amenity issues for the other occupiers of the tower building and neighbouring properties, in accordance with policy P56 Protection of amenity of the Southwark Plan (2022). The stair and lifts are shown “to be confirmed” on the submitted drawings, so the condition is necessary to ensure the facilities are accessible, in accordance with policy P13 (part 8) of the Southwark Plan (2022) and D5 Inclusive design of the London Plan (2021).

FIRE EVACUATION LIFT

53. Prior to commencement of the tower building (except demolition), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of at least one lift per core (or more subject to capacity assessments) will be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the tower building. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

Reason:

In the interests of fire safety and inclusive design, in accordance with policy D5 Inclusive design of the London Plan (2021).

MATERIALS

54. Prior to the commencement of any works above grade for the tower building, samples of all facing materials for the tower building shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order that the Local Planning Authority may be satisfied as to the design, details and to minimise solar glare from the façades in accordance with policies

D4 Delivering good design and D9 Tall buildings of the London Plan (2021), and policies P14 Design quality and P17 Tall buildings of the Southwark Plan (2022).

DETAILED DRAWINGS - TOWER

55. Prior to the commencement of any works above grade of the tower building, the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) 1:200 contextual drawings of the tower's elevations showing the locations of the relevant features listed in part b) and;
- b) 1:10 or 1:5 scale elevation, plans and cross-sections of:
 - 1) the frame of the eastern and western elevations,
 - 2) windows,
 - 3) doors,
 - 4) terrace screens,
 - 5) roof level building maintenance unit,
 - 6) the façade corner housing the public garden lift,
 - 7) rear service yard entrance,
 - 8) louvres,
 - 9) roof plant screening
 - 10) level 05 and 06 raised garden façade
 - 11) level 21 and 22 business hub façade

The development shall not be carried out otherwise than in accordance with the approved details and retained thereafter.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with policies D4 Good quality design and D9 Tall buildings of the London Plan (2021), and P14 Design quality and P17 Tall buildings of the Southwark Plan (2022).

BIODIVERSE ROOFS

56. 1) Before any above grade work for the tower building hereby authorised begins, details of the biodiverse (green/brown) roof at level 35 shall be submitted to and approved in writing by the Local Planning Authority. The biodiverse roof shall be:
- biodiversity based with extensive substrate base (depth 80-150mm); and
 - planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).
- 2) The biodiverse roof shall be implemented in accordance with the approved details prior to first occupation, and shall be maintained as such thereafter. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.
- 3) The biodiverse roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

Reason:

To ensure the development contributes towards creation of habitats and valuable areas for biodiversity in accordance with: policies SI 4 Managing heat risk, SI 13 Sustainable drainage, G1 Green Infrastructure, G5 Urban Greening of the London Plan (2021); and policy P60 Biodiversity of the Southwark Plan (2022).

MOCK UP

57. Sample section façade visual “mock ups” as representative bays of the tower building’s façade(s) constructed to 1:1 scale shall be presented on site and approved in writing by the Local Planning Authority before any construction work above grade of the approved tower building. The visual “mock ups” shall be constructed in the proposed materials and finishes and shall include:

- 1) a representative bay of the tower building approximately 7m wide by 5m high showing the floors and typical window;
- 2) a representative bay approximately 7m wide by 5m high showing the raised garden façade at levels 05 and 06; and
- 3) a representative bay approximately 7m wide by 5m high showing the business hub façade at levels 21 and 22.

The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design detailing of this tall building in accordance with policy D4 Delivering good design of the London Plan (2021), and policies P14 Design quality and P17 Tall buildings of the Southwark Plan (2022).

RAISED GARDEN

58. Before any above grade work for the tower building begins, details of the layout, landscaping, planting, seating, and toilet facilities to be provided within the raised public garden in the tower building, as well as a plan for its on-going management and maintenance shall be submitted to and approved in writing by the Local Planning Authority. The raised public garden shall be laid out in accordance with the approved details and be made available for public use at first occupation of the tower building.

Reason:

To ensure an attractive, functional public garden space that is of public benefit, and that it is maintained in the long-term, to accord with policy D9 Tall buildings (part D) of the London Plan (2021) and policy P17 Tall buildings of the Southwark Plan (2022).

TV, RADIO AND TELECOMMS IMPACTS

59. Before any above grade work for the tower building begins, details of how the impact of the tower within the development on television, radio and other telecommunications services will be assessed, the method and results of surveys carried out, and the measures to be taken to rectify any problems identified due to the development shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be occupied until any such mitigation measures as may have been approved have been implemented.

Reason:

In order to ensure that any adverse impacts of the development on reception of properties in the area is identified and resolved satisfactorily in accordance with the National Planning Policy Framework (2021), D9 Tall buildings of the London Plan (2021), and P17 Tall buildings of the Southwark Plan (2022).

WIND MITIGATION

60. Before any above grade work for the tower building begins, details of the wind mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Such wind mitigation measures shall include: tree planting within the ground floor public realm; screening to the southern edge of the hub terraces and balconies (to be 2.5 above finished terrace floor level); screening across the southern edge of the level 5 terrace (1.5m wide and angled); restricted access to the edge of the level 3 terrace (e.g. by means of a handrail).

The development shall be constructed in accordance with the approved wind mitigation measures prior to first occupation of the tower building, and the mitigation measures retained as such.

Reason:

So that the Local Planning Authority may be satisfied with the mitigation for wind conditions detailed in the Environmental Statement which needs to be in place prior to first occupation, to accord with policies D8 Public realm and D9 Tall buildings of the London Plan (2021), P13 Design of places and P17 Tall buildings of the Southwark Plan (2022).

COMMERCIAL KITCHEN EXTRACT VENTILATION – TOWER

61. Prior to the commencement of any works above grade of the approved tower building, full particulars and details of a scheme for the extraction and venting of odours, fats and particulate matter from the cooking activities of the commercial kitchen(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given.

Reason:

In order to ensure that that the necessary ventilation, ducting and ancillary equipment are installed during the construction in the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building in accordance with the National Planning Policy Framework (2021) and P56 Protection of Amenity of the Southwark Plan (2022).

BREEAM REPORT AND POST CONSTRUCTION REVIEW - TOWER

62. (a) Before any fit out works to the tower building begin, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve an 'excellent' rating, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;

(b) Before the first occupation of the tower building hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local

Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the tall building proposal achieves the exemplary sustainability standards included in the proposed scheme and complies with Chapter 14 Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework (2021), policies SI 2 Minimising greenhouse gas emissions and SI5 Water infrastructure of the London Plan (2021), and policy P69 Sustainability standards of the Southwark Plan (2022).

CAR PARKING MANAGEMENT

63. Prior to the first occupation of the tower building, a Parking Management Plan detailing access arrangements for the two accessible car parking spaces, the provision of electric vehicle charging facilities to both spaces, how the accessible parking spaces are to be allocated (if at all) for occupiers and visitors of the development, and the routes for people from the parking spaces up to ground level shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved Plan. No other car parking shall be provided on site unless agreed in advance by the Local Planning Authority in writing.

Reason:

To ensure adequate provision for wheelchair accessible parking spaces and convenient access, in accordance with policies D5 Inclusive design, T6 Car parking and T6.2 Office parking of the London Plan (2021).

Part 8: Keats House specific conditions

KEATS HOUSE FAÇADES AND CONYBEARE HOUSE

64. (a) No demolition of Keats House shall commence until a Façade Relocation Plan has been submitted to and approved in writing by the Local Planning Authority. The Façade Relocation Plan shall detail the methodology and specification for how the historic façades are to be moved over, repaired and restored, or how they are to be dismantled, reconstructed, repaired and restored. If the façades are to be dismantled high level recording of the existing facades is to be included, as well as the specification for how the structure will be dismantled, stored, and reassembled in its restored and repaired state shall be included in the Façade Relocation Plan. The works to Keats House shall be carried out only accordance with the approved Façade Relocation Plan.
- (b) No demolition of Keats House shall commence until details of how those parts of Conybeare House that would be exposed by the Keats House removal are to be made weather-tight and protected during the demolition and construction works. The works to Keats House and Conybeare House shall be undertaken in accordance with the approved details.

Reason:

To retain the historic fabric of the Keats House heritage asset, to ensure its reprovion and restoration as a key feature of the streetscene which adds to the character of the Borough High Street Conservation Area, and to protect the historic fabric of Conybeare House to accord with policy HC1 Heritage

conservation and growth of the London Plan (2021) and policies P20 Conservation Areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

FIRE EVACUATION LIFT

65. Prior to commencement of Keats House development (except demolition), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of at least one lift per core (or more subject to capacity assessments) will be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

Reason:

In the interests of fire safety and inclusive design, in accordance with policy D5 Inclusive design of the London Plan (2021).

COMMERCIAL KITCHEN EXTRACT VENTILATION – KEATS HOUSE

66. Prior to the commencement of any works above grade for the Keats House building, full particulars and details of a scheme for the extraction and venting of odours, fats and particulate matter from the cooking activities of the commercial kitchen(s) shall be submitted to and approved by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given.

Reason:

In order to ensure that the necessary ventilation, ducting and ancillary equipment is incorporated into the construction in the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building in accordance with the National Planning Policy Framework (2021) and P56 Protection of Amenity of the Southwark Plan (2022).

MATERIAL SAMPLES – KEATS HOUSE

67. Prior to the commencement of any works for Keats House above grade (excluding demolition), the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) samples of all facing materials including the roof, parapets, brick, window frames and doors
- b) 1sqm sample panel of brickwork, mortar and pointing for the western and southern elevations.
- c) 1sqm sample panel of feature brickwork to the northern elevation (above the servicing entrance) and southern elevation.
- d) Samples of the brick, stone and other materials for the external repairs to the relocated historic façades.

The development of Keats House shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details, and how they relate to the historic façades, in accordance with policy D4 Delivering good design of the London Plan (2021), and policies P14 Design

quality, P20 Conservation Areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

DETAILED DRAWINGS – Keats House

68. Prior to the commencement of any works for Keats House (except for demolition), the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) 1:10 and 1:20 scale details of all fenestration;
- b) 1:10 and 1:20 scale details of all doors including the service entrance door; and
- c) 1:10 and 1:20 scale details of the parapet to the new elevations.

The development shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with policy D4 Good quality design of the London Plan (2021), and policies P14 Design quality, P20 Conservation Areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

69. **BREEAM REPORT AND POST CONSTRUCTION REVIEW - Keats House**
- (a) Before any fit out works to the Keats House building hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve an 'excellent' rating, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
- (b) Before the first occupation of the Keats House building hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the tall building proposal achieves the exemplary sustainability standards included in the proposed scheme and complies with Section 14 Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework (2021), policies SI 2 Minimising greenhouse gas emissions and SI5 Water infrastructure of the London Plan (2021), and policy P69 Sustainability standards of the Southwark Plan (2022).

Part 9: Georgian terrace specific conditions

MATERIAL SAMPLES – GEORGIAN TERRACE

70. Prior to the commencement of any works to the Georgian terrace (excluding demolition), the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) 1sqm sample panel of brickwork, mortar and pointing for the approved extensions.
- b) Samples of the brick, slate and other materials for the external repairs.
- c) Samples of the material of the gates and passageway surfaces between nos. 8 and 10 St Thomas Street.

The development shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021), and P19 Listed Buildings and structures of the Southwark Plan (2022).

71. BREEAM REPORT AND POST CONSTRUCTION REVIEW – Georgian terrace.
- (a) Before any fit out works to the Georgian terrace hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve an 'excellent' rating, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
 - (b) Before the first occupation of the Georgian terrace building hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the tall building proposal achieves the exemplary sustainability standards included in the proposed scheme and complies with Section 14 Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework (2021), policies SI 2 Minimising greenhouse gas emissions and SI5 Water infrastructure of the London Plan (2021), and policy P69 Sustainability standards of the Southwark Plan (2022).

Appendix 3

List of Conditions Should Listed Building Consent be Granted

In the event the Inspector is minded to recommend the scheme for approval, the Council asks that the following conditions be included on the listed building consent and with these drawings listed:

14032_G_(00)_P119	Georgian Townhouses Proposed Lower Ground Floor Plan	P01
14032_G_(00)_P120	Georgian Townhouses Proposed Ground Floor Plan	P01
14032_G_(00)_P121	Georgian Townhouses Proposed First Floor Plan	P01
14032_G_(00)_P122	Georgian Townhouses Proposed Second Floor Plan	P01
14032_G_(00)_P123	Georgian Townhouses Proposed Third Floor Plan	P01
14032_G_(00)_P125	Georgian Townhouses Proposed Roof Floor Plan	P01
14032_G_(00)_P201	Georgian Townhouses Proposed North Elevation	P01
14032_G_(00)_P202	Georgian Townhouses Proposed East Elevation	P01
14032_G_(00)_P203	Georgian Townhouses Proposed South Elevation	P01
14032_G_(00)_P301	Georgian Townhouses Proposed Section A-A	P01
14032_G_(00)_P302	Georgian Townhouses Proposed Section B-B	P01
14032_G_(00)_P304	Georgian Townhouses Proposed Section DD - no.16	P01
14032_G_(00)_P305	Georgian Townhouses Proposed Section EE - no.14	P01
14032_G_(00)_P306	Georgian Townhouses Proposed Section FF - no.10	P01
14032_G_(00)_P307	Georgian Townhouses Proposed Section GG - no.4	P01
14032_G_(00)_P308	Georgian Townhouses Proposed Section HH - no.4	P01
14032_G_(00)_P309	Georgian Townhouses Proposed Section JJ - no.12	P01
14032_G_(00)_P401	Georgian Townhouses Proposed Vault	P01
14032_G_(12)_P119	Georgian Townhouses Lower Ground Floor Demolition Plan	P01
14032_G_(12)_P120	Georgian Townhouses Ground Floor Demolition Plan	P01
14032_G_(12)_P121	Georgian Townhouses First Floor Demolition Plan	P01
14032_G_(12)_P122	Georgian Townhouses Second Floor Demolition Plan	P01
14032_G_(12)_P123	Georgian Townhouses Third Floor Demolition Plan	P01
14032_G_(12)_P125	Georgian Townhouses Roof Floor Demolition Plan	P01
14032_G_(12)_P201	Georgian Townhouses North Elevation Demolition	P01
14032_G_(12)_P202	Georgian Townhouses East Elevation Demolition	P01
14032_G_(12)_P203	Georgian Townhouses South Elevation Demolition	P01
14032_G_(12)_P401	Georgian Townhouses Vaults Demolition	P01

TIME LIMIT

1. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

METHOD STATEMENTS AND SCHEDULE OF WORKS

2. Prior to commencement of works on site, a Method Statement(s) and Schedule of Works shall be submitted to and approved in writing by the Local Planning Authority;
 - i) Demolition of the modern rear extensions; removal of the second floor, roof and chimneys of no. 16 St Thomas Street and making openings to the side façade; removal of the roof and chimneys of no. 14; removal of the roof slates to nos. 4-12; removing the ground floor door between nos. 8 and 10; removal of the vault front wall;
 - ii) The underpinning of the terrace for the adjoining basement excavation;
 - iii) Support, protection and repair of the retained façades, floors and roof;
 - iv) Cleaning of the brickwork;
 - v) Repairs to the sash windows, railings and first floor balconettes.

The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the proposed works are in the interest of the special architectural or historic qualities of the listed building in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC 1 Heritage conservation and growth of the London Plan (2021) and P19 Listed buildings and structures of the Southwark Plan (2022).

DETAILED DRAWINGS

3. Prior to the commencement of works, drawings (scale 1:10, 1:20) shall be submitted to the Local Planning Authority and approved in writing to show the elevations, sections, materials and finishes for:
 - i) All new fenestration (including lintel, arch, cills) and doors.
 - ii) The new and replacement dormer windows.
 - iii) The shopfronts to the rear elevation and the railings above.
 - iv) Rainwater goods.
 - v) Chimney pots.
 - vi) The replacement secondary glazing.
 - vii) The gates to the ground floor passageway between nos. 8 and 10 St Thomas Street.
 - viii) All new staircases (internal and external).

The development shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021) and policy P19 Listed buildings and structures of the Southwark Plan (2022).

Appendix 2 - Pre-application advice letters for the 2018 scheme



Place and wellbeing department

Planning division
Development management (5th floor - hub 2)
PO Box 64529
LONDON SE1P 5LX

Your Ref:

Our Ref: 17/EQ/0208

Contact: Victoria Crosby

Telephone: 020 7525 1412

E-Mail: Victoria.Crosby@southwark.gov.uk

Web Site: <http://www.southwark.gov.uk>

Mr Hugh Morgan
DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Date: 19/12/2018

Dear Mr Morgan

TOWN & COUNTRY PLANNING ACT 1990 (as amended) PRE-APPLICATION ENQUIRY

At: NEW CITY COURT, 20 ST THOMAS STREET, LONDON, SE1 9RS

Proposal: Redevelopment of the site for construction of an office building with public terrace and retail space (including changes to listed St Thomas Street terrace to provide retail units), relocation of Keats House and associated public realm and highway works.

I write in connection with your pre-application enquiry received on 01/06/2017 regarding a scheme to redevelop the site above. This letter summarises the council's written advice on your proposal and whether, based on the details submitted, it meets local planning requirements

This letter aims to summarise the local planning authority's position after more than two years of pre-application discussions on this scheme. The application has been submitted recently, but is not yet valid, and this letter sets out key areas where the application material will be considered and assessed against policies and relevant legislation. This advice is given without prejudice to the future planning application submitted and any advice or recommendations provided by the local planning authority at the planning application stage.

Planning Policy

The statutory development plan for the borough comprises The London Plan (March 2016), the Core Strategy (2011) and saved policies from the Southwark Plan (2007).

The site is located within the:

- Central Activities Zone
- Bankside, Borough and London Bridge Opportunity Area
- London Bridge district town centre
- Bankside, Borough and London Bridge Strategic Cultural Area
- Borough High Street Conservation Area
- Archaeological Priority Zone
- Air Quality Management Area

Other key material considerations in the assessment of the proposal include:

- The National Planning Policy Framework
- New Southwark Plan proposed submission version (December 2017) - and any further version provided prior to the determination of the application
- Draft Bankside, Borough and London Bridge SPD 2010
- Draft London Plan public consultation December 2017, and showing minor changes August 2018.

The heritage assets within the site boundary area include nos 4-8 and 12-16 St Thomas Street which are grade II listed buildings. There are heritage assets in the wider context of the site which include:

Listed buildings

- Grade I - Cathedral church of St Saviour and St Mary Overie (Southwark Cathedral) and The George Inn.
- Grade II* - Guys Hospital main building, 9, 9A, 11 and 13 St Thomas Street.
- Grade II - Kings Head public house, Bunch of Grapes public house, no. 15 St Thomas Street, K2 telephone box outside nos. 17 and 19 St Thomas Street, Statue of Thomas Guy in the courtyard of Guys Hospital, the gates, piers and street railings to Guys Hospital along the St Thomas Street frontage, and the alcove from old London Bridge in the inner quadrangle of Guys Hospital. London Bridge station (platforms 9-16) and the railway viaduct arches along Crucifix Lane and St Thomas Street. Several properties along Borough High Street including numbers 2, 4, 6, 8, 10, 19A, 28, 30, 32, 34, 38, 40, 50, 52, 53, 53A, 54, 55, 58, 66, 67, 68, 70, 91, 93, 95, 101 and 103, the St Saviours Southwark war memorial, and the bollards at the entrance to Green Dragon Court. The Hop Exchange, 1B and 3 Southwark Street, bollard between nos 1 and 2 Stoney Street, 5 and 6 Stoney Street. The Globe public house (and bollards and lamp post to rear), and post at north corner of Bedale Street.

Conservation Areas

- Tooley Street CA (to the north-east)
- Bermondey Street CA (to the south-east)
- Liberty of the Mint CA (to the south-west)
- Union Street CA (to the south-west)
- Thrale Street CA (to the west)

Land uses

The site is not identified as an allocation site for redevelopment in the draft New Southwark Plan, nor the draft Bankside Borough and London Bridge and therefore the policies within the above listed policy documents would apply to the redevelopment of the site.

There is no objection to the demolition of the existing 1980s New City Court office building providing a suitable replacement scheme is proposed. As the site is in the CAZ, any redevelopment would need to reprovide the office floor space and there is potential to increase the office floorspace further, to contribute towards the targets in Core Strategy policy 10. A redevelopment of the site would provide better quality offices than the present 1980s building. Draft policy P26 of the New Southwark Plan at 1.3 requires a marketing strategy to demonstrate how the employment space will meet current market demand, and this should be incorporated in the application documents.

The proposed business "hub" conference space could be a useful facility for this part of the borough, but is primarily for the occupying businesses. Further information is needed on who it would be made available to, how it can operate in isolation from the rest of the office building, the offer to make it available to the local community (whether this would be at reduced rates, how often, and to whom it would be marketed etc), even if the precise detail comes through at a later stage if permission is granted.

The introduction of retail use at the site would also be welcomed in principle, as supported by Core Strategy policy 3.

The Local Economy Team (LET) broadly supports this application in terms of the additional employment created by the proposal. The LET suggests working with the developer engaging a workspace provider and setting aside a proportion of workspace as affordable (in line with draft London Plan policy E3), and also asks that the developer consider displacement of any existing tenants (draft New Southwark Plan policies P28 and P38). Further comments are made below regarding targeted employment opportunities in the construction and completion phases, and the council's requirements.

EIA

The proposed tower is EIA development, and the scoping opinion (ref. 18/AP/2633) was issued on 4th October 2018. The technical comments included in the scoping opinion to guide the future submission documents are not repeated here.

Design and heritage impacts

A separate letter was provided to DP9 in May 2018 setting out the Local Planning Authority's view on the height and design of the proposal, and its resulting substantial harm to several heritage assets in the local area and further from the site that is unacceptable and not justified even when the public benefits of the scheme are taken into consideration. The content of this letter is not repeated in full here as the proposed tower has not changed markedly. The relevant statutory duties on the local planning authority in sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 have not changed since, and although a new NPPF has been published since, the requirements to conservation and enhance the historic environment have not significantly changed.

The NPPF requires the council to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In considering the impact of any proposal in such a historic context, the NPPF requires the council to identify and assess the particular significance of any heritage asset that may be affected by a proposal and then to consider the impact of the proposal on that significance (paragraph 190) in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The NPPF requires local authorities to identify the 'harm' to the heritage asset and to categorise any harm as 'substantial' or 'less than substantial' and sets out the justification for each (paragraphs 193 – 135). Substantial harm to these assets should be "wholly exceptional" (paragraph 194 part b).

The council will place considerable weight on the special regard required by the Planning (Listed Buildings and Conservation Areas) Act 1990 on the setting of a number of grade I and grade II* listed buildings in the immediate context of this proposal as well as those grade II listed buildings whose settings are also affected, of which there are a number in the area. In addition to the Tower of London World Heritage Site (in Tower Hamlets), the affected listed buildings in Southwark (in order of significance) are:

- Southwark Cathedral, Cathedral Street (Grade I)
- The George Inn, 77 Borough High Street (Grade I)
- Guys Hospital Main Building including wings and Chapel (Grade II*)
- Nos 9, 9A, 11 and 13 St Thomas Street (Grade II*)
- The Church of St George the Martyr, Borough High Street (Grade II*)
- Nos 4-18 and 12-16 St Thomas Street (Grade II)
- Bunch of Grapes Public House, 2 St Thomas Street (Grade II)
- Kings head Public House, Kings Head Yard (Grade II)
- Post Office, 19A Borough High Street (Grade II)
- 3 Southwark High Street (Grade II)
- The Hop Exchange, 24 Southwark Street (Grade II)

The above list is not definitive and the council would require a detailed assessment of each of the above. Of significant concern is the substantial harm that the proposal will cause on the setting of the listed buildings of the highest significance. The overly dominant impact upon Borough High Street Conservation Area is also considered to result in substantial harm to this heritage asset.

Policy 3.20 (Tall Buildings) of the Southwark Plan (2007) requires developments that include tall buildings to be located at a point of "landmark significance" which is defined as: "where a number of important routes converge, where there is a concentration of activity and which is or will be the focus of views from several directions." Further, the policy requires in v. that every tall building proposal must contribute "positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views". The information provided does not demonstrate how this proposal will meet the locational criteria in saved policy 3.20. Further, the substantial separation of the proposed tower from other nearby towers in a number of views highlights that the building is likely to be isolated from the London Bridge "cluster".

The emerging policy P14 (Tall Buildings) of the New Southwark Plan Proposed Submission Version (December 2017) reflects the principles of the NPPF and repeats the locational and clustering criteria and adds further requirements including, among other things:

2.2. Respond positively to local character and the townscape; and

2.6 Avoid unacceptable harm to the significance of designated heritage assets or their settings.

There are many aspects of this proposal that attempt to address point 2.2, however the overarching principle of point 2.6. remains a significant concern and highlights the difference in sensitivity between the three distinct parts of the proposed development: the base, middle and top.

The base of the proposal includes a number of areas of public realm and proposes a significant enhancement of the yards which are a characterful and distinctive feature of the conservation area, noted in the conservation area appraisal. The "middle" of the tower insofar as it is limited to the height of other tall buildings like The Place or Shard Place, could be considered to contribute positively to that collection of buildings at the foothills of the Shard. However, the "top" would cause substantial harm to the setting of a number of statutory listed buildings of the highest order of significance. This substantial harm, coupled with its substantial and overly dominant impact on the Borough High Street Conservation Area is irreconcilable with the council's adopted and emerging policies in its current form.

At the conclusion of the pre-application phase, the height and level of harm to surrounding heritage assets remains the main area where the opinions of the project team and local planning authority differ, and is the key reason why the scheme cannot be supported by officers.

Tower design

The tower has been designed as a powerful steel trussed and framed glazed edifice. The building is narrow at its base and crown and curves out gently on its northern face. In this way it is designed to "tuck in" behind the listed buildings on St Thomas Street at its lower levels. On the east and west facades is a giant truss design - a reference to the railway viaducts that criss-cross this part of Southwark. The southern face is taken up by the stair and lift core arranged along this edge. The proposal includes two features that help to break up the tower. The first is the elevated garden (discussed further below) and the second is the double height "hub" space for functions and conferences at the 21st and 22nd floors.

The design is refined and deliberately contrasting. It has been conceived as a singular geometric extrusion that is intended to impose itself onto the surrounding historic lanes. While it may have aspects that are aesthetically pleasing in their own right, the scheme lacks a connection to its context especially at the lower levels.

AHMM has done a lot of work with gia on the requirements of the VuCity modelling, but the information has not been provided yet to the council. This is an extremely useful tool in assessing the proposal, particularly in static and dynamic views around the Cathedral especially, and in longer views not picked up in the TVIA, and we would encourage continuing to work with gia to provide the VuCity model alongside the application.

The project team has undertaken wind modelling of the tower and surrounding public realm, with refinements needed on the southern elevation to baffle the winds, although these results were not shared at pre-application stage. The wind conditions in the public realm will be considered as part of the application.

Conclusion on design and harm to heritage impacts

The scheme was reviewed by the CABE/Design Council Panel. They generally endorsed the architectural design however they found that it needed further development before it could be considered "exemplary" by design. They raised questions about the glassy character of the architecture, about the environmental and micro climate impacts of the proposal, and challenged the design team to improve the sustainability credentials of the scheme. While these questions remain it cannot be considered to be exemplary by design and further refinement would be necessary in the design.

Notwithstanding the above, the CABE Panel has sought to influence the council's view about the prospect of a substantial tower in this sensitive historic location. They suggested that this location could form the edge of the London Bridge cluster. Ultimately, the impact of the proposal will be experienced in its immediate location in the yards and lanes of the Borough High Street Conservation Area and in the setting of some of the Borough's most significant historic buildings. While more could be done to further refine the design and improve its environmental credentials, the overwhelming impression of this proposal is its substantial and harmful impact on its sensitive historic setting which remains unjustified.

The council's plan-led stance has been communicated consistently to the applicant throughout the pre-application process: that the height and bulk of the proposal will cause substantial harm to the setting of Southwark Cathedral; substantial harm to the setting of the grade II* and grade II listed buildings on St Thomas Street including the Guy's Hospital buildings; and substantial harm to the setting of the Borough High Street Conservation Area. The level of harm is due to the excessive and overwhelming scale of the development and affects heritage assets of the highest significance. In these cases the NPPF states that harm to these heritage assets should be "wholly exceptional". The applicant has not denied the harm, but sought to offset it against the public benefits arising from the proposal in accordance with the NPPF including: the improved public realm; the restored listed buildings; and the elevated garden. However, where the local planning authority considers that the proposal causes "substantial" harm, the NPPF states in paragraph 195 that the local planning authority has to be satisfied that the harm is necessary in order to deliver the public benefits. In this case, the public benefits identified could equally be delivered by a lower building that will not cause the level of harm envisaged. Therefore whilst the current proposal remains at the proposed height it is considered that the design fails to meet the test in the NPPF and the harm cannot be reconciled by the public benefits alone.

Listed building works

The information provided with the pre-application enquiry is detailed and comprehensive. It benefits from extensive exploratory works and records the limited amount of historic fabric that survives since the original 1980s redevelopment of the site which included the construction of the current New City Court.

In the main the proposals include:

- the comprehensive reconstruction of the rear facades
- the introduction of a new stair core
- the introduction of new shop fronts into the rear elevation
- the comprehensive reconstruction of the roof
- the reinstatement of the through route

When we consider these proposals individually and cumulatively they appear to conform to two fundamental principles: firstly to repair and restore the historic form and arrangement of the listed buildings; and secondly to address the new public route created by the development to the rear of the terrace of listed properties. To do this the proposal seeks to introduce retail uses on the ground floors of the properties and affordable employment floor space on the upper floors.

The rear facades are essentially a 1980s construct comprising modern fabric that has been altered substantially especially to accommodate the large link back to the New City Court building. The work to sensitively reinstate the rear facades with second-hand bricks and matching 'slim-light' glazed sash windows is considered an appropriate enhancement of these properties. The new stair core matches the individual stair cores of the original properties and reinstates the vertical circulation of the historic buildings and goes some way to addressing the harm caused by the lateral conversion of these properties in the 1980s which involved the introduction of connecting corridors and lobbies, the removal of stair cores and introduction of combined toilet cores. In a similar vein the reconstruction of the roofs and the reinstatement of the original through route at the centre of the terrace contribute positively to the historic appearance of the properties and offer significantly improved permeability across the site. Indeed the new through route aligns with the lift-access to the elevated garden and could contribute to the accessibility of this space to the wider public.

The introduction of shopfronts is a fundamental aspect of the proposal and one that has been part of the scheme from the outset. In pure historic fabric terms there is little historic fabric that survives in this location and worthy of preserving and as such this proposal has to be considered purely on its merits in the context of the new development. The terrace of properties have lost their garden setting - evident since they were originally listed in the 1980s - and the best outcome here is to consider their adaptation to secure an optimal viable use. The Borough High Street area has changed over the recent years and the move to retail has become a key aspect of its vibrant character. This is evident both in the context of Borough Market and the recently completed London Bridge Station development. The introduction of retail uses at the ground floors of the listed properties is not resisted however, this needs to be done in a sensitive and accessible way which preserves their architectural and historic significance.

On the St Thomas Street frontage access to the properties is via a few steps and across a lightwell while to the rear the levels can be adjusted to provide level access to the ground floor. The proposal therefore resolves the dual use of the properties by making the retail ground floors accessible mainly from the rear while access to the employment floor space above is via the separate entrances on St Thomas Street. This appears to be a sensible and considered reuse of these properties which is generally supported in national policy and guidance. It is an approach that limits the harm caused to the listed buildings and introduces an optimal viable use and therefore any harm caused can be balanced by the public benefits of the proposal: the restoration of these properties for future generations; the reinstatement of historic features; and the introduction of a new public route to the rear (provided this is considered acceptable - see separate comments below on public realm).

Keats House

Keats House is noted in the conservation area appraisal as an unlisted building that makes a positive contribution to the Borough High Street Conservation Area. The works to Keats House in the 1980s removed all the historic fabric except for the fine front facade. As part of the servicing strategy for the proposal, to create a passage through from the basement to St Thomas Street that is set away from the new area of public realm, Keats House is proposed to be relocated 3m to the west of its current site.

Keats House is therefore to be carefully demolished with the historic fabric taken off site for storage and repair - removing a positive contributor to the CA's character until such a time as the construction programme allows for the facade to be reconstructed in its new location. The application needs to make clear the timing of the works, how to ensure the rebuild is completed so that this historic facade is reinstated and can again contribute to the character of the CA. Sample materials for the facade repairs and three new-build elevations have been discussed on site, and level access is to be incorporated in the front entrances. The detailed design and materials of the new link building between the listed hospital building and the relocated Keats House will be discussed during the application.

The work to demolish the parts of Keats House which join onto the listed hospital building (Conybeare House), and the works to make good the wall of the listed building will require a listed building consent application. This should be submitted now to run in parallel with the other applications for the proposal.

Public realm, trees and landscaping

The new public realm around the tower is a key aspect of the scheme and underpins the proposal fundamentally - i.e. appealing to one component of the saved policy 3.20 Tall Buildings. The public realm offer is made up of a number of components: the new square to the rear of Borough High Street tube station; the

new square on St Thomas Street; the enlarged and re-aligned Kings Head Yard; the new route to the rear of the listed buildings and Keats House; and the new route at the eastern end of the site.

The information provided at pre-application stage shows the thought going into the levels, surfacing types, tree planting (including the species, height of specimens, and the root volume requirements above the basement) and potential for feature lighting indicate a high quality landscaping scheme. The basement floorplans recently provided show the basement extending beneath the entire site; therefore the root volumes for the proposed mature trees needs to be detailed in the application. Also, the sun hours on ground assessment for the proposed public realm must include the full area of public realm across the site in its calculation using the BRE method. Further detail on the appearance of the escape stairs behind the Bunch of Grapes pub, and how it would be secured should be provided in the application.

There are a number of benefits arising as a consequence of the reduced footprint of the proposed tower. These include the generous and well proportioned square to the rear of the tube station and the new public space on St Thomas Street. The former not only accommodates the anticipated increase in footfall from the tube station but also improves the setting of the grade II listed Kings Head Public House, improving views of its frontage and making it a feature of the new square.

In contrast the routes around the building are narrow and dominated by the new tower that has been imposed onto this site. The Kings Head Yard is widened and re-aligned but its northern side as proposed will be dominated by service spaces and the large lift and stair core that takes up the southern face of the proposed building. The lane to the rear of the listed buildings is narrow and is likely to be affected significantly in high winds. This space will be permanently in shadow, with the curve of the northern facade overhanging above and is unlikely to be adequate for the projected increase in footfall. In this respect the entire ground floor of the building should be made permeable and should not rely on these narrow lanes to provide permeability. Finally, the east route is a local route leading to the service spaces of this proposal and the Guys Hospital Campus. This route lacks active frontages and a clear purpose and should be developed further.

The elevated public garden is located at the 5th floor of the building and is intended to be a single most beneficial feature of the development. It faces a number of challenges which it has tried to address in the detailed design. These include: encouraging the public to access the garden; the nature and quality of the garden space; and the retail offer. The proposal has significantly improved the accessibility of the elevated garden during the course of the pre-app discussions. The garden level has been raised so that it is more prominent when viewed from the street, and the lift has been located at the prominent north-west corner of the tower where a number of routes intersect thus better integrating it with the local desire lines. Access is free to the public (without charge, ticket booking or requiring a purchase from the retail unit) and opening hours as well as limitations on private use still need to be agreed.

The garden has been designed as a tropical garden space around 6-7m in height to allow for mature planting and laid out around a series of pathways which form routes through and around the space. The planting is concentrated in raised planter beds with integrated seating. The planting at this level is to use the theme of medicinal plants which would link well with the hospital and operating theatre heritage of this area. However, the majority of the south side is taken up by the lift and stair core of the building and as a consequence the entire space is climate controlled and artificially lit. Further information on how the climatic conditions are to be controlled through lighting, ventilation and any heating should be provided in the application to demonstrate how the establishment and long-term maintenance of this planting would succeed. The garden level is enclosed by glazed automatically openable louvres which will distinguish it from the rest of the building. Although the lush vegetation is likely to be visible from below it will appear to be inside the building. The retail offer is concentrated at the eastern edge of the floor and arranged on two floors.

While the prospect of an elevated public garden is potentially innovative and encouraging, the fact that it is located within the body of the building gives it the appearance of a private facility for occupiers of the building and not for the general public. When we also consider that this is an unsustainable artificially maintained, climate controlled facility its longer term benefit as a truly public space has to be questioned.

There are no trees on the site or close to it that would require protection measures nor an arboricultural assessment. While there is some planting in the current New City Court, the proposal is likely to represent an increase in the site's biodiversity through the outdoor planting. Consideration should be given to how bird and bat boxes/bricks could be incorporated into the proposal, which may be better achieved on the listed terrace or new Keats House rather than the tower.

Transport and servicing issues

The site has a PTAL rating of 6b, the highest possible rating, reflecting its proximity to London Bridge rail and Underground station and bus services. The council is the highway authority for White Hart Yard and Kings Head Yard. Transport for London is the highway authority for St Thomas Street and Borough High Street, and

is currently considering the future arrangements of St Thomas Street as it reopens after years of construction closures. The proposal should demonstrate how it would operate if St Thomas Street were to return to its previous arrangement, and in a revised arrangement suggested by TfL in response to the recent consultation (which may prevent the cycle stands shown on the floorplans provided). TfL's pre-application response has not been shared. TfL's view on the public transport impacts, traffic impacts and necessary mitigation will be sought during the future application.

One of the proposed public benefits of the proposal is to create a new access into London Bridge tube station by removing the eastern wall in the Borough High Street access. This would help reduce pedestrian numbers in this congested section of Borough High Street, and link through to the new public route through the site. The applicant would be able to remove one wall within its ownership, and agreement would need to be reached in terms of removing TfL's wall and making good this area of the station. The discussions between the applicant and London Underground have apparently been positive in this regard. This would need to be secured as a planning obligation on any permission.

Access arrangements

The applicant proposes that cars and light goods vehicles would access this site via White Hart Yard, which would connect to two 'In/Out' vehicle lifts on the ground floor leading to the basement car park/service yard of this development. It is proposed that larger delivery vehicles would use existing loading bay, which would require relocation on the adjacent section of St Thomas Street (subject to TfL's agreement). The applicant has also proposed pedestrian access from St Thomas Street and the new rear exit point of London Bridge tube station linking to a public square and a new pedestrian only yard within this site, which would join with Kings Head Yard and ultimately to Borough High Street. Discussions were held at the pre-application stages with Transport Policy and Highways teams on the proposed servicing, which forms the majority of vehicle journeys to/from the site. These technical discussions were not concluded, and further meetings are likely to be necessary. Although these vehicular access/servicing arrangements would enable all vehicles servicing this site to enter and exit it in a forward gear, there are few concerns as follows:

- The proposed servicing by lorries from a loading bay on St Thomas Street is unlikely to be acceptable due to the huge pedestrian activities on the adjacent footway and the fact that this development proposal would only accentuate pedestrian flows at this location.
- It is unclear how the constrained White Hart Yard would be able to accommodate the servicing demand from this development. The applicant is also reminded of the considerable vehicle movements on the adjoining Borough High Street especially in relation to northbound right-turning vehicles. In addition the tight radii of this vehicle entrance would create a situation where vehicles entering this site through it would repeatedly disrupt pedestrians and vehicles traversing along Borough High Street.

The applicant will need to show how this development would be serviced through the submission of delivery and servicing management plan (DSP). A DSP bond may also be required. The DSP and tracking drawings will need to detail what provision will be made to ensure servicing would be safe and would not have harmful impacts on either vehicle or pedestrian safety, particularly given the heavily used Borough High Street pavements and road (and any associated mitigation measures). The tracking drawings should illustrate a worst case scenario i.e. for the largest delivery vehicle that could be used by a commercial operator or refuse vehicle. The servicing strategy should include the predicted number of vehicles to and from the site and the nature of those vehicles. The document should be prepared in accordance with Transport for London document "London Freight distribution plan: A Plan for London" and "Managing Freight Effectively: Delivering and Servicing Plans".

Traffic and public transport impacts

It is estimated that this development proposal would generate some 57 and 62 net additional two-way vehicle movements in the morning and evening peak hours respectively more than the existing buildings on this site. The applicant will need to consider any vehicular traffic produced by the committed developments in the immediate vicinity of this site. Although this site is located in an area with excellent public transport accessibility level, the applicant should demonstrate that the prevailing public transport infrastructure would have sufficient capacity to accommodate the public transport demand ensuing from this development in the required transport assessment report. A contribution towards enhancing riverboat services in this locality may be sought. Any identified traffic and public transport demand impact ensuing from detailed assessment of the planning application may have to be addressed through section 106 contributions associated with any permission.

Car and cycle parking

There is a loading bay on the section of the St Thomas Street next to this site and a further two near it on Borough High Street north and south of Kings Head Yard. The applicant has proposed two disabled car parking spaces and a service yard with 3 loading bays in the lower basement which would be accessed via two vehicle lifts. The Transport Policy team considers the number of disabled car parking spaces is unacceptable given the magnitude of this development and should be increased to at least three (two spaces for the offices and one space for the Class A1/D2 uses). Car and cycle parking provision and arrangements should be in accordance with London Plan and New Southwark Plan standard, and the design principles of Manual for Streets. The

applicant has chosen ambitious levels of cycle parking and shower facilities for the office staff which is welcomed. The detail of the provision for office staff and visitors, and retail staff and visitors will be considered in the application to ensure the quantum, type and quality of cycle parking accords with policy, and is readily accessible. The disabled car parking spaces must be equipped with active electric vehicle charging points. Methods of ensuring safe loading/unloading should be demonstrated in the impending planning application. Cycle parking must be enclosed in secure cycle stores and include sufficient proportion of Sheffield cycle racks. This development would be excluded from those eligible for car parking permits under the relevant traffic management order operating in this vicinity, and consideration will be given to requiring car club membership in any section 106 agreement.

Pedestrian conditions

There are signalised pedestrian crossings next to this site at the junctions of Borough High Street with St Thomas Street and Southwark Street which would connect this development to London Bridge tube/train station and the bus stops on these roads. However, there are few reservations as follows:

- Although the footway segments flanking this site on St Thomas Street and Borough High Street are wide, the high pedestrian activities on them make them appear restricted.
- The duration of pedestrian phase (9 seconds) at the signalised crossing beside this site on Borough High Street is too restricted, as it changes abruptly and would not accommodate the special needs of vulnerable pedestrians including the elderly, mobility-impaired and parents with pushchairs/prams.

There may also be identified ameliorative measures that would require funding by the applicant consequential to the last 3 years traffic accident analyses in the supporting transport assessment report. External pedestrian/cycle route connections to this site should be examined as part of the impending planning application and remedial measures proposed where there are deficiencies in their conditions.

Mitigation measures

In response to these issues, the Transport Policy team has suggested the following mitigation measures are necessary:

- Creation of a vehicular access off St Thomas Street linking to the courtyard/service lifts of this development for all deliver vehicles and dedication of King's Head Yard and White Hart Yard as pedestrian accesses (albeit the latter road can be shared by the limited vehicles accessing the proposed disabled bays).
- As the footways adjoining this site get heavily congested, the proposed cycle racks on this site next to St Thomas Street should be relocated southerly towards the proposed buildings so that a sliver of clear minimum 1.5m-wide public realm can be created to supplement the footway on St Thomas Street.
- Reprogramming of the signalised pedestrian crossing beside this site on Borough High Street to give adequate time for pedestrian phase and should incorporate countdown. This may involve a new signal control.
- A raised table across the segment of St Thomas Street abutting this development that would serve the dual purpose of slowing vehicles down and providing crossing facility for pedestrians will be required. This and any modification to the suggested vehicle access on St Thomas Street will be secured through section 278 agreement between with TfL. The section of highway including the footways flanking this site on St Thomas Street and Borough High Street may also need to be resurfaced/repaved through agreement with TfL.
- Contribution to wider improvements to pedestrian/cycle routes in this locality including both King's Head Yard and White Hart Yard are likely to be required.
- Details of the vehicular access arrangement including the associated vehicle swept path analysis will need to be submitted.

Waste

The calculations for the likely waste and recyclables generation of each use, and the resulting storage area have not been discussed and will be considered in the application.

Highways works

Further discussions will be needed with the Council's Highway Development Control Team regarding the impacts to the borough's highways, and the works on or adjacent to the highway, particularly as the application site appears to include part of the public highway of Kings Head Yard. Regard should be had to the material palette set out in the Council's SSDM (Southwark Street Design Manual). All development will be required to incorporate the principles of inclusive design, with suitable access provided for people with disabilities or those who are mobility impaired. All necessary highway improvement works would be subject to section 278 agreements in any section 106 agreement, as well as securing unrestricted pedestrian route through the site.

Amenity impacts

The proposed site layout and massing is likely to have a harmful impact on neighbouring occupiers in terms of

daylight/sunlight, overlooking, outlook and noise.

The key summarised results from a daylight, sunlight and overshadowing study to neighbouring residential properties, student housing and hospital buildings were presented by gia at the November meeting (without the numerical data being provided). Feedback was provided at the meeting on the sun hours on ground assessment needing to include the full area of public realm in the proposal, the space on the north side of St Thomas Street, the communal amenity for Shard Place, and the public plaza area of London Bridge Station. The report also needs to respond to Historic England's comment on the impacts on the light reaching the Guy's Chapel stained glass windows, and ensure all the assessed windows are indicated on the window maps and the assumed room layouts shown.

The proposal will include plant in the basement, roof, and air source heat pumps at the rear of the listed terrace. The application should be accompanied by a noise and vibration assessment to demonstrate that any amenity impacts to surrounding properties from proposed plant, the noise generating uses within the scheme (e.g. the basement gym), and potential ground borne noise and vibration from the Underground lines can be appropriately mitigated and incorporated into the design of the scheme. Plant noise and vibration should be designed to avoid both creep and potential disturbance to both existing residents and new occupants. An assessment of current background noise should be undertaken to influence design and mitigation.

Sustainable development implications

The second CABE Panel suggested that a building of this scale needed a more ambitious and highly innovative design that anticipates future environmental standards, and aim to be zero carbon by 2030 with greater deployment of proven non-fossil fuel energy technologies. The applicant is strongly encouraged to demonstrate an exemplary standard of design in terms of the sustainability and future-proofing, to go above and beyond the minimum policy requirements.

BREEAM

Recent discussions indicated the new building and Keats House would achieve an Excellent rating in the 2018 New Construction Office and Retail assessments, and the project aspiring to an Outstanding rating. Using the latest BREEAM assessment is welcomed, and the intended ratings are supported as an indication of the wider sustainability of the proposal. The refurbishment works are due to achieve a Very Good rating, which is understandable given the listed status of the terrace.

Energy

Based on the information provided the proposed new buildings are likely to comply with policy 5.2 of the adopted London Plan with a 40.7% reduction on a Building Regulations Part L 2013 notional building. The improvements to the performance of the listed terrace are also welcomed. A detailed energy assessment to demonstrate how the targets for carbon dioxide emissions reduction outlined are to be met within the framework of the energy hierarchy should be provided for the refurbished listed terrace, and for the new buildings. The cooling hierarchy should also be demonstrated given active cooling is proposed to be included.

In terms of draft London Plan policy SI2, the proposal would achieve the 35% reduction beyond Building Regulations by on-site measure alone, albeit without being net zero carbon. You are encouraged to address part DB of draft London Plan policy SI2, given the referable nature of the proposal and as part of demonstrating the sustainability credentials of this proposal.

Biodiversity

The site has very limited biodiversity interest at present. The preliminary ecology assessment provided with the scoping opinion request set out proposed measures to be incorporated in the proposal (such as landscaping with native species, and incorporating bird and bat boxes), which should be demonstrated in the future application material to ensure the development contributes positively to the environment and biodiversity. The application documents should refer to the draft London Plan policy G5 Urban Greening in terms of the Urban Greening Factor of the proposal.

Air Quality

The site is in an Air Quality Management Area and potential air quality impacts may arise as a result of the demolition, construction and plant (e.g. CHP) impacting on nearby sensitive receptors. Details of appropriate mitigation should be provided with any formal application to demonstrate that the effects of the demolition, construction and the completed development phases on air quality would not be significant and would be in accordance with the Mayor's guidance, Core Strategy policy 13, and saved policy 3.6.

Flood risk

The site is situated in Flood Risk Zone 3. A Flood Risk Assessment and Drainage Strategy will be required to demonstrate how the scheme would mitigate this flooding risk and incorporate sustainable drainage methods, and further comment was included in the scoping opinion as this topic is to be scoped into the ES. Detail on

the required content of the documents is found in the SFRA appendix H which is on the council's website. Discussions with the Council's Flood Risk Management Team would be welcomed, particularly in terms of the content of the Basement Impact Assessment. This will need to include consideration of the basement work on the adjoining listed buildings both within the site and Guys Hospital.

Ground contamination

With the size of the basement excavated in the 1980s, much of any possible contaminated material would have been removed from the site. As noted in the scoping opinion (albeit that ground contamination has been scoped out), the south-eastern corner of the site where the existing basement does not extend will require consideration in the application material, as well as an unexploded ordnance risk assessment.

Archaeology

The site is within the Borough, Bermondsey and Rivers archaeological priority zone, and is close to the Scheduled Ancient Monuments at 11-15 Borough High Street and the Roman boat the New Guy's House (within the Guys Hospital site). It is accepted that the excavation of the basement across much of the site in the 1980s will have removed most, if not all, of the archaeological interest. There may be small areas around the edges of the site where archaeological remains have not been disturbed which should be appropriately investigated and managed. Archaeology has been scoped into the ES, and it is recognised that the existing building prevents intrusive investigation works being undertaken.

Planning obligations (S.106 undertaking or agreement)

The proposal will need to address the planning obligations in accordance with the council's Section 106 Planning Obligations and CIL SPD (2015) which sets out the general expectations in relation to the type of obligations that will be sought. Some would be applicable to this redevelopment, e.g. the employment and enterprise in the construction phase and end-user phase, and highway works. Planning obligations will be required to offset the negative impacts of any development on the site including mitigation highlighted through the EIA, and to secure policy compliance, for example the affordable workspace, public access to the raised garden and public realm, and works to secure the Underground access. It is important to ensure that all future development is sustainable and contributes towards the provision of appropriate infrastructure and services in the area that future staff and visitors may use. Draft Heads of Terms should be submitted in accordance with the SPD as part of any formal application.

In terms of construction phase jobs/skills and employment requirements, on the basis of the information provided at pre-application stage, this development would be expected to deliver 115 sustained jobs to unemployed Southwark residents, 115 short courses, and take on 28 construction industry apprentices during the construction phase, or meet the Employment and Training Contribution. The maximum Employment and Training Contribution is estimated to be approximately £553,750 (indexed - £494,500 against sustained jobs, £17,250 against short courses, and £42,000 against construction industry apprenticeships) as set out in the SPD, and the employment densities guide third edition).

Should permission be granted, an employment, skills and business support plan would be included as a planning application, which the LET would expect to include:

- 1) Methodology for delivering the following:
 - a. Identified 'construction workplace coordinator' role(s) responsible for on-site job brokerage through the supply chain and coordination with local skills and employment agencies;
 - b. Pre-employment information advice and guidance;
 - c. Skills development, pre and post employment;
 - d. Flexible financial support for training, personal protective equipment, travel costs etc;
 - e. On-going support in the workplace;
 - f. Facilitation of wider benefits, including schools engagement, work experience etc.
- 2) Targets for construction skills and employment outputs, including apprenticeships, that meet the expected obligations;
- 3) A mechanism for delivery of apprenticeships to be offered in the construction of the development;
- 4) Local supply chain activity - we would expect methodologies with KPIs agreed to:
 - a. provide support to local SMEs to be fit to compete for supply chain opportunities;
 - b. develop links between lead contractors, sub-contractors and local SMEs;
 - c. work with lead contractors and sub-contractors to open up their supply chains, and exploration as to where contract packages can be broken up and promote suitable opportunities locally.

In terms of the requirements for the end use of the development, a development of this size and with the proposed employment densities would be expected to deliver approximately 326 sustained jobs for

unemployed Southwark Residents at the end phase, or meet any shortfall through the Employment in the End Use Shortfall Contribution. The maximum Employment in the End Use Shortfall Contribution has been estimated at approximately £1,401,800 (indexed and based on £4,300 per job), as set out in the SPD and the employment densities guide third edition.

Should permission be granted, an obligation would require a skills and employment plan to be approved. This plan should identify suitable sustainable employment opportunities and apprenticeships for unemployed borough residents in the end use of the development and include:

1. a detailed mechanism through which the Sustainable Employment Opportunities and apprenticeships will be filled, including, but not limited to, the name of the lead organisation, details of its qualifications and experience in providing employment support and job brokerage for unemployed people, and the name of the point of contact who will co-ordinate implementation of the skills and employment plan and liaise with the Council;
2. key milestones to be achieved and profiles for filling the sustainable employment opportunities and apprenticeships;
3. Identified skills and training gaps required to gain sustained Employment in the completed development, including the need for pre-employment training;
4. Methods to encourage applications from suitable unemployed Borough residents by liaising with the local Jobcentre Plus and employment service providers.

Telecommunication impacts

No pre-application discussions have been had on this technical topic in terms of the impact the building may have and whether any additional equipment is required on the tall building or elsewhere as mitigation. The application would need to provide further information.

Aviation impacts

No pre-application discussions have been had on this topic, and the application is expected to show the discussions had with the CAA, NATS and London City Airport given the height of the proposed building.

Community Infrastructure Levy

The proposal will be liable for the Mayoral Community Infrastructure Levy and Southwark CIL. The charge will be calculated according to the amount of new floor space the development will provide. The chargeable rate for Southwark is £35 per square metre under Mayoral CIL and £76 per square metre of office space and £136 per square metre of retail use for Southwark CIL (all subject to indexation). It is necessary to complete a 'Planning Application Additional Information Requirement Form' to determine the amount of chargeable floorspace on the site and submit this with the planning application. The amount to be paid is calculated if and when planning permission is granted and it is paid when development starts. Further details about the CIL can be found using the links below.

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11>

Mayoral CIL 2 may have come into force by the time this application is determined. The Mayor of London intends MCIL2 to be levied from April 2019, at a rate of £185 per square metre of office space and £165 per square metre of retail space for a site within the identified central London area as set out in the MCIL2 Draft Charging Schedule June 2018.

Other matters

For a scheme of this scale, the council would expect to enter into a PPA. The PPA for the pre-application and application phases has been in draft form for over a year during the pre-application discussions and needs to be completed, particularly now that the application has been submitted, so that discussions on a range of issues can continue during the application and for the application period to be extended beyond the statutory timeframe of 16 weeks to allow for this.

Conclusion

Pre-application discussions have taken place with the project team and local planning authority (as well as advice from other teams within the council) during a period of at least two years. While there are positive aspects of the proposed redevelopment in terms of the additional employment opportunities, creation of public realm and routes through the site that link into a new entrance to the tube station, the works to improve the listed buildings, and the publicly accessible raised garden, these are not sufficient to out-weigh the substantial harm to surrounding heritage assets (particularly the grade I listed Southwark Cathedral, grade II* listed Guys Hospital and Borough High Street Conservation Area) caused by the height of the proposed tower. Therefore the proposal is not supported in its current form, as it would fail to meet the statutory tests, the NPPF, and policies in the London Plan, Core Strategy and saved Southwark Plan policies. The transport and highways impacts of the proposal have not been resolved to the satisfaction of internal teams and may form a further

reason for refusal if they cannot be concluded successfully (with input from TfL) during the course of the application.

The consultation on the application with statutory consultees and wider community may result in further issues being raised and needing to be addressed. The technical details on the highway impacts, neighbour amenity, wind levels, sustainability etc included in the application documents and ES will be considered, and may require further meetings during the course of the application to determine whether planning aspects aside from the design and heritage impacts are acceptable.

This advice is given to assist you but is not a decision of the Council. Further issues may arise following a formal planning application, where a site visit and public consultation and consultation with statutory consultees would be undertaken.

Please accept this letter as the closure of your pre-application enquiry.

Yours sincerely

Simon Bevan
Director of Planning



Chief executive's department

Planning division
Development management (5th floor - hub 2)
PO Box 64529
LONDON SE1P 5LX

Ms Pippa Walden-Jones
DP9 Ltd
100 Pall Mall
London
SW1Y 5NQ

Your Ref:

Our Ref: 17/EQ/0208

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Date: 15/05/2018

Dear Ms P Walden-Jones

**TOWN & COUNTRY PLANNING ACT 1990 (as amended)
PRE-APPLICATION ENQUIRY**

At: NEW CITY COURT, 20 ST THOMAS STREET, LONDON, SE1 9RS

Proposal: Redevelopment of the site for construction of an office building with public terrace and retail space (including changes to listed St Thomas Street terrace to provide retail units), relocation of Keats House and associated public realm and highway works.

I write in connection with your pre-application enquiry received on 01/06/2017 regarding a scheme to redevelop the site above. This letter summarises the council's written advice on your proposal and whether, based on the details submitted, it meets local planning requirements

New City Court – Conservation Pre-application Response

The purpose of this response is to provide a brief overview of the key heritage considerations for the council in respect of the New City Court proposal, being an application for a tall building within the Borough High Street Conservation Area and affecting the setting of statutory listed heritage assets, a number of which are Grade I and Grade II* listed.

Background

In determining a future planning application for a tall building the council has to:

- Have regard to the provisions of the Development Plan and any other material considerations (section 70(2) of the Town and Country Planning Act 1990);
- Have special regard to the desirability of preserving any listed buildings or their settings or any features of special architectural or historic interest which they possess (section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990);
- Pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area (section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990);
- To determine the proposal in accordance with the Development Plan unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004).

As well as these statutory requirements, the above hierarchy of priorities are embedded in the NPPF which requires local authorities to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.

Information considered

The pre-application information submitted to the council includes:

- Opinion by Christopher Katkowski QC of Landmark Chambers dated 8 February 2018 (LC)
- Statement of Public Benefits by DP9 dated February 2018
- Heritage Statement by Peter Stewart Consultancy dated 17 February 2018
- The New City Court Scheme Public Benefits by AHMM dated February 2018

Considerations

In considering the impact of any proposal in such a historic context, the NPPF requires the council to identify and assess the particular significance of any heritage asset that may be affected by a proposal, and then to consider the impact of the proposal on that significance (paragraph 129) in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

The NPPF requires local authorities to identify the 'harm' to the heritage asset and to categorise any harm as 'substantial' or 'less than substantial' and sets out the justification for each (paragraphs 132 – 134).

The council notes the principles in respect of 'substantial' harm as established in the case of *Bedford Borough Council v SSCLG* [2013] quoted in LC where the assessment is that "very much, if not all, of the significance was drained away" or the impact "would have such a serious impact on the significance of the asset that its significance was either vitiated altogether or very much reduced" (paragraph 25)

The council has considered the evidence provided in the information submitted and at this stage concludes that the proposal will cause substantial harm that is neither justified nor necessary (in accordance with NPPF paragraphs 132 and 133), as set out below.

Taking the views within the Heritage Statement in turn:

- View 22 – This is a view taken close to the boundary of the Borough High Street Conservation Area, showing the vista of the southern river bank. The height of the proposal interrupts the reducing heights from the Shard, The Place and 1 London Bridge, to the western side of the bridge where Southwark Cathedral is the tallest building. It also fills in the gap at the end of the bridge (currently occupied by the low-level viaduct) as it is set away from the foothills of the Shard. As well as its height, the width of the building makes it a dominant and intrusive addition to this view, and is unacceptable.
- View 35 – A view within the Borough High Street Conservation Area and next to the grade II listed Hop Exchange that shows the proposal to be far more dominant than the more distant Shard which is in the backdrop and has a tapering, spire-like form. Together the curved Hop Exchange, and the Borough High Street buildings (some of which are listed) form a set piece, that would be overwhelmed by the proposed building due to its height and width. This is considered to be harmful to the character of the conservation area.
- View 42 – A view at the edge of the Conservation Area with the grade II* listed Guys Hospital main building and its grade II listed gates and railings, and looking down towards the grade II listed buildings on the New City Court site. There are no other tall buildings in this view as it faces away from the distinct area of the tall buildings cluster around the Shard. The proposal would clearly have a significant, harmful impacts on the setting of a grade II* listed building. While any proposed tall building on the New City Court site would have an impact on the setting of the grade II* listed building, the height and massing of this proposal set within the core of the conservation area causes such a magnitude of harm as to be unacceptable.
- View 48 – A view within the Conservation Area looking towards the transept of the grade I listed Southwark Cathedral in a public area where the Cathedral faces on to the Thames. This is one of the main entrances to the Cathedral environs and a location where the Cathedral's relationship with the river is most apparent. The Cathedral is one of only 4 grade I listed buildings in the borough (the others being The George Inn, the Church of St Peter in Walworth, and Tower Bridge) and represents one of the few most protected and most important historic assets in the borough. The proposal would sit above the Choir/Lady Chapel adjacent to the north transept. It would cause harm to the immediate setting of the Cathedral dominating its silhouette and roofline as viewed from this key approach, and its proportions would be similar to that of the bell tower, thus challenging the prominence of this Grade I listed building. This intrusion into the immediate setting of the Cathedral, adversely affecting the appearance of the Cathedral in views along Montague Close as one of the most important historic buildings in this borough, is considered to be substantial harm.
- View 49 – A view from within the conservation area with the grade II listed Glaziers Hall and Bridge House. This shows that the height of the proposal again interrupts the decreasing heights from the Shard and the tall building cluster and suggests the New City Court is not a site where such a high tall building would be considered favourably against policy 3.20.

Only five views have been provided in this version of the Heritage Statement and commented upon individually above. Many more views would be included in the full version to show the impacts from the setting of other listed buildings, other directions and streetscapes surrounding the site as well as showing the consented schemes in the views. It is likely that the proposal would be considered to cause substantial harm to the character and appearance of the Borough High Street Conservation Area due to the cumulative harm on so many public viewpoints across the conservation area.

The information submitted demonstrates that the proposal in its current form will cause substantial and unjustifiable harm to the setting of Southwark Cathedral (view 48). Another significant heritage asset that is

vulnerable to proposal is the Grade II* listed Guys Hospital (view 42). The above, coupled with the impact on the Outstanding Universal Value of the Tower of London World Heritage Site (shown in views 25 and 52 of the Miller Hare document, November 2017) demonstrate the insensitive approach of the current proposal to a number of heritage assets of greatest order of significance. While the proposal incorporates public benefits, the scheme is causing substantial harm because of its height, and when the statutory considerations are applied, would fail to at least preserve the setting of listed buildings, and fail to preserve or enhance the character and appearance of the conservation area.

Bearing in mind that only the setting of listed buildings have statutory protection, the council will place considerable weight on the special regard required by the Planning (Listed Buildings and Conservation Areas) Act 1990 on the setting of a number of Grade I and Grade II* listed buildings in the immediate context of this proposal as well as those Grade II listed buildings whose settings are also affected, of which there are a number in the area.

In addition to the Tower of London World Heritage Site (in Tower Hamlets), the affected listed buildings in Southwark (in order of significance) are:

- Southwark Cathedral, Cathedral Street (Grade I)
- The George Inn, 77 Borough High Street (Grade I)
- Guys Hospital Main Building including wings and Chapel (Grade II*)
- Nos 9, 9A, 11 and 13 St Thomas Street (Grade II*)
- The Church of St George the Martyr, Borough High Street (Grade II*)
- Nos 4-18 and 12-16 St Thomas Street (Grade II)
- Bunch of Grapes Public House, 2 St Thomas Street (Grade II)
- Kings Head Public House, Kings Head Yard (Grade II)
- Post Office, 19A Borough High Street (Grade II)
- 3 Southwark High Street (Grade II)
- The Hop Exchange, 24 Southwark Street (Grade II)

The council acknowledges that the information is currently only in draft form, and the recent Peter Stewart document focuses on the impacts on the listed Southwark Cathedral rather than address each of the other listed buildings. Whilst the above list is not definitive, the council would require a more detailed assessment of each of the above. Of significant concern is the substantial harm that the proposal will cause on the setting of the listed buildings of the highest significance. The council notes the assertion of the NPPF (paragraph 132), that substantial harm to these assets should be “wholly exceptional”, and that “any harm or loss should require clear and convincing justification”. This has not been demonstrated, and to date no evidence has been provided to suggest that it is likely to be demonstrated to the council’s satisfaction.

The above list does not include wider London townscape impacts of the proposed tall building on the LVMF that will also require assessment, such as the view of St Paul’s from Kenwood, and the London Bridge river prospect.

Precedent

The council acknowledges that each planning application is considered on its own merits, in the context of the relevant policy framework and other material considerations. As with every planning application the council will determine the proposal both on its own merits and take into consideration its cumulative impact. Indeed, the Inspector’s reasoning in respect of the Shard of Glass referred to the effect that other tall buildings permitted and implemented in the area equally “*cannot possibly act as a precedent for other proposals that would cause such harm.*”

Southwark’s Development Plan

The council has a strong track record in considering tall buildings, including those that affect designated heritage assets.

Policy 3.20 (Tall Buildings) of the Southwark Plan (2007) requires developments that include tall buildings to be located at a point of ‘landmark significance’ which is defined as: “*where a number of important routes converge, where there is a concentration of activity and which is or will be the focus of views from several directions.*” Further, the policy requires in part v. that every tall building proposal must contribute “*positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views*”

The information submitted with this pre-application enquiry does not demonstrate how this proposal will meet the locational criteria in saved policy 3.20. Further, the substantial separation of the proposed tower from other nearby towers in a number of views highlights that the building is likely to be isolated from the London Bridge ‘cluster’.

The emerging policy P14 (Tall Buildings) of the New Southwark Plan Proposed Submission Version (December

2017) reflects the principles of the NPPF and repeats the locational and clustering criteria and adds further requirements including, among other things:

2.2 Respond positively to local character and townscape; and

2.6 Avoid unacceptable harm to the significance of designated heritage assets or their settings.

Whilst we feel there are many aspects of this proposal that attempt to address point 2.2, the overarching principle of point 2.6 remains a significant concern and highlights the difference in sensitivity between the three distinct parts of the proposed development: the base, middle and top.

The base of the proposal includes a number of areas of public realm and proposes a significant enhancement of the yards which are a characterful and distinctive feature of the conservation area, noted in the conservation area appraisal. The middle, insofar as it is limited to the height of other tall buildings like The Place, could be considered to contribute positively to that collection of buildings at the 'foothills' of the Shard given its location near to Fielden House.

However, the information submitted with the pre-application enquiry demonstrates that the top is likely to cause substantial harm to the setting of a number of statutory listed buildings of the highest order of significance, especially Southwark Cathedral and Guys Hospital. This substantial harm, coupled with its substantial and overly dominant impact on the Borough High Street Conservation Area are irreconcilable with the council's adopted and emerging policies (as shown in views 35, 42, 48 and 49). While there are public benefits associated with the proposed scheme as listed in the DP9 note, including the improved pedestrian circulation and ground floor animation, a convincing justification for the harm has not been made. The public benefits identified are insufficient to outweigh the substantial harm that would result. Equally it is not accepted that a scheme of the proposed height is necessary to provide these public benefits.

One view from Montague Close on the northern side of Southwark Cathedral has been provided, and it is suggested a further view taken from just inside the Cathedral's gates on this northern side is also provided to aid further discussion on the harm caused.

Finally, the Shard itself is a building of prominence, an iconic building that has made its mark in the city's consciousness. This proposal, especially the 'top' is likely to have a substantial impact on the way the Shard is appreciated in the round. Set at a height that will match that of Guys Tower, and separated from the public benefits that that provides, the information submitted with the enquiry demonstrates that building of this scale is not likely to contribute positively to an appreciation of Shard especially when viewed from Southwark Street (view 35).

This advice is given to assist you but is not a decision of the Council. Further issues may arise following a formal planning application, where a site visit and public consultation and consultation with statutory consultees would be undertaken.

Please accept this letter as the closure of your current enquiry.

Yours sincerely

Simon Bevan
Director of Planning

Appendix 3 - Historic England's Statement of Case



**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
AND
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000**

**STATEMENT OF CASE OF
HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND
(HISTORIC ENGLAND)**

Applications by Great Portland Estates (St Thomas Street) Limited

New City Court, 4-26 St Thomas Street, London SE1 9RS

**Local Planning Authority refs: 18/AP/4039 & 18/AP/4040, 21/AP/1361 &
21/AP/1364**

**PINS refs: APP/A5840/W/22/3290473; APP/A5840/Y/22/3290477;
APP/A5840/W/22/3290483 & APP/A5840/Y/22/3290490**

1 INTRODUCTION

1.1 This combined Statement of Case is submitted on behalf of Historic England following appeals against the London Borough of Southwark's non-determination of two sets of planning and listed building consent applications for redevelopment at New City Court, 4-26 St Thomas Street, London SE1 9RS. These 4 applications are as follows:

1.2 The "First Scheme":

- Planning application ref: 18/AP/4039
"Redevelopment to include demolition of the 1980s office buildings and erection of a 37 storey building (plus two basement levels) of a maximum height of 144m (AOD), restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) and change of use of lower floors to Class A1 retail, and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide a total of 46,374sqm of Class B1 office floorspace, 765sqm of Class A1 retail floorspace, 1,139sqm of Class A3 retail floorspace, 615sqm of leisure floorspace (Class D2), 719sqm hub space (Class B1/D2) and a 825sqm elevated public garden within the 37-storey building, associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works."
- Listed building consent application ref: 18/AP/4040:
"Restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16¹ St Thomas Street) including: Demolition of 1980s fabric across the rear elevation and demolition of the attached 1980s office building, and reinstatement of the rear elevation of the terrace and provision of shopfronts. Rebuild the second floor, roof and chimneys of no. 16, reskin

¹ The listed building official list entry is Numbers 4 – 8 and 12 – 16 and attached railings, 4 – 8 and 12- 16, St Thomas Street.

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

1.3 The “Second Scheme”:

- Planning application ref: 21/AP/1361

“Redevelopment to include demolition of the 1980s office buildings and erection of a 26-storey building (plus mezzanine and two basement levels) of a maximum height of 108.0m AOD, restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street), and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide 46,442sqm GEA of Class E(g)(i) office floorspace, 358sqm GEA flexible office E(g)(i)/retail E(a) floorspace, 450sqm GEA Class E(b) restaurant/cafe floorspace and a public rooftop garden, and 5,449sqm GEA of affordable workspace within the Georgian terrace, Keats House and part of the tower, associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works.”²

² Figures taken from Southwark Council’s planning website - <https://planning.southwark.gov.uk/online-applications/> and may not take account of subsequent amendments to the application

- Listed building consent application ref: 21/AP/1364

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

- 1.4 Historic England does not object to the applications for listed building consent.
- 1.5 Historic England has identified serious harm to the historic environment in relation to both planning applications. This Statement of Case provides the particulars of the case that Historic England will make in its evidence to the forthcoming public inquiry.

2 LOCATION AND SITE DESCRIPTION

- 2.1 The development site is located to the south of London Bridge in Southwark and is entirely within the Borough High Street Conservation Area. The site is bounded by St Thomas Street to the north and King’s Head Yard to the south. Borough High Street (which is a defining feature of the conservation area) is

located immediately to the west of the site, and immediately to the east is the Grade II* listed Guy's Hospital.

- 2.2 The site was redeveloped in the 1980s for office use. A five-storey plus basement office block was erected in the backland of the site, whilst incorporating the frontage buildings along St Thomas Street. These include an early 19th century Grade II listed terrace at 4-8 and 12-16 St Thomas Street, 20 St Thomas Street which was built as part of the 1980s scheme, and a building known as Keats House at nos. 24-26 with a retained decorative Victorian frontage. The 1980s office block also incorporates a historic façade along King's Head Yard.
- 2.3 The wider townscape is mixed, with a growing cluster of tall buildings to the north and north east of the development site around London Bridge Station. These include The Shard (72 habitable storeys), The News Building (17 storeys), and the recently completed Fielden House (26 storeys), all of which are components of the plan-led phased masterplan around London Bridge Station. The 34-storey Guy's Tower dates from the 1970s and is located to the east of the development site.
- 2.4 A number of highly significant historic landmarks are located within the wider area. These include the Grade I listed Southwark Cathedral which is located to the north west of the development site beyond Borough Market. The Tower of London World Heritage Site is located across the Thames from the development site, and further upstream is the Grade I listed St Paul's Cathedral.

3 ROLE OF HISTORIC ENGLAND

- 3.1 Historic England is an independent grant-aided body governed by Commissioners. It was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duties of Historic England are as follows:

‘...so far as is practicable:

- (a) to secure the preservation of ancient monuments and historic buildings situated in England;
- (b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
- (c) to promote the public's enjoyment, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation.'

3.2 Historic England's sponsoring ministry is the Department for Digital, Culture, Media and Sport, although its remit in conservation matters intersects with the policy responsibilities of a number of other Government departments, particularly the Department for Levelling Up, Housing and Communities, with its responsibilities for land-use planning matters.

3.3 Historic England is a statutory consultee on certain categories of applications for planning permission and listed building consent. Similarly, Historic England advises the Secretary of State on those applications, subsequent appeals, scheduled monument consent applications and on other matters generally affecting the historic environment. Historic England also has a role in advising Government in relation to World Heritage Sites and compliance with the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. It is the lead body for the heritage sector and the Government's principal adviser on the historic environment.

4 LEGISLATION, POLICY AND GUIDANCE

4.1 Statutory duties relating to proposals affecting listed buildings and conservation areas are contained in the Planning (Listed Buildings and Conservation Areas) Act 1990, notably section 16, 66, and 72.

4.2 Central Government planning policy is set out in the National Planning Policy Framework (NPPF), revised in July 2021. Chapter 16 deals with conserving and enhancing the historic environment, although the Framework should be read as

a whole. Further guidance is provided by the online Planning Practice Guidance (PPG), which is regularly updated.

- 4.2 The NPPF states that planning decisions must reflect relevant international obligations and statutory requirements.³ Among these for the World Heritage Convention is a requirement for the State Party to identify 'cultural and natural heritage of Outstanding Universal Value' and to use 'the utmost of its resources to protect, conserve, present and transmit' the values of such properties.⁴
- 4.3 The NPPF and the PPG emphasise the need for a clear understanding of the significance of a heritage asset and the contribution that its setting makes to its significance, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.⁵ Any harm to the significance of a designated heritage asset, including from development within its setting, requires clear and convincing justification.⁶ Where less than substantial harm is identified to the significance of a designated heritage asset, the NPPF states that the harm should be weighed against the public benefits of the proposal⁷. The PPG explains that public benefits (for the purposes of Paragraph 202) can include heritage benefits.⁸
- 4.4 When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF states that great weight should be given to its conservation. The more important the asset, the greater the weight should be, irrespective of whether the harm amounts to substantial harm, or less than substantial harm to its significance.⁹
- 4.5 The NPPF further stipulates that good design is a key aspect of sustainable development, which includes being sympathetic to local character and history,

³ NPPF 2021 Paragraph 2 and UNESCO 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage

⁴ *ibid*

⁵ NPPF 2021 Paragraph 195

⁶ NPPF 2021 Paragraph 200

⁷ NPPF 2021 Paragraph 202

⁸ Government's Planning Practice Guidance (updated 1 October 2019) (Para 020).

⁹ NPPF 2021 Paragraph 199

including the surrounding built environment and landscape setting.¹⁰ The National Design Guide (2021) emphasises the importance of heritage and context when considering the merits of a design.¹¹

- 4.6 An application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.¹² The relevant development plan policy context for these appeals comprises the London Plan (2021) and The Southwark Plan (2022).
- 4.7 We expect that a comprehensive list of relevant policies will be the subject of agreement between the parties, considering issues such as Heritage, World Heritage Sites, Tall Buildings, Design and Views.
- 4.8 In addition, there are a number of other guidance and advice documents which are likely to be relevant to the appeals. A comprehensive list of these is set out in Section 7.

5 SUMMARY OF HISTORIC ENGLAND'S INVOLVEMENT

- 5.1 February 2018 – January 2019: Historic England engaged in pre-application discussions with the Appellant regarding the First Scheme for the redevelopment of the site including the erection of a 37-storey tall building.
- 28 June 2018: First Scheme considered by Historic England's London Advisory Committee.
- 9 July 2018: Pre-application advice letter provided by Historic England to the Appellant in which we strongly objected to the First Scheme.

¹⁰ NPPF 2021 Paragraph 126 and Paragraph 130 c)

¹¹ Paragraphs 40, 41, 46, 48 consider the importance to well-designed places of a sound understanding of the features of the context surrounding a site; of developments integrating into their surroundings so they relate well to them; of developments being influenced by their context positively; and of proposals being responsive to local history, culture and the significance and setting of heritage assets.

¹² (s38(6) Planning and Compulsory Purchase Act 2004; S70(2) Town and Country Planning Act 1990)

15 November 2018: Historic England provided a short advice letter on revised plans for the First Scheme expressing that our concerns had not been addressed.

28 January 2019: Historic England was consulted by Southwark Council on the submitted listed building consent and planning applications for the First Scheme.

15 February 2019: Historic England provided its consultation response to the listed building consent application and raised no objection.

27 March 2019: Historic England provided its consultation response to the planning application and strongly objected.

- 5.2 18 March 2021: Historic England was invited into pre-application discussions with the Appellant to consider new plans for the site, even though the First Scheme had not been determined. The Second Scheme involved the reduction in height of the proposed tall building from 144m AOD to 108m AOD and a largely new approach to its architectural design.

28 April 2021: Historic England wrote to the Appellant by email explaining that we would strongly object to the new plans should an application be submitted, and that the proposal would be subject to consideration by Historic England's London Advisory Committee.

6 May 2021: Historic England was consulted by Southwark Council on listed building consent and planning applications for the Second Scheme.

1 July 2021: The Second Scheme was subject to consideration by Historic England's London Advisory Committee.

29 July 2021: Historic England provided its consultation response to the planning application. We recognised that the proposed reduction in height of the tall building would lessen the impact on some designated heritage assets. However, we maintained a strong objection to the Second Scheme. Historic England provided its consultation response to the listed building consent application and raised no objection.

1 December 2021: Historic England provided its consultation response to amendments to the planning application for the Second Scheme and maintained a strong objection.

- 5.3 10 February 2022: Southwark Council notified Historic England that appeals had been submitted for the First and Second Scheme applications and they would be determined by public inquiry. The Planning Inspectorate granted Historic England's request for Rule 6(6) status to the inquiry on 18 February 2022.

6 HISTORIC ENGLAND'S CASE

Introduction

- 6.1 Historic England will call one witness to give evidence: Alasdair Young, Inspector of Historic Buildings and Areas.
- 6.2 Historic England will, in its evidence, identify the heritage assets that would be affected by the proposal and describe their significance. Historic England will describe how the setting of such assets contributes to their significance; how that significance would be impacted by the proposals; and the degree of harm that would be caused to each in respect of each of the applications. We will also comment on the policy implications of such harm. We will not however be making a case as to the overall planning balance and whether permission should be granted.
- 6.3 Historic England's case will concentrate on the impacts of both schemes on the significance of the Borough High Street Conservation Area, Guy's Hospital, and Southwark Cathedral. We will also describe the harm that would be caused by both schemes to the significance of St Paul's Cathedral, and the harm to the Tower of London World Heritage Site caused by the First Scheme.
- 6.4 Specific listed buildings which make a positive contribution to the character of the Borough High Street Conservation Area will be referred to including the George Inn (Grade I), the former Parish Church of St Thomas (Grade II*), as well as Nos. 4-8 and 12-16 St Thomas Street (Grade II).

Significance of heritage assets

The Borough High Street Conservation Area

- 6.5 The Borough High Street Conservation Area has a very high degree of heritage significance as the main arterial route out of the City since Roman occupation. This significance is noted in the supporting Conservation Area Appraisal which states that *“the importance of Borough High Street as the primary route into the City of the London from the south for 2000 years is the most powerful influence on the physical evolution of the Conservation Area, and this street still forms the spine of the area”*.¹³ The well-preserved fine urban grain of Borough High Street demonstrates its organic development with largely continuous three-to-four storey historic frontage buildings of high architectural quality along both sides of the street.
- 6.6 Former yards and alleys associated with the coaching inns that lined the high street from the medieval period until the 19th century make a significant contribution to the character of the conservation area. Although the high street has evolved since then, this distinctive urban grain remains legible. In Historic England’s view, this is a conservation area deriving exceptional interest from the unique urban morphology of this central London high street, and the unusually high degree of survival of historic buildings on both sides.
- 6.7 New City Court partially occupies the site of a coaching inn at its southern end – Kings Head Yard. The yard was redeveloped in the 19th century with the current arrangement, comprising a decorative arched entrance from Borough High Street, leading to a narrow alleyway framed to the north by a two-storey façade, and a public house to the south (the Grade II listed Old Kings Head). The current alleyway is a characterful example of the Victorian reworking of Borough High Street’s medieval grain and contributes strongly to the character of the conservation area.

¹³ Borough High Street Conservation Area Appraisal, Southwark Council, June 2006, para 2.2.1, p15

- 6.8 The conservation area also incorporates the west end of St Thomas Street and Guy's Hospital, which has a distinctive character and more formal layout defined by fine Georgian architecture. Nos. 4-8 and 12-16 St Thomas Street is an early nineteenth-century terrace listed at Grade II. The terrace was extensively altered during the 1980s, and while some internal features survive, its significance is now principally derived from the architectural interest and townscape value of its frontage. The frontage of Keats House is at the east end of the development site. Keats House has a highly decorative stone and brick retained façade, double portico and associated lightwell walkway, iron railings and coal vaults. It is unlisted but makes a particularly positive contribution to the character of the Borough High Street Conservation Area.

Guy's Hospital

- 6.9 The Grade II* listed Guy's Hospital is a fine example of a Georgian hospital complex. It was founded in 1725 and is a particularly rare and important survival of a purpose-built institution associated with the emergence of healthcare provision in 18th century London. The Hospital has long been a centre for education, since its conversion to a teaching institution with the neighbouring St Thomas' Hospital in 1768. It is used today by King's College London as a science and medical campus.
- 6.10 Architecturally, the Hospital has a formal arrangement of classical ranges, including the large forecourt and inner quadrangles (1721-5), central entrance block by Thomas Dance (1728), east wing originally by James Steere (1738-41 – completely rebuilt in the 1960s following WWII damage) and the chapel and west wing by Richard Jupp (1774-7). The crowning pediment of the west wing is the centrepiece of its strongly symmetrical facade.

Southwark Cathedral

- 6.11 The Grade I listed Cathedral Church of St. Saviour and St. Mary Overie (Southwark Cathedral) is one of London's most important medieval structures and has been an Anglican cathedral since 1905. With 13th century origins as

the Augustinian Priory of St. Mary Overie, the building has been subject to various alterations and additions over time. The lower stage of the tower dates from the 14th century and two upper stages to the 14th-15th centuries, with early 19th century pinnacles added by George Gwilt. The silhouette of the tower in particular makes the Cathedral a prominent historic landmark, especially within Southwark and in cross-river views.

St Paul's Cathedral

- 6.12 The development site is located within a Protected Vista orientated towards the Grade I listed St Paul's Cathedral from Parliament Hill (LVMF 2A.1) and Kenwood Gazebo (LVMF 3A.1). The significance of the Cathedral is well known, but in summary, it is a masterpiece of English Baroque architecture, designed by Sir Christopher Wren between 1673 and 1710. Its iconic silhouette, consisting of an enormous dome and elegant west towers, is a world-renowned symbol of London that can be appreciated from considerable distance, hence its recognition in various LVMF views.

The Tower of London

- 6.13 The international significance of the Tower of London is encapsulated in its World Heritage Site (WHS) status. Its Outstanding Universal Value is rooted in the rare survival of an 11th century fortress symbolising the military might of William the Conqueror and the seat of royal power through the middle ages.
- 6.14 The Tower complex also includes a number of individual buildings of very high significance. Amongst these, the Scheduled and Grade I listed Queen's House at its south-western corner is a rare and unique collection of late medieval timber-framed buildings with distinctive gabled roofs, all of which form an important and distinctive historic corner to the Inner Ward. These buildings also reinforce the sense of enclosure, and separation from the outside world, which was so crucial for the Tower's defensive purpose.

Heritage impacts arising from the appeal schemes

- 6.15 The proposed changes on site, and the scale and massing of the proposed 37 and 26-storey (plus mezzanine) development in the First and Second Scheme respectively, would result in harm to the significance of the heritage assets identified.

Borough High Street Conservation Area

- 6.16 The greatest harm caused by both schemes would be to the Borough High Street Conservation Area, due to the profound impact they would both have on its special character and appearance.
- 6.17 This harm would result particularly from the dramatic contrast in scale between a tall building of 37 or 26 (plus mezzanine) storeys respectively, and the prevalent scale of buildings in the conservation area of mainly four storeys. That jarring juxtaposition would be particularly emphasised by the close proximity of the proposed developments set behind the largely continuous frontages of buildings on Borough High Street and St Thomas Street. Although the Second Scheme is lower than the First, the contrast between it and the historic buildings along St Thomas Street would also be extremely marked, especially because in the Second Scheme the development's northern edge would be brought closer to the rear of these buildings.
- 6.18 The conservation area would also be harmed by the demolition of the historic south façade of New City Court and the creation of open public realm, in contrast to the continuous frontages with narrow alleyways and yards behind that characterise the area. This change would erode the historic street layout of King's Head Yard, which is illustrative of the historic pattern of yards in the backlands that underpins the overall significance of the conservation area. Further erosion of the urban morphology of the conservation area and its authenticity would be caused in both schemes by deconstructing and relocating Keats House (identified as a positive contributor to the character of the conservation area) in a new location.

- 6.19 Historic England considers that the overall harm to the significance of the conservation area would, in terms of the NPPF, be located at the upper end of the scale of less than substantial harm. We consider that the harm would be broadly similar for both schemes.

Guy's Hospital

- 6.20 The proposed tall building in both schemes would also cause severe harm to various designated heritage assets that would be impacted indirectly due to changes to their settings. The greatest setting impact would be on Guy's Hospital due to its very close proximity to the development and the particular nature of its architecture, which is defined by its formal, symmetrical Classical ranges formed by central porticoes and pediments.
- 6.21 The proposed tall building in both schemes would dominate views from the forecourt towards the west range above its uninterrupted roofline. The location of the development site is such that the tall building in both schemes would appear to rise out of the west wing's central pediment, totally undermining the architectural meaning of its crowning feature, and entirely discordant with the formal composition which can currently be so well appreciated from this vantage point. The proposed tall building in both schemes is also likely to have a harmful impact on the quality of light into the listed building, particularly within the central chapel of the west wing.
- 6.22 We consider that the harm to the Grade II* listed building would be similar in both schemes, and at the upper end of the scale of less than substantial harm.

Southwark Cathedral

- 6.23 The proposed tall building in both schemes would also have a marked impact on Southwark Cathedral in the assessed views from the forecourt to the north and from Montague Close, where the architectural and landmark qualities of the Cathedral can be particularly appreciated. The First Scheme would appear conspicuously above the nave roof and behind the tower in these views. Both

the tower and nave roof are currently read against a clear sky in these specific views, which is a crucial factor in allowing the Cathedral's architecture to be appreciated mostly unchallenged by visual distraction. This clear sky particularly allows the tower to rise above its surroundings, giving it prominence and contributing to the landmark quality it still retains despite the presence of modern buildings within its wider setting. The proposed tall building of the First Scheme would seriously undermine these elements of the Cathedral's significance, and would cause serious harm, which for the purposes of the NPPF we characterise as being located towards the upper end of the range of less than substantial harm.

- 6.24 The proposed tall building in the Second Scheme would also break the Cathedral roofline, again pitting it in direct visual competition with the Cathedral's dominant crossing tower, albeit to a lesser extent. We consider that the harm to Southwark Cathedral would, in that scheme, be located in the middle of the range of less than substantial harm.

St Paul's Cathedral

- 6.25 The proposed tall building in both schemes would also harm St Paul's Cathedral by creating a notable visual distraction in the London Panorama from Kenwood Gazebo (LVMF 3A.1) In both schemes, the tall building would appear immediately behind the west towers of the Cathedral and to the right of the dome, harming an appreciation of their silhouette and landmark appearance. A low level of harm would result from this impact, but nonetheless to a Grade I listed building, and therefore of exceptional special interest.

Tower of London

- 6.26 The proposed tall building of the First Scheme would also be visible from within the Inner Ward of the Tower of London, above the roofline of the Grade I listed Queen's House. Whilst various modern tall buildings are visible, the proposed development would create a significant cumulative effect that would further encroach on the Tower of London and diminish the important sense of enclosure from the outside world created by its perimeter buildings. This would

cause some harm to the significance of the Grade I Queen's House, and in so doing would harm the Outstanding Universal Value of the World Heritage Site.

- 6.27 The proposed tall building of the Second Scheme would rise above the roofline of the Grade I Queen's House, but only to a small extent. The impact would be limited, and the resulting harm would be of a very low level.

Policy implications

- 6.28 Historic England will not call a separate planning witness and will confine its policy evidence to those policies which relate to the historic environment.
- 6.29 Considering the policies of the NPPF, the proposals would cause harm to a range of designated heritage assets, several of very high degrees of significance. In all cases the harm would be less than substantial in the NPPF's terminology. In several cases, including those of the Borough High Street Conservation Area, and Guy's Hospital, it would approach the upper end of the spectrum of less than substantial. This does not equate to a less than substantial objection.¹⁴
- 6.30 Any harm requires clear and convincing justification and should be weighed against the public benefits of the proposal in accordance with the NPPF. As set out in the supporting PPG, public benefits can include heritage benefits. Historic England will provide evidence on the value of heritage-related public benefits arising from the proposals but will not express a view on the weight to be given to other public benefits relied on by the Appellant.
- 6.31 The removal of the 1980s office building and the restoration of the Grade II listed terrace are proposed as heritage benefits in the submission. Within the context of the wider proposals, the proposed tall building in both schemes would dominate the listed terrace in views from St Thomas Street, diminishing its architectural value and townscape presence which are important aspects of its

¹⁴ Barnwell Manor Wind Energy Ltd v E. Northants DC, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137

significance. Historic England therefore considers the heritage benefits of both schemes to be quite minor.

6.32 The NPPF also states that planning law requires that applications for planning permission be determined in accordance with development plans unless material considerations indicate otherwise¹⁵. Both the London Plan and Southwark Local Plan contain policies that relate directly or indirectly to the historic environment which will require careful consideration by the decision maker in light of the harm we have identified.

6.33 Relevant policies in the London Plan include:

- Design Policy D1;
- Design Policy D3;
- Tall Buildings Policy D9;
- Heritage Conservation and Growth Policy HC1;
- World Heritage Sites Policy HC2;
- London View Management Framework Policy HC4.

6.34 Relevant Policies in the Southwark Local Plan include:

- Design of places Policy P13;
- Design quality Policy P14;
- Tall buildings Policy P17;
- Listed buildings and structures Policy P19;
- Conservation Areas Policy P20;
- World Heritage Sites Policy P24.

Conclusion

6.35 Given the serious harm that would be caused to heritage assets of exceptional significance, and the especially great weight that consequently needs to be given to their conservation, Historic England strongly objects to these applications. It will be for the decision-maker to determine whether the harm has been clearly and convincingly justified, including consideration of policy support for a tall building in this location. The decision-maker will also need to

¹⁵ (s38(6) Planning and Compulsory Purchase Act 2004; S70(2) Town and Country Planning Act 1990), and NPPF 2021 Paragraph 2

determine whether the public benefits are so great as to outweigh the serious harm to some of London's most important heritage.

7 DOCUMENTS THAT MAY BE REFERRED TO AT THE INQUIRY¹⁶

The National Planning Policy Framework (July 2021);

Planning Practice Guidance;

The National Design Guide and National Model Design Code;

Strategic and Local Development Plan policies (including The London Plan (Mayor of London, 2021) and Southwark Plan (Southwark Council, 2022);

Southwark's Historic Environment – Heritage Supplementary Planning Document (Southwark Council, December 2020);

Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment (Historic England, March 2015);

Historic Environment Good Practice Advice in Planning: 3 – The Setting of Heritage Assets (Historic England, December 2017);

Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management (February 2019);

Historic England Advice Note 2 – Managing Change to Heritage Assets (February 2016);

Historic England Advice Note 3 – The Historic Environment and Site Allocations in Local Plans (October 2015);

Historic England Advice Note 4 – Tall Buildings (March 2022);

Conserving Georgian and Victorian terraced housing – A guide to managing change (Historic England, July 2020);

Understanding Place – Historic Area Assessment (Historic England, April 2017);

¹⁶ We would expect that the majority, if not all, of these documents will be Core Documents and will liaise with the other parties accordingly.

Conservation Principles, Policies and Guidance (Historic England, April 2008);

The Protection & Management of World Heritage Sites in England [for reference only] (Historic England, June 2015);

London's World Heritage Sites: Guidance on Settings (Mayor of London, March 2012);

Statutory designation for the relevant heritage assets;

The Borough High Street Conservation Area (Southwark Council, 2006);

Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2016);

London View Management Framework (LVMF, Mayor of London, 2012);

LVMF Supplementary Planning Guidance (Mayor of London, 2012);

ICOMOS Heritage Impact Assessment Guidance (2011);

UNESCO Operational Guidelines for the Implementation of the World Heritage Convention (2021);

Historic England correspondence;

Photographs and other visual material;

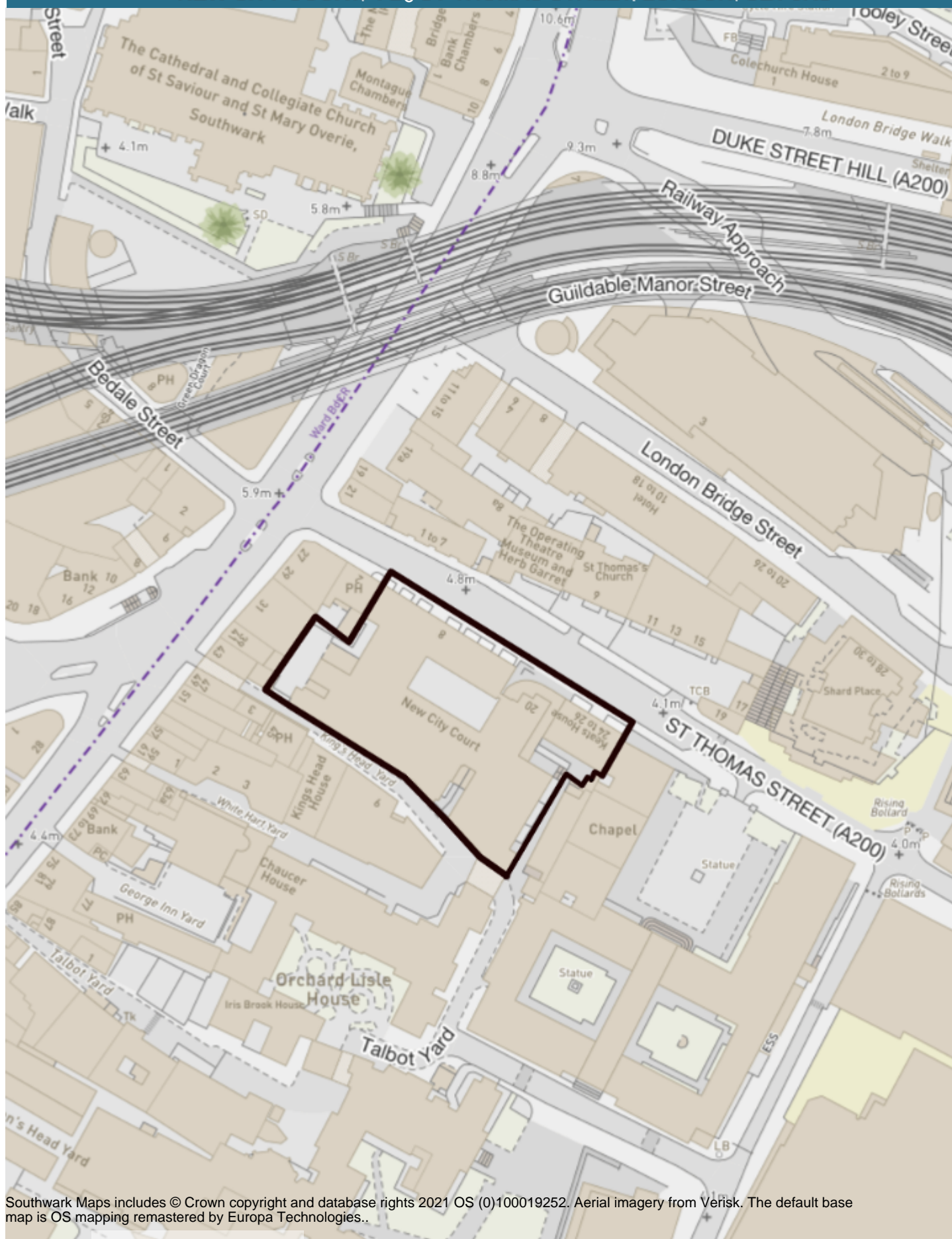
Other relevant plans, policy advice and guidance, historical publications and documents, research papers and documents, any relevant inspectors' reports and decision letters and relevant case law.

Agenda Item 5.2



18/AP/4039 & 18/AP/4040 & 21/AP/1361 & 21/AP/1364

NEW CITY COURT, 4-26 ST THOMAS STREET, LONDON, SE1 9RS



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5-Apr-2022

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Item No. 5.2	Classification: Open	Date: 19 April 2022	Meeting Name: Planning Committee
Report title:	The council's Statement of Case for appeals in relation to New City Court 4-26 St Thomas Street, SE1 9RS – 2021 scheme (21/AP/1361 and 21/AP/1364)		
Ward(s) or groups affected:	London Bridge And West Bermondsey		
From:	Director of Planning and Growth		

RECOMMENDATIONS

1. That Planning Committee:

- 1) Note that appeals for non-determination have been received in respect of planning application reference 21/AP/1361 and application for listed building consent reference 21/AP/1364, that these are major applications which would normally have been considered and determined by Planning Committee but will now be determined by the Secretary of State.
- 2) Note that a Planning Inspector has been appointed to decide the appeals and that a planning inquiry has been listed with a time estimate of 14 days commencing on the 19 July 2022.
- 3) Consider and endorse the Statement of Case at Appendix 1 which has been submitted to the Planning Inspectorate and includes the likely reasons for refusal of the applications had they not been appealed for non-determination. These likely reasons for refusal relate to the following topics:
 - The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and the harm is not outweighed by public benefits
 - Poor design, harm to townscape and local character (including sustainable design matters)
 - Lack of a section 106 agreement
 - Other matters where the proposal does not comply with development plan policies (daylight and sunlight impacts to surrounding properties)
 - In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard the special historic and architectural interest of the listed buildings on the site.

BACKGROUND INFORMATION FOR THIS REPORT

2. The purpose of this report is two-fold. Firstly to inform Planning Committee about the appeals for non-determination in respect of the application for planning permission (reference 21/AP/1361) and related application for listed building consent (reference 21/AP/1364), and secondly to request that Planning Committee consider and endorse the Statement of Case at Appendix 1 to this report which, in accordance with the timetable for the appeals, has already been submitted to the Planning Inspectorate. The Planning Inspectorate has appointed an Inspector to consider the appeals on behalf of the Secretary of State.
3. As the applications are now the subject of appeal, Planning Committee will no longer be able to decide the applications in the usual way as the decisions will be made by the Inspector. However, as it is the role of Planning Committee to consider major and strategic applications, this report seeks to provide further information about the applications and the content of the Statement of Case, which forms the basis of the case which the council will present at the public inquiry. The Planning Inspectorate has arranged the inquiry to commence on 19 July 2022 and it is expected to last for 14 days.
4. Applications for a second scheme relating to the same site (submitted in 2018 and given references 18/AP/4039 and 18/AP/4040) are also the subject of non-determination appeals and are addressed in a separate report to this Planning Committee. The Planning Inspectorate has decided to hear all four appeals at the same inquiry, hence the time estimate of 14 days. Members, and the public in general, will have the opportunity to attend the inquiry and make representations should they wish to do so.
5. The appellant, GPE (St Thomas Street) Limited, submitted their appeals in January, and on the 10 February 2022, the Planning Inspectorate informed the council that the inquiry procedure is to be followed and gave directions that the council's Statement of Case had to be submitted by 16 March 2022. The council is required to keep to the timetable and there are potential costs implications for failing to comply. Given the five week deadline for submission of the Statement of Case, there was not enough time to report to Planning Committee in advance of submission. The submitted Statement of Case contains the likely reasons for refusal had the council determined the applications, and therefore summarises the case that the council will present at the forthcoming inquiry. Whilst the Statement of Case has now been submitted in accordance with the procedural rules, the Planning Committee are asked to consider and endorse its contents.
6. The Statement of Case explains the history of the applications in section 3. At the pre-application stage in 2020/21, officers raised serious concerns with the emerging planning proposals and indicated that the development could not be supported because of adverse design and heritage impacts, and these issues were not resolved when the applications were submitted. Therefore the appellant was aware that its applications were likely to be recommended for refusal had they proceeded to be reported to Planning Committee. The appellant has exercised its right to appeal for non-determination after expiry of the statutory timescale for determining the applications.

BACKGROUND INFORMATION FOR THE 2021 APPLICATIONS

7. This planning application (ref. 21/AP/1361) and associated listed building consent (21/AP/1364) for the New City Court site were submitted in April 2021. The scheme is for a large office-led development and the full descriptions for the planning application and related listed building consent application are set out below:

Planning application ref. 21/AP/1361 - *Redevelopment to include demolition of the 1980s office buildings and erection of a 26-storey building (plus mezzanine and two basement levels) of a maximum height of 108.0m AOD, restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street), and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide 46,442sqm GEA of Class E(g)(i) office floorspace, 358sqm GEA flexible office E(g)(i)/retail E(a) floorspace, 450sqm GEA Class E(b) restaurant/cafe floorspace and a public rooftop garden, and 5,449sqm GEA of affordable workspace within the Georgian terrace, Keats House and part of the tower, associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works.*

Listed building consent application ref. 21/AP/1364 - *Restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including:*

- *Demolition of 1980s fabric across the rear elevation and demolition of the attached 1980s office building, reinstatement of the rear elevation of the terrace, and recladding and partial rebuilding of rear walls.*
 - *Rebuild roof and chimneys, reskin the side façade and front façade at top floor level of 1980s extension.*
 - *Rebuild the roof and chimneys of no. 14.*
 - *Removal and replacement of roof slates with natural slate to nos. 4-16.*
 - *Opening up the ground floor passageway between nos. 8 and 10 by removing 1930s door, and reinstate two adjacent door openings on front elevation.*
 - *Replacement of two second floor windows on front elevation.*
 - *Replacement of secondary glazing to front elevation.*
 - *Alterations to the front elevation of the lower ground level and vaults beneath the pavement.*
 - *Internal alterations within the terrace to reinstate the plan form and the internal features, rearrange the circulation between the lower ground and upper levels (with reinstated stairs in between) for office use.*
 - *Cleaning the brickwork, repointing, works to repair sash windows, restore the railings and first floor balconettes of the north façade.*
8. This pair of applications are two of the four applications that propose the redevelopment of the application site, with a 2018 pair of applications submitted for an alternative scheme.
 9. The 2021 planning application proposes the redevelopment of a site that comprises a 1980s office building, a terrace of listed Georgian buildings, and

Keats House. The application proposes to demolish the 1980s building and extensions to the listed terrace, and to construct a 27-storey tower, to relocate the historic façades of Keats House and build new office space behind the façades, and to extend and renovate the terrace of listed buildings. The tower would provide mainly office space, with some retail, and a public roof garden. The listed buildings, Keats House and lower levels of the tower would provide affordable workspace. Public realm across the site would provide new public routes through to Kings Head Yard, St Thomas Street, and link to the Borough High Street entrance to London Bridge Underground station. Servicing would be carried out within an off-street servicing yard at the eastern side of the site.

10. The listed building consent application proposes the related works to the grade II listed Georgian terrace, including removal of the 1980s extensions at the rear, and to reinstate much of the historic layout, and restore the external fabric and features.
11. The submitted applications followed on from pre-application discussions with the council. The council's formal pre-application advice is included as Appendix 2 to this report. It stated that the proposal would not be supported in its current form, primarily because of the adverse design and heritage impacts.
12. The council carried out consultation on the submitted applications, and the responses received are summarised later in this report.
13. The appellant has appealed against non-determination for these two 2021 applications, so the Planning Inspectorate will decide the applications following a public inquiry. Historic England will be participating in the inquiry, in objection to the proposal.
14. A total of four applications have been submitted which relate to the redevelopment of the New City Court application site. These are all the subject of appeals to be heard at the same public inquiry:
 - 18/AP/4039 – the planning application for the redevelopment of the New City Court site with a 37-storey office building.
 - 18/AP/4040 – the listed building consent application for the works to grade II listed nos. 4-16 St Thomas Street within the New City Court site (both subject of a linked report within this agenda).
 - 21/AP/1361 – a new planning application submitted in April 2021 for a revised design of the site's redevelopment with a 26 storey office building.
 - 21/AP/1364 – the listed building consent application for the associated works to the grade II listed Georgian terrace (both subject of this report).
15. There are also four associated applications on the adjoining site as a result of the party wall being demolished so that the relocated Keats House would sit away from Conybeare House of Guy's Hospital. These minor applications at the adjoining Conybeare House relate to the relocation of Keats House and will be considered separately under delegated powers once the appeal outcomes are known:
 - 19/AP/5519 - a planning application for works to the party wall between Keats House and Conybeare House, including: removal of link to Keats

House, reinstatement of the string courses and cornice to Conybeare House, and refurbishment of existing fire escape.







- 19/AP/5520 - a listed building consent application at Conybeare House for the party wall works, reinstatement of the string courses and cornice.
- A similar pair of a planning application and listed building consent applications (refs. 21/AP/2591 and 21/AP/2592) for the 2021 scheme.

SITE LOCATION AND DESCRIPTION

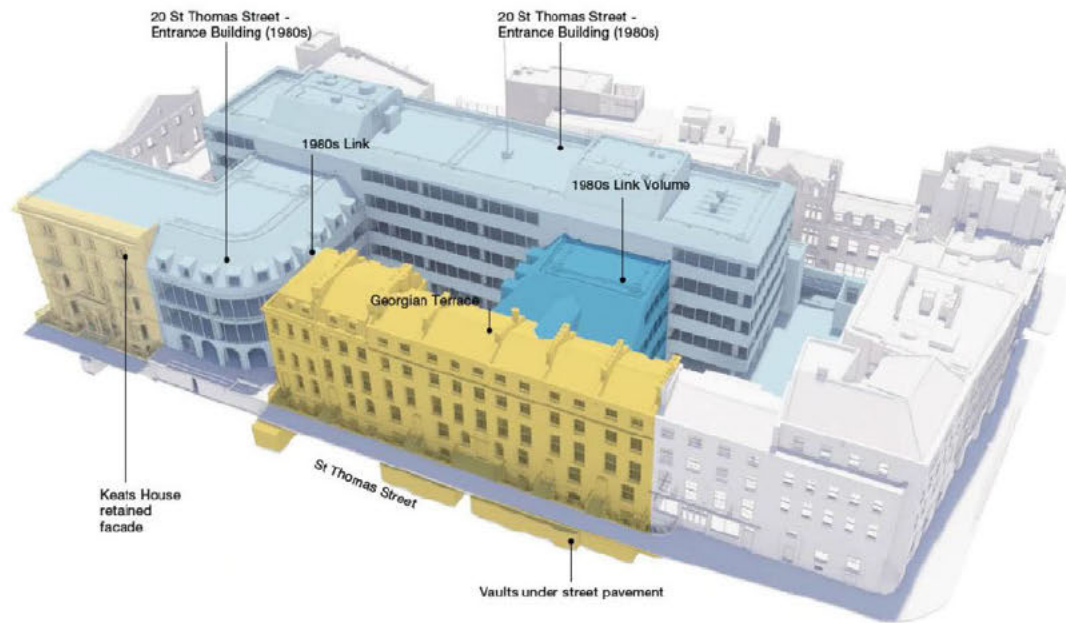
16. New City Court is on the southern side of St Thomas Street and comprises nos. 4-16 St Thomas Street, no. 20 St Thomas Street, and nos. 24-26 St Thomas Street. The site extends southward to form the northern side of Kings Head Yard, extends to the west to the rear of the Borough High Street properties, and to the east to Guy's Hospital campus. The site is in office use and at the time the 2018 application was submitted housed around 900 employees.



Existing site plan layout showing the different building elements, and key to the colours below.

-  Keats House retained facade
-  20 St. Thomas Street / Entrance
-  Georgian Terrace
-  Connection to the Georgian Terrace
-  New City Court office space
-  Four storey brick clad building

17. The site has an area of 3,700sqm (0.37 hectares). It comprises three main elements which are shown in the diagram below:
- No. 20 St Thomas Street, shown in different shades of blue in the visual below: the largest building is a four- to six- storey 1980s office building (plus basement) which covers most of the site, extending from its main entrance in the centre of the St Thomas Street frontage down to Kings Head Yard. The Kings Head Yard frontage is a two-storey façade in a Victorian design, forming the northern side of this yard. A four-storey, flat roofed block occupies the south-eastern corner of the site next to the hospital boundary.
 - Nos. 4-16 St Thomas Street, shown in yellow on the visual below: the 4-storey Georgian terrace of seven buildings forms most of the site's St Thomas Street frontage. These grade II listed buildings were significantly altered internally to connect them together and are linked at the rear and side to the 1980s office building. They are also in office use, with front lightwells enclosed by railings along the edge of the pavement.
 - Nos. 24-26 St Thomas Street, known as Keats House, shown in blue with a buff frontage on the visual below: a 4-storey building which sits between the main office building and Guy's Hospital. Its Italianate red brick and stone front façade, short eastern façade, railings and lightwells are original, while the rest of the building was rebuilt in the 1980s and forms part of the main office building.
18. These three elements are all joined together by the 1980s buildings linking at the rear and side of the listed terrace, and onto Keats House. There are courtyard areas between the buildings, and a servicing yard on the western side accessed from Kings Head Yard.



Axonometric view of the site

19. The photos below show key parts of the existing buildings.



Keats House, nos. 24 and 26.



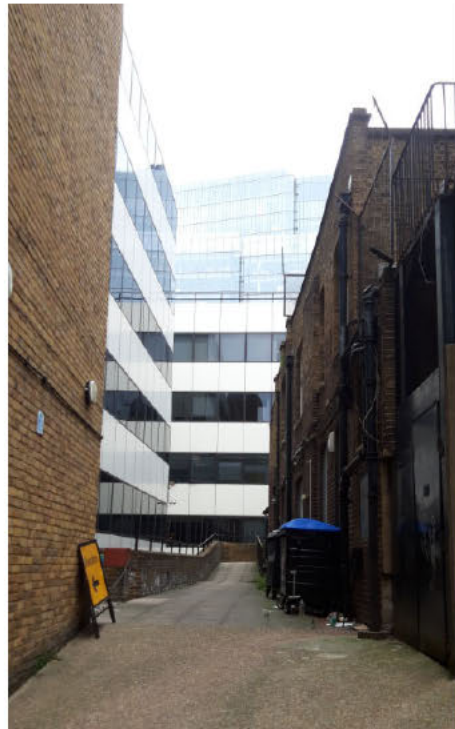
No. 20 St Thomas Street main entrance.



Georgian terrace, nos. 4-16 St Thomas Street



Kings Head Yard frontage



Rear of Keats House, with Guy's Hospital to the right

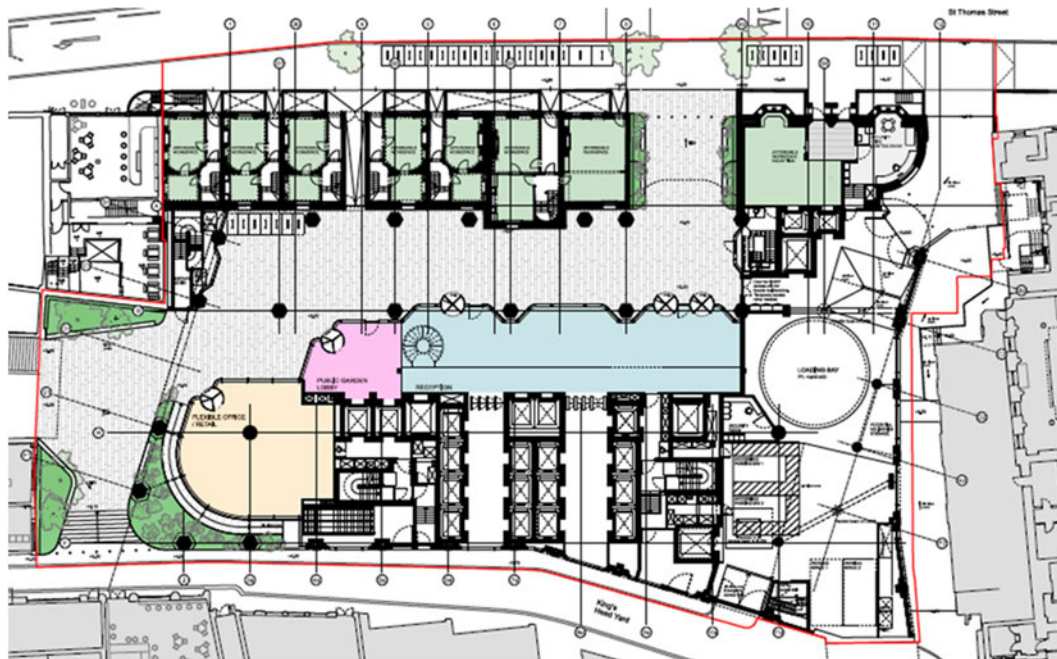
20. The application site is within the Central Activities Zone, the Bankside Borough and London Bridge Opportunity Area, and the London Bridge district town centre. It is also within the South Bank Strategic Cultural Quarter, flood zone 3 and the air quality management area.

21. The site is within the Borough High Street Conservation Area and the North Southwark and Roman Roads Archaeological Priority Area. Nos. 4-8 and 12-16 St Thomas Street within the site are grade II listed buildings. New City Court is within the background assessment area of the two London View Management Framework (LVMF) views from Parliament Hill, and from Kenwood viewing gazebo.
22. The site has an excellent PTAL of 6b given its proximity to London Bridge rail and Underground stations and bus routes in the area. It is accessed from St Thomas Street and White Hart Yard leading into Kings Head Yard, with vehicle access to the rear service area from Kings Head Yard.
23. To the north of the site are the buildings on the opposite side of St Thomas Street. Nos. 1-7 is a relatively modern, four-storey office block. Further east is a row of historic buildings set slightly back from the pavement, including the no. 9 St Thomas Church, 9A (Old Operating Theatre Museum and Herb Garret), 11-13 Mary Sheridan House all of which are grade II* listed, and no. 15 which is grade II listed. The K2 telephone box is also grade II listed. The recently completed Shard Place development (99m high above ground level) is to the north-east of the site, and further to the east is The Shard (306m high above ground level).
24. Guy's Hospital lies to the east of the site, with its grade II* listed main building set around courtyards, and its wider campus further to the south-east. The gates, piers and railings along St Thomas Street are themselves grade II listed, as is the statue of Thomas Guy in the main courtyard (currently covered). Further to the east is Guy's Tower (142m high) as part of the hospital site.
25. To the south of the site are the buildings along Kings Head Yard (including the grade II listed Old Kings Head public house) and White Hart Yard which are in use as offices, student housing and for higher education.
26. To the west, the Borough High Street properties adjoin the site. These are 3-, 4- and 5-storey buildings with a mixture of retail, commercial and residential properties and the Borough High Street access to the Underground station. The Bunch of Grapes public house attaches to the western end of the Georgian terrace on St Thomas Street and is grade II listed.
27. There are further heritage assets in the wider context of the site, including the following listed buildings and conservation areas:
 - Grade I - Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) and The George Inn.
 - Grade II - London Bridge station (platforms 9-16) and the railway viaduct arches along Crucifix Lane and St Thomas Street. Several properties along Borough High Street including numbers 2, 4, 6, 8, 10, 19A, 28, 30, 32, 34, 38, 40, 50, 52, 53, 53A, 54, 55, 58, 66, 67, 68, 70, 91, 93, 95, 101 and 103, the St Saviours Southwark war memorial, and the bollards at the entrance to Green Dragon Court. The Hop Exchange, 1B and 3 Southwark Street, bollard between nos. 1 and 2 Stoney Street, 5 and 6 Stoney Street. The Globe Tavern (and bollards and lamp post to rear), and post at north corner of Bedale Street.

- Tooley Street Conservation Area (to the north-east), Bermondsey Street Conservation Area (to the south-east), Liberty of the Mint Conservation Area (to the south-west), Union Street Conservation Area (to the south-west) and Thrale Street Conservation Area (to the west).

SUMMARY OF THE 2021 PROPOSALS

28. The planning application proposes the redevelopment of most of the site, with the demolition of the 1980s office building and colonnade on Kings Head Yard. The application proposes the construction of a 26-storey building (plus two basement levels and a mezzanine), as well as the restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street), and the relocation of the historic façade of Keats House. The proposal includes the provision of new public realm, a new entrance to the Underground station, highway works, associated servicing yard, cycle parking, car parking, refuse and plant areas. These key elements will be considered in turn below.



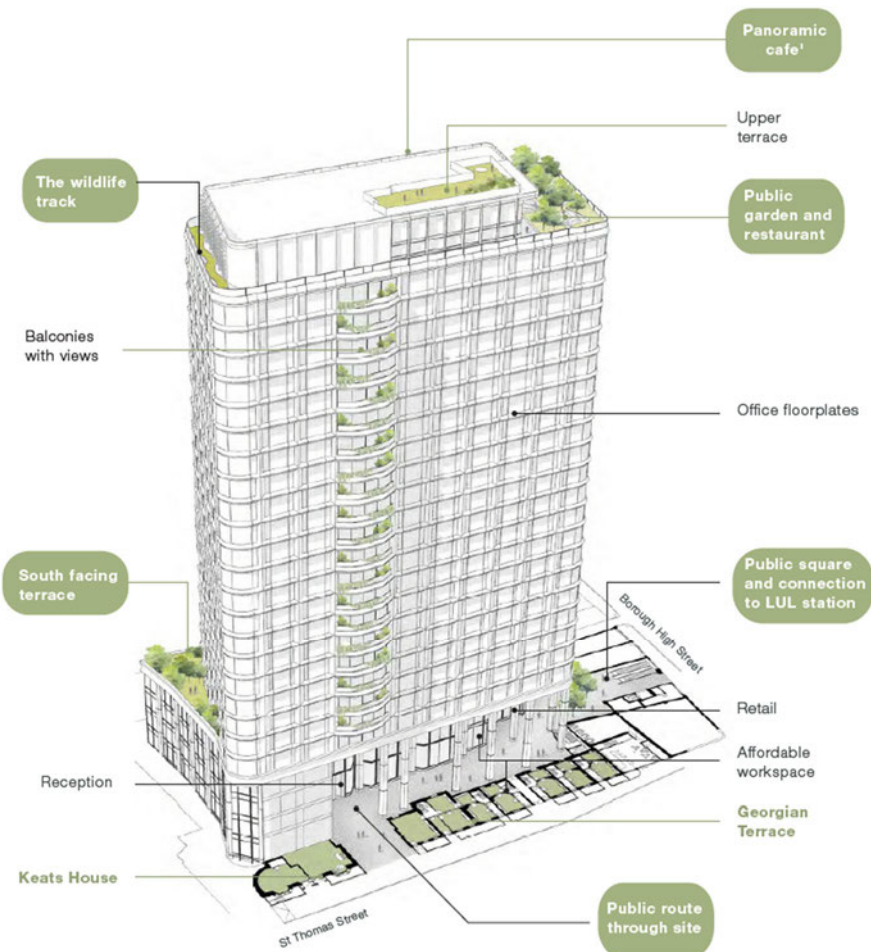
Proposed ground floor plan

29. Across the site, a total of 55,461sqm GIA of floorspace is proposed, comprising the following quantum of different uses.

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

Tower

30. A 26-storey tower, plus mezzanine level and double basement forms the main part of the proposal. It would be 103m high, (108m AOD) and be sited back from the St Thomas Street frontage and along the Kings Head Yard frontage.
31. The tower would measure 65.5m wide east to west, and 31.7m wide north to south. The masonry façades would be constructed of pre-cast glass reinforced concrete with profiled and textured elements in light and slightly darker colours, and dark aluminium window frames. The pre-cast 3m wide panels give the façades their regularity.



Visual of the proposed tower's northern and eastern sides

32. It would provide mainly office floorspace, with one retail unit at ground floor and mezzanine levels proposed to be flexible office or retail use, and at roof level a restaurant and a café are proposed.



The tower's northern façade, alongside The News Building and The Shard



The tower's southern façade, from Guy's Hospital Courtyard

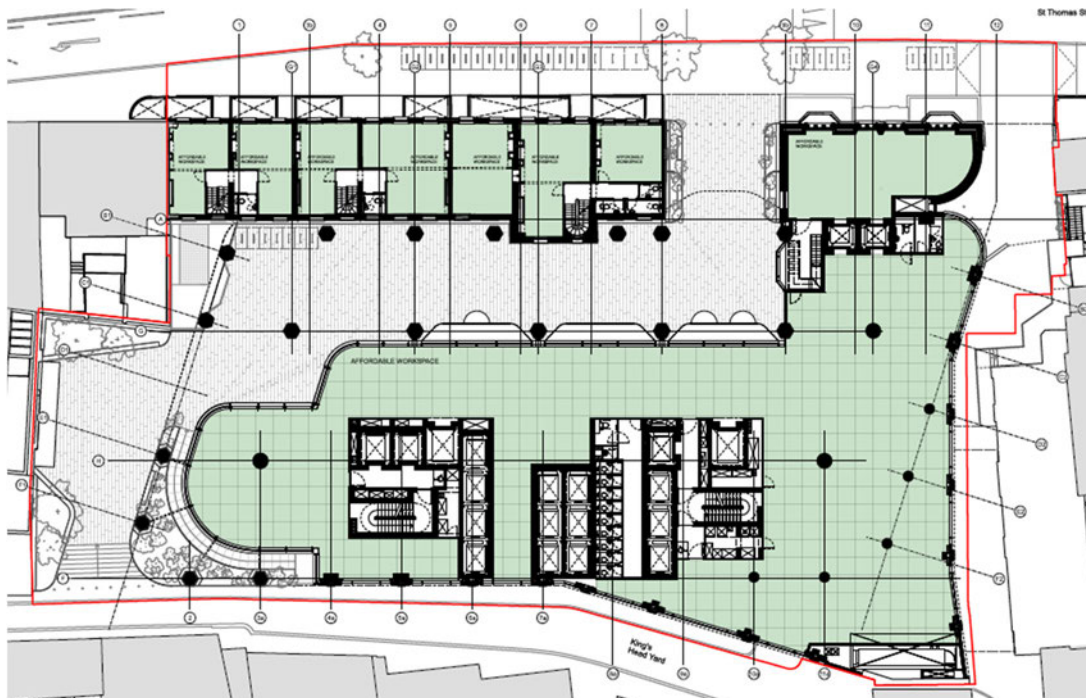
33. A colonnade would be provided underneath the tower, to give a new public route through the site from the proposed Underground entrance and western square, past the rear of the Georgian terrace and out to St Thomas Street. The ground

floor entrance to the tower would provide a wide, double height reception to the tower, the lobby for the public garden access, and a flexible office and a flexible retail unit (340sqm GIA) at the western end. The rest of the tower's footprint would be lifts and stairs, and the loading bay on the eastern side.



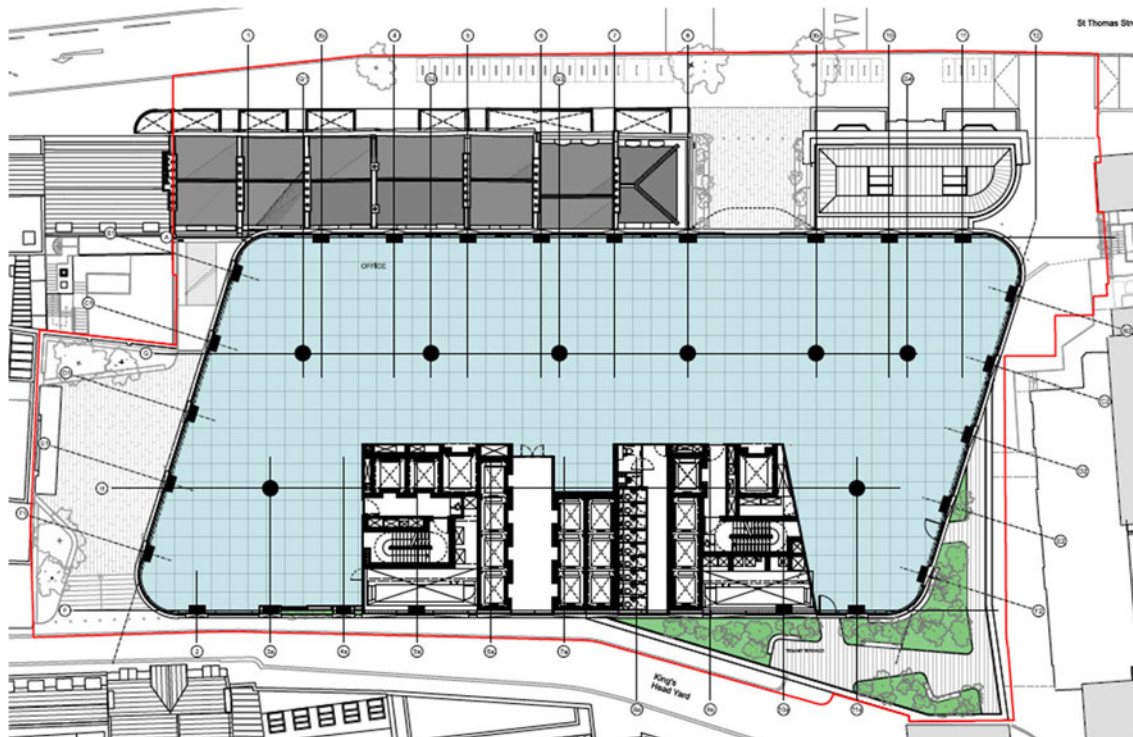
Visual to show the colonnade at the base of the tower, as viewed from the Underground entrance

34. Affordable workspace would be provided in the Georgian terrace, parts of Keats House and at the first and second floor levels of the tower accessed through the linked Keats House.



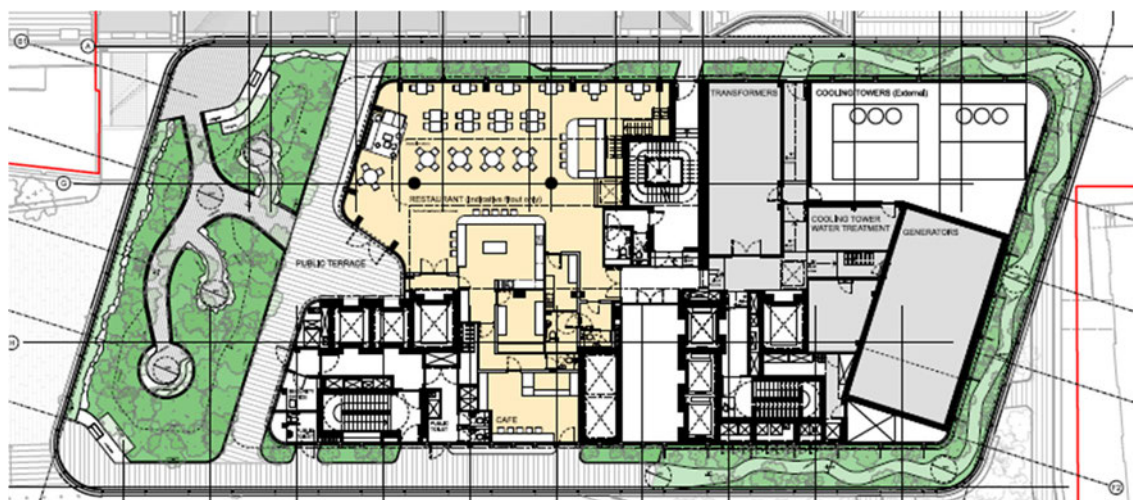
Level 01 floorplan

35. The third floor upwards would provide standard office space, with an open floorplan that can be subdivided to tenants' requirements. The core of lifts, stairs and toilet facilities is in the centre of the southern elevation.



Level 3 floorplan

36. The floorplan at 24th floor is set in from each façade, and would provide a public terrace on the western end and a planted path around the eastern side of the building. A restaurant and café are proposed near the centre, and roof top plant on the eastern half of the building. The restaurant would extend to part of the 25th floor, which is otherwise taken up by the roof plant and building maintenance unit (BMU). At 26th floor a terrace is proposed for the office occupiers.



Level 24 layout showing the public roof terrace, restaurant, café, plant and eastern walkway

37. The appellant considers that the proposed building would appear “as an elegant

addition to the London Bridge tall building cluster”, with the form articulated by the chamfering and softening of the corners, and use of greening balconies that would also provide a link between the green character of the public realm at the ground floor up to the roof garden.

38. The existing basement would be extended to provide a two storey basement. Basement level B1 would provide long-stay cycle parking, accessible cycle parking and changing facilities, short stay cycle parking, and building management rooms beneath Keats House. The lower level basement B2 would provide plant rooms, storage tanks, storage, a bin store and holding area.
39. The roof would house the cooling towers, photovoltaic panels, building maintenance unit, aviation lights, and another roof terrace for office workers.

Listed terrace of Georgian buildings

40. Works are proposed in the planning application and listed building consent application to restore and refurbish the listed terrace of nos. 4-16 St Thomas Street, which are grade II listed.
41. In addition to demolishing the attached 1980s office building behind the listed buildings, the 1980s additions to the terrace would be removed, such as the rear extensions, and replaced with more sympathetic materials and design. The terrace would continue to provide office floorspace to all floors, as part of the affordable workspace proposal.
42. Other proposed works to the Georgian terrace in the planning application and listed building consent application include:
 - Internal alterations within the terrace to reinstate the plan form and the internal features, rearrange the circulation between the lower ground and upper levels (with reinstated stairs in between) for office use.
 - Rebuilding the second floor, roof and chimneys of no. 16 at the eastern end of the terrace, re-skinning the side façade and creation of ground floor entrances.
 - Opening up the ground floor passage-way between nos. 8 and 10 by removing the 1930s door, and reinstating two adjacent door openings on front elevation.
 - Rebuilding, refurbishment and replacement roofs, chimneys, windows, secondary glazing, railings, balconettes, and brickwork cleaning

Keats House

43. Keats House was built in 1862 and substantially rebuilt in the 1980s to link into the new office building across most of the site. Only the front façade and short eastern façade (1.5m wide), front lightwells and railings are historic fabric, with red brick, ornate carved stone window surrounds, bays and cornice. The rest of the building behind these façades is 1980s fabric.
44. In the proposed development, the historic façades of Keats House would be relocated (the appellant suggests this would be done by moving it across in one piece). The façades would be reinstated in a new location 6m further west along

the St Thomas Street frontage as the front façade of a new building which links to the base of the tower. Keats House would provide a building management office and staff facilities at basement level, a security office at ground floor overlooking the servicing yard, alongside the double-height entrance to the affordable workspace. The affordable workspace at mezzanine, first and second floors would be accessed by stairs and two lifts.

45. The damaged brickwork, broken stone window reveals and pointing in the historic facades would be repaired in the reconstructed building, and the stone banding detailing continued on the new western elevation. A pitched roof would be added and a new western elevation constructed.
46. The 6m spacing between the new location of Keats House and Conybeare House (part of Guy's Hospital) would provide the vehicle access to the enclosed servicing yard at the rear.

Public realm, roof terrace and landscaping

47. There are three areas of public realm proposed within the site: 1) the public squares at ground level; 2) passages and yards at ground level and; 3) the roof gardens.
48. Public squares - Two public squares are proposed at ground level, one called "St Thomas Square" between the Georgian Terrace and relocated Keats House, and the other on the western side next to the Underground entrance called "King's Head Courtyard". The two spaces would be linked by the covered "gallery" underneath the building. The two areas would have planting, with trees proposed in Kings Head Courtyard, and seating and green walls to St Thomas Square. Stairs and a sloped access next to the new building would address the difference in levels between the new Underground entrance and the lower Kings Head Yard.



Visual showing the different public realm areas on the site, St Thomas Street and partly on the Guy's Hospital site.

- 1 King's Head Courtyard
- 2 Gallery
- 3 St Thomas Street Entrance
- 4 Beak Alley connection

49. Passages and yards at ground level – The original passage through the listed Georgian terrace would be opened up to provide another connection into the site from St Thomas Street, and restore an element of the historic grain of the site. A link on the eastern side of the site between St Thomas Street and White Hart Yard is suggested, referred to as “Beak Alley” however part of it forms the servicing yard entrance, and part is located outside the application site on the Guy's Hospital site. The ground floor public realm areas total over 1,500sqm (0.15 hectares).
50. Roof gardens – The public roof garden at the 24th floor would be mainly on the north-western end of the building (measuring approximately 32m by 13m). It would have woodland planting, with the appellant aiming to create a “biodiverse micro-woodland”. It would include a small circular pavilion called “The Jar” in the middle, which could host activities (e.g. a school class of 30 children for education events about the woodland ecosystem). On the other end of the building a 3m wide planting strip would loop around the edge of the floor

alongside green wall planting. This is described as a “wildlife terrace” with more of a biodiversity focus to the planting. At certain times of year the grass path through would be mown, to be fully accessible. The public roof level would have no entrance fee and with its own dedicated lift access from the ground floor.



Western part of level 24 showing the main roof terrace layout



Eastern part of level 24 showing the “wildlife terrace” around the edge of the building



The level 26 roof terrace for office workers

51. As well as these public areas, a landscaped roof terrace of 192sqm for the office occupiers is proposed at third floor level on the south-eastern corner. Another roof terrace at 26th floor level (280sqm) for office workers, accessed from the offices, is proposed as an amenity space and could be used for events.
52. Projecting, planted balconies are proposed on the northern elevation from the third floor up which the appellant intends to be a “green ribbon” to link up the façade to the roof gardens. These align with the office reception and St Thomas Square as shown by the visual below. On the southern elevation, the plans were amended to include planters in the juliet balconies to one column down the façade, and to the top nine floors of another column to add greening to this elevation.



Visual showing the St Thomas Street frontage and balconies to the tower

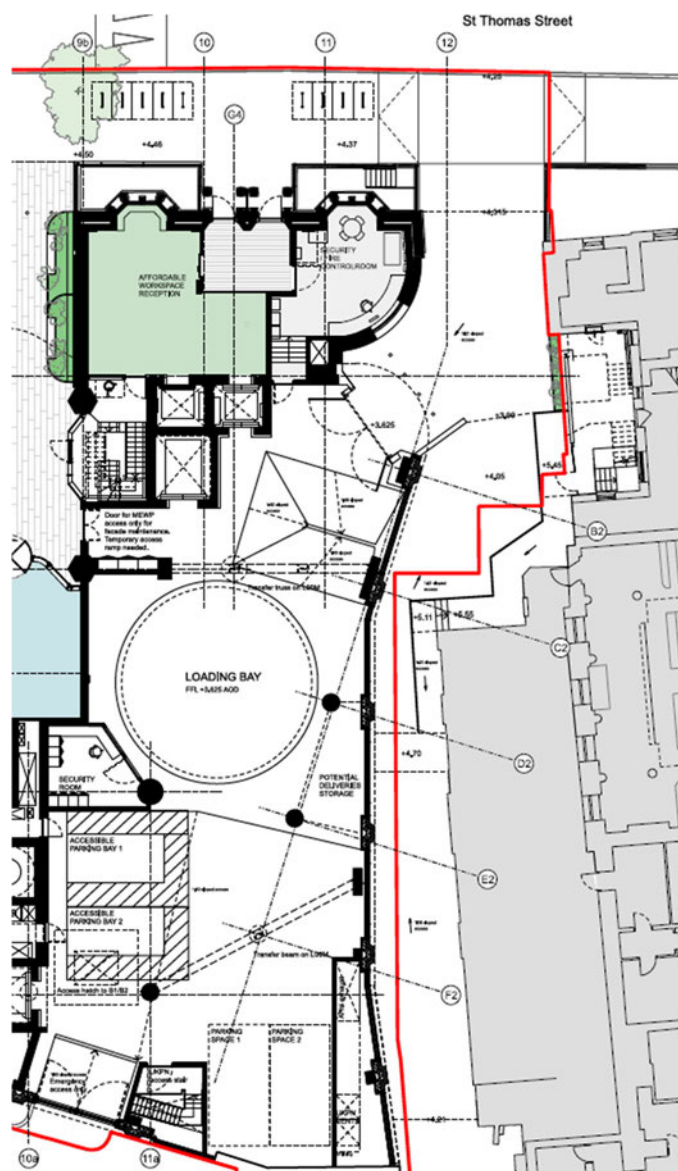
53. The application proposes to remove a wall on the boundary of the site and to create a new route into the Borough High Street entrance to the London Bridge Underground station, subject to London Underground’s agreement(s). The entrance would open out onto the new Kings Head Courtyard. A visual of the new entrance is included below:



Drawing showing the proposed Underground entrance once the boundary wall is removed

Servicing and parking

54. The two-storey basement would provide 1,224 cycle parking spaces (out of the site-wide total of 1,322 cycle parking spaces) for office staff and visitors, lockers and 79 showers for staff. These would be accessed by a cycle stair from Kings Head Yard and a dedicated lift. Further cycle parking is proposed in the vaults underneath St Thomas Street, and in the public realm for short-stay visitor parking (including on the existing highway).
55. The scheme would be car-free except for two blue badge car parking spaces in the servicing yard.
56. The current building is serviced from the yards, and St Thomas Street for larger vehicles, given the height constraint of the arches on White Hart Yard and Kings Head Yard. In this proposal servicing would be undertaken in the servicing yard on the eastern side of the site, accessed from St Thomas Street. This servicing access would be created by relocating the existing Keats House 6m to the west. The servicing yard would include a loading bay, turntable, two accessible parking spaces, and lift access down to the basement for goods and refuse collection. This is one of the main changes from the 2018 application. Servicing vehicles would not use White Hart Yard, or park on St Thomas Street unlike the previous 2018 scheme.



Proposed servicing yard layout, accessed from St Thomas Street

Amendments to the application

57. The appellant chose to make changes to the proposed tower, including:
- Changes to the detailed design of the southern elevation, including provision of integrated PV panels to two bays on each floor and the addition of a juliet balcony with planters to each floor, which amend the operational energy strategy and urban greening factor.
 - Reconfiguration of basement levels to facilitate the relocation of the Keats House façade (sliding it across, rather than dismantling and rebuilding), improve building management facilities and respond to UKPN comments;
 - Amendments to the building management facilities in Keats House to enhance access and security measures.
 - Minor changes to the tower's northern and eastern façades to allow for safety egress from the building maintenance unit (BMU) through certain windows near the base of the tower and to allow for the overall maintenance of the building envelope.
 - Addition of a 1.1m balustrade to the 26th floor roof terrace.
 - Introduction of additional security measures, such as bollards to the

servicing yard and along the edges of the new public realm on St Thomas Street and King's Head Yard.

58. These changes resulted in amended floorspace areas compared with the original submission:

Use	Use Class	Proposed GIA (sqm)	Change (sqm)
Office	Class E	44,141	-171
Affordable Workspace	Class E	4,908	-109
Flexible Office / Retail	Class E	328	-12
Food and Drink	Class E	421	0
Shared Rooftop Garden Access	-	183	-25
Shared Facilities and Plant	-	5,480	+237
Total		55,461	-80

59. The appellant also responded to some of the consultation responses and clarifications on the Environmental Statement. This involved an updated suite of technical documents and addenda (for example, the Environmental Statement with a statement of conformity, the basement impact assessment, drainage strategy, flood risk assessment, design and access statement, circular economy and whole life carbon statement). Re-consultation was undertaken on these revisions.

Main differences from the 2018 application proposal

60. The appellant has made the following changes from the 2018 planning application and listed building consent application in the 2021 proposal:
- Uses: the 2021 scheme proposes to retain the ground floor of the Georgian terrace in office use, and no longer proposes a series of shops to the ground and basement levels as the 2018 application did.
 - Reduction in the height of the tower: from 144m AOD in the 2018 scheme to the 108m AOD height of the 2021 proposal (36m lower).
 - Width: By retaining a similar office floorspace quantum, the proposed tower in the 2021 is wider and broader than the 2018 scheme, and has a larger built footprint.
 - Revised architecture of the tower: the 2018 scheme was a predominantly glass tower, while the 2021 scheme has more masonry.
 - Affordable workspace: the area and proportion of affordable workspace on site are larger in the 2021 scheme.
 - Servicing: The 2021 scheme proposes all servicing be undertaken on-site in a servicing yard accessed from St Thomas Street, rather than the 2018 scheme having servicing for smaller vehicles from the White Hart Yard entrance into the basement and the larger vehicles servicing on-street on St Thomas Street. The servicing yard means Keats House is moved 6m west, in comparison to the 2.7m move of the earlier application.
 - Raised garden: Instead of the enclosed public garden (of approximately 640sqm) within the tower in the 2018 scheme, a public roof terrace is now proposed with its main area on the western side of approximately 430sqm and the route around the other sides approximately 350sqm.

- Business hub: the two-storey auditorium part way up the tower in the 2018 scheme is no longer proposed.

PLANNING HISTORY OF THE SITE

61. The history of the site comprises small scale applications since 2000, the 2018 scheme (subject of another report on this agenda, with its own pre-application submission and Environmental Impact Assessment (EIA) scoping opinion), and the pre-application submission (20/EQ/0286) ahead of this submitted scheme. The two 2018 applications submitted in December 2018 for a redevelopment scheme with 37-storey tower are also the subject of appeals, and are to be heard at the same public inquiry.
62. Appendix 2 provides the council's pre-application response letter from April 2021.

PLANNING POLICY AND MATERIAL CONSIDERATIONS

63. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise.
64. The statutory development plans for the Borough comprise the London Plan (2021) and the Southwark Plan (2022). The National Planning Policy Framework (2021), SPDs, SPGs, draft LPGs and other planning documents constitute material considerations but are not part of the statutory development plan. A list of the relevant policies, guidance documents and other material considerations which are relevant to this application is provided within the Statement of Case at section 7.
65. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act (1990) requires decision-makers determining planning applications for development within conservation areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the Act also requires the authority to pay special regard to the desirability of preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.
66. There are also specific statutory duties in respect of the Public Sector Equalities Duty which are referenced in the overall assessment at the end of the report.
67. The site is located within the:
 - Central Activities Zone
 - London Bridge/Bankside Opportunity Area
 - London Bridge district town centre
 - South Bank Strategic Cultural Quarter
 - Air quality management area
 - Borough High Street Conservation Area
 - North Southwark and Roman Roads Archaeological Priority Area.
68. The site is not an allocated site in the Southwark Plan. It is adjacent to the NSP52

“London Bridge Health Cluster” of the Guy’s Hospital site, and is within the London Bridge Area Vision (AV.11).

69. It is within the background assessment area of the two LVMF views, from Parliament Hill summit and from Kenwood viewing gazebo.
70. The site has an excellent PTAL of 6b.
71. The site is located within Flood Zone 3 as identified by the Environment Agency flood map, which indicates a high probability of flooding however it benefits from protection by the Thames Barrier.

ISSUES FOR CONSIDERATION

72. As a major redevelopment that includes a tall building and provides an Environmental Statement, the submitted planning application has been assessed against many policies within the development plan, the NPPF, guidance and other material considerations. The proposal complies with some aspects of the development plan, but is contrary to a number of others, including policies of particular importance. The extent and significance of the conflict with policy forms part of the council’s case for why planning permission and listed building consent should be refused. The council’s Statement of Case is attached at Appendix 1.
73. This section of the report has three areas; firstly, the planning issues that form the council’s likely reasons for refusal in its Statement of Case; secondly, a summary of two other matters referred to in the Statement of Case; and thirdly a summary of the topics that are not identified as likely reasons for refusal within the Statement of Case.

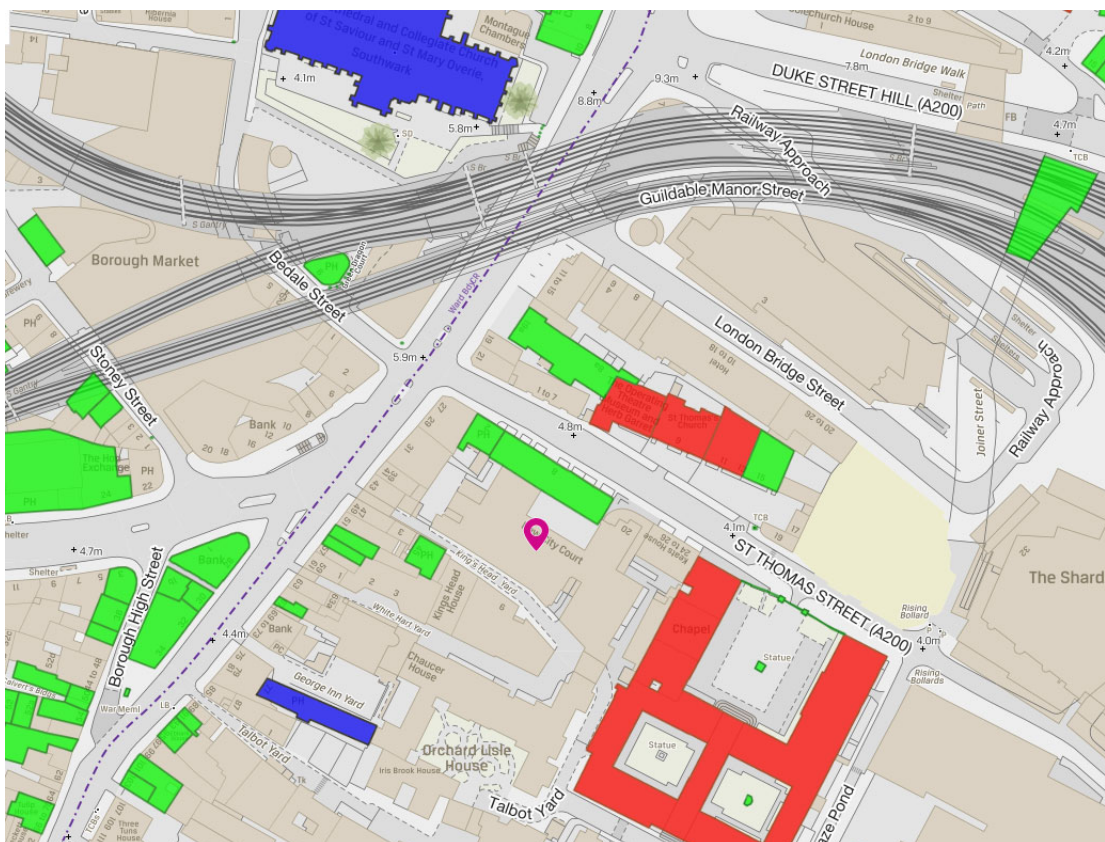
1) Summary of likely reasons for refusal in the Statement of Case

74. The council’s case in response to the appeal focuses on two main issues that would have been likely reasons for refusal of the planning application:
 - The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and the harm is not outweighed by public benefits.
 - Poor design, harm to townscape and local character.
75. The council’s case in response to the listed building consent appeal identifies one likely reason for refusal, as in the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest.
76. These likely reasons for refusal of the planning application and listed building consent are set out in the Statement of Case, which is an appendix to this report, and are reproduced in the paragraphs below along with images and diagrams to

illustrate the issues.

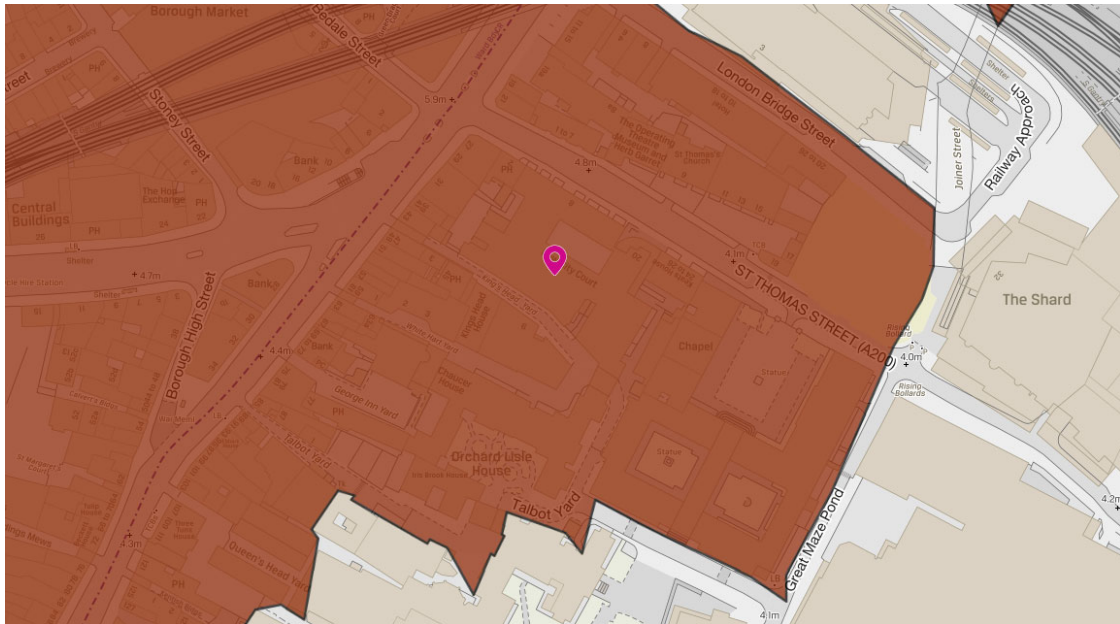
The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and the harm is not outweighed by public benefits

77. The application site is located in the Borough High Street Conservation Area and the Georgian terrace within the site's St Thomas Street frontage is grade II listed. The surrounding area includes many historic buildings including grade I listed buildings, a World Heritage Site, grade II* and grade II listed buildings and conservation areas and the site is within one of the most historic parts of London. The impacts on heritage assets arising from all parts of the proposed redevelopment need to be given careful consideration. The extract from the GIS shows the listed buildings in the area, blue indicates grade I listed, red grade II* and green grade II.



Extract from the GIS to show the location of the listed buildings on and near to the application site

78. The extent of the Borough High Street Conservation Area immediately around the application site is shown on the GIS extract below, although it extends further to the north, west and south.



Extract from the GIS to show the extent of the Borough High Street Conservation across and near to the application site

79. The NPPF in chapter 16 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), irrespective of whether the harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
80. The Townscape, Visual Impact and Built Heritage Assessment submitted as part of the Environmental Statement (ES), and its later addendum, include 56 daytime views, taken from points to show how the proposal (particularly the tower) would appear alongside heritage assets in the area. Selected visuals from the ES are included in the report below to illustrate the impact of the proposal in its completed form as a useful tool to inform officers' professional judgement, and the Committee's consideration.
81. The Statement of Case sets out the likely reasons for refusal that relate to the heritage harms of the scheme, from paragraphs 8.2 to 8.19. These paragraphs from the Statement of Case are replicated below (shown in italics), with images from the application documents added to illustrate the points made.

8.2 The Council would have refused planning permission because the harm that would be caused to designated heritage assets by the Planning Application Proposal would be significant and would not be outweighed by the public benefits.

8.3 In reaching this view, the Council has had special regard to its statutory duties within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") to the desirability of preserving a listed building or its setting, and to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.4 Any harm to a listed building or its setting, or to the character or appearance of a conservation area, gives rise to a strong presumption against the grant of planning permission (*Barnwell Manor Wind Energy Limited v. SSCLG* [2014] EWCA Civ 137).
- 8.5 Great weight should be given to the conservation of a designated heritage asset, and considerable importance and weight must attach to any harm to a designated heritage asset. Beyond this starting point, the further weight that is to be attributed to the harm is a product of the extent of assessed harm and the heritage value of the asset (*Palmer v. Hertfordshire Council* [2016] EWCA Civ 106).
- 8.6 The general statutory duty imposed by section 66(1) of the PLBCAA applies with particular force where harm would be caused to the setting of a Grade I listed building (*Barnwell Manor*).
- 8.7 As identified below, the Planning Application Proposal gives rise to significant, less than substantial harm to the special interest or significance of several heritage assets. This impact includes causing harm to the contribution made to the significance, or the ability to appreciate significance, by the current setting of a number of important listed buildings. Harm is also caused to the character or appearance of the Borough High Street Conservation Area, and the settings of a number of other conservation areas. Harm is caused to the Outstanding Universal Value (OUV) of the Tower of London World Heritage Site derived from its setting (and to the ability to appreciate the OUV).
- 8.8 There is therefore a strong statutory presumption in favour of the refusal of planning permission, and the Council's case will be that the public benefits of the proposal do not outweigh that harm. In those circumstances the proposed development is in conflict with relevant development plan policy (London Plan policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" and Southwark Plan policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures", P20 "Conservation areas", P21 "Conservation of the historic and natural heritage", P24 "World Heritage Sites") and national planning policy in the NPPF.
- 8.9 With the exceptions of the works to the listed buildings within the Site and the loss of heritage assets within the Site that contribute to the character and appearance of the Borough High Street Conservation Area, the proposal would not cause direct physical harm to the heritage assets set out below, but would cause harm to their special interest or significance, including the contribution made to significance or the ability to appreciate significance by their existing setting.
- 8.10 The scale, height, form, arrangement and materiality of the proposed tower within an historic part of London would cause harm to the significance of a number of statutory listed buildings (including those of the highest order

of significance) and have a harmful and overly dominant impact on the Borough High Street Conservation Area. It would also cause harm to the Trinity Church Square Conservation Area and The Bank Conservation Area.

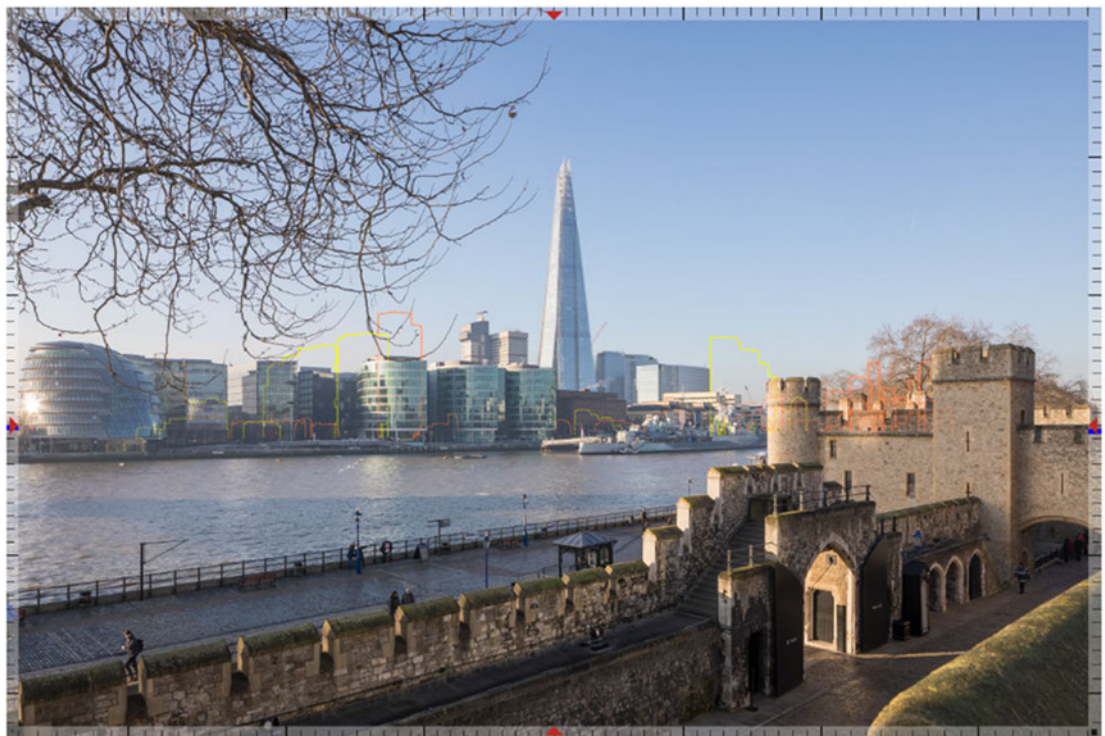
8.11 *The proposed tower would cause less than substantial harm to the significance of the following buildings and structures which are designated heritage assets:*

- *The Outstanding Universal Value of the Tower of London World Heritage Site – the proposed tower would be significantly intrusive and distracting in views from the Inner Ward (harming its special enclosed character), in views from the Inner Curtain Wall walkway, and would cause less than substantial harm to the setting of the grade I listed Queen’s House.*
- *Grade I listed Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) - the proposed tower would be significantly intrusive and distracting to appreciation of the silhouette and architectural composition of the listed building.*
- *Grade I listed St Paul’s Cathedral – reducing viewer’s ability to appreciate the significance of St Paul’s Cathedral (and to recognise and appreciate the Cathedral as a Strategically Important Landmark) in the Kenwood and Parliament Hill LVMF London Panorama views, and within the borough view from Nunhead Cemetery.*
- *Grade I listed The George Inn.*
- *Grade I listed The Monument and St Magnus the Martyr Church.*
- *Grade II* listed Guy’s Hospital.*
- *Grade II* listed 9, 9A and 11-13 St Thomas Street.*
- *Grade II* listed Church of St George the Martyr.*
- *Grade II listed Bunch of Grapes Public House and nos. 4-8 and 12-16 St Thomas Street – particularly as the height and curved form of the tower’s northern façade would loom behind this terrace of grade II listed buildings.*
- *Grade II listed 15 St Thomas Street.*
- *Grade II listed Kings Head Public House.*
- *Borough High Street Conservation Area.*
- *Trinity Church Square Conservation Area.*
- *The Bank Conservation Area in the City of London.*

82. To illustrate the harms to the special interest or significance of the heritage assets listed in paragraph 8.11 of the Statement of Case, particularly due to the scale, height, form, arrangement and materiality of the proposed tower, some of the visuals provided with the application are copied below to assist Members.



83. Tower of London Inner Ward (World Heritage Site) and grade I listed Queen's House, with the proposal to the right of the Shard and Shard Place



84. Tower of London Inner Curtain Wall (World Heritage Site), cumulative scenario, with the proposal to the right of the Shard



85. View from London Bridge towards Southwark Cathedral (grade I listed) showing cumulative schemes at the time, showing the proposal in the centre, Southwark Cathedral to the right.



86. On Montague Close, at the north-western side of Southwark Cathedral with the proposal visible both sides of the Cathedral tower



87. On Montague Close, at the north-western side of Southwark Cathedral, with the proposal to the right of the bell tower, Shard Place, The Shard and The News Building towards the centre.



88. On Montague Close, at the northern side of Southwark Cathedral



89. At the entrance gates to Millennium Courtyard, on the north side of Southwark Cathedral



90. St Paul's Cathedral (grade I listed) in the Kenwood LVMF view – telephoto



91. St Paul's Cathedral Parliament Hill in the LVMF view – telephoto



92. St Paul's Cathedral in borough view from Nunhead Cemetery – telephoto, showing the proposed tower in blue wireline on the right-hand side



93. The proposal viewed from grade I listed The George Inn



94. The Bank Conservation Area in the City of London, showing grade I listed The Monument and St Magnus the Martyr, and the proposal behind the church spire.



95. Guy's Hospital, north quad, grade II* listed, with the grade II listed statue of Thomas Guy behind the wooden hoarding



96. Guy's Hospital courtyard, near the war memorial, with the grade II* Guy's Hospital building in brick behind the white tent and trees



97. Grade II* listed Church of St George the Martyr, with the proposed tower shown in blue wireline on the left-hand side.



98. The Bunch of Grapes public house, and nos. 4-8 and 12-16 St Thomas Street (cumulative scenario, showing in wireline the schemes to the east).



99. Looking west along St Thomas Street, showing grade II* listed Guy's Hospital, 9, 9A and 11-13 St Thomas Street, grade II listed 15 St Thomas Street, and within the Borough High Street Conservation Area



100. View of Kings Head Yard (existing on left, proposed on right) and the Old Kings Head public house (grade II listed)



101. London Bridge outside Glaziers Hall (within the Borough High Street Conservation Area).



102. View from the war memorial on Borough High Street, within the Borough High Street Conservation Area



103. Trinity Church Square Conservation Area, with the proposal above the roofline to the left of the Shard

104. The Statement of Case continues at paragraphs 8.12 onwards as follows:

8.12 In reaching a planning judgment on the degree of less than substantial harm in each case, the Council has had regard to the following matters of law and guidance:

8.12.1 The Judgment of the Court of Appeal in City & Country Bramshill Ltd. v. SSHCLG [2021] EWCA Civ 320 and that the NPPF does not direct the decision-maker to adopt any specific approach to identifying harm or gauging its extent, and that there is no one approach, suitable for every proposal affecting a designated heritage asset or its setting.

8.12.2 The Judgment of Jay J in Bedford BC v. SSCLG [2012] EWHC 4344, indicating that a judgment that the significance of an asset is very much reduced would equate to a finding of substantial harm.

8.12.3 The guidance in the NPPG (post-dating Bedford) that “substantial harm” to the significance of a heritage asset arises when the adverse effect seriously affects a key element of the asset’s special architectural or historic interest.

8.12.4 Recent decisions on appeal by the Secretary of State in the context of Bedford, which explain that in considering this issue the key point is not whether some aspects would be left untouched, but the importance of what would be affected, that is the setting, to the significance of the asset (see the decision of the Secretary of State for Levelling Up, Housing and Communities on the Tulip dated 11 November 2021 (APP/K5030/W/20/3244984) (DL para. 16, IR para. 14.2)).

8.12.5 The Council is aware that judgment is awaited in the case of R (London Historic Parks and Gardens Trust) v. Minister of State for Housing (CO/3041/2021) following a hearing before Lang J on 22-23 February 2022. One of the issues raised by that case is whether the approach in Bedford is correct and whether it has been correctly understood and

applied. It is possible that the outcome of that case may affect the approach summarised above, and the Council therefore reserves the right to address its implications in due course. It is hoped that this could be achieved through a Statement of Common Ground with the Appellant.

8.13 The Council does not accept the Appellant's assessment of the impact of the proposed development on designated heritage assets, as summarised at paragraph 5.10 of the Appellant's Statement of Case. The Council's evidence will show that the harm to the Borough High Street Conservation Area, the Grade I listed Southwark Cathedral and the Grade II listed Guy's Hospital will be above the middle and towards the upper end of the spectrum for less than substantial harm, and that there would also be significant less than substantial harm to a number of other designated heritage assets.*

8.14 The Council's evidence will also explain why it considers the Appellant's Environmental Statement does not transparently and reliably identify the likely significant adverse effects of the Planning Application Proposal on built heritage, and thus why it should not be relied on for the purposes of determining the appeal (see the Appellant's Statement of Case at paragraph 5.13).

105. The ES is considered to be adequate in most areas to enable a fully informed assessment of the environmental effects of the proposal, with the key exception of the heritage impacts where the council and the appellant differ on the method of the assessment, the clear reporting of the environmental effects in the ES, on the scale of harm in NPPF terms, and balancing exercise of the public benefits.

8.15 The proposed redevelopment of the Site would also result in impacts to and the loss of non-designated heritage assets within the Site (the frontage to Kings Head Yard, and Keats House historic facades, railings and lightwells) which each make a positive contribution to the character of the Site, the streetscene and the historic character of the Borough High Street Conservation Area. Keats House would be reconstructed in a new location and altered form, changing its relationship with its historic streetscene. The harm to the character of the Borough High Street Conservation Area resulting from this loss of historic fabric and change to the streetscene is additional to the harm caused by the impact of the proposed new tower itself.

8.16 The harm caused to the significance of the designated heritage assets, and to the ability to appreciate that significance, has not been clearly and convincingly justified by the Appellant, and in the view of the Council, cannot be justified.

8.17 The Council recognises that the proposed development would provide some public benefits, and these will be identified in the Statement of Common Ground with the Appellant. The Council's evidence will show that these benefits are insufficient to outweigh the many incidences of harm identified to listed buildings, conservation areas, World Heritage Site and non-designated heritage assets.

106. The Statement of Case concludes on the heritage impacts as follows:

8.18 For those reasons the Council's case will be that the proposal is contrary to national planning policy on the protection of heritage assets in Section 16 of the NPPF, and to the following development plan policies:

8.18.1 London Plan (2021) policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" of the London Plan (2021).

8.18.2 Southwark Plan (2022) policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures", P20 "Conservation areas", P21 "Conservation of the historic and natural heritage", P24 "World Heritage Sites".

8.19 The proposal also fails to comply with the guidance within the Mayor of London's London View Management Framework SPG (2012) regarding St Paul's Cathedral, the London's World Heritage Sites SPG (2012) and the Tower of London World Heritage Site Management Plan (2016) in terms of the Tower of London, and Historic England's guidance notes.

107. The council will provide a proof of evidence on this topic from its expert witness ahead of the inquiry, and this will be supplemented by oral evidence as appropriate during the public inquiry. The council will also provide a proof of evidence from its expert planning witness ahead of the inquiry, supplemented by oral evidence as appropriate, to consider the public benefits of the proposal (summarised later in this report) and to explain why these do not outweigh the heritage harms. The consultation responses on this issue, including those from Historic England, Historic Royal Palaces, the Victorian Society and the Georgian Group are summarised below and have been provided to the Planning Inspectorate. Historic England will be participating in the inquiry as a Rule 6 party, and Historic England's Statement of Case is attached at Appendix 3. As set out in paragraphs 3.1 to 3.2 and 3.5 of the council's Statement of Case, the pre-application responses and consultation responses may be referred to by the council as part of its evidence.

Poor design, harm to townscape and local character

108. The proposed redevelopment does not constitute good design, primarily due to its location, height, form, massing and materiality causing harmful visual effects, especially from the proposed tall building.

109. The Statement of Case sets out the likely reason for refusal that relates to the poor design, harm to townscape and the local character, from paragraphs 8.20 to 8.27. The reasons derive from policies and guidance including those contained within the NPPF, the London Plan (2021) and Southwark Plan (2022). These paragraphs from the Statement of Case are replicated below (shown in italics), with images from the application documents added to illustrate the points made.

8.20 The Council would have refused planning permission because the scale and design of the proposed development is not appropriate for this site and its surrounding context, resulting in harm to the townscape and local

character. As a result of this harm (and the harm caused to heritage assets), and its relationship to the local and wider context, the proposed development does not constitute good design in context and would be contrary to development plan policies and to national planning policy on achieving well-designed places in the NPPF.

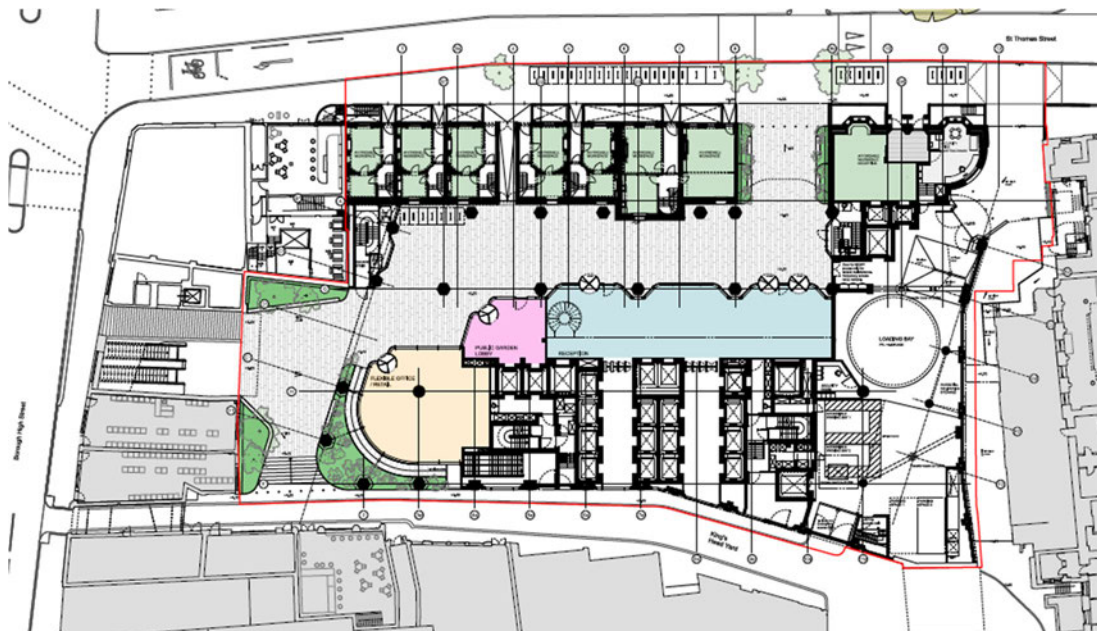
8.21 The proposed tower would have harmful visual impacts due to its location, height, form, massing and materiality.

8.22 Whilst the site is located in one of the areas in which the Southwark Plan expects tall buildings to be located (see the Appellant's Statement of Case paragraph 5.6), it is not amongst the individual sites allocated where tall buildings may be appropriate. The suitability of the site for a building of this height therefore falls to be determined through the development control process applying the requirements of Southwark Plan policy P17 and London Plan policy D9.

8.23 The Council's evidence will show that the proposed development does not satisfy those requirements.

8.23.1 It is not located at a point of landmark significance, being set back from the main street frontages and onto an historic yard.

110. To illustrate this point, this site layout diagram below shows the tower set behind the listed Georgian terrace and Keats House to be behind the St Thomas Street frontage, facing onto Kings Head Yard at its rear, and set behind the Borough High Street properties to the west.



Proposed ground level site plan

8.23.2 It is not of a height that is proportionate to the existing urban character, the significance of the location nor size of the Site.

8.23.3 The proposed tower would not contribute positively to the London skyline and would not consolidate a cluster within the skyline. The proposed

tower would be visually and architecturally separated from the existing and emerging cluster of tall buildings around London Bridge station in a number of important views.

111. The visuals below and other visuals included earlier in the report (such as in the views towards Southwark Cathedral at paragraphs 86, 87 and 89, and Guy's Hospital paragraph 95) show how the proposal would be separate from the tall building cluster in a number of important views. The earlier visuals including those of the LVMF and borough views (paragraphs 90, 91 and 92) show the impact of the wider London skyline.



112. View along St Thomas Street, looking west



113. On Montague Close, at the northern side of Southwark Cathedral



114. Guy's Hospital courtyard, near the war memorial, with the grade II* Guy's Hospital building in brick behind the white tent and trees

8.23.4 The proposed tower would harm LVMF and designated borough views. Due to its location in the background of LVMF views, the scale and form of the tower would reduce viewer's ability to recognise and appreciate

St Paul's Cathedral as a Strategically Important Landmark in the Kenwood and Parliament Hill LVMF London Panorama views. The tower would be a significant incursion into the borough view from Nunhead Cemetery to St Paul's Cathedral, as its location, scale and height significantly exceed that of the Cathedral in that view. It would dominate and crowd the Cathedral, and would contribute to the canyoning of the borough view. Therefore the tower would not preserve or enhance the borough views of this significant landmark, nor enhance the composition of the panorama across the borough and central London as a whole.

115. The sections of the LVMF views and borough view are included earlier in this report (at paragraphs 90, 91 and 92) to show the impact on the significance of St Paul's Cathedral.

8.23.5 Its excessive height, scale, massing and incongruous form fail to respond positively to the character and townscape of its immediate and historic context. It would both dominate, and fail to make a positive contribution to, the local townscape and existing area character in terms of legibility, proportions and materials, nor would it reinforce the spatial hierarchy of the local and wider context.

116. The earlier section on heritage harm includes visuals of how the proposal would dominate and not make a positive contribution to local townscape.

8.23.6 The Council's evidence will show that the poor relationship between the proposed tower and the surrounding townscape context includes its relationship with The Shard, a tall building of particular importance both in the local townscape and more widely. The Southwark Plan (2022) recognises the role of The Shard in forming the pinnacle within the cluster of tall buildings around London Bridge Station and Guy's Hospital. In a number of important views the proposed development would reduce the primacy and visibility of The Shard in the local townscape, and its singularity on the wider London skyline. Unlike other existing buildings in the emerging cluster, the formal and visual relationship between the proposed tower and The Shard would be discordant and unsympathetic.

117. The visuals below show how the proposal would at certain points either obscure The Shard and/or would have a discordant and unsympathetic relationship with it.



118. View from Southwark Street



119. Existing view from Southwark Street/Stoney Street



Proposed view



120. The proposal viewed from grade I listed The George Inn



121. View from the war memorial on Borough High Street, within the Borough High Street Conservation Area

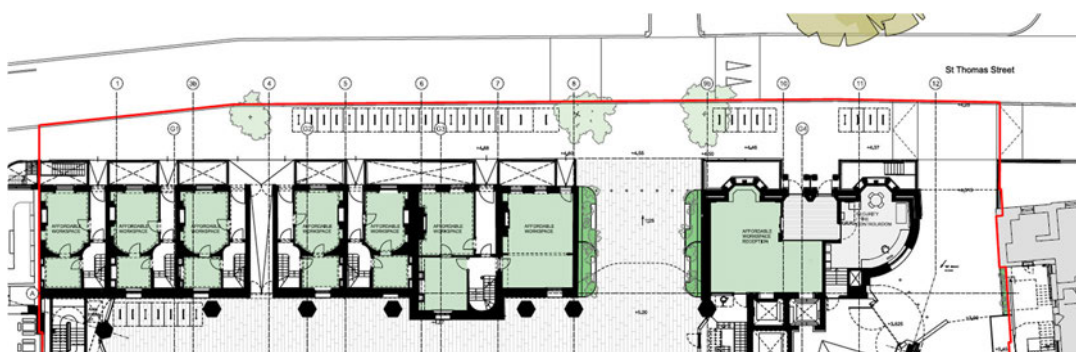
8.23.7 The proposal includes new public space at its base however, parts of the proposed landscaping at ground level within the colonnade would be enclosed by the tower above and therefore have a reduced sense of openness, while the tower would overshadow the public realm adjacent to St Thomas Street which reduces the attractiveness of the public space and the pedestrian experience. The proposal relies on a significant redesign of the St Thomas Street highway to increase the pavement widths and to accommodate some of its visitor cycle parking.

122. The design and massing of the tower encloses the proposed public route, through the site described by the appellant as a “gallery”, and shown by the sketch below.



Sketch visual of the base of the tower, showing the public route through

123. The scheme proposes some of its visitor cycle parking to be provided on the St Thomas Street highway, requiring a redesign of the pavement and road by TfL and for the highway revisions to be implemented. If the cycle parking is provided it would reduce the available footway widths for pedestrians in a busy area. TfL has made its own representation to the Planning Inspectorate, and the necessary mitigation works will be discussed during the appeal.



Proposed ground floor, showing the proposed highway works

8.23.8 The proposal includes a new publicly accessible garden at roof level, to address the requirement of part 2.7. of Southwark Plan policy P17 “Tall buildings”. This is acknowledged to be a benefit and an improvement on the enclosed garden proposed in the 2018 scheme, but will not contribute to public realm and pedestrian experience at street level.

8.24 The proposed tower is not considered to be of an exemplary architectural quality. The unrelenting, solidity and monolithic nature of the form serve to amplify the scale and the alien character of this architectural intervention within its historic context. The architectural language will serve to amplify its mass and overbearing presence.

124. The visuals included earlier in this report show how the tower would appear against the historic buildings in the site’s context.

8.25 The proposed tall building does not respond positively to the local character, townscape, nor its historic context. It would have an overbearing presence on its setting and as a result would fail to conserve and enhance the significance of designated heritage assets on the site, within both its immediate and wider urban context.

125. The design of the tall building is in conflict with the Southwark Plan and London Plan policies which require tall buildings to make a positive response to their context and townscape. It also informs the council’s likely reason for refusal regarding the harms to heritage assets, as set out earlier in this report and in the Statement of Case (at paragraphs 8.2 to 8.19).

126. The Statement of Case concludes on the design quality and townscape issues as follows:

8.26 The Council’s evidence will explain that as a result of the factors summarised above the proposed development is contrary to national planning policy in section 12 of the NPPF and to the following development plan policies:

8.26.1 London Plan (2021) policies SD4 “The Central Activities Zone” part C, D3 “Optimising site capacity through the design-led approach” part D, D8 “Public realm” and D9 “Tall buildings”, HC3 “Strategic and local views”, HC4 “London View Management Framework”.

8.26.2 Southwark Plan (2022) policies P13 “Design of places”, P14 “Design quality”, P17 “Tall buildings”, P21 “Borough views”.

8.27 The proposal would also be contrary to the AV.11 London Bridge Area Vision, the guidance within the Mayor of London's London View Management Framework SPG (2012) and Historic England guidance.

127. The council will provide a proof of evidence on this topic from its expert witness ahead of the inquiry, and this will be supplemented as appropriate by oral evidence during the public inquiry. The consultation responses are summarised below and have been provided to the Planning Inspectorate. Historic England will be participating in the inquiry. As set out in paragraphs 3.1, 3.2 and 3.5 in the council's Statement of Case, the pre-application responses and consultation responses may be referred to by the council as part of its evidence.

Listed building consent

128. The council's case that the listed building consent application for the works to the Georgian terrace should also be refused is as follows, as set out in paragraphs 9.1 to 9.3 of the Statement of Case.

9.1 The Council is supportive of the proposed works to the Georgian terrace in the Listed Building Consent Proposal which would replace the 1980s works with a more appropriate layout, appearance and detailing.

9.2 In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest. Therefore the Council considers that the proposal fails to comply with section 16 of the NPPF (2021) particularly paragraph 204, and to be contrary to London Plan policy HC1 "Heritage conservation and growth" and Southwark Plan policy P19 "Listed buildings and structures".

9.3 Should the Inspector be minded to grant consent for the Listed Building Consent Proposal alongside the Planning Application Proposal, then the Council would ask for the conditions proposed in Appendix 3 to be included. Should the Inspector be minded to grant consent only for the Listed Building Consent Proposal alongside the Planning Application Proposal then the Council would ask for the conditions proposed in Appendix 3 to be included. Should the Inspector be minded to grant consent only for the Listed Building Consent Proposal then the conditions in Appendix 3 would need to have the Georgian terrace materials condition recommended in Appendix 2 added [sic]. These conditions would ensure the demolition works only progress once a contract is in place for the rebuild works, method statements for the works, and to secure suitable materials and detailing are used.

2) Summary of other matters in the Statement of Case

129. The Statement of Case at paragraphs 8.31 to 8.34 refers to one other matter where the proposal does not comply with development plan policies. This matter is the daylight and sunlight impacts to surrounding properties.

Daylight and sunlight impacts

130. The ES includes daylight, sunlight and overshadowing assessments of the scheme's effect, based on the Building Research Establishment's (BRE) guidelines on daylight and sunlight.
131. No mitigation measures are proposed for the permanent loss of daylight or sunlight, or overshadowing effects. The appellant considers the residual effects to neighbouring properties at completion and operation of the proposal as set out in the ES to be as follows:
- Daylight – negligible impacts to 4 properties; local, long term minor adverse effects to 9 properties; moderate adverse to 8 properties; and moderate to major adverse to 1 property.
 - Sunlight – negligible impacts to 19 properties; local, long term and minor adverse impacts to 1 property; and moderate adverse effects to 3 properties.
132. Incidences of minor, moderate and major adverse effects to neighbour amenity have been identified in terms of daylight and sunlight reductions caused by the proposal. These cannot be mitigated, and would require the massing of the proposal to be reduced if they are to be lessened. The harms would likely not have been considered sufficient to warrant refusal of an otherwise acceptable application, however the council's evidence would suggest that the Inspector should consider these incidences of harm as part of the planning balance of the harms and benefits of the proposal.

3) Summary of topics not raised as concerns within the Statement of Case

133. Other planning issues have been considered in respect of the applications but are not identified as likely reasons for refusal. These are summarised below.

Principle of the proposed land uses

134. The proposed uses are appropriate for the site's location within the CAZ, Opportunity Area, South Bank Cultural Quarter and district town centre. The proposal would provide high quality office space and a range of unit sizes in the tower, Keats House and refurbished Georgian terrace, as well as acceptable town centre retail uses. There would be a significant uplift in office floorspace. It would increase employment numbers within the CAZ, the Opportunity Area and London Bridge Vision Area. The appellant has estimated that the proposal would support a total of 3,535 FTE jobs, compared with the existing offices on the site (approximately 845 FTE office jobs). The benefits of the additional jobs on the site and spending in the area, and affordable workspace on site are considered in the planning balance, as well as construction phase jobs and spending. Affordable workspace (4,908 sqm GIA) is proposed on site, which if the flexible office/retail unit is used as retail would be 10% of the total office space, however if the flexible office/retail unit is used as offices would be 30sqm short at 9.9%.

135. The Southwark Plan has been recently adopted and now forms part of the development plan for this 2018 planning application. Strategic policy ST2 “Southwark’s Places” sets the spatial strategy for the borough. Table A in ST2 sets out how the vision areas of the Southwark Plan would achieve these targets, having calculated the capacity of the allocated sites, recently approved permission schemes and known major application schemes. The London Bridge Vision Area is identified in Table A for 43,156sqm uplift of employment floorspace, 1,526sqm uplift of retail, leisure and community use, and 605sqm of open space within site allocations as well as approximately 483 housing units in site allocations. The area vision map identifies the site allocations of Guy’s Hospital (NSP52), the eastern end of St Thomas Street (NSP53 and NSP54) and Colechurch House (NSP55) to come forward for redevelopment. With the exception of the Guy’s Hospital, these site allocations each anticipate an increase in employment floorspace that together would achieve the ST2 target for the London Bridge Vision Area. The Southwark Plan’s strategic targets do not assume the redevelopment of the New City Court application site, nor rely upon the redevelopment of the site to come forward to achieve the Plan’s uplift of floorspace for the different uses between 2019 and 2036.
136. While there is no objection to the proposed uses or the addition of further office floorspace on this site in principle, the significant quantum of floorspace within the proposal would be delivered in a building which constitutes poor design and would cause significant harmful heritage impacts, as well as adverse neighbour amenity impacts. The uplift of 36,286sqm GIA of office floorspace would be a significant proportion (84%) of the 43,156sqm net GIA increase suggested for London Bridge by the Southwark Plan strategic vision ST2 on this New City Court application site alone. As the Southwark Plan’s target for the London Bridge Vision Area was calculated from the anticipated redevelopment of its site allocations within the Vision Area (and did not include any uplift in floorspace on the application site), the proposal’s uplift in floorspace would be further additional floorspace. The redevelopment of the application site was not assumed in the recently adopted Southwark Plan, nor is the quantum of its redevelopment necessary for the Plan’s targets to be met.
137. Were permission to be granted, it would be appropriate to condition the quantum of the different uses on the site to reflect the basis on which this application has been assessed (and within the EIA, transport impacts and neighbour amenity impacts). Planning obligations relating to the affordable workspace, jobs, training and procurement opportunities during construction and the completed development, public access to the public realm and roof garden would have been necessary to ensure compliance with adopted policies.

Environmental impact assessment

138. The proposed development is EIA development and an Environmental Statement (ES) has been provided with the planning application. An ES comprising a non-technical summary, Environmental Statement and its Technical Appendices accompanies this planning application. Additional information and an ES addendum were provided. The submitted ES considers the following topics that were “scoped in” for assessment:
- Transport;
 - Noise and vibration;

- Air quality;
- Archaeology;
- Water resources and flood risk;
- Wind;
- Daylight, sunlight overshadowing, solar glare and light pollution; and
- Townscape, visual impact and built heritage.

139. Officers are satisfied that the ES is up-to-date (particularly with the addendum with additional information and clarifications), and that, with the exception of the impact on heritage assets, the effects described in the ES properly identify the likely significant effects of the proposed development on the environment.
140. The EIA Regulations require the ES to provide information on the alternative options considered by the appellant. The “no development” alternative would leave the application site in its current state. The appellant did not consider fundamentally different alternative land uses, nor mix of uses, for the redevelopment of the site. The ES outlines the design evolution of the scheme since 2014.
141. The ES considers the cumulative effects from the combination of individual likely significant environmental effects from the development upon sensitive receptors, (e.g. the combination of noise, dust and visual effects on a particular receptor) which are referred to as “type 1” cumulative effects from the proposal. The ES also considers the cumulative effects from the proposal in combination with other surrounding consented and planned developments (“type 2”), especially those at the eastern end of St Thomas Street.
142. While most topics of the ES are acceptable, there remain key points of difference between the appellant and officers on the heritage impacts and how they have been reported. The council’s case will refer to how the ES does not transparently and reliably identify the likely significant adverse effects of the proposal on heritage.

Additional topics of assessment

143. The proposal would comply with policies in the development plan regarding the following topics if the necessary conditions and planning obligations were secured on any permission:
- Archaeology: subject to conditions and payment of a financial contribution (secured by a planning obligation) for the archaeologist’s monitoring and advice during the pre-commencement and construction works.
 - Quality of office and commercial accommodation: subject to conditions to secure inclusive access and fire evacuation lifts to the tower and Keats House, and kitchen extract details.
 - Impact of the proposed development on the amenity of nearby occupiers and surrounding area (except for daylight, sunlight and overshadowing): a condition to require obscure glazing, screening or some other measure to the proposed windows in the south-western corner of the lower floors of the tower would be needed to protect the privacy of nearby residential properties. Incidences of solar glare could be reduced in the detailed glazing material selection. Further information on the kitchen extraction,

plant and noise levels would have been secured by conditions, and the opening hours of the buildings and terraces controlled by conditions. Demolition and construction phase environmental impacts (e.g. noise, dust, vibration) would also have been minimised by the mitigation secured by conditions.

- Security and fire safety: subject to the Secured by Design condition, security details, compliance with the fire statement and details of fire evacuation lifts being secured by conditions.
- Impact of adjoining and nearby uses on occupiers and users of the proposed development.
- Demolition and construction phase environmental impacts: would need to be mitigated by securing environmental management plans and logistics plans by conditions.
- Water resources, flooding and sustainable drainage: subject to the conditions recommended by Thames Water (on water supply and piling method statement giving proximity to a strategic sewer), to require a flood risk management plan, a full drainage strategy, and an updated basement impact assessment.
- Land contamination: subject to conditions recommended by the environmental protection team and the Environment Agency.
- Air quality: subject to dust mitigation measures during demolition and construction being secured as part of the demolition and construction management plan conditions.
- Light pollution: subject to conditions requiring further details of the public realm and building lighting.
- Wind conditions: subject to conditions to secure the wind mitigation to the tower and the public realm, and a planning obligation to require a post-construction assessment to consider whether further mitigation is necessary.
- Transport matters: car parking, cycle parking (subject to conditions requiring further details of the locations and types of cycle parking for staff and visitors), impacts on Underground infrastructure (subject to protection measures being secured to TfL's satisfaction), highway protection measures would require conditions. Delivery and servicing management, restrictions and monitoring to be secured by obligations. Environmental management plans and logistics plans would be conditioned for the demolition and construction phases to secure the mitigation outlined in the ES. The public route through the site, Underground entrance, travel plan and transport mitigation financial contributions would need to be secured by planning obligations.
- Energy and sustainability: subject to ensuring the on-site carbon measures, payment of a carbon offset contribution and on-going "be seen" monitoring and reporting (secured by obligations), achieving BREEAM excellent to all buildings to achieve compliance with Southwark Plan policy P69, providing whole life carbon and circular economy information for the later stages (secured by conditions).
- Ecology and urban greening factor: subject to securing details of the planting, landscaping and bird boxes by conditions.
- Waste: subject to a delivery and servicing management plan by an obligation, and a refuse management condition.

- TV, radio and telecoms networks: subject to securing a TV reception mitigation plan by condition.
- Aviation: subject to securing details of crane lighting in the CEMP condition.

PLANNING OBLIGATIONS AND CONDITIONS

144. The assessment of the planning application has noted areas where planning obligations would be necessary in order to secure necessary mitigation to make the impacts of the proposal acceptable, to comply with planning policies, and to ensure the public benefits of the proposal would be provided. The absence of a completed section 106 agreement is set out in the Statement of Case as a third likely reason for refusal of the planning application, set out in paragraphs 8.28 to 8.30, but is expected to be resolved through discussions with the appellant ahead of the inquiry.
145. Although the council's case at the appeal is that the applications should be refused, a legal agreement will be drafted with the appellant as part of the appeal procedure, so that the matters summarised above would be secured if the Inspector is minded to approve the applications. The heads of terms are summarised in the table below, and will need to be negotiated with the appellant.

Planning obligation topic	Key items
Construction phase jobs and training	<ul style="list-style-type: none"> • An employment, skills and business support plan for the construction phase workplace coordination, skills development and on-going support. • To deliver 117 sustained jobs to unemployed Southwark residents, 117 short courses, and take on 29 construction industry apprentices • Or pay the employment and training contribution (a maximum of £564,150 (£503,100 against sustained jobs, £17,550 against short courses, and £43,500 against construction industry apprenticeships) for shortfalls.
End phase jobs and training	<ul style="list-style-type: none"> • A skills and employment plan to identify suitable sustainable employment opportunities and apprenticeships for unemployed borough residents in the end use of the development. • To deliver 303 sustained jobs for unemployed Southwark residents at the end phase. • Or meet any shortfall through the employment in the end use shortfall contribution (a maximum of £1,302,900, based on £4,300 per job).
Local procurement	A local procurement plan to provide opportunities for SMEs in construction and end phases.

Affordable workspace	<p>To provide 4,908sqm GIA of the office floorspace in the Georgian terrace, Keats House and tower as affordable workspace, and fitted out to a minimum specification, with access to common facilities (cycle stores, showers, lifts etc), and:</p> <ul style="list-style-type: none"> • provided for a 30-year period at a discount of at least 25% on the market rent level; • detailed plans showing final location of affordable workspace; • a management plan is in place to secure the appointment of a Workspace Provider and a methodology for that Provider to support the occupiers; • appropriate marketing of the affordable workspace; • the rates and service charges payable by the tenant will be capped; • a rent-free period is offered to incentivise uptake; • Provision of the affordable workspace before more than 50% of the market rate floorspace occupied.
Public access to the roof garden	Free public access to the roof garden, without need to book, setting its opening hours to public access, available each day, and free access to public toilet facilities.
Archaeological monitoring and advice contribution	A financial contribution (£11,171 indexed) for the archaeologist's monitoring and advice during the pre-commencement and construction works, in line with the Section 106 Planning Obligations and CIL SPD for a scheme of this scale
Listed building consent works monitoring and advice	<p>A financial contribution towards the monitoring and providing advice during the LBC works to the Georgian terrace.</p> <p>To require an on-going management plan (to agree what would and wouldn't need LBC to change in the future).</p>
Carbon reduction	<ul style="list-style-type: none"> • To comply with the measures in the submitted Energy Strategy to achieve a 48.6% reduction in carbon emissions • A carbon offset payment for the remainder (remaining 312.3 tonnes per year carbon emissions at a rate of £2,850 per tonne indexed = £870,960) to achieve the zero carbon requirement of the London Plan 2021. • Future-proofing by providing the connection and plant space for a future connection into a wider network. • "Be seen" monitoring, following the GLA draft guidance with the processes for the as-built and in- use (including annual reporting)

	stages, and the performance indicator groups for the reportable units set out for each stage.
Servicing and deliveries	<ul style="list-style-type: none"> • Delivery and servicing management plan, including commitment to use of off-site consolidation. • Restriction of hours of vehicles arriving (to both St Thomas Street and through the yards) to avoid peak times and lunchtimes, management of goods arriving/leaving on St Thomas Street highway. • Restrict hours of waste collection to outside peak times and lunchtimes. • Monitoring and review regime agreed with TfL and the council, and funded by the developer. • Deposit payment and monitoring fees.
Highway works (TfL)	Financial contribution as proportionate part of St Thomas Street “healthy streets” scheme. Enter into a S278 with TfL for the highway works within and next to the site – including pavement upgrade, pedestrian crossing signal times to cross Borough High Street, raised table crossing over St Thomas Street.
Highway works (borough roads)	Contribution of £25,600 (indexed) for improvements to the quality of the pedestrian routes and roadways of Kings Head Yard and White Hart Yard (given their increased use by cyclists accessing the basement cycle parking and pedestrians). Enter into a s278 with Southwark for the highway works within and the next to the application site on the yards side.
Cycle docking station contribution	Financial contribution towards a new docking station in the local area to serve the development’s needs – as no space on appellant’s land.
Travel plan	Submission of a detailed travel plan for approval (include cycle hire access)
Public realm	Setting out of the ground floor public realm shown on the submitted drawings, and make available prior to first occupation of the tower. Allow public access 24/7 each day to the ground floor public realm within the site (except the alley through the Georgian terrace to be closed at night). On-going maintenance of the public realm.
Station entrance and Underground protection	<ul style="list-style-type: none"> • To enter into a development agreement for the station entrance with TfL prior to implementation. • LUL infrastructure protection requirements for groundworks across the site. • Detailed design of the entrance appearance and layout to be agreed with TfL and council.

	<ul style="list-style-type: none"> Construction of new station entrance at no cost to TfL and provided ready for use prior to first occupation of the tower. <p><i>TfL may also ask for the asset protection agreement to be a planning obligation, rather than a condition, so this will depend on the on-going discussions between the parties.</i></p>
Legible London contribution	Financial contribution to a local Legible London sign expansion and refresh.
Post-construction wind assessment	A post-construction review of whether the installed wind mitigation measures are sufficient or if more are necessary.
Administration and monitoring charge	2% of financial contributions (excluding the monitoring contributions already listed above)

146. Without a completed legal agreement in place (either a section 106 agreement or a unilateral undertaking), the necessary mitigation measures, and the elements of the scheme required to achieve policy compliance, would not be secured in the event that planning permission is granted. In the absence of a completed s106 agreement, the proposal is contrary to the development plan policies that relate to these topics, and to policy IP3 “Community infrastructure levy (CIL) and section 106 planning obligations” of the Southwark Plan (2022), policies T9 “Funding transport infrastructure through planning” and DF1 “Delivery of the Plan and planning obligations” of the London Plan (2021) and the guidance within the “Section 106 Planning Obligations and Community Infrastructure Levy” SPD (2015 and its 2020 addendum).
147. The conditions the council would like to be included on any planning permission and listed building consent were appended to the Statement of Case, in its appendices 2 and 3. These would also be discussed at the public inquiry with the Inspector and appellant.

CONSULTATION

Community involvement and engagement

148. The appellant undertook community engagement consulting on the proposals prior to the submission of the planning application, and a completed Development Consultation Charter template was provided as well as a Statement of Community Involvement. Due to covid restrictions, the appellant’s pre-application engagement was mainly through a project website which was advertised by flyers, and 12 feedback forms were returned to the appellant. The appellant held meetings with a ward councillor, organisations (GLA, Historic England, Historic Royal Palaces, Living Bankside, Team London Bridge, BOST, and Better Bankside) and local owners (Southwark Cathedral, The Old King’s Head pub, King’s College, Guy’s Hospital) in addition to a short series of meetings with the planning department.
149. The council’s pre-application response letter was issued in April 2021 and is included at Appendix 2. The pre-application letter stated that the proposal would

not be supported in its current form, primarily because of the adverse design and heritage impacts.

150. The application was advertised by the council sending neighbour letters, consultation emails, a newspaper advert and site notices with a 37 day consultation period (as an ES was provided and allowing additional time due to covid working arrangements). Re-consultation for 30 days was undertaken on the amended drawings and additional information provided. The responses received from members of the public, local groups, external and internal consultees are summarised below.
151. As part of the appeals procedure, the council is required to notify those consulted during the application that the appeals have been made. The comments received to the first consultation, re-consultation and in response to the appeal notification have been sent onto the Planning Inspectorate, and those consulted have had further opportunity to make comments directly to the Planning Inspectorate.

Consultation responses

First round of consultation

Consultation responses from members of the public and organisations

152. Summarised below are the material planning considerations raised in the objections from members of the public and organisations local to the area.
153. 1 in support that:
 - The proposed opening into Kings Head Yard and the Underground entrance being created would improve the public realm.
 - The works to the listed building façades.
 - The architectural features of the new building.
 - It will provide improved amenities for businesses.

154. 14 objections raising the following summarised issues (including one objection was received on the LBC application but raised planning issues):

Principle:

- Over development. No need for this proposal.
- No need for office space after the pandemic. Office spaces in the area remain empty. Work is changing, businesses are taking on smaller spaces and allowing people to work remotely more.

Design and townscape:

- Too high. High-rise development in this area is totally inappropriate. London is becoming just like any other international metropolis, with “massive architecture” tall buildings taking over more and more areas; the historic character of our neighbourhoods is being overwhelmed and lost.

Some new tall buildings are wonderful and inspiring, but too often developments are governed only by profit with no consideration of how the building affects London as a whole, or its inhabitants.

- Out of keeping with character of area. The design is an eye sore, a blot on the London Bridge area. Don't need another glass and concrete office block in London Bridge.
- We need to preserve the character of London for everyone, to celebrate our history and humanity, not just build upwards and outwards, overpowering what is already there. The beautiful village feel in this unique area of London is being ruined by tall buildings. Keep Bermondsey beautiful and full of character.
- Outside of the Shard and "baby shard" the proposed design goes against the heights of developments in the surrounding area. Most are no more than 10 storeys (exception being the Hospital and the Shard). It will be a blight on the landscape. It goes against the charm and history of Borough, the Market area and St Thomas Street. Harmful design on the skyline and its proximity to the listed Georgian buildings.
- One of the worst proposals in London. A large lump of textured concrete that will be an eyesore. The previous taller scheme was far superior in every aspect.
- Planning has failed in Southwark and actively contributed to a deterioration in the built environment.

Heritage harm:

- It will only detract from the area which is known for its history and the buildings which reflect some of that. The tower will really destroy what is special about the area. The tower proposed would ruin the charm and character of the area, being out of place, ugly and unnecessary. It will completely destroy any remaining historic characteristics of the area. Completely obscure Southward Cathedral. Completely change Borough Market from a pleasant public space into a basement like dingy and dark space.
- Totally out of scale with the historic buildings on the same street, such as The Old Operating Theatre (former St Thomas Church) and the historic terrace immediately to the east of that. St Thomas Street will become a canyon with a few old buildings huddled in a cleft.
- Object to moving the Keats House façade only to create soulless office space.

Ecology and open space:

- Affect local ecology with light pollution and glare.
- Greenwashing with more space needed for greenery. Greenery would help slow wind speeds. Suggest it incorporates an urban farm.
- More sustainable design features are needed.
- More open space is needed.

Transport:

- Inadequate access and parking provision.
- Increase in traffic from service vehicles and office workers. Traffic safety issues.
- Increase of pollution and noise from traffic.

- Inadequate public transport. Public transport is already at maximum capacity and would not be able to cope with more people.
- Since two lanes of Borough High Street were reallocated to pedestrians, the suggested pinch points on the pavement have been alleviated.

Amenity and environmental harms:

- Loss of light, overshadowing surrounding buildings and huge shadow to Southwark Cathedral and Borough Market.
- Loss of privacy.
- Noise nuisance.
- Environmental harm from the increased energy costs in a tower from pumping water up to height, lifts etc.
- Towers are not good for workers' mental health.
- St Thomas Street already suffers from wind tunnel effects. This part of the road is already very windy because of the Shard and this proposal would make the wind tunnel even worse, unbearable in some weather, and unsafe.
- More rubbish on the street from the additional people.
- It decreases the quality of life of local residents. No community benefit.
- Strain on existing community facilities.
- We need to respond to the lesson of Covid and change our paradigm of what will make an environment sustainable, vibrant, and enjoyable urban landscape with open space, access to natural light and tranquil scenery.
- Close to adjoining properties.
- Increase danger of flooding.

Other matters:

- Conflicts with the local plan.
- Small businesses should be supported instead of large corporates.
- It will make the area less favourable for families.

155. A combined objection letter was provided on behalf of Teighmore Limited, LBQ Six Limited, The Place London Bridge Limited, and LBG Fielden Limited (the owners of various buildings at the Shard Quarter). The objection raised the following summarised issues:

- Conflicts with planning policy: policy encouragement for high density office development in this location is balanced by policies which require a high standard of design and seek to limit the potential for harmful impacts from new development.
- Townscape and heritage impacts: the proposed development will have an adverse impact on the character and appearance of the Borough High Street Conservation Area and the setting of nearby listed buildings due to its height, form and massing, including its materiality. The design is not proportionate to the heritage significance of its location and the size of the site and it will not make a positive contribution to the London skyline or townscape. It will also cause harmful impacts to strategic and local views and fails to respond positively to the local character and townscape of London Bridge and the primacy of The Shard. The proposal, situated within a conservation area with predominantly low scale traditional buildings, is not at all appropriate for a tall building of this scale. The council has a record of only permitting tall buildings outside conservation

areas and where their settings would not be harmed. Permitting this development in such a sensitive context would create a terrible and regrettable precedent.

- Sunlight and daylight: the significant and material reductions in levels of daylight and sunlight to flats within Shard Place arising from the proposed development, in particular to the 10 bedrooms and 9 living rooms that lose either substantial amounts of their existing daylight or substantial amounts of their existing sunlight. Many of these rooms lose almost half their existing daylight or sunlight, well beyond the levels recommended by the BRE Guidelines.
- Transport and servicing: the proposed service yard is too small to accommodate the level of servicing movements associated with the proposed development which will result in additional on-street congestion from vehicles waiting or undertaking servicing outside of the delivery yard. The proposed delivery consolidation and management is commendable but is simply too unrealistic in a congested urban location to work efficiently. Enforcing a policy of no personal deliveries to staff is not realistic. It is probable that many of these servicing activities along St Thomas Street will occur during peak pedestrian demand periods. Identified a number of detailed concerns, which need to be resolved by the applicant in order to demonstrate that the proposed servicing and delivery strategy is acceptable.
- The objection letter was accompanied by separate reports on building heritage and townscape, daylight and sunlight impacts, and transport to expand on the points raised.

156. Southwark Cathedral Fabric Advisory Committee (FAC): supports the proposal and thanks the applicant for the engagement and revisions. Acknowledges the benefits of the proposal. The revisions to reduce the height compared with the 2018 scheme results in some increase in width with softened corners, with the impact of the tower on overshadowing and wind effects on the Cathedral have been improved. The sight line across London Bridge is less intruded upon, and the view from the Cathedral courtyard less dominated by the tower. Stone facing is to be used at lower levels but lighter materials are necessary at height, while maintaining a consistent appearance and fitting better into the streetscape. FAC felt it was not their role to comment on the quality of the architecture, but to consider the scheme in the context of the Cathedral. Noting that the Historic Royal Palaces and Historic England had welcomed the changes, this was certainly a positive revision to the scheme. The “greening” of the tower, with the involvement of the Bankside Open Spaces Trust, and a rooftop café show some commitment to the community. The bulking of the tower is still an issue, although there is relief about the height, and the references to the local Southwark building style are welcome. With most previous concerns addressed, FAC felt that the opportunity should be taken to secure the overdue public realm benefits.

157. Bankside Open Spaces Trust (BOST): is supportive in its remit as an environmental charity (unable to feed back on the development as a whole), and is supportive of the principle of new meaningful/usable/quality open space. Request further detail on the construction and future operation and maintenance of the open space proposals.

Impressed with the applicant's innovative proposals for the higher storeys (the public roof garden allowing educational activities). Queried the ecological enhancements proposed at the higher storey, since it was felt unlikely that pollinators would be able to effectively navigate to this height in high wind conditions and asked for case studies. The applicant suggested the landscaping on each storey would allow pollinators to hop between storeys to reach the top.

BOST supports the idea of a garden for educational purposes. Intrigued by the creation of a woodland ecosystem at this roof height in what would essentially be a sterile environment, and was impressed with the research undertaken and the intended maintenance schedule. However, since it was a new innovation, BOST advocated that the 'woodland' proposed be shown to be experimental rather than a scheme which could certainly be delivered. It is good to see innovative landscaping proposals like this which test the existing boundaries. However, BOST would like to see a plan in place to ensure that should the experiment not be as successful as intended, that there is still a garden in place.

BOST welcomes the planting of native trees and plants. The developer intends to extend greening to areas of the south façade and investigate how to expand greenery at the ground floor level as the detailed design evolves. BOST would like to have more detail of the planting proposed to ascertain the longevity of the scheme and whether it would be of biodiversity benefits. Also would like to see tree pit and planter build up.

BOST would advocate more ground level green infrastructure, recognising that a roof garden is not strictly a public space, since it would likely exclude certain individuals from entering the building. True public space can only be at ground level where there are no restrictions in place and no access arrangements needed. BOST welcomes the sustainable practices mentioned: e.g. bird nest boxes, rainwater attenuation.

158. Team London Bridge: neither supports nor objects, but responds to ensure the aims set out in the London Bridge Plan, and complementary strategic documents representing the business community, are attained. There is much to welcome in the proposal with significant new routes and permeability in the area that experiences high footfall, replace buildings that detract from the area's character, and refurbish a significant Georgian terrace. The current scheme is an improvement on the previous. Welcome the reduced impact on the conservation area and heritage assets, and support the more green space on the rooftop rather than inside the building. There are a number of issues where further consideration to improve or change approach is requested:

- Public realm – welcome the increased permeability, the success of the new courtyard and covered gallery is critical to the scheme. There is no activity to the courtyard to provide a sense of character and prevent a sterile space. More planting and activation are needed, and a stronger relationship between the tower and the public space.
- Architecture and urban design – welcome some of the changes but the local impacts remain significant to heritage assets and additional impact on neighbour amenity. The Kings Head Yard frontage is inferior to the

historic significance of this important space, needs to respect the elegance of the existing curve. Greening in this space would be welcomed.

- Land uses – welcome the increased affordable workspace which needs to be secured at rents and service charges at appropriate levels and local marketing. Disappointment that the London Bridge Cultural Strategy has not been addressed, and no provision made for the Florence Nightingale museum on this site.
- Servicing – welcome the revised servicing strategy, but the offsite consolidation centre needs to be confirmed prior to determination.
- Cycle parking – should be on-street not on the pavement and concerned at the impact on St Thomas Street. Congestion from cyclists on Kings Head Yard. Essential that access to secure cycle parking is possible from St Thomas Street.
- Sustainability – too many lack formal targets. Should achieve BREEAM Outstanding.

Consultation responses from external and statutory consultees

159. Arqiva: has no objection.

160. Conservation Area Advisory Group (CAAG): consider this project is worse than the 2018 scheme. With 11 storeys removed from the tower, the building's massing is redeployed as a squat, fat building. A project equally out of scale with the historic environment and perhaps even more damaging to the townscape setting than the previous proposal. Certainly more sky exposure would be lost. This proposal must be resisted. Site lies within the Borough High Street Conservation Area, the special interest of which CAAG in general describe as; the oldest high street in London; benefits from a series of developments; Roman (in the approach of London bridge station); medieval / Chaucerian; early modern (Shakespeare); distinctive trades; distinctive spatial form of medieval burgrave plots and characterful yards which are defining features of the form of the area.

- CAAG discussions revolved around the height and density of the scheme, as well as its design merit. Concern about the further impact on the urban environment of the King's Head Yard, particularly the delicate grain of the narrow 'burgage plots' off both sides of Borough High Street which are rare and of international significance.
- Visuals show that the proposed scheme does not relate well to the other nearby tall buildings, and certainly not to the rest of the significantly lower-lying townscape, dominating it because the proposed tower is so isolated it stands out and towers over everything. Views from 'one of the most amazing quadrangles in London' (viz. Guy's Hospital) show "a Pinocchio nose" poking upwards above the quadrangle, utterly spoiling the setting. The DAS was considered to be really pejorative about the condition and value of the heritage assets in the vicinity. Noted that even though many of the constructed street views in the DAS are perversely positive, some betray the harm the building will cause.
- Concern over shade and wind strength.
- Some consensus that the existing 1980s building has no architectural

merit but also does not have any of the proposed oppressive density.

161. GLA: London Plan policies on office developments, affordable workspace, design, heritage, transport and environment are relevant to this application. Whilst the proposed land uses are supported, the application does not fully comply with the other policies, as summarised below:

- Land use principles: The proposed office-led mixed-use redevelopment within the CAZ and an Opportunity Area, comprising a significant quantitative increase and qualitative enhancement to the existing office floorspace, as well as a significant provision of affordable workspace, is supported in land use terms. The council should consider securing the floorspace for this specific use and should adequately secure the provision of affordable workspace.
- Urban design: The application site falls within an area that is identified as suitable for tall buildings in the adopted and emerging Local Plans, in accordance with policy D9(B3). Concerns are raised with regards to visual impacts and the applicant is particularly encouraged to reduce the proposed width. An update will be provided to the Mayor at his decision-making stage also with regards to functional, environmental and cumulative impacts, further to the council's detailed assessments. Further information is also needed in relation to fire safety, inclusive design, public toilets and digital connectivity.
- Heritage: Less than substantial harm to a number of heritage assets, including the Tower of London, Southwark Cathedral, St Paul's Cathedral, Guy's Hospital and the Borough High Street Conservation Area, has been identified. However, further consideration will be given at the Mayor's decision-making stage to the harm caused by the proposals to the numerous heritage assets surrounding the site and to the public benefits provided by the scheme, following a review of the detailed assessment of heritage impacts made by the council and by Historic England.
- Transport: Should the following mitigation be secured, the development would on balance be in accordance with London Plan policy in terms of strategic transport: £22,000 Legible London signage contribution; new LU ticket hall entrance; £400,000 cycle hire expansion contribution; significant Healthy Streets contribution; servicing restrictions and management including during construction, backed by a financial bond; and travel plan measures to encourage active travel and off-peak use of public transport, backed by a financial bond.
- Environment: Further information is needed with regard to energy, whole life cycle carbon and circular economy.

162. Environment Agency: considers the preliminary contamination report and flood risk assessment to be accurate. Request conditions be included on any permission relating to: groundwater and contaminated land; verification of the remediation works; unexpected contamination; surface water drainage; and piling.

163. Heathrow Airport: has no safeguarding objection. Advise that if a crane is required then red static omnidirectional lights will be needed at the highest part of the crane and end of the jib. If permission is granted, the Civil Aviation

Authority must be notified.

164. Historic England (HE): strongly objects. Although the height of the proposed development at New City Court is less than under the first scheme, these proposals remain extremely harmful. In some respects that harm is greater, and in others less, but overall the harm involved in both schemes is equally severe, illustrating a key point that it would not be possible to accommodate a tall building on this site without causing very serious harm to the conservation area, and to other important heritage in the surrounding area.

- HE considers that the greatest harm would be caused to the Borough High Street Conservation Area due to the major impact on its character and appearance. This relates partly to the dramatic contrast in scale due to the close proximity of the proposed development set behind the frontage of the fine grain and predominantly four-storey buildings fronting Borough High Street and St Thomas Street. This contrast in scale is exacerbated in the latest scheme due to the larger footprint and wider built form of the proposed development.
- The impact on the conservation area also relates to the proposed demolition of the historic south façade of New City Court and the creation of open public realm. This would erode the historic street pattern of King's Head Yard and enclosed backland character which (as explained in the Conservation Area Appraisal) is illustrative of the historic pattern of yards that fundamentally underpins the overall significance of the Borough High Street Conservation Area. Further erosion of the urban morphology of the conservation area would be caused by the deconstructing and relocating of Keats House (identified as a positive contributor to the character of the conservation area) in a new location.
- A similar level of harm would be caused to the grade II* listed Guy's Hospital due to the major visual intrusion of the proposed development on its architectural character. HE considers that the impact has been exacerbated by the change in form and massing of the proposed development.
- Therefore, despite the reduction in height of the revised proposals, HE maintains that severe harm would be caused to the significance of Guy's Hospital and the Borough High Street Conservation Area. HE considers that the level of that harm to these designated assets represents a marginal increase on the previous version.
- The lower height of the revised tall building proposal has somewhat lessened the visual impact and harm to some other designated heritage assets. The most noticeable reduction in impact relates to the assessed views from the Inner Ward of the Tower of London, where the proposed development would rise above the roofline of the grade I Queens House, but only to a small extent. The impact would be limited, and HE therefore no longer wishes to raise concerns in relation to the Outstanding Universal Value of the World Heritage Site.
- HE considers that the harm to Southwark Cathedral is less in the second scheme for the reasons set out in this letter, but that the harm to St Paul's Cathedral remains the same. In accordance with the NPPF, great weight should be given to the conservation of designated heritage

assets by decision-makers, and the more important the asset, the greater the weight should be (para 199). Therefore, whilst the reduction in harm to Southwark Cathedral (grade I listed and therefore of the greatest importance) is less, we believe that the residual harm remains of serious concern. The harm to St Paul's Cathedral is also of serious concern.

- That harm to the various designated heritage assets identified, should be weighed against the public benefits of the scheme by the Authority (NPPF, para 202). HE can provide advice on the value of heritage-related public benefits arising from the proposals. The removal of the 1980s infill building, and restoration of the grade II listed terrace is proposed by the applicant as heritage benefits in the submission. The shopfronts to the rear elevations as originally proposed (in the 2018 scheme) have now been omitted from the proposals in response to heritage concerns. The proposed tall building would continue to dominate the listed terrace in views from St Thomas Street, diminishing its architectural value and townscape presence which are important aspects of its significance. The submitted information suggests that the changes to the tall building design would increase the level of visual intrusion on the listed terrace. Therefore, HE considers that the heritage benefits to the listed terrace would not only be quite minor, but would be overwhelmingly outweighed by the harm to its significance, and to the significance of other important heritage, caused by the wider development proposals.
- The NPPF also makes clear that any harm to significance also requires clear and convincing justification (para 200). Of particular relevance in this case is the notable shift in emphasis in the new London Plan's overarching strategic policies, which seek to ensure that tall buildings are only developed in suitable locations (Policy D9). The council's draft Local Plan does not allocate a tall building at New City Court, and it in fact positively discourages tall buildings in conservation areas. The application site is not considered by policy to be a suitable location and its justification is therefore highly questionable. The tall buildings policy set out in the draft Local Plan also emphasises the need for tall building development to respond positively to local character and townscape and to avoid harm to the setting of designated heritage assets and strategic views. These local policies are reinforced by Historic England's Tall Buildings guidance (Advice Note 4), which advises that the location and design of tall buildings should be part of a plan-led system that reflects the local vision for an area, which is supported by the NPPF. For these reasons, HE considers that the harm that would arise from any tall building development at New City Court lacks clear and convincing justification.

165. Historic Royal Palaces: Whilst there is still a perceptible impact from view 21, the Inner Ward, north of the White Tower, which is always regretted due to the impact of cumulative harm to the enjoyment of the Inner Ward, Historic Royal Palaces does not object to this application.

166. Islington Borough Council: has no comment.

167. London Borough of Camden: has no objection. Given the reduction in height

of the tower building from the 2018 application, the comments remain as before that the proposal does not fall within LB Camden's St Paul's Cathedral strategic viewing corridor. It would be visible from Parliament Hill and Kenwood House however the TVIBHA assesses the effects to be "neutral". Due to the distance of the application's site from Camden's boundary, it is not considered that the proposal would have a harmful impact on Camden as a neighbouring borough. The construction management plan illustrates that vehicles will be unlikely to travel through Camden.

168. London Underground: has no comment except that the works should be carried out in accordance with the development agreement between TfL and the developer. The applicant is in communication with London Underground engineers with regard to the development above.
169. Metropolitan Police: the crime figures and Secured by Design (SBD) requirements for this site remain largely the same as the response on the 2018 application. Ask that the development, if approved, is conditioned in relation to SBD with a two-part condition (pre-commencement of works and pre-occupation) to help to reduce the opportunity for crime, creating a safer, more secure and sustainable environment.
170. NATS: has no safeguarding objection regarding the management of air traffic.
171. Natural England: has no objection. The proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.
172. Network Rail: ask that the developer contacts Network Rail's asset protection and optimisation team to ensure the works can be completed without risk to the operational railway.
173. Port of London Authority: has no objection, and welcome the inclusion of information on the river bus services in the travel plan. Ask that this is included in a condition.
174. Thames Water: request further information on the waste water infrastructure and a condition regarding capacity or a phasing plan for the upgrade works to the wastewater network. Request conditions regarding the inability of the existing water network infrastructure to require further information on the network upgrades needed or a phasing plan, and approving a piling method statement given the proximity to a strategic water main. Further comments could be included as informatives on any permission regarding: trade effluent consent; grease separators to commercial hot food premises; protecting the property to prevent sewage flooding and the requirement for a groundwater risk management permit; proximity to public sewers; proximity to underground water assets and water mains; capacity concerns for foul and surface water flow to King's Head Yard; and surface water flow rates.
175. Transport for London: is pleased to see that this new planning application addresses the servicing arrangements issue in the way suggested by TfL officers. Other issues raised to the 2018 application remain broadly similar. The site is very well suited to a high trip generating development. The public

transport accessibility level (PTAL) of the site is unsurprisingly the highest possible, at PTAL 6b. The site is well-located for a high cycle mode share, with the recent improvements such as Cycleway 4 and its temporary extension along Tooley Street and the closure of London Bridge and Bishopsgate to general traffic.

- **Cycle and car parking** - London Plan compliant long stay cycle parking and associated shower and locker provisions proposed. Policy compliant short stay Sheffield stand parking would also be provided at ground level and a mixture of double stacking racks, Sheffield stands and folding bike lockers would be provided at basement. Access to the basement for cyclists with bikes would be from King's Head Yard via a combined cycle stair ramp with a conveyor system to assist, wide enough to allow two people to pass. A shuttle lift would allow cyclists to return to reception once bikes have been stored. There would also be a lift for cyclists unable to use the stairs. Although shallow ramps are preferable to access cycle stores, given the site constraints, the proposed arrangements are acceptable. Access off King's Head Yard would also provide safe space for any queuing that may occur at the highest peak arrival times. Car-free except for two accessible parking bays in the servicing area is an acceptable level of provision. At least one of these spaces should have electric vehicle charging.
- **Healthy Streets** - The proposal would provide a pedestrian route between St Thomas Street and King's Head Yard, a movement that can't be made directly now. Coupled with the opening up of the eastern flank wall of the Borough High Street London Underground ticket hall, this would provide an alternative route for pedestrians from Borough High Street and the LU station entrance to St Thomas Street, and relieve pressure on the narrow footways of St Thomas Street and Borough High Street at their junction. Both these roads are part of the TLRN. The temporary London Streetspace (LSP) scheme is a response to this very issue, and further crowding can be expected post-pandemic. A contribution (£22,000) to Legible London should be secured to allow new signs to be provided within the site, and a local sign map refresh. The development would provide the opportunity to contribute to the proposed Healthy Streets improvements to St Thomas Street and Borough High Street frontage, which could include permanent footway widening, footway and carriageway resurfacing, tree planting and provision of a segregated cycle track to allow two-way cycle access, which is currently not possible. This two-way access would enhance cycle connectivity to and from the development, and the permanent footway widening would mitigate the increase in pedestrian demand from the development. TfL is currently developing the St Thomas Street Healthy Streets scheme, so an appropriate contribution to this would be expected in the s106 agreement, either via a substantial financial contribution or via 'in kind' delivery through a s278 agreement with TfL. Similar requests have been made in respect of other development proposals along St Thomas Street.
- **Public transport impacts** - The scale and nature of the proposed development would inevitably increase peak demand on the public

transport network. National Rail services are, in normal times, crowded in peak periods, but the number of trains and range of destinations mean that the additional development trips should be able to be absorbed. This should however be confirmed by Network Rail.

- LU train services are, in normal times, very busy at peak times, particularly the Jubilee line eastbound and Northern line northbound in the AM peak and vice versa in the PM peak. Boarders dominate in the AM peak, and alighters in the PM peak. An office development here will improve churn as, relatively more people will alight trains in the AM peak, freeing up space for boarders (vice versa in the PM peak). The LU station has two entrances. The developer proposes to open the eastern flank wall of the Borough High Street LU ticket hall to provide direct access to the site from the ticket hall. This is supported, subject to full developer funding, engineering feasibility and appropriate commercial terms. A further benefit of the new entrance is to alleviate footway crowding on the busy footways of Borough High Street and St Thomas Street, so this is considered essential mitigation. As such, the new entrance should be required to be open prior to first occupation of the development.
- Bus services at London Bridge tend to be more crowded outbound in the AM peak and vice versa in the PM peak. As such, and given the dominant rail mode share, there is unlikely to be an unacceptable impact on bus service capacity.
- Cycle Hire - This and other proposed developments in the vicinity of London Bridge will inevitably increase demand for cycle hire in an area that already exhibits high demand. A financial contribution should be secured within the s106 agreement to provide additional docking points locally, proportionate to the relative size of the development. This is likely to equate to a new mid-sized (30 point) docking station at the western end of St Thomas Street or nearby. A £400,000 contribution would cover the capital and additional operating cost of this new docking station.
- Servicing - A key issue for this site is the limited opportunities for servicing. On-street loading (which is generally not supported) is particularly constrained on St Thomas Street by the temporary LSP scheme and, in the future, by the provision of a segregated cycle track. On-site servicing accessed from St Thomas is supported. The detailed design of the access will need to be agreed with TfL as part of the s278 agreement. The applicant has committed to reducing service vehicle numbers significantly, through proposed consolidation techniques. These limits on service vehicle movements will need to be binding in any planning permission. Timing restrictions will also be expected as service vehicles would be crossing the busy St Thomas Street footway and, potentially, a segregated cycle track, and passing the extremely busy pedestrian crossing between the station/Shard and Guy's Hospital complex. Restrictions and monitoring regime should be enshrined in any planning permission and secured through a delivery and servicing plan, to be submitted for approval prior to commencement. TfL support

securing a financial bond for additional remedial measures, should service vehicle numbers exceed the DSP.

- Construction - Construction is likely to be challenging, given the constrained site, busy surrounding roads and the high numbers of vulnerable users. It will be essential that a detailed construction logistics plan (CLP) is formally submitted for approval by TfL and the council, prior to commencement. Any permission should include a standard condition requiring LU approval of construction methodology. A separate development agreement is required with LU to deliver the new station entrance, and this should include asset protection also and should be reflected in the s106 agreement.
- Travel plan - A full travel plan should be required to be submitted for approval by the council in consultation with TfL.
- Provided the mitigation (Legible London, new ticket hall entrance, cycle hire expansion contribution, Healthy Streets contribution, servicing restrictions and management with financial bond, travel plan and Mayoral CIL payment) is secured, TfL considers that the development would on balance be in accordance with London Plan policy in terms of strategic transport.

176. The Georgian Group: recommends refusal of the application. The Group supports Historic England's view on the harm to heritage assets. It would cause significant harm to the setting of Guy's Hospital (current viewed with a clear skyline), the protected vista towards St Paul's Cathedral from Kenwood Gazebo would be harmed (due to the impact the new building would have on the ability to appreciate the landmark status of St Paul's) and, the Borough High Street Conservation Area due to the inappropriate scale of the new building in relation to the established height along the high street. The proposal fails to accord with the requirements of the NPPF.

177. The Victorian Society: objects that the proposal would cause unjustifiable harm to the conservation area. While lower than the previous scheme it continues to be wholly inappropriate height for the context. It would overshadow listed and unlisted buildings in an area largely characterised by 3- and 4-storey buildings, and be completely at odds with centuries of development. The omnipresence of the proposal would moreover disrupt low-lying undulating roof lines and have an adverse effect on a number of key viewpoints within and outside the conservation area. The harm which the proposed buildings would have on the Borough High Street Conservation Area would be significant and set a further precedent for tall buildings which could end up obliterating the character of the area.

The Society is concerned by the impact the development would have on King's Head Yard, currently a bright and small open space within the tightly woven urban fabric of Borough High Street Conservation Area. The yard also contains the grade II listed King's Head pub, and the facades of the hop sampling warehouses, which continue to form an important part of the pub's setting. Despite being rebuilt, these facades remain largely authentic, and through their historic association with the brewing industry, continue to contribute towards

the character of the conservation area. Their demolition would therefore have a negative impact on two designated heritage assets: the pub and the wider conservation area, and should be strongly resisted. This harm would be increased by the base of the proposed structure which appears to bear no relation to the existing character of the Yard, or the wider area. The scale of the proposed development would remove the current roof lines and reduce the yard to a dark, windy and corporate foyer space, forever disconnecting King's Head Yard from the significance of its early origins.

It fails to accord with the conservation area appraisal for new design to observe the scale of earlier buildings, and for heights and position on the street to conform to the established street envelope. The disregard would have a significant negative impact, that has not been adequately justified. This is a precious piece of townscape, and if approval it would make a mockery of protection afforded to conservation areas.

Consultation responses from internal consultees

178. Archaeology officer: the application provides sufficient evidence to show the remaining archaeology of the site can be managed by the implementation of conditions on any grant of consent to protect archaeological interest, given the extent of previous excavations on the site and logistical difficulties that pre-determination evaluation would involve. Conditions for a programme of archaeological mitigation works, submission of an archaeological report, and for a public engagement programme are recommended, and a monitoring financial contribution to be secured by a planning obligation.
179. Ecologist: finds the submitted ecological assessment acceptable, the report shows a biodiversity net gain, and the urban greening factor meets the policy target. Recommends conditions for the ecological enhancements.
180. Environmental protection team: provided comments on environmental topics:
 - Noise and vibration - no objections to the methodology used to determine the noise baseline levels for the development site. Based on the assessment noise limits have been recommended at sensitive locations so as to avoid noise creep and nuisance. Noise level during the construction phase shall be controlled by a section 61 agreement in accordance with the council's technical code of practice. The developer will also need to assess noise from the commercial/restaurant activities space located at the roof garden level.
 - Air quality - The development is Air Quality Neutral and no mitigating measures were identified for the proposed use.
 - Odour - It is proposed that the restaurant will be ventilated by the use of carbon and grease filtration. EPT will require more detailed plan about nuisance control.
 - Land contamination - Based on the preliminary risk assessment information provided, EPT will require a Phase II assessment to be carried out, and recommend a condition. The excavation to create the basement will remove likely polluting sources but the developer needs to determine whether there is issue with lateral cross contamination and whether the sources can cause the pollution of groundwater.
 - A construction environmental management plan would need to be

secured on any permission, and a construction logistics plan for the vehicle movements. Other comments from EPT on plant pollution limits and out of hours site working could have been informative on a permission.

181. Highways development management: raise no objection subject to TfL's agreement as the highway authority for St Thomas Street and Borough High Street. Recommend securing a CMP, foundation and basement design details, and s278 highway works on any permission.
182. Local economy team: request employment obligations be secured on any permission relating to construction phase jobs and training, end use jobs, and affordable workspace.
183. Urban Forester: the ground floor planting is severely constrained by limited soil depths due to the podium condition, narrow alleyways and the over-sailing extent of upper floors, which completely cover the largest bed on Kings Head Yard, making this feature of doubtful longer term sustainability. The proposed trees on St Thomas Street are of unknown feasibility. The character use zones at ground floor are oppressed by the volume, extent and proportion of the tower, resulting in a heavily shaded and unwelcoming experience with a limited desire to dwell or visit. Well tree'd terraces and roof levels are welcome however, reference to a truly woodland habitat is of limited relevance to the limited area of landscaping at this level and without mature canopy sizes, requiring substantial soil and wind-loading considerations. The woodland feature would not, overall, compensate for the poor ground floor conditions.

Re-consultation

184. Following receipt of the amended drawings and additional environmental information, re-consultation was undertaken between November and December 2021. The following summarised responses were received.

Re-consultation responses from members of the public and local groups

185. 13 objections were received to the re-consultation, raising the following summarised comments:

Principle:

- It is unnecessary. More office space is not needed in central London post pandemic, it will be wasted space and destroy local amenity. Centralised offices are based on out-dated concept which requires lengthy commute. It counters the effort of building a sustainable city. With so many companies moving to remote and flexible working due to the pandemic, there is no benefit of building yet another skyscraper office here.
- Conflict with local plan and plans for this area. Borough shouldn't be made an extension of the City purely to please developers. This is all about maximising the space for financial gain with no consideration at all about what might look good, complement the appearance of the area

and develop community spirit. Instead, interesting architecture, genuinely affordable housing, low cost retail spaces for small and creative outlets and buildings that contribute to society are wanted.

- Over-development. Development is far too high, the tower has an excessive number of storeys.

Design and townscape:

- Out of keeping with character of area. We need to start protecting the nature of areas. There is so much empty office space all over London - another monolithic eyesore is a step too far.
- The Shard is clearly the signature development in the area but also a dangerous precedent for ad hoc high-rise developments in the surrounds such as this. Interspersing such developments amongst the low-rise terraces, the old church next door and the height levels of Borough Market and Southwark Cathedral confuse the area and obliterate the cohesive low rise nature of this extremely historical part of the south. This would set a precedent to develop around the George Inn.
- The proposal is not suitable or “in sync” with the current building layout of surrounding areas. The area does not need yet another high-rise building. The design is ugly.
- No more of these dull oppressive huge lumps of concrete are wanted.
- Harm to the local area. Any additional tall buildings will make this area extremely out of human scale and unfriendly to pedestrians and residents. The area will increasingly resemble an office park and vibrant street life will be diminished.

Heritage

- This will radically alter the existing aspect of the area, and overshadow the older, more traditional buildings. The tower will over-shadow Borough Market and Southwark Cathedral, and destroy the historic character of the area that can be traced back to Roman times. The tower would eradicate the London charm of this area and would completely disrupt the area’s appeal.
- Retaining only the facades of the historic buildings is a minimum requirement of preservation and only a window dressing effort.

Ecology and open space:

- More open space needed on development
- Environmental degradation. A hazard to birds and trees.

Amenity and environmental impacts:

- Tall buildings cause wind tunnel effects (as currently around the Shard cluster) for pedestrians and cyclists.
- So many high-rise buildings already being constructed within a 10-minute walk of this space. These new-build developments are blocking out the natural light local residents and pedestrians get in the area already.
- Increase of pollution.
- Loss of light. Loss of natural light. Light pollution at night.
- Close to adjoining properties.

- Loss of privacy.
- Noise nuisance.

Transport:

- Increase in traffic.
- Inadequate access, parking provision and public transport provisions.
- Further construction over the coming years would make traffic impossible to navigate for those who live in the area.

Other matters:

- Strain on facilities and scarce resources such as open space, rubbish collection, water and electricity.
- The applicant has not responded to feedback as the scale of the building has not been reduced.
- General dislike of the proposal.

186. Another combined objection letter was provided on behalf of Teighmore Limited, LBQ Six Limited, The Place London Bridge Limited, and LBG Fielden Limited (the owners of various buildings at the Shard Quarter). This raised the following summarised issues in strongly objecting to the scheme, noting the applicant's response to the earlier objection, and considering that the responses do not address the previously expressed objections.

- Townscape and visual impact: the proposal will cause huge, irreversible harm to the setting of designated local and regional heritage assets and is very insensitive to the local townscape, the wrong building in the wrong place. Consider the method of assessment of the built heritage impacts has several faults.
- Daylight and sunlight: the amendments are unlikely to alter the daylight and sunlight impacts. Shard Place will be occupied by the time New City Court is built. A number of habitable rooms in Shard Place have low existing VSC; it is important where possible to safeguard these levels from further reductions.
- Transport: it seems very unlikely that however well managed, the consolidation servicing strategy will be able to accommodate the predicted demand. There is no strong commitment to management measures (e.g. FORS suppliers and zero emission vehicles). The servicing yard is too small to accommodate demand and will result in service vehicles parking on street, and arriving/departing during peak pedestrian demand periods.

Consultation responses from external and statutory consultees to re-consultation

187. Environment Agency: repeats its request for conditions be included on any permission relating to: groundwater and contaminated land; verification of the remediation works; unexpected contamination; surface water drainage; and piling.

188. Heathrow Airport: no safeguarding objection.

189. Historic England: the impacts on the historic environment appear to be the

same as the original proposals subject to the planning application. HE rests on the advice set out in the original advice letter in which it strongly objected. HE notes that further details regarding the proposals for the grade II listed terrace have now been provided, and does not wish to provide any further observations on the works subject to listed building consent and therefore Historic England's authorisation for this application remains valid.

190. Islington Council: acknowledgement of receipt only.
191. London Borough of Camden: has no objection.
192. London Borough of Lambeth: acknowledgement of receipt only.
193. London Underground: repeats the earlier response that it has no comment except that the works should be carried out in accordance with the Development Agreement between TfL and the developer. The applicant is in communication with London Underground engineers with regard to the development above.
194. NATS: has no safeguarding objection.
195. Natural England: repeats its earlier comment, raising no objection.
196. Port of London Authority: has no objection and welcomes river bus services being included in the transport statement, travel plan and future travel information packs (which should be secured on any permission).
197. Royal Borough of Greenwich: acknowledgement of receipt only.
198. The Victorian Society: provided a further comment once the appeal had been submitted that it maintains its objection. The Society considers there would be substantial harm to the Borough High Street Conservation Area by introducing a scale of development alien to the character of the conservation area, damaging one of the key aspects of its significance, overwhelming the pattern of low scale buildings. The applicant's statement of case for the appeal references the cluster of tall buildings, but not the conservation area appraisal that specifically addresses the height of new development needing to conform to the established street envelope and remaining within the range of heights of block in which they are sited. The tall buildings are outside the conservation area and should not be used to justify harmful development within it. Harm to the 19th century setting of the King's Head Pub as the proposal's height would overpower the setting, and not respect the traditional urban form of the area, and removal of the retained facades would harm the setting. The proposal would actively harm the significance of the conservation area and the setting of at least one listed building. A particularly strong justification is required, and question whether in a post-covid economy with reduced calls for office space if a development of this scale can be justified.

Consultation responses from internal consultees to re-consultation

199. Archaeology officer: repeats the earlier comment on the need for conditions and an obligation on any permission.

200. Ecologist: no additional comment.
201. Environmental protection team: no additional comment.
202. Highways development management: refer to the previous comments.
203. Urban Forester: further to previous comments, and notwithstanding the overly oppressive nature of the ground floor condition, the additional information provided shows how growing constraints have been considered with the aid of various organisations such as BOST, Buglife and the London Wildlife Trust. The details could reasonably be expected to be successful in delivering the ecological and amenity benefits aspired to. The UGF and biodiversity net gain calculations are policy compliant. Conditions, an obligation to secure street greening on St Thomas Street (and a payment in lieu if this is not feasible or found to be unacceptable by TfL) would be necessary if permission is granted.

PUBLIC BENEFITS

204. The proposed 2021 scheme redevelopment would, if granted planning permission, bring the following public benefits (in no particular order):

1. **Jobs in the demolition and construction phase** – the appellant has estimated that the proposal would provide an average of 750 construction jobs on site annually throughout the demolition and build phase of approximately 3 years and 8 months. These construction workers would spend money in the local area. A planning obligation would have secured job and training opportunities for local people in the construction phase, in line with the Section 106 Planning Obligations and CIL SPD requirements.
2. **Provision of employment floorspace and jobs, and increased expenditure in the area** – the uplift in employment floorspace on the site would provide an estimated 3,535 FTE jobs (an increase on the 845 FTE from the established use of the site). The appellant estimates these staff would bring approximately £5.8m of additional expenditure in the local area each year. These would mainly be additional office employment opportunities, and new retail job opportunities. In considering the multiplier effect, the applicant estimates a further 335 FTE jobs to be supported. A planning obligation would have secured job opportunities for local people in the completed scheme in line with the SPD requirements.

Officers consider the additional employment opportunities to be a benefit from the proposal, however the scale of redevelopment on the application site is not necessary to achieve the Southwark Plan's employment and retail floorspace strategic targets for the London Bridge Vision Area. The uplift of 36,286sqm GIA of office floorspace would be a significant proportion (84%) of the 43,156sqm net GIA increase suggested for London Bridge by the Southwark Plan strategic vision ST2 on this New City Court application site alone. As the Southwark Plan's target for the London Bridge Vision Area was calculated from the anticipated

redevelopment of its site allocations within the Vision Area (and did not include any uplift in floorspace on the application site), the proposal's uplift in floorspace would be further additional floorspace. The proposed office and retail uses are consistent with planning policy requirements for this location within the CAZ, Opportunity Area and town centre, but the scale of additional floorspace provision on this site as a non-allocated, "windfall" site is not required to meet the council's strategic targets for the London Bridge Vision Area.

3. **Improved mixed of uses on the site and resulting activation of the frontages** – the proposal would add retail use to the site to provide a mix of uses, although the retail uses would be in a flexible office or retail use unit (which may be used as an office) and at roof levels and so away from the site's ground level frontages. The proposed public realm and station entrance would provide more activation along the Kings Head Yard frontage.
4. **Redevelopment of the 1980s office building** – a more intensive use of the land is proposed, and there is no objection in principle to the replacement of the current 1980s building (which is of little design merit and has a relatively neutral impact on the streetscenes and area) with one of a better design and better environmental performance. However, as set out above the scale and design of the replacement tower as one particular element of the proposal would result in significant harm to the townscape to the extent that the proposed redevelopment is not a public benefit.
5. **Provision of affordable workspace** – the Georgian terrace, parts of Keats House and the lower floors of the tower would provide 4,908sqm GIA of affordable office space (9.9-10% of the total office space) to house small and independent businesses.
6. **Provision of ground floor public realm across the site** – the proposed public realm would provide new routes across the site which would improve permeability, reduce pedestrian pressure on Borough High Street (away from a junction with history of accidents) and has been designed to be accessible to all. The soft planting would enhance the biodiversity of the site. The quality of the public realm would be limited beneath the tower and in St Thomas Street Square due to the overshadowing and enclosure by the proposed tower, and the planting may be limited by the limited root volume, wind conditions and limited sunlight hours.
7. **Provision of the publicly accessible roof garden** – the roof garden near the top the tower would provide a new, landscaped public space (and a public toilet facility), and a small scale visitor attraction throughout the year. It would be free to access.
8. **Entrance to the Underground station** – would provide a new arrival point into the site, linking to new routes across the site and onto Kings Head Yard, and relieving pedestrian pressure on Borough High Street. It would be useful to the wider public, not just those accessing the site. The

appellant has been in discussion with LUL about this access, and the necessary works to demolish the wall and make good would appear to be straightforward. It is considered to be a benefit from the scheme, but its provision has not yet been secured, and the resulting uncertainty about delivery reduces the weight that can be given to this benefit.

9. **Restoration and improvements to the grade II listed buildings on the site** – the proposed works to the Georgian terrace would restore these historic buildings with more appropriate and sympathetic alterations than were carried out in the 1980s. The proposals are considered to be improvements to these grade II listed buildings that would improve their historic character. As the works are proposed as part of the same planning application, they cannot be granted permission separately. The proposed tower would cause harm to the setting of the terrace, and therefore to the significance of these buildings.
10. **CIL payments** – Section 143 of the Localism Act states that any financial contribution received as community infrastructure levy (CIL) is a material local financial consideration in planning decisions. With a significant increase in floorspace in the redevelopment, the gross CIL amount is large at over £11.6m, comprising £7,937,249.79 of Mayoral CIL and £3,753,456.66 of Borough CIL. These are estimates (based on the floor area information provided in the appellant's CIL form and area schedule). Were this application to be approved, the final CIL figures would be refined based on the detailed CIL liability information that will be submitted. Final figures would be subject to the relevant technical formulas and indexation following any grant of planning permission. The Mayoral CIL would be used to fund the delivery of Crossrail 1 (The Elizabeth Line) and Crossrail 2, which will benefit the Greater London area. Although Crossrail will not pass through the borough it will reduce pressure on other local lines. The Southwark CIL would be apportioned so that 70% is made available to the council's Regulation 123 List (which includes education, health, libraries, open space, sports and transport infrastructure improvements in the borough), 25% is made available to local community areas and 5% funds the administration of the Southwark CIL. The Southwark CIL from this scheme could be used to fund a number of infrastructure projects within the local area and wider borough.
11. **Planning contributions and infrastructure** – Financial contributions to the council would be secured in a section 106 agreement, including for carbon off-set payment, highway improvements and to provide cycle hire improvements. These would be necessary to achieve compliance with planning policy by mitigating the scheme's impacts. The highway works would need to be secured to ensure the highway safety for people travelling to/from the development, and improve the pedestrian environment immediately around the site. Elements of the proposed scheme would also need to be secured through obligations, for example to ensure the provision and rent levels of the affordable workspace, construction phase and end phase jobs, and public access through the site and to the roof garden to ensure planning policy compliance. These planning obligations and financial contributions would be necessary to mitigate some of the scheme's adverse impacts, and to secure the

provision of key elements of the scheme to achieve compliance with relevant policies.

12. **Community involvement** – The appellant's parent company's own community strategy sets out its long-term commitments such as: working with industry bodies to maximise apprenticeship opportunities; engagement with local schools (such as using the roof terrace planting and soils for education); working with colleges and universities to develop the knowledge and skills of the future workforces; and helping to adapt to new ways of working. Such measures would often be planning requirements (such as jobs and training requirements, public access to the roof garden) and accord with the council's Development Consultation Charter.
205. The appellant has suggested that two further elements of the proposal should be considered as public benefits, quoted below, however officers do not consider these to be public benefits:
13. *"Reconstruction and improvement of unlisted Keats House, including retention of the original façade, enhancing the character and appearance of an undesignated heritage asset."* Reconstructing Keats House in a new location and altered form, changes its relationship with the historic streetscene. It is not considered to be a public benefit.
 14. *"Improvement of the setting of adjacent listed buildings, including The Old King's Head, creating greater public appreciation of this listed building in views from newly created vantage points within the proposed public realm"*. The change to the existing setting of the grade II listed pub (which Historic England describes as a cohesive and characterful setting) by removing the historic screen on the northern side of the yard and replacing it with public realm and a tower would erode the yard character of the pub's enclosed, historic, backland setting. It is not considered to be a public benefit.
206. In the appellant's view, the proposal will result in less than substantial harm to the relevant designated heritage assets, resulting from minor losses of heritage significance to the grade I listed Southwark Cathedral and grade II* listed Guys Hospital. The appellant considers that the proposal will have a beneficial effect on the townscape of surrounding areas and the views in which it is most prominent, together with enhancing the character and appearance of the grade II listed Georgian terrace and surrounding Borough High Street Conservation Area. The appellant considers the heritage harm is "far outweighed by the plethora" of public benefits of the proposal.
207. As set out in paragraphs 8.13 and 8.17 of the Statement of Case, the council does not agree with the appellant's view as to the level of harm, and identifies harm to a number of additional heritage assets. Nor does the council consider the public benefits to be sufficient to outweigh the many incidences of harm identified to listed buildings, conservation areas, the Tower of London World Heritage Site and non-designated heritage assets.

PLANNING BALANCE AND CONCLUSION

208. Officers have considered the extent of policy conflict and compliance, the public

benefits from the proposal (as summarised above) and the harms identified from the proposal in the planning balance. Paragraphs 8.35 to 8.38 of the Statement of Case state the following for the planning application:

8.35 It will be the Council's case that the public benefits of the proposal do not outweigh the harm that would be caused to a number of designated heritage assets, including assets of the highest importance, and that the heritage balance is clearly in favour of refusal.

8.36 The Council's case will be that that the proposal conflicts with a range of key development plan policies relating to heritage, tall buildings, townscape and design, public realm, strategic views and amenity. These policies are amongst the most important in the development plan. The nature and extent of that conflict is substantial. As such, it will be the Council's case that the proposed development is in conflict with the development plan when considered as a whole.

8.37 The Council's case will be that the other material considerations in this case do not indicate that it would be appropriate to grant planning permission notwithstanding the conflict with the development plan. On the contrary, when considered as a whole they clearly weigh in favour of refusal.

8.38 Accordingly, the Council's case will be that the appeal should be dismissed and planning permission refused.

209. For the listed building consent application, paragraph 9.2 of the Statement of Case states:

In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest. Therefore the Council considers that the proposal fails to comply with section 16 of the NPPF (2021) particularly paragraph 204, and to be contrary to London Plan policy HC1 "Heritage conservation and growth" and Southwark Plan policy P19 "Listed buildings and structures".

SUPPLEMENTARY ADVICE FROM OTHER OFFICERS

Strategic Director of Law and Governance

210. Members will note the recommendations and background information for this report at paragraphs 2 to 6. The report is not the usual development management report asking members to determine whether or not to grant planning permission. Instead, the report relates to planning appeals for non-determination. The appellant has not waited for the council's Planning Committee to decide the applications but has instead exercised their right to appeal to the Secretary of State via the Planning Inspectorate. Such appeals can be made when the local planning authority has not determined the applications within the statutory time period.

211. Part 3F of the council's constitution provides that matters reserved for decision by the Planning Committee include the consideration of strategic and major planning applications, the categorisation of which are described in the constitution and include applications such as those for New City Court, which are the subject of this report.
212. The appeals were submitted on 5 January 2022 and on 10 February 2022 the council received a letter from the Planning Inspectorate informing the council that the appeals would be heard at an inquiry commencing at 10am on the 19 July and estimated to last for 14 days. The letter outlined the timetable for preparation for the inquiry and directed that the council's Statement of Case had to be submitted by 16 March. The letter makes clear that there are costs implications for failing to keep to the timetable. Given the five week period allowed to prepare and submit the Statement of Case, there was insufficient time to report to Planning Committee about the appeals before 16 March. The Statement of Case has been prepared under the delegated authority of the Director of Planning and Growth. However, it is important for good governance that the Statement of Case is considered by Planning Committee given that these are strategic and major planning applications.
213. The Secretary of State (through a planning inspector) will now decide whether to allow or dismiss the appeals. The inquiry process will be the opportunity for representations to be made to the planning inspector from supporters or objectors to the schemes and the applications are no longer able to be determined by officers or the planning committee. Members are being asked to endorse the submitted Statement of Case at Appendix 1 and the likely reasons for refusal.

Community impact and equalities assessment

214. The Public Sector Equality Duty (PSED) contained in Section 149 (1) of the Equality Act 2010 imposes a duty on public authorities to have, in the exercise of their functions, due regard to three "needs" which are central to the aims of the Act:
1. The need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act
 2. The need to advance equality of opportunity between persons sharing a relevant protected characteristic and persons who do not share it. This involves having due regard to the need to:
 - Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic
 - Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it
 - Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low

3. The need to foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to tackle prejudice and promote understanding.
215. The protected characteristics are: race, age, gender reassignment, pregnancy and maternity, disability, sexual orientation, religion or belief, sex, marriage and civil partnership.
 216. The council must not act in a way which is incompatible with rights contained within the European Convention of Human Rights.
 217. The council has given due regard to the above needs and rights where relevant or engaged throughout the course of considering this application.

Human rights implications

218. This planning application engages certain human rights under the Human Rights Act 2008 (the HRA). The HRA prohibits unlawful interference by public bodies with conventions rights. The term 'engage' simply means that human rights may be affected or relevant.
219. This application has the legitimate aim of redeveloping this site for a mixed use scheme and alterations to listed buildings on the site. The rights potentially engaged by this application, including the right to a fair trial and the right to respect for private and family life are not considered to be unlawfully interfered with by this proposal.

BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Southwark Local Development Framework and Development Plan Documents	Chief Executive's Department 160 Tooley Street London SE1 2QH	Planning enquiries telephone: 020 7525 5403 Planning enquiries email: planning.enquiries@southwark.gov.uk Case officer telephone: 0207 525 1214 Council website: www.southwark.gov.uk

APPENDICES

No.	Title
Appendix 1	Statement of Case
Appendix 2	Pre-application response letters
Appendix 3	Historic England's Statement of Case

AUDIT TRAIL

Lead Officer	Stephen Platts, Director of Planning and Growth		
Report Author	Victoria Crosby, Team Leader		
Version	Final		
Dated	4 April 2022		
Key Decision	No		
CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER			
Officer Title	Comments Sought	Comments included	
Strategic Director of Law and Governance	Yes	Yes	
Date final report sent to Constitutional Team		5 April 2022	



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

STATEMENT OF CASE
LONDON BOROUGH OF SOUTHWARK

Date: 16 March 2022

Appeal References: APP/A5840/W/22/3290483 and APP/A5840/Y/22/3290490

LPA References: 21/AP/1361 and 21/AP/1364

Appellant: GPE (St Thomas Street) Limited

Site Address: New City Court, 4-26 St Thomas Street, London, SE1 9RS

Contents:

1. Introduction
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3. Planning Application and Listed Building Consent Application
4. Appeal
5. Planning History of the Site
6. Planning History of Nearby Sites
7. Planning Policies
8. Likely Reasons for Refusal of the Planning Proposal
9. Likely Reason for Refusal of the Listed Building Consent Proposal
10. Conditions

Appendices:

1. Documentary Evidence
2. List of Conditions Should Planning Permission be Granted
3. List of Conditions Should Listed Building Consent be Granted

Copies:

Copies of this statement and the documents referred to are available on the council's online planning register (<https://planning.southwark.gov.uk/online-applications> using references APPEAL/22/0004, APPEAL/22/0002, 21/AP/1361 and 21/AP/1364), and for inspection Mondays to Fridays 9am to 5pm by prior arrangement at the Council's offices, 160 Tooley Street, London SE1P 5LX. Please contact Victoria Crosby (victoria.crosby@southwark.gov.uk 020 7525 1412) to arrange a time to view the appeal documents.

1. Introduction

- 1.1 This statement has been prepared by the London Borough of Southwark (“the Council”) in relation to the two appeals, allocated reference APP/A5840/W/22/3290483 for the planning application and reference APP/A5840/Y/22/3290490 for the listed building consent application. The appeals have been made by GPE (St Thomas Street) Limited (“the Appellant”), to the Secretary of State against the Council’s failure to determine the applications referred to in section 3 below.

2. Description of the Site and Area

- 2.1 The applications relate to a site known as New City Court, 4-26 St Thomas Street, London, SE1 9RS (“the Site”). The Site is on the southern side of St Thomas Street and extends southward to form the northern side of Kings Head Yard, extends to the west to the rear of the Borough High Street properties, and to the east to Guy’s Hospital campus.

- 2.2 The Site has an area of 0.37 hectares and comprises three main buildings, all of which are in office use:

- No. 20 St Thomas Street, is a four- to six-storey 1980s office building (plus basement) which covers most of the site. Its Kings Head Yard frontage is a two-storey façade in a Victorian design, forming the northern side of this yard.
- Nos. 4-16 St Thomas Street is Georgian terrace of seven buildings that forms most of the site’s St Thomas Street frontage. These grade II listed buildings are linked at the rear and side to the 1980s office building.
- Nos. 24-26 St Thomas Street, known as Keats House, is a 4-storey building which sits between the main office building and Guy’s Hospital. Its Italianate red brick and stone front façade, short eastern façade, railings and lightwells are original, while the rest of the building was rebuilt in the 1980s and links to the main office building.

- 2.3 The Site is within the Central Activities Zone, the Bankside Borough and London Bridge Opportunity Area, and the London Bridge district town centre. It is also

within the South Bank Strategic Cultural Quarter, flood zone 3 and the air quality management area.

- 2.4 The Site is within the Borough High Street Conservation Area and the North Southwark and Roman Roads Archaeological Priority Area. It is within the background assessment area of the two London View Management Framework (“LVMF”) views from Parliament Hill, and from Kenwood viewing gazebo. There are no protected trees within the Site nor adjacent to it.
- 2.5 The Site has an excellent PTAL of 6b due to its proximity to London Bridge rail and Underground stations and bus routes in the area. Its main entrance is on St Thomas Street and it has vehicle access to the rear service yard from White Hart Yard leading into Kings Head Yard.
- 2.6 To the north of the Site are the buildings on the opposite side of St Thomas Street. Nos. 1-7 is a relatively modern, four-storey office block. Further east is a row of historic buildings, some of which are set slightly back from the pavement. These buildings include no. 9 St Thomas Church, 9A (Old Operating Theatre Museum and Herb Garret) and 11-13 Mary Sheridan House with associated railings, all of which are grade II* listed, and no. 15 which is grade II listed. A K2 telephone box outside nos. 17 and 19 is grade II listed. The recently completed Shard Place development (99m high above ground level, 101.5m AOD) is to the north-east of the Site, and further to the east is The Shard (306m above ground level, 312m AOD) and entrances to the train station.
- 2.7 Guy’s Hospital lies to the east of the Site, with its grade II* listed main building set around courtyards, and its wider campus further to the south-east. The gates, piers and railings along St Thomas Street are themselves grade II listed, as is the statue of Thomas Guy in the main courtyard (currently covered). Further to the east is Guy’s Tower (142m high) as part of the hospital site.
- 2.8 To the south of the Site are the buildings along Kings Head Yard (including the grade II listed Old Kings Head public house) and White Hart Yard which are in use as offices, student housing and higher education.

- 2.9 To the west, the Borough High Street properties adjoin the Site. These are 3-, 4- and 5-storey buildings with a mixture of retail, commercial and residential properties and the Borough High Street entrance to the London Bridge Underground station. The Bunch of Grapes public house attaches to the western end of the Georgian terrace on St Thomas Street and is grade II listed.
- 2.10 In addition to those already mentioned, there are further heritage assets whose setting is potentially affected by development of the site, including the following:
- The Tower of London World Heritage Site.
 - Grade I Listed Buildings - Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) and The George Inn.
 - Grade II* Listed Building Church of St George the Martyr, Borough High Street.
 - Grade II Listed Buildings - London Bridge station (platforms 9-16) and the railway viaduct arches along Crucifix Lane and St Thomas Street. Several properties along Borough High Street including numbers 2, 4, 6, 8, 10, 19A, 28, 30, 32, 34, 38, 40, 50, 52, 53, 53A, 54, 55, 58, 66, 67, 68, 70, 91, 93, 95, 101 and 103, the St Saviours Southwark war memorial, and the bollards at the entrance to Green Dragon Court. The Hop Exchange, 1B and 3 Southwark Street, bollard between nos. 1 and 2 Stoney Street, 5 and 6 Stoney Street. The Globe Tavern (and bollards and lamp post to rear), and post at north corner of Bedale Street.
- 2.11 The Council will seek to agree with the Appellant a description of the Site, the area within which it is situated and the Site's designations in the Statement of Common Ground. If it proves not possible to agree this information, further detail may be provided in the proofs of evidence of the Council's witnesses.

3. Planning Application and Listed Building Consent Application

- 3.1 In November 2020 a formal request for pre-application advice was submitted (reference 20/EQ/0286) in relation to a scheme to redevelop the Site with an office building, changes to the listed buildings and relocation of Keats House with a proposed alternative and revised design to that proposed by the submitted 2018 applications (ref. 18/AP/4039 and 18/AP/4040). The main changes in the

proposed revised design were that the new scheme was lower than the proposed tower of the submitted 2018 scheme, had a larger footprint, was wider and broader, had different materials and architectural detailing and included a public roof garden. A short series of pre-application meetings were held with the Appellant. The pre-application advice letter issued by the Council in April 2021 stated that while this revised proposal may address the on-street servicing issue of the submitted 2018 application scheme and proposes more affordable workspace, the proposal would not be supported in its current form, primarily because of the adverse design and heritage impacts.

- 3.2 The Council will refer to the relevant pre-application response as part of the evidence before the Inquiry
- 3.3 The Appellant did not present these revised pre-application proposals to the Design Council's Design Review Panel.
- 3.4 On 21 April 2021, the Appellant submitted an application for planning permission (for the "Planning Application Proposal") and listed building consent (for the "Listed Building Consent Proposal") to the Council. The submitted proposals are similar to the pre-application version of the scheme to which the Council's pre-application advice letter related; the ground floor layout with its colonnade route, the levels to the western square, the façade detailing and the roof level landscaping were revised in the submitted scheme. The applications were given two references by the Council and have the following descriptions:

Planning Application Proposal 21/AP/1361 - Redevelopment to include demolition of the 1980s office buildings and erection of a 26-storey building (plus mezzanine and two basement levels) of a maximum height of 108.0m AOD, restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street), and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide 46,442sqm GEA of Class E(g)(i) office floorspace, 358sqm GEA flexible office E(g)(i)/retail E(a) floorspace, 450sqm GEA Class E(b) restaurant/cafe floorspace and a public rooftop garden, and 5,449sqm GEA of affordable workspace within the Georgian terrace, Keats House and part of the tower,

associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works.

Listed Building Consent Proposal 21/AP/1364 – Listed building consent for restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including:

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

- 3.5 The planning application was accompanied by an Environmental Statement. The Council advertised the applications and consulted with the Greater London Authority (“GLA”), statutory bodies, internal specialists, local neighbours and amenity groups. A number of responses were received which the Council will refer to as part of its evidence before the Inquiry.

- 3.6 Re-consultation was undertaken in November to 17 December 2021 as further environmental information and amended drawings (particularly to revise the southern façade of the tower) were submitted by the Appellant.
- 3.7 The Council's likely reasons for refusal (set out below) take due account of the representations received in response to consultation, including those from the GLA, TfL, Historic England, the Victorian Society, the Georgian Group and others. It is understood that Historic England has been granted Rule 6 status for the forthcoming Inquiry, and will therefore be able to provide its advice to the Inquiry directly. It is also understood that TfL will be submitting written representations to the Inquiry.

4. Appeal

- 4.1 In January 2022, the Appellant made an appeal to the Secretary of State against the Council's failure to determine the applications, and requested that this be heard by way of an inquiry. The Inspectorate reference is APP/A5840/W/22/3290483 for the planning application. This appeal is to be heard alongside the related listed building consent application (appeal reference APP/A5840/Y/22/3290490) as well as the pair of 2018 applications for an alternative scheme (appeal references APP/A5840/W/22/3290473 and APP/A5840/Y/22/3290477).
- 4.2 On 10 February 2022, the Planning Inspectorate wrote to the Council stating that the inquiry procedure is considered suitable to determine the appeals and setting out the timetable for the appeal process. The letter provided a deadline for submission of the Council's statement of case of 16 March 2022. Given the short period between the receipt of the letter and the deadline, there has been insufficient time to present reports to the Council's Planning Committee in respect of the appeals. The Council's Director of Planning and Growth has delegated authority to prepare this statement of case identifying the likely grounds for refusal. Reports in respect of the appeals will be presented to the Planning Committee for its consideration but the timetable for this is constrained by the local elections, which take place on 5 May 2022 and the pre-election period commencing on 25 March 2022.

5. Planning History of the Site

- 5.1 The earlier planning history of the site relates to small-scale proposals for the buildings and listed building consent works, which are of limited relevance to the Appeal Scheme.
- 5.2 The Council will seek to agree with the Appellant a description of the planning history of the Site in the Statement of Common Ground. If it proves not possible to agree this information, this will be provided in the proof of evidence of the Council's witnesses.

6. Planning History of Nearby Sites

- 6.1 The Council's evidence will consider the planning history of nearby sites where relevant to the appeal.
- 6.2 The Council will seek to agree a list of any relevant nearby planning decisions and land uses with the Appellant in the Statement of Common Ground.

7. Planning Policies

- 7.1 The statutory development plan for the borough consists of the London Plan (2021) and the Southwark Plan (2022). The National Planning Policy Framework is a material consideration with significant weight.
- 7.2 The Southwark Plan (2022) was adopted on 23 February 2022 and replaces the Council's earlier Core Strategy (2011) and saved policies of the Southwark Plan (2007). The site is not within a site allocation of the Southwark Plan (2022) and is within the AV.11 London Bridge Area Vision.
- 7.3 The following is a list of the policies considered relevant to the issues in this case and copies will be provided with this statement.
- 7.4 The relevant policies of the London Plan (2021) are:

- Policy GG1 - Building strong and inclusive communities
- Policy GG2 - Making the best use of land
- Policy GG3 - Creating a healthy city
- Policy GG5 - Growing a good economy
- Policy GG6 - Increasing efficiency and resilience
- Policy SD1 - Opportunity Areas
- Policy SD4 - The Central Activities Zone (CAZ)
- Policy SD5 - Offices, other strategic functions and residential development in the CAZ
- Policy SD6 - Town centres and high streets
- Policy SD7 - Town centres: development principles and Development Plan Documents
- Policy D1 - London's form, character and capacity for growth
- Policy D2 - Infrastructure requirements for sustainable densities
- Policy D3 - Optimising site capacity through the design-led approach
- Policy D4 - Delivering good design
- Policy D5 - Inclusive design
- Policy D8 - Public realm
- Policy D9 - Tall buildings
- Policy D10 - Basement development
- Policy D11 - Safety, security and resilience to emergency
- Policy D12 - Fire safety
- Policy D14 - Noise
- Policy S6 - Public toilets
- Policy E1 - Offices
- Policy E2 - Providing suitable business space
- Policy E3 - Affordable workspace
- Policy E8 - Sector growth opportunities and clusters
- Policy E9 - Retail, markets and hot food takeaways
- Policy E10 - Visitor infrastructure
- Policy E11 - Skills and opportunities for all
- Policy HC1 - Heritage conservation and growth
- Policy HC2 - World Heritage Sites
- Policy HC3 - Strategic and Local Views

- Policy HC4 - London View Management Framework
- Policy HC5 - Supporting London's culture and creative industries
- Policy HC6 - Supporting the night-time economy
- Policy G1 - Green Infrastructure
- Policy G5 - Urban greening
- Policy G6 - Biodiversity and access to nature
- Policy G7 - Trees and woodlands
- Policy SI 1 - Improving air quality
- Policy SI 2 - Minimising greenhouse gas emissions
- Policy SI 3 - Energy infrastructure
- Policy SI 4 - Managing heat risk
- Policy SI 5 - Water infrastructure
- Policy SI 6 - Digital connectivity infrastructure
- Policy SI 7 - Reducing waste and supporting the circular economy
- Policy SI 10 - Aggregates
- Policy SI 12 - Flood risk management
- Policy SI 13 - Sustainable drainage
- Policy T1 - Strategic approach to transport
- Policy T2 - Healthy Streets
- Policy T3 - Transport capacity, connectivity and safeguarding
- Policy T4 - Assessing and mitigating transport impacts
- Policy T5 - Cycling
- Policy T6 - Car parking
- Policy T6.2 - Office parking
- Policy T6.3 - Retail parking
- Policy T6.5 - Non-residential disabled persons parking
- Policy T7 - Deliveries, servicing and construction
- Policy T9 - Funding transport infrastructure through planning
- Policy DF1 - Delivery of the Plan and Planning Obligations.

7.5 The relevant policies of the Southwark Plan (2022) are:

- ST1 Southwark's Development Targets
- ST2 Southwark's Places
- SP2 Southwark Together

- SP3 Great start in life
- SP4 Green and inclusive economy
- SP5 Thriving neighbourhoods and tackling health inequalities
- SP6 Climate emergency
- P13 Design of places
- P14 Design quality
- P16 Designing out crime
- P17 Tall buildings
- P18 Efficient use of land
- P19 Listed buildings and structures
- P20 Conservation areas
- P21 Conservation of the historic environment and natural heritage
- P22 Borough views
- P23 Archaeology
- P24 World Heritage Sites
- P26 Local list
- P28 Access to employment and training
- P30 Office and business development
- P31 Affordable workspace
- P33 Business relocation
- P35 Town and local centres
- P39 Shop fronts
- P44 Broadband and digital infrastructure
- P45 Healthy developments
- P46 Leisure, arts and culture
- P49 Public transport
- P50 Highway impacts
- P51 Walking
- P53 Cycling
- P54 Car parking
- P55 Parking standards for disabled people and the physically impaired
- P56 Protection of amenity
- P59 Green infrastructure
- P60 Biodiversity

- P61 Trees
- P62 Reducing waste
- P64 Contaminated land and hazardous substances
- P65 Improving air quality
- P66 Reducing noise pollution and enhancing soundscapes
- P67 Reducing water use
- P68 Reducing flood risk
- P69 Sustainability standards
- P70 Energy
- IP1 Infrastructure
- IP2 Transport infrastructure
- IP3 Community infrastructure levy (CIL) and Section 106 planning obligations
- IP6 Monitoring development.

7.6 The Supplementary Planning Documents (SPDs) produced by the Council that are relevant to the appeal include:

- Design and Access Statements (2007);
- Heritage (2021);
- Sustainable Design and Construction (2009);
- Section 106 Planning Obligations and CIL (2015, November 2020 Update);
- 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document
- Draft Bankside, Borough and London Bridge Supplementary Planning Document (2009).

7.7 The GLA's Supplementary Planning Guidance (SPGs) and London Plan Guidance (LPGs) that are relevant to the appeal include:

- Accessible London: Achieving an Inclusive Environment (October 2014)
- Be Seen Energy Monitoring LPG (September 2021)
- Character and Context (June 2014)
- Energy Assessment Guidance (April 2020)
- London View Management Framework (March 2012)
- London World Heritage Sites (March 2012)

- Air quality neutral LPG – consultation draft (November 2021)
- Circular Economy Statements Guidance – consultation draft (October 2020)
- Fire Safety LPG – consultation draft (February 2022)
- Optimising site capacity: A design-led approach LPG – consultation draft (February 2022)
- Sustainable transport, walking and cycling LPG – consultation draft (September 2021)
- Urban Greening Factor LPG – consultation draft (September 2021)
- Whole-life Carbon Assessments Guidance – consultation draft guidance (October 2020).

7.8 Other relevant documents include:

- The Borough High Street Conservation Area Appraisal (2006).
- Tower of London World Heritage Site Management Plan, Historic Royal Palaces (2016).
- Historic England advice:
 - Good Practice Advice 2 – Managing Significance in Decision-Taking in the Historic Environment (July 2015)
 - Good Practice Advice 3 – The Setting of Heritage Assets (Second edition, December 2017)
 - Advice Note 2 – Making Changes to Heritage Assets (February 2016)
 - Advice Note 4 – Tall Buildings (March 2022).

7.9 The relevant sections of the National Planning Policy Framework (July 2021) are:

- Section 2: Achieving sustainable development
- Section 6: Building a strong, competitive economy
- Section 7: Ensuring the vitality of town centres
- Section 8: Promoting healthy and safe communities
- Section 9: Promoting sustainable transport
- Section 10: Supporting high quality communications
- Section 11: Making effective use of land
- Section 12: Achieving well designed places

- Section 14: Meeting the challenge of climate change, flooding and coastal change
- Section 15: Conserving and enhancing the natural environment
- Section 16: Conserving and enhancing the historic environment.

7.10 The Council will seek to agree with the Appellant a list of policies, guidance and other documents relevant to the Site and the development in the Statement of Common Ground. To the extent that the relevance or otherwise of these matters is disputed, this will be addressed in the proofs of evidence of the Council's witnesses.

7.11 The Council may refer to other new or emerging policies, documents or guidance which raise relevant material considerations during the preparation of evidence or at the Inquiry.

8. Likely Reasons for Refusal of the Planning Application Proposal

8.1 Had the Council determined the application, it would have refused planning permission for the reasons summarised below.

(1) The proposed development would give rise to less than substantial harm to a number of designated heritage assets, and the harm is not outweighed by public benefits

8.2 The Council would have refused planning permission because the harm that would be caused to designated heritage assets by the Planning Application Proposal would be significant and would not be outweighed by the public benefits.

8.3 In reaching this view, the Council has had special regard to its statutory duties within sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA") to the desirability of preserving a listed building or its setting, and to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.4 Any harm to a listed building or its setting, or to the character or appearance of a conservation area, gives rise to a strong presumption against the grant of planning permission (*Barnwell Manor Wind Energy Limited v. SSCLG* [2014] EWCA Civ 137).
- 8.5 Great weight should be given to the conservation of a designated heritage asset, and considerable importance and weight must attach to any harm to a designated heritage asset. Beyond this starting point, the further weight that is to be attributed to the harm is a product of the extent of assessed harm and the heritage value of the asset (*Palmer v. Hertfordshire Council* [2016] EWCA Civ 106).
- 8.6 The general statutory duty imposed by section 66(1) of the PLBCAA applies with particular force where harm would be caused to the setting of a Grade I listed building (*Barnwell Manor*).
- 8.7 As identified below, the Planning Application Proposal gives rise to significant, less than substantial harm to the special interest or significance of several heritage assets. This impact includes causing harm to the contribution made to the significance, or the ability to appreciate significance, by the current setting of a number of important listed buildings. Harm is also caused to the character or appearance of the Borough High Street Conservation Area, and the settings of a number of other conservation areas. Harm is caused to the Outstanding Universal Value (OUV) of the Tower of London World Heritage Site derived from its setting (and to the ability to appreciate the OUV).
- 8.8 There is therefore a strong statutory presumption in favour of the refusal of planning permission, and the Council's case will be that the public benefits of the proposal do not outweigh that harm. In those circumstances the proposed development is in conflict with relevant development plan policy (London Plan policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" and Southwark Plan policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures",

P20 “Conservation areas”, P21 “Conservation of the historic and natural heritage”, P24 “World Heritage Sites”) and national planning policy in the NPPF.

- 8.9 With the exceptions of the works to the listed buildings within the Site and the loss of heritage assets within the Site that contribute to the character and appearance of the Borough High Street Conservation Area, the proposal would not cause direct physical harm to the heritage assets set out below, but would cause harm to their special interest or significance, including the contribution made to significance or the ability to appreciate significance by their existing setting.
- 8.10 The scale, height, form, arrangement and materiality of the proposed tower within an historic part of London would cause harm to the significance of a number of statutory listed buildings (including those of the highest order of significance) and have a harmful and overly dominant impact on the Borough High Street Conservation Area. It would also cause harm to the Trinity Church Square Conservation Area and The Bank Conservation Area.
- 8.11 The proposed tower would cause less than substantial harm to the significance of the following buildings and structures which are designated heritage assets:
- The Outstanding Universal Value of the Tower of London World Heritage Site – the proposed tower would be significantly intrusive and distracting in views from the Inner Ward (harming its special enclosed character), in views from the Inner Curtain Wall walkway, and would cause less than substantial harm to the setting of the grade I listed Queen’s House.
 - Grade I listed Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral) - the proposed tower would be significantly intrusive and distracting to appreciation of the silhouette and architectural composition of the listed building.
 - Grade I listed St Paul’s Cathedral – reducing viewer’s ability to appreciate the significance of St Paul’s Cathedral (and to recognise and appreciate the Cathedral as a Strategically Important Landmark) in the Kenwood and Parliament Hill LVMF London Panorama views, and within the borough view from Nunhead Cemetery.
 - Grade I listed The George Inn.

- Grade I listed The Monument and St Magnus the Martyr Church.
- Grade II* listed Guy's Hospital.
- Grade II* listed 9, 9A and 11-13 St Thomas Street.
- Grade II* listed Church of St George the Martyr.
- Grade II listed Bunch of Grapes Public House and nos. 4-8 and 12-16 St Thomas Street – particularly as the height and curved form of the tower's northern façade would loom behind this terrace of grade II listed buildings.
- Grade II listed 15 St Thomas Street.
- Grade II listed Kings Head Public House.
- Borough High Street Conservation Area.
- Trinity Church Square Conservation Area.
- The Bank Conservation Area in the City of London.

8.12 In reaching a planning judgment on the degree of less than substantial harm in each case, the Council has had regard to the following matters of law and guidance:

- 8.12.1 The Judgment of the Court of Appeal in *City & Country Bramshill Ltd. v. SSHCLG* [2021] EWCA Civ 320 and that the NPPF does not direct the decision-maker to adopt any specific approach to identifying harm or gauging its extent, and that there is no one approach, suitable for every proposal affecting a designated heritage asset or its setting.
- 8.12.2 The Judgment of Jay J in *Bedford BC v. SSCLG* [2012] EWHC 4344, indicating that a judgment that the significance of an asset is very much reduced would equate to a finding of substantial harm.
- 8.12.3 The guidance in the NPPG (post-dating *Bedford*) that “substantial harm” to the significance of a heritage asset arises when the adverse effect seriously affects a key element of the asset’s special architectural or historic interest.
- 8.12.4 Recent decisions on appeal by the Secretary of State in the context of *Bedford*, which explain that in considering this issue the key point is not whether some aspects would be left untouched, but the importance of what would be affected, that is the setting, to the significance of the asset (see the decision of the Secretary of State for Levelling Up, Housing and Communities on the Tulip dated 11 November 2021 (APP/K5030/W/20/3244984) (DL para. 16, IR para. 14.2)).

- 8.12.5 The Council is aware that judgment is awaited in the case of *R (London Historic Parks and Gardens Trust) v. Minister of State for Housing* (CO/3041/2021) following a hearing before Lang J on 22-23 February 2022. One of the issues raised by that case is whether the approach in *Bedford* is correct and whether it has been correctly understood and applied. It is possible that the outcome of that case may affect the approach summarised above, and the Council therefore reserves the right to address its implications in due course. It is hoped that this could be achieved through a Statement of Common Ground with the Appellant.
- 8.13 The Council does not accept the Appellant's assessment of the impact of the proposed development on designated heritage assets, as summarised at paragraph 5.10 of the Appellant's Statement of Case. The Council's evidence will show that the harm to the Borough High Street Conservation Area, the Grade I listed Southwark Cathedral and the Grade II* listed Guy's Hospital will be above the middle and towards the upper end of the spectrum for less than substantial harm, and that there would also be significant less than substantial harm to a number of other designated heritage assets.
- 8.14 The Council's evidence will also explain why it considers the Appellant's Environmental Statement does not transparently and reliably identify the likely significant adverse effects of the Planning Application Proposal on built heritage, and thus why it should not be relied on for the purposes of determining the appeal (see the Appellant's Statement of Case at paragraph 5.13).
- 8.15 The proposed redevelopment of the Site would also result in impacts to and the loss of non-designated heritage assets within the Site (the frontage to Kings Head Yard, and Keats House historic facades, railings and lightwells) which each make a positive contribution to the character of the Site, the streetscene and the historic character of the Borough High Street Conservation Area. Keats House would be reconstructed in a new location and altered form, changing its relationship with its historic streetscene. The harm to the character of the Borough High Street Conservation Area resulting from this loss of historic fabric and change to the streetscene is additional to the harm caused by the impact of the proposed new tower itself.

- 8.16 The harm caused to the significance of the designated heritage assets, and to the ability to appreciate that significance, has not been clearly and convincingly justified by the Appellant, and in the view of the Council, cannot be justified.
- 8.17 The Council recognises that the proposed development would provide some public benefits, and these will be identified in the Statement of Common Ground with the Appellant. The Council's evidence will show that these benefits are insufficient to outweigh the many incidences of harm identified to listed buildings, conservation areas, World Heritage Site and non-designated heritage assets.
- 8.18 For those reasons the Council's case will be that the proposal is contrary to national planning policy on the protection of heritage assets in Section 16 of the NPPF, and to the following development plan policies:
- 8.18.1 London Plan (2021) policies SD1 "Opportunity Areas" (part B.4), SD4 "The Central Activities Zone" part C, D3 "Optimising site capacity through the design-led approach" part D, D9 "Tall buildings" part C, HC1 "Heritage conservation and growth", HC2 "World Heritage Sites", HC3 "Strategic and local views", HC4 "London View Management Framework" of the London Plan (2021).
 - 8.18.2 Southwark Plan (2022) policies P13 "Design of places", P14 "Design quality", P17 "Tall buildings", P19 "Listed buildings and structures", P20 "Conservation areas", P21 "Conservation of the historic and natural heritage", P24 "World Heritage Sites".
- 8.19 The proposal also fails to comply with the guidance within the Mayor of London's London View Management Framework SPG (2012) regarding St Paul's Cathedral, the London's World Heritage Sites SPG (2012) and the Tower of London World Heritage Site Management Plan (2016) in terms of the Tower of London, and Historic England's guidance notes.

(2) Poor design, harm to townscape and local character

- 8.20 The Council would have refused planning permission because the scale and design of the proposed development is not appropriate for this site and its surrounding context, resulting in harm to the townscape and local character. As a result of this harm (and the harm caused to heritage assets), and its relationship to the local and wider context, the proposed development does not constitute good design in context and would be contrary to development plan policies and to national planning policy on achieving well-designed places in the NPPF.
- 8.21 The proposed tower would have harmful visual impacts due to its location, height, form, massing and materiality.
- 8.22 Whilst the site is located in one of the areas in which the Southwark Plan expects tall buildings to be located (see the Appellant's Statement of Case paragraph 5.6), it is not amongst the individual sites allocated where tall buildings may be appropriate. The suitability of the site for a building of this height therefore falls to be determined through the development control process applying the requirements of Southwark Plan policy P17 and London Plan policy D9.
- 8.23 The Council's evidence will show that the proposed development does not satisfy those requirements.
- 8.23.1 It is not located at a point of landmark significance, being set back from the main street frontages and onto an historic yard.
- 8.23.2 It is not of a height that is proportionate to the existing urban character, the significance of the location nor size of the Site.
- 8.23.3 The proposed tower would not contribute positively to the London skyline and would not consolidate a cluster within the skyline. The proposed tower would be visually and architecturally separated from the existing and emerging cluster of tall buildings around London Bridge station in a number of important views.
- 8.23.4 The proposed tower would harm LVMF and designated borough views. Due to its location in the background of LVMF views, the scale and form of the tower would reduce viewer's ability to recognise and appreciate St Paul's

Cathedral as a Strategically Important Landmark in the Kenwood and Parliament Hill LVMF London Panorama views. The tower would be a significant incursion into the borough view from Nunhead Cemetery to St Paul's Cathedral, as its location, scale and height significantly exceed that of the Cathedral in that view. It would dominate and crowd the Cathedral, and would contribute to the canyoning of the borough view. Therefore the tower would not preserve or enhance the borough views of this significant landmark, nor enhance the composition of the panorama across the borough and central London as a whole.

- 8.23.5 Its excessive height, scale, massing and incongruous form fail to respond positively to the character and townscape of its immediate and historic context. It would both dominate, and fail to make a positive contribution, to the local townscape and existing area character in terms of legibility, proportions and materials, nor would it reinforce the spatial hierarchy of the local and wider context.
- 8.23.6 The Council's evidence will show that the poor relationship between the proposed tower and the surrounding townscape context includes its relationship with The Shard, a tall building of particular importance both in the local townscape and more widely. The Southwark Plan (2022) recognises the role of The Shard in forming the pinnacle within the cluster of tall buildings around London Bridge Station and Guy's Hospital. In a number of important views the proposed development would reduce the primacy and visibility of The Shard in the local townscape, and its singularity on the wider London skyline. Unlike other existing buildings in the emerging cluster, the resulting formal and visual relationship between the proposed tower and The Shard would be discordant and unsympathetic.
- 8.23.7 The proposal includes new public space at its base however, parts of the proposed landscaping at ground level within the colonnade would be enclosed by the tower above and therefore have a reduced sense of openness, while the tower would overshadow the public realm adjacent to St Thomas Street which reduces the attractiveness of the public space and the pedestrian experience. The proposal relies on a significant redesign of the St Thomas Street highway to increase the pavement widths and to accommodate some of its visitor cycle parking.

- 8.23.8 The proposal includes a new publicly accessible garden at roof level, to address the requirement of part 2.7. of Southwark Plan policy P17 “Tall buildings”. This is acknowledged to be a benefit and an improvement on the enclosed garden proposed in the 2018 scheme, but will not contribute to public realm and pedestrian experience at street level.
- 8.24 The proposed tower is not considered to be of an exemplary architectural quality. The unrelenting, solidity and monolithic nature of the form serve to amplify the scale and the alien character of this architectural intervention within its historic context. The architectural language will serve to amplify its mass and overbearing presence.
- 8.25 The proposed tall building does not respond positively to the local character, townscape, nor its historic context. It would have an overbearing presence on its setting and as a result would fail to conserve and enhance the significance of designated heritage assets on the site, within both its immediate and wider urban context.
- 8.26 The Council’s evidence will explain that as a result of the factors summarised above the proposed development is contrary to national planning policy in section 12 of the NPPF and to the following development plan policies:
- 8.26.1 London Plan (2021) policies SD4 “The Central Activities Zone” part C, D3 “Optimising site capacity through the design-led approach” part D, D8 “Public realm” and D9 “Tall buildings”, HC3 “Strategic and local views”, HC4 “London View Management Framework”.
- 8.26.2 Southwark Plan (2022) policies P13 “Design of places”, P14 “Design quality”, P17 “Tall buildings”, P21 “Borough views”.
- 8.27 The proposal would also be contrary to the AV.11 London Bridge Area Vision, the guidance within the Mayor of London’s London View Management Framework SPG (2012) and Historic England guidance.

(3) Lack of a section 106 agreement

8.28 In the absence of a completed section 106 agreement or unilateral undertaking, the Planning Application Proposal fails to secure appropriate planning obligations to mitigate its adverse impacts and to secure the public benefits of the proposal to ensure compliance with planning policies for these topics. Planning obligations are necessary in relation to:

- provision of the on-site affordable workspace at discount rent, with the associated fit out, marketing and management in order to comply with policy P31 “Affordable workspace” of the Southwark Plan and E3 “Affordable workspace” of the London Plan;
- provision of the public realm within the site and public access to it;
- free public access to the roof level garden, without need to book or have a ticket, with access using the two dedicated lifts, and free public access to the toilet facilities at the roof level garden;
- transport mitigation (highway works and financial contributions for improvements to Kings Head Yard and St Thomas Street, bus service improvement contribution, Legible London contribution, cycle docking station improvement contribution, provision of the Underground station entrance, servicing and deliveries management with the associated deposit and monitoring fee, and a travel plan including cycle hire access) to comply with Southwark Plan policies P49, P50, P51 and P53, and London Plan transport chapter policies;
- construction phase employment and training to comply with London Plan policy E11 “Skills and opportunities for all” and Southwark Plan policy P28 “Access to employment and training”;
- operational phase employment and training to comply with London Plan policy E11 and Southwark Plan policy P28;
- local procurement during construction and operational phase to comply with Southwark Plan policy P28;
- carbon offset payment to comply with policy SI2 “Minimising greenhouse gas emissions” of the London Plan and P70 “Energy” of the Southwark Plan;
- archaeological monitoring contribution to comply with policy P23 “Archaeology” of the Southwark Plan;

- wind assessment post-construction to ensure sufficient mitigation to comply with policy P17 “Tall buildings” of the Southwark Plan and D9 “tall buildings” of the London Plan; and
- listed building monitoring contribution during the works and an on-going management plan to comply with policy P19 “Listed buildings and structures” of the Southwark Plan.

8.29 In the absence of an appropriate signed agreement, the proposal is contrary to the development plan policies that relate to these topics, and to policy IP3 “Community infrastructure levy (CIL) and section 106 planning obligations” of the Southwark Plan (2022), policies T9 ‘Funding transport infrastructure through planning’ and DF1 “Delivery of the Plan and planning obligations” of the London Plan (2021) and the guidance within the “Section 106 Planning Obligations and Community Infrastructure Levy” SPD (2015 and its 2020 addendum).

8.30 It is anticipated that this issue will be resolved through discussions with the applicant on the heads of terms and draft planning agreement which are to progress ahead of the Inquiry. Other mitigation would need to be secured by conditions imposed on any permission. The Council’s list of suggested conditions is attached as Appendix 2 to this statement.

(4) Other matters

Daylight and sunlight

8.31 The massing of the tower would cause a significant reduction in daylight to surrounding residential and student housing properties, a noticeable reduction in sunlight to nearby residential units, and overshadowing of the public realm. These adverse impacts on daylight and sunlight are not considered by the Council to be so severe as to give rise to a separate reason for refusal of the scheme, however the adverse impacts are material considerations that weigh against the scheme and need to be included in the planning balance.

8.32 These adverse impacts are reflected in conflict with the following development plan policies P14 “Design quality” part 3, P17 “Tall buildings” part 3.3. and P56

“Protection of amenity” of the Southwark Plan. The harms and resulting conflicts with development plan policy have been considered in the Council’s assessment of the planning balance of the Planning Application Proposal, and further count against permission being granted.

- 8.33 The Council’s evidence will refer to the assessments submitted by the Appellant which identify the nature and extent of these harms, and explain why they should attract material weight in the planning balance.
- 8.34 The Council will seek to narrow these issues, so far as possible, with the Appellant as part of the Statement of Common Ground. If this is not possible, the issues will be dealt with as appropriate in the Council’s evidence.

Conclusions

- 8.35 It will be the Council’s case that the public benefits of the proposal do not outweigh the harm that would be caused to a number of designated heritage assets, including assets of the highest importance, and that the heritage balance is clearly in favour of refusal.
- 8.36 The Council’s case will be that that the proposal conflicts with a range of key development plan policies relating to heritage, tall buildings, townscape and design, public realm, strategic views and amenity. These policies are amongst the most important in the development plan. The nature and extent of that conflict is substantial. As such, it will be the Council’s case that the proposed development is in conflict with the development plan when considered as a whole.
- 8.37 The Council’s case will be that the other material considerations in this case do not indicate that it would be appropriate to grant planning permission notwithstanding the conflict with the development plan. On the contrary, when considered as a whole they clearly weigh in favour of refusal.
- 8.38 Accordingly, the Council’s case will be that the appeal should be dismissed and planning permission refused.

9. Likely Reason for Refusal of the Listed Building Consent Proposal

- 9.1 The Council is supportive of the proposed works to the Georgian terrace in the Listed Building Consent Proposal which would replace the 1980s works with a more appropriate layout, appearance and detailing.
- 9.2 In the absence of an appropriate planning permission for replacement extensions and external elements that would ensure the grade II listed buildings are made weather-tight (following demolition of the modern extensions) and are rebuilt with a scheme in an appropriate design, materials and detailing, the proposal fails to safeguard their special historic and architectural interest. Therefore the Council considers that the proposal fails to comply with section 16 of the NPPF (2021) particularly paragraph 204, and to be contrary to London Plan policy HC1 “Heritage conservation and growth” and Southwark Plan policy P19 “Listed buildings and structures”.
- 9.3 Should the Inspector be minded to grant consent for the Listed Building Consent Proposal alongside the Planning Application Proposal, then the Council would ask for the conditions proposed in Appendix 3 to be included. Should the Inspector be minded to grant consent only for the Listed Building Consent Proposal alongside the Planning Application Proposal then the Council would ask for the conditions proposed in Appendix 3 to be included. Should the Inspector be minded to grant consent only for the Listed Building Consent Proposal then the conditions in Appendix 3 would need to have the Georgian terrace materials condition recommended in Appendix 2 added. These conditions would ensure the demolition works only progress once a contract is in place for the rebuild works, method statements for the works, and to secure suitable materials and detailing are used.

10. Conditions

- 10.1 Should the Inspector be minded to grant planning permission, a list of suggested conditions is included in Appendix 2. Should the Inspector be minded to grant listed building consent, a list of suggested conditions is included in Appendix 3. These conditions would be in addition to the heads of terms to be contained within

a section 106 agreement, a draft of which will be provided to the Inspector in line with the timeframe.

Appendix 1

Documentary Evidence:

1. The National Planning Policy Framework (2021)
2. The Planning Practice Guidance
3. The London Plan (2021)
4. The Southwark Plan (2022)
5. Evidence base of the New Southwark Plan including:
 - London Borough of Southwark New Southwark Plan Site Allocations Methodology Report Update 2021 (May 2021) (EiP82b)
 - Southwark Employment Land Study Part 1 Final Report (SP412)
 - London Borough of Southwark Response Examination of the New Southwark Plan Inspectors' Matters, Issues and Questions, Matter 5.
6. Relevant Southwark Supplementary Planning Documents:
 - Design and Access Statements (2007);
 - Heritage (2021);
 - Sustainable Design and Construction (2009);
 - Section 106 Planning Obligations and CIL (2015, November 2020 Update);
 - 2015 Technical Update to the Residential Design Standards (2011) Supplementary Planning Document
 - Draft Bankside, Borough and London Bridge Supplementary Planning Document (2009).
7. The GLA's Supplementary Planning Guidance (SPGs) and London Plan Guidance (LPGs) including:
 - Accessible London: Achieving an Inclusive Environment (October 2014)
 - Been Seen Energy Monitoring LPG (September 2021)
 - Character and Context (June 2014)
 - Energy Assessment Guidance (April 2020)
 - London View Management Framework (March 2012)
 - London World Heritage Sites (March 2012)
 - Air quality neutral LPG – consultation draft (November 2021)
 - Circular Economy Statements Guidance – consultation draft (October 2020)
 - Fire Safety LPG – consultation draft (February 2022)

- Optimising site capacity: A design-led approach LPG – consultation draft (February 2022)
 - Sustainable transport, walking and cycling LPG – consultation draft (September 2021)
 - Urban Greening Factor LPG – consultation draft (September 2021)
 - Whole-life Carbon Assessments Guidance – consultation draft guidance (October 2020).
8. Other relevant guidance documents including:
- The Borough High Street Conservation Area Appraisal (2006).
 - Listing particulars for listed buildings on the site and context.
 - Tower of London World Heritage Site Management Plan, Historic Royal Palaces (2016).
 - Historic England advice:
 - Good Practice Advice 2 – Managing Significance in Decision-Taking in the Historic Environment (July 2015)
 - Good Practice Advice 3 – The Setting of Heritage Assets (Second edition, December 2017)
 - Advice Note 2 – Making Changes to Heritage Assets (February 2016)
 - Advice Note 4 – Tall Buildings (March 2022).
9. Application documents (as provided to the Inspectorate by the Appellant)
10. Consultation responses received on the applications (previously provided to the Inspectorate with the Council's questionnaires) including those from consultees (Historic England, the Conservation Area Advisory Group, the Georgian Group, Historic Royal Palaces) and from stakeholders in the local area (e.g. RPS, Team London Bridge).
11. Pre-application advice documents, including the letter from the Council (17/4/21).
12. Legal cases including:
- Barnwell Manor Wind Energy Limited v. SSCLG [2014] EWCA Civ 137.
 - Palmer v. Hertfordshire Council [2016] EWCA Civ 106.
 - City & Country Bramshill Ltd. v. SSHCLG [2021] EWCA Civ 320
 - Bedford BC v. SSCLG [2012] EWHC 4344
 - R (London Historic Parks and Gardens Trust) v. Minister of State for Housing (CO/3041/2021) following a hearing before Lang J on 22-23 February 2022
13. Appeal decisions including:

- Secretary of State for Levelling Up, Housing and Communities' decision letter and Inspector's report on "the Tulip" – land adjacent to 20 Bury Street London EC3A 5AX dated 11 November 2021 (APP/K5030/W/20/3244984)
- Secretary of State for Levelling Up, Housing and Communities' decision letter and Inspector's report on Land at 8 Albert Embankment dated 23 June 2021 (APP/N5660/V/20/3254203 and 3257106) application made by U and I (8AE) Ltd and London Fire Commissioner (sic).

The Council intends to refer to the above documents as part of its Proofs of Evidence prepared by the Council's witnesses and/or appointed agents. The Council reserves the right to refer to other documents as necessary at the Inquiry.

Appendix 2

List of Conditions Should Planning Permission be Granted

In the event the Inspector is minded to recommend the scheme for approval, the Council asks that the following conditions be included on the permission. The conditions have been arranged into parts related by the timing of their triggers and whether the conditions apply to the whole application site or a specific building.

Part 1: Time limit for implementing the permission and the approved plans

Part 2: Pre-commencement conditions site-wide

Part 3: Above grade conditions – site-wide

Part 4: Prior to occupation conditions – site-wide

Part 5: Compliance conditions – site-wide

Part 6: Other trigger conditions – site wide

Part 7: Tower building specific conditions

Part 8: Keats House specific conditions

Part 9: Georgian terrace specific conditions

Where in the list of conditions below reference is made to “the Georgian terrace”, “Keats House”, “the tower building”, “the public realm element”, “the basement element”, this shall be understood as a reference to these elements as shown on plan [x] and plan [y]. Plan [x] and plan [y] may be amended from time to time, subject to obtaining the prior approval of the Local Planning Authority. *NB, the Council has requested the Appellant provide the “plan [x] and plan [y]” drawings that identify the elements of the proposal and these will be sent onto the Inspectorate.*

Part 1: Time limit for implementing the permission and the approved plans

1. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required by Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development shall be carried out in accordance with the following approved plans:

20065_G_(00)_P119	Georgian Townhouses Proposed Lower Ground Floor Plan	P02
20065_G_(00)_P120	Georgian Townhouses Proposed Ground Floor Plan	P01
20065_G_(00)_P121	Georgian Townhouses Proposed First Floor Plan	P01
20065_G_(00)_P122	Georgian Townhouses Proposed Second Floor Plan	P01
20065_G_(00)_P123	Georgian Townhouses Proposed Third Floor Plan	P01
20065_G_(00)_P125	Georgian Townhouses Proposed Roof Floor Plan	P01
20065_G_(00)_P201	Georgian Townhouses Proposed North Elevation	P01
20065_G_(00)_P202	Georgian Townhouses Proposed East Elevation	P01
20065_G_(00)_P203	Georgian Townhouses Proposed South Elevation	P01
20065_G_(00)_P301	Georgian Townhouses Proposed Section A-A	P01
20065_G_(00)_P302	Georgian Townhouses Proposed Section B-B	P01
20065_G_(00)_P304	Georgian Townhouses Proposed Section DD - no.16	P02
20065_G_(00)_P305	Georgian Townhouses Proposed Section EE - no.14	P02
20065_G_(00)_P306	Georgian Townhouses Proposed Section FF - no.10	P02
20065_G_(00)_P307	Georgian Townhouses Proposed Section GG - no.4	P02
20065_G_(00)_P308	Georgian Townhouses Proposed Section HH - no.4	P02
20065_G_(00)_P309	Georgian Townhouses Proposed Section JJ - no.12	P02
20065_G_(00)_P401	Georgian Townhouses Proposed Vault	P01
20065_G_(12)_P119	Georgian Townhouses Lower Ground Floor Demolition Plan	P01
20065_G_(12)_P120	Georgian Townhouses Ground Floor Demolition Plan	P01
20065_G_(12)_P121	Georgian Townhouses First Floor Demolition Plan	P01
20065_G_(12)_P122	Georgian Townhouses Second Floor Demolition Plan	P01
20065_G_(12)_P123	Georgian Townhouses Third Floor Demolition Plan	P01
20065_G_(12)_P125	Georgian Townhouses Roof Floor Demolition Plan	P01
20065_G_(12)_P201	Georgian Townhouses North Elevation Demolition	P01
20065_G_(12)_P202	Georgian Townhouses East Elevation Demolition	P01
20065_G_(12)_P203	Georgian Townhouses South Elevation Demolition	P01
20065_G_(12)_P401	Georgian Townhouses Vaults Demolition	P01
20065_X_(00)_P118	Tower Plans - Level B2	P02
20065_X_(00)_P119	Tower Plans - Level B1	P02
20065_X_(00)_P120	Tower Plans - Level G	P02
20065_X_(00)_P120M	Tower Plans - Level GM	P02
20065_X_(00)_P121	Tower Plans - Level 01	P02
20065_X_(00)_P122	Tower Plans - Level 02	P02
20065_X_(00)_P123	Tower Plans - Level 03	P02
20065_X_(00)_P124	Tower Plans - Levels 04-09	P02
20065_X_(00)_P130	Tower Plans - Levels 10-13	P02
20065_X_(00)_P134	Tower Plans - Level 14	P02
20065_X_(00)_P135	Tower Plans - Level 15	P02
20065_X_(00)_P136	Tower Plans - Level 16	P02
20065_X_(00)_P137	Tower Plans - Levels 17-22	P02
20065_X_(00)_P143	Tower Plans - Level 23	P02
20065_X_(00)_P144	Tower Plans - Level 24	P03
20065_X_(00)_P145	Tower Plans - Level 25	P03

20065_X_(00)_P146	Tower Plans - Level 26 (Roof)	P03
20065_X_(00)_P201	North Elevation Proposed	P02
20065_X_(00)_P202	South Elevation Proposed	P02
20065_X_(00)_P203	East Elevation Proposed	P02
20065_X_(00)_P204	West Elevation Proposed	P02
20065_X_(00)_P205	LUL Tube Station Proposed Plan and Elevation	P02
20065_X_(00)_P301	Section AA Proposed	P02
20065_X_(00)_P302	Section BB Proposed	P02
20065_X_(12)_P119	Demolition Scope of Existing Level LG Plan	P01
20065_X_(12)_P120	Demolition Scope of Existing Level 00 Plan	P01
20065_X_(12)_P121	Demolition Scope of Existing Level 01 Plan	P01
20065_X_(12)_P122	Demolition Scope of Existing Level 02 Plan	P01
20065_X_(12)_P123	Demolition Scope of Existing Level 03 Plan	P01
20065_X_(12)_P124	Demolition Scope of Existing Level 04 Plan	P01
20065_X_(12)_P125	Demolition Scope of Existing Lower Roof Plan	P01
20065_X_(12)_P126	Demolition Scope of Existing Upper Roof Plan	P01
20065_X_(12)_P201	Demolition Scope of Existing Elevation 01	P01
20065_X_(12)_P202	Demolition Scope of Existing Elevation 02	P01
20065_X_(12)_P203	Demolition Scope of Existing Elevation 03	P01
20065_X_(12)_P205	Demolition Scope of Existing Elevation 05	P01
20065_X_(12)_P206	Demolition Scope of Existing Elevation 06	P01
20065_X_(12)_P207	Demolition Scope of Existing Elevation 07	P01
20065_X_(12)_P301	Demolition Scope of Existing Section A-A	P01
20065_X_(12)_P302	Demolition Scope of Existing Section B-B	P01
20065_X_(12)_P303	Demolition Scope of Existing Section C-C	P01
20065_X_(12)_P304	Demolition Scope of Existing Section D-D	P01
20065_X_(12)_P305	Demolition Scope of Existing Section E-E	P01
166-NCC2-GA01	General Arrangement Ground Floor	01
166-NCC2-GA02	General Arrangement Level 03 Terrace, Balconies and Level 01 Green Roof	01
166-NCC2-GA03	General Arrangement Level 24 Terrace	01
166-NCC2-GA04	General Arrangement Level 26 Terrace	01
166-NCC2-GS01	General Sections Ground Floor	01
166-NCC2-GS02	General Sections Level 03 & Balconies	01
166-NCC2-GS03	General Sections Level 24 & Level 26	01

Reason:

For the avoidance of doubt and in the interests of proper planning.

DEFINITION OF WORKS

3. Prior to any works commencing, including demolition, a Works Element Plan shall be submitted to and approved in writing by the Local Planning Authority. The Works Element Plan shall confirm by reference to a drawing or drawings the extent of the works to be undertaken within each element of the approved development: the demolition element; the Georgian terrace element; the Keats House element; the tower building element; the public realm element; the basement element; and the intended duration and completion of each element.

The development shall be undertaken only in accordance with the approved Works Element Plan. The Works Element Plan may be amended from time to time, subject to obtaining the prior written approval of the Local Planning Authority.

The works within the basement element, Georgian terrace element and Keats House element shall be completed and made ready for occupation, and the public realm element completed and made available for public use prior to the first occupation of the tower building element, unless otherwise agreed by the Local Planning Authority in an approved Works Element Plan.

Reason:

To ensure each element of the approved development is delivered prior to the occupation of the tower building with its associated basement servicing and cycle parking facilities to prevent a gap in the streetscene, by requiring the reprovision of Keats House and ensuring the replacement walls and roof are constructed to the listed buildings to protect their historic fabric. In order to comply with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policies D9 Tall buildings and HC1 Heritage conservation and growth of the London Plan (2021), and policies P17 Tall buildings, P19 Listed buildings and structures, P20 Conservation areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

Part 2: Pre-commencement conditions site-wide

DEMOLITION LOGISTICS PLAN

4. Demolition works shall not begin until a Demolition Logistics Plan to manage all freight vehicle movements to and from the site during demolition of the existing building(s) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The Demolition Logistics Plan shall include:
 - (a) the management of all freight vehicle movements to and from the site during demolition of the existing buildings;
 - (b) loading and unloading of plant and materials including vehicle turning areas;
 - (c) storage of plant and materials;
 - (d) programme of works (including measures for traffic management and pedestrian safety);
 - (e) provision of boundary hoarding, behind any visibility zones of construction traffic routing;
 - (f) hours of operation;
 - (g) means to prevent deposition of mud on the highway;
 - (h) location and height of any crane(s) and scaffolding;
 - (i) any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority), in order to identify and address potential cumulative highway effects during the demolition phase.
 - (j) relevant measures from the Mayor of London's Construction Logistics

Plan Guidance (2017), and specifically address the safety of vulnerable road users through compliance with the Construction Logistics and Cyclist Safety (CLOCS) Standard for Construction Logistics, Managing Work Related Road Risk.

As a minimum, all haulage contractors should be FORS (or equivalent) registered and use the highest rated Direct Vision Standard lorries as possible.

The demolition shall not be carried out otherwise than in accordance with the approved Demolition Logistics Plan. The approved plan shall be implemented as approved and periodically reviewed following audits of its implementation. Results of these audits will be made available to the Local Planning Authority upon request. The approved plan shall be retained for the duration of the demolition, site clearance and construction process for the relevant phase.

Reason:

The demolition of the scheme is likely to be challenging, given the site access constraints, busy surrounding roads, high numbers of vulnerable users, and scale of development. These details are required prior to demolition work commencing in order that the impact on the transport network is minimised from the time that demolition starts. To ensure that demolition works do not have an adverse impact on public safety and the transport network by securing the mitigation identified in the Environmental Statement, in accordance with London Plan policy T7 Deliveries, servicing and construction and policy P50 Highway impacts of the Southwark Plan (2022).

DEMOLITION ENVIRONMENTAL PROTECTION

5. There shall be no demolition on the site until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The scheme shall be based on the Southwark's Code of Construction Practice, GLA/London Council's Best Practice Guide Dust & Plant Emissions and Mayor of London's emissions standards for NRMM (or any subsequent, replacement code of practice) and arrangements for liaison and monitoring set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the demolition process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The demolition shall not be carried out other than in accordance with the approved Demolition Environmental Management Plan.

Reason:

To ensure that occupiers of neighbouring premises and the wider environment do not suffer a loss of amenity by reason of pollution and nuisance, in accordance with the mitigation identified in the Environmental Statement and to comply with policy P56 Protection of amenity of the Southwark Plan (2022).

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

6. Prior to the commencement of the development including demolition, site clearance and/or construction works, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning

Authority (in consultation with Transport for London). The CEMP shall include (but not be limited to) details relating to all structures:

- (a) any demolition, ground works, (including decontamination)
- (b) scheme for security fencing/hoardings, depicting a readily visible 24-hour contact number for queries or emergencies
- (c) construction and access to the site
- (d) hours of operation
- (e) predicted levels of, means to control/minimise the impact of, and monitoring of noise, odour dust, vibration and smoke
- (f) road cleaning including wheel washing
- (g) suitable pollution prevention measures for the safe storage of fuels, oils and chemicals and the control of sediment laden site discharge to protect water quality including into the Thames during the construction phase
- (h) details of vibro-compaction machinery and a method statement
- (i) details of disposal of waste arising from the construction programme, including final disposal points (the burning of waste on the site at any time is specifically precluded)
- (j) any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority), in order to identify and address potential cumulative environmental effects during the demolition and construction phase.

The CEMP should be in accordance with the GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction', Southwark's Code of Construction Practice, GLA/London Council's Best Practice Guide Dust & Plant Emissions and Mayor of London's emissions standards for NRMM (or any subsequent, replacement code of practice). The development shall be constructed in accordance with the approved management plan. The CEMP shall be implemented as approved and periodically reviewed following environmental audits of its implementation. Results of these audits will be made available to the Local Planning Authority upon request. The CEMP shall be retained and complied with for the duration of the demolition, site clearance and construction process for the relevant element.

Reason:

In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network in accordance with the mitigation identified in the Environmental Statement and to comply with policy P56 Protection of amenity of the Southwark Plan (2022). These details are required prior to demolition in order that the impact on amenities is minimised from the time that the construction starts.

CONSTRUCTION ENVIRONMENTAL PROTECTION

7. There shall be no construction on the site until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects during construction has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The scheme shall be based on Southwark's Code of Construction Practice, GLA/London Council's Best Practice Guide Dust & Plant Emissions and Mayor of London's emissions standards for NRMM (or any subsequent, replacement code of practice) and arrangements for liaison and monitoring set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the construction process but no works in any individual stage shall be

commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme.

Reason:

In the interests of public safety and to ensure a minimal effect on the amenities of neighbouring premises and the transport network, in accordance with London Plan policy T7 Deliveries, servicing and construction and policy P56 Protection of amenity of the Southwark Plan (2022). These details are required prior to construction in order that the impact on amenities is minimised from the time that the construction starts.

CONSTRUCTION LOGISTICS PLAN

8. No construction works shall commence until a Construction Logistics Plan(s) (CLP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The CLP shall include details of:

- (a) the management of all freight vehicle movements to and from the site during construction of the development;
- (b) loading and unloading of plant and materials including vehicle turning areas;
- (c) storage of plant and materials;
- (d) sourcing of materials;
- (e) programme of works (including measures for traffic management and pedestrian safety);
- (f) provision of boundary hoarding, behind any visibility zones of construction traffic routing;
- (g) hours of operation;
- (h) means to prevent deposition of mud on the highway;
- (i) location and height of crane(s) and scaffolding, including crane aircraft safety lighting;
- (j) any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority), in order to identify and address potential cumulative highway effects during the demolition and construction phase.

The CLP shall be prepared in accordance with the Mayor's CLP Guidance dated July 2017, add further detail to the submitted outline construction management plan and shall specifically address the safety of vulnerable road users through compliance with the CLOCS Standard.

As a minimum, all haulage contractors should be FORS (or equivalent) registered and use the highest rated Direct Vision Standard lorries as possible.

The development shall be constructed in accordance with the relevant approved CLP. The CLP shall be implemented as approved and periodically reviewed following audits of its implementation. Results of these audits will be made available to the Local Planning Authority upon request. The CLP shall be retained for the duration of the construction process for the relevant phase.

Reason:

The construction of the scheme is likely to be challenging, given the site access constraints, busy surrounding roads, high numbers of vulnerable users, and

scale of development. To ensure these phases do not raise highway safety or aircraft safety matters by securing the mitigation identified in the Environmental Statement, to accord with policy P50 Highway impacts of the Southwark Plan (2022) and policy T7 Deliveries, servicing and construction of the London Plan (2021).

DEMOLITION OF BUILDINGS

9. Prior to commencement of demolition works to the Georgian terrace, Keats House or the existing office building, a valid construction contract (under which one of the parties is obliged to carry out and complete the works of redevelopment of the site for which planning permission has been granted (or the relevant element of the redevelopment) shall be entered into and evidence of the construction contract shall be submitted to for approval in writing by the Local Planning Authority.

Reason:

To prevent a partial implementation that would leave a gap in the streetscene, to require the reprovision of Keats House and ensuring the replacement walls and roof are constructed to the listed buildings to protect their historic fabric and to maintain the character and appearance of the Borough High Street Conservation Area. In accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021) and P20 Conservation areas of the Southwark Plan (2022).

PROTECTION OF THE GEORGIAN TERRACE, KEATS HOUSE AND CONYBEARE HOUSE FACADES DURING THE WORKS

10. Prior the commencement of development (including any demolition) Method Statement(s) for the protection of the elements of the Georgian terrace that are to be retained, for the protection of the Keats House façades to be retained and relocated, and for the protection of the Conybeare House façade during and after the Keats House removal shall be submitted to and approved in writing by the Local Planning Authority. The Method Statement(s) shall detail how these heritage assets are to be protected and supported during the demolition works, basement excavation works, and construction works, and include the design of any internal and external scaffolding, any temporary roof (including details of all fixings into historic fabric and protection at building interfaces). The works shall not be undertaken otherwise than in accordance with the approved details.

Reason:

In order to ensure the special historic qualities of the listed buildings and Keats House façades are protected, in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021), and policies P19 Listed buildings and structures, P20 Conservation areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

ARCHAEOLOGICAL MITIGATION

11. Prior to the commencement of development (exception for demolition works above ground level) a written scheme of investigation (WSI) for those parts of the site which have archaeological interest shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant

phase. For land that is included within the WSI, no demolition/development/excavation shall take place other than in accordance with the approved WSI which shall include:

- (i) The programme and methodology of site investigation and recording
- (ii) The programme for post-excavation assessment

The archaeological works shall be undertaken in accordance with the approved details. The WSI shall be prepared and implemented by a suitably qualified professionally accredited archaeological practice.

Reason:

In order that the details of the programme of works for the archaeological mitigation (as identified in the Environmental Statement) are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site in accordance with policy P23 Archaeology of the Southwark Plan (2022), policy HC1 Heritage conservation and growth of the London Plan (2021) and the National Planning Policy Framework (2021).

ARCHAEOLOGICAL PUBLIC ENGAGEMENT PROGRAMME

12. a) Prior to commencement of the development (excluding demolition and site investigation works) hereby permitted a Public Engagement Programme shall be submitted to and approved by the Local Planning Authority. The Public Engagement Programme shall set out:

- 1) How the archaeology fieldwork areas will be hoarded to provide opportunities for passers-by to safely view the excavations;
- 2) Drawings (artwork, design, text and materials, including their location and a full specification of the construction) for the public interpretation and presentation display celebrating the historic setting of the site, to be located on suitably visible public parts of the temporary site hoarding;
- 3) Details of at least one event, such as a heritage trail, that will be held during the fieldwork phase (as a minimum this should state the date/time, duration, individuals involved and advance promotional measures for the event, and provide an outline of the content of the event).

b) Prior to the commencement of the archaeology fieldwork, the hoarding shall be installed in full accordance with the approved details referred to in parts a.1 and a.2 of the condition, and the hoarding shall remain as such and in place throughout the archaeology fieldwork phase. During the archaeology fieldwork, the event (referred to in part a.3) shall be carried out.

Reason:

To promote the knowledge and understanding of the archaeological interest of the application site and provide information on the special archaeological and historical interest of this part of Southwark, in accordance with the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021) and P23 Archaeology of the Southwark Plan (2022).

BASEMENT IMPACT ASSESSMENT

13. Prior to the commencement of development, a Basement Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Basement Impact Assessment shall be based upon the topics considered in the submitted Basement Impact Assessment by AKT II dated July 2021, be informed by the site specific geotechnical and fabric investigations undertaken. It

shall include groundwater mitigation measures to protect the underlying aquifer and to minimise the risk of ground water flooding, and details of the underpinning of foundations of the buildings within and adjoining the site as required.

The development shall be undertaken in accordance with the approved Basement Impact Assessment.

Reason:

To minimise the potential for the site to contribute to changes in groundwater conditions, the risk to the underlying aquifer and groundwater flooding in accordance with the Environmental Statement mitigation, Southwark's Basements and Flooding Guide, Appendix I of Southwark's Strategic Flood Risk Assessment (2016), and policy P68 Reducing flood risk of the Southwark Plan (2022), and to support the historic buildings during the basement excavation work.

LONDON UNDERGROUND ASSET PROTECTION

14. Prior to the commencement of development, including demolition, detailed design and method statements shall be submitted to and approved in writing by the Local Planning Authority (in consultation with London Underground) which:
 - provide demolition and construction details of all structures, details of all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) for each stage of the development;
 - accommodate the location of the existing London Underground structures and tunnels;
 - accommodate ground movement arising from the construction thereof;
 - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

The development shall thereafter be carried out in all respects in accordance with the approved design and method statements, and all structures and works comprised within the development hereby permitted which are required by the approved design statements in order to procure the matters mentioned in this condition shall be completed in their entirety, before any part of the building hereby permitted is occupied.

Reason:

To ensure that the development does not impact on existing London Underground transport infrastructure, in accordance with policy T3 Transport capacity, connectivity and safeguarding of the London Plan (2021) and 'Land for Industry and Transport' Supplementary Planning Guidance (2012).

SITE WASTE MANAGEMENT PLAN

15. No works shall commence until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Site Waste Management Plan shall include details of how waste for each phase will be reused, recycled and/or disposed of and managed during demolition and construction. The development shall be carried out in accordance with the approved Site Waste Management Plan.

Reason:

In the interest of promoting waste reduction and protecting the amenity of the site as mitigation identified in the Environmental Statement in accordance with policies SI7 Reducing waste and supporting the circular economy of the London Plan (2022) and P62 Reducing waste of the Southwark Plan (2022).

PILING

16. No piling or any other foundation designs using penetrative methods shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, demonstrating there is no resultant unacceptable risk to groundwater, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water and the Environment Agency). Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason:

The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. The proposed works will also be in close proximity to underground water utility infrastructure. Piling has the potential to impact on local underground water utility infrastructure. Mitigation has been identified in the Environmental Statement. To ensure that the development does not harm groundwater resources in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

HIGHWAY PROTECTION

17. No development shall take place (except for demolition to ground level) until a design and method statement detailing how the public highways adjoining the site are to be protected during the excavation and construction of the foundations and basement structures of the development have been submitted to and approved by the Local Planning Authority. The detailed design and method statements (AIP) for any proposed foundations and basements structures (temporary and/or permanent) retaining the highway shall demonstrate accordance with CG 300 'Technical Approval of Highway Structures'. The excavation, foundation and construction works shall be undertaken in accordance with the approved statement.

Reason:

To protect the structural integrity of the pavements and roadways during the excavation and construction of the development, and to accord with policy P50 Highway impacts of the Southwark Plan (2022).

SITE CONTAMINATION

18. Prior to the commencement of development, (or such other date or stage in development as may be agreed in writing with the Local Planning Authority) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency):

- 1) A site investigation scheme, based on the Preliminary Environmental Risk Assessment' (PERA) by Waterman (reference WIE11375-103-R-3.1.4-RJM dated April 2021), to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- 3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason:

For the protection of Controlled Waters. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution in line with the National Planning Policy Framework (2021) paragraph 183 and policy P63 Contaminated land and hazardous substances of the Southwark Plan (2022). The site is located over a Secondary Aquifer and it is understood that the site may be affected by historic contamination.

DRAINAGE STRATEGY

19. Prior to the commencement of development (excluding demolition), details of the proposed surface water drainage system incorporating Sustainable Drainage Systems (SuDS) shall be submitted to and approved in writing by the Local Planning Authority, including detailed design, size and location of attenuation units and details of flow control measures. The strategy should achieve rates limited to the greenfield rate (unless otherwise agreed by the Local Planning Authority) and a reduction in surface water runoff rates during the 1% Annual Exceedance Probability (AEP) event plus climate change allowance. The applicant must demonstrate that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows, and set out the maintenance responsibilities of the site owner.

The site drainage must be constructed in accordance with the approved details.

Reason:

To minimise the potential for the site to contribute to surface water flooding, as identified in the Environmental Statement, and to accord with policy SI 13 Sustainable drainage of the London Plan (2021) and policy P68 Reducing flood risk of the Southwark Plan (2022).

SECURED BY DESIGN

20. a) The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development, in accordance with the principles and objectives of Secured by Design. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development and shall be implemented in accordance with the approved details prior to occupation of

the relevant phase.

b) Prior to first occupation of the relevant phase a satisfactory Secured by Design inspection must take place and the resulting Secured by Design certificate submitted to and approved in writing by the Local Planning Authority.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework (2021), policy P16 Designing out crime of the Southwark Plan (2022) and D11 Safety, security and resilience to emergency of the London Plan (2021).

HOSTILE VEHICLE MITIGATION

21. Prior to the commencement of development (with the exception of demolition works), details of the proposed hostile vehicle mitigation on St Thomas Street between the Georgian terrace and Keats House and along the site boundary with Kings Head Yard are to be submitted to and approved in writing by the Local Planning Authority. The specification of the accredited vehicle security barriers shall be informed by a vehicle dynamics assessment by a suitably qualified specialist listed on the Register of Security Engineers and Specialists and shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Metropolitan Police). The development shall then be implemented in accordance with the approved details and maintained thereafter.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework (2021), policy D11 Safety, security and resilience to emergency of the London Plan (2021) and policy P16 Designing out crime of the Southwark Plan (2022).

BLAST MITIGATION IMPACT ASSESSMENT

22. Prior to the commencement of development (with the exception of demolition works), a Blast Mitigation Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Metropolitan Police). The development shall incorporate such measures as are necessary within the site to mitigate the blast impact, details of which shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Metropolitan Police) before any construction works thereby affected are begun. The development shall be implemented in accordance with the approved details and shall be retained in place for the life of the building unless otherwise agreed in writing by the Local Planning Authority.

Reason:

In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention, in accordance with the National Planning Policy Framework (2021), policy D11 Safety, security and resilience to emergency of the London Plan (2021) and policy P16 Designing out crime of the Southwark Plan (2022).

FULL FIBRE CONNECTIVITY

23. Prior to the commencement of development (with the exception of demolition works), detailed plans shall be submitted to and approved in writing by the Local Planning Authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development. The development shall be carried out in accordance with these plans.

Reason:

To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness in accordance with policy SI6 Digital connectivity infrastructure of the London Plan (2021).

WHOLE LIFE CARBON

24. (a) Prior to the commencement of development (including demolition) a Whole Life-Cycle Carbon Assessment demonstrating compliance with Part F of Policy SI 2 "Minimising greenhouse gas emissions" of the London Plan (2021), shall be submitted and approved in writing by the Local Planning Authority. This assessment shall develop a strategy for the implementation of whole life cycle carbon principles in both the approved buildings' and the site's construction, operational and demolition phases. The development shall be carried out in accordance with the approved details.

(b) Within 12 months of first occupation of the development, an updated Whole Life-Cycle Carbon Assessment demonstrating compliance with Part F of policy SI 2 "Minimising greenhouse gas emissions" of the London Plan (2021), shall be submitted and approved in writing by the Local Planning Authority. This assessment should calculate updated whole life-cycle carbon emissions through a nationally recognised Whole Life-Cycle Carbon Assessment based on actual emissions. The updated assessment should evidence what actions have been taken in implementing the development to reduce whole life-cycle carbon emissions, including assessment and evidencing of the recommendations set out in the approved pre-commencement Whole Life-Cycle Carbon Assessment.

Reason:

To maximise the reduction in greenhouse gas emissions and to minimise peak and annual energy demand in compliance with policy SI2 Minimising greenhouse gas emissions of the London Plan (2021).

CIRCULAR ECONOMY

25. (a) Prior to the commencement of development (including demolition) a Circular Economy Statement demonstrating compliance with Part B of Policy SI 7 'Reducing waste and supporting the circular economy' of the London Plan (2021) and including measures for monitoring and reporting against the targets within the Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority. The Statement shall develop a strategy for implementing the London Plan's circular economy principles in the approved building structures and the site's operational phase, in addition to developing an end-of-life strategy for the development according to circular economy principles, including disassembly and deconstruction. The development shall be carried out in accordance with the approved details.

(b) No later than three months following substantial completion of the

development hereby consented, a Post Completion Circular Economy Report setting out the predicted and actual performance against all numerical targets in the relevant Planning Stage Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority.

Reason:

To promote resource conservation, waste reduction, material re-use, recycling and reduction in material being sent to land fill in compliance with policies GG6 Increasing efficiency and resilience and SI 7 Reducing waste and supporting the circular economy of the London Plan (2021).

HARD AND SOFT LANDSCAPING

26. Prior to the commencement of development (excluding demolition), detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials of any parking, access, or pathways layouts, materials and edge details) and including the roof terraces, planted balconies and green walls (planting, soil volume, irrigation and fixings) shall be submitted to and approved in writing by the Local Planning Authority. The measures set out in the submitted urban greening factor calculation (in the Landscaping Strategy Addendum) to achieve a score of at least 0.44 shall be detailed and implemented in full. The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use.

The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works and prior to first occupation of the development.

Any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced by specimens of the same size and species in the first suitable planting season. Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance recommendations for maintenance of soft landscape (other than amenity turf).

Reason:

So that the Local Planning Authority may be satisfied with the details of the landscaping scheme and to ensure an attractive, functional public garden space that is of public benefit, in accordance with the National Planning Policy Framework (2021), policies SI 4 Managing heat risk, SI 13 Sustainable drainage, G1 Green infrastructure, G5 Urban greening, D8 Public realm and D9 Tall buildings of the London Plan (2021), policies P13 Design of places, P14 Design quality and P17 Tall buildings of the Southwark Plan (2022). Landscaping is necessary to mitigate the anticipated wind conditions detailed in the Environmental Statement, and needs to be in place prior to first occupation of the development, in accordance with policy D9 Tall buildings of the London Plan (2021) and policy P17 Tall buildings of the Southwark Plan (2022).

TREE PLANTING

27. Prior to the commencement of development (excluding demolition), details of all proposed tree planting shall be submitted to and approved in writing by the Local

Planning Authority. This will include tree pit cross sections, soil volumes, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period, and programme for the timing of the planting. All tree planting shall be carried out in accordance with the approved details and timing and shall be completed prior to the first occupation of the development. Planting shall comply with BS5837: Trees in relation to demolition, design and construction (2012) and BS: 4428 Code of practice for general landscaping operations.

If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season, unless the Local Planning Authority gives its written consent to any variation.

Reason:

To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity, in addition to the attenuation of surface water runoff, and in accordance with the National Planning Policy Framework (2021), policy G7 Trees and woodland of the London Plan (2021), policies P13 Design of places and P61 Trees of the Southwark Plan (2022). Tree planting is necessary to mitigate the anticipated wind conditions detailed in the Environmental Statement, and needs to be in place prior to first occupation of the development, in accordance with policy D9 Tall buildings of the London Plan (2021) and policy P17 Tall buildings of the Southwark Plan (2022).

CYCLE PARKING FOR STAFF

28. Prior to the commencement of development, details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles, and staff facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the type of cycle stands, the provision for larger accessible cycles, along with the shower facilities, the cycle lift access, and cycle ramp.

The cycle parking facilities shall be provided in accordance with the approved details prior to first occupation of the development, be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Unless otherwise approved in writing by the Local Planning Authority, changing facilities and showers, including no fewer than 79 showers and 515 lockers, shall be provided in accordance with the drawings hereby approved and retained throughout the life of the building for the use of occupiers of the building.

Reason:

To make travel by bicycle more convenient in order to encourage greater use of bicycles by commuters in accordance with the National Planning Policy Framework (2021), policies D5 Inclusive design and T5 Cycling of the London Plan (2021) and policy P53 Cycling of the Southwark Plan (2022).

Part 3: Above grade conditions – site-wide

BIRD BOXES

29. Before any above grade work begins, details of bird nesting boxes/bricks shall be submitted to and approved in writing by the Local Planning Authority. No fewer than 18 nesting boxes/bricks shall be provided and the details shall include the exact location, specification and design of the habitats. The boxes/bricks shall be installed with the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained.

The nesting boxes/bricks shall be installed strictly in accordance with the details so approved, shall be maintained as such thereafter.

A post completion assessment confirming the nest/roost features have been installed to the agreed specification shall be submitted to the Local Planning Authority within three months of first occupation of the building of which they form part.

Reason:

To ensure the development contributes towards creation of habitats and valuable areas for biodiversity in accordance with Section 15 Conserving and enhancing the natural environment of the National Planning Policy Framework (2021), policy G6 Biodiversity and access to nature of the London Plan (2021) and P60 Biodiversity of the Southwark Plan (2022).

PUBLIC REALM MANAGEMENT PLAN

30. Before any above grade work begins, a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules (for all landscaped areas, trees, green walls, terrace planting, roof terraces and ecological features), shall be submitted to and approved in writing by the Local Planning Authority. The management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

Reason:

This condition is necessary to ensure the management of the public realm and to secure opportunities for the enhancement of the nature conservation value of the site, in accordance with the NPPF (2021), policies D8 Public realm, G1 Green infrastructure, G5 Urban greening and G6 Biodiversity and access to nature of the London Plan (2021). It is a mandatory criteria of BREEAM (LE5) to monitor long term impact on biodiversity, a requirement is to produce a landscape and habitat management plan.

CYCLE PARKING FOR VISITORS

31. Prior to the commencement of any works above grade of the approved building, and notwithstanding the cycle parking indicated on the approved ground floor drawings, details (1:50 scale drawings) of the cycle parking facilities to be provided for visitors shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the type cycle stands, their locations, provision for larger accessible cycles, and arrangement for accessing any visitor parking proposed within the basement of the tower building.

The cycle parking facilities for visitors shall be provided in accordance with the approved details prior to first occupation of the development, be retained and the space used for no other purpose and the development shall not be carried out otherwise in accordance with any such approval given.

Reason:

In order to ensure that satisfactory safe and secure cycle parking facilities are provided and retained in order to encourage the use of cycling as an alternative means of transport to the development and to reduce reliance on the use of the private car in accordance with the National Planning Policy Framework (2021), policy T5 Cycling of the London Plan (2021) and policy P53 Cycling of the Southwark Plan (2022).

Part 4: Prior to occupation conditions – site-wide

VERIFICATION REPORT

32. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy (approved pursuant to condition 18) and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency). The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the Local Planning Authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason:

Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use. To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

THAMES WATER – WATER NETWORK INFRASTRUCTURE

33. No development shall be occupied until documentary evidence has been submitted to and approved in writing by the Local Planning Authority that Thames Water has provided confirmation that either:
1. all water network upgrades required to accommodate the additional flows to serve the development have been completed;
- Or:
2. a development and infrastructure phasing plan has been agreed with Thames Water to allow additional properties to be occupied.

Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed infrastructure phasing

plan.

Reason:

The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. The condition is necessary to ensure compliance with policy SI5 Water infrastructure of the London Plan (2021) and IP1 Infrastructure of the Southwark Plan (2022).

PROVISION OF REFUSE STORAGE AND STRATEGY

34. a) The refuse stores shall be provided in accordance with the approved plans and be made available for use prior to the occupation of the development and retained as such thereafter.

b) Prior to the occupation of the development a detailed refuse management strategy including details of a refuse holding area shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details thereby approved.

Reason:

To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the site and the area in general from litter, odour and potential vermin/pest nuisance in accordance with Sections 8 Promoting healthy and safe communities and 12 Achieving well-designed places of the National Planning Policy Framework (2021), and policies P56 Protection of amenity and P2 Reducing waste of the Southwark Plan (2022).

FLOOD RISK MANAGEMENT

35. Prior to the occupation of the development, a flood risk management plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall confirm that the site will be registered for the flood warning system, and how the site's facilities management would deploy the temporary flood protection measures in the event of an expected flood. The site shall be operated in accordance with the approved flood risk management plan.

Reason:

To reduce the flood risk for future occupiers, in accordance with policy SI2 Flood risk management of the London Plan (2021) and P68 Reducing flood risk of the Southwark Plan (2022).

Part 5: Compliance conditions – site-wide

APPROVED DEVELOPMENT

36. The quantum of built floorspace for the development shall be as specified below.

The uses within the tower building hereby permitted are limited to the following maximum floor areas and at the identified floor levels

- Office (Class E(g)(i)) – basement to level 23 – 49,139sqm GEA
- Retail (Class E(a)) or office (Class E(g)(i)) – ground and mezzanine – 358sqm GEA

- Restaurant and café (Class E(b)) – level 24 – 450sqm GEA
- Ancillary plant and servicing space at basement and ground levels, and roof levels 24 to 26.

The uses within the Keats House building hereby approved are limited to the following maximum floor areas and at the identified floor levels:

- Office (Class E(g)(i)) – lower ground to level 02 – 487sqm GEA

The uses within the Georgian terrace hereby approved are limited to the following maximum floor areas and at the identified floor levels:

- Office (Class E(g)(i)) – lower ground to level 02 – 1,847sqm GEA

No more than 2 car parking space and 2 loading bays shall be provided in the development. The 2 car parking spaces suitable for use by people with disabilities shall be provided in accordance with the drawings hereby approved and shall be retained throughout the life of the building and be readily available for use by disabled occupiers and visitors without charge to the individual end users of the parking.

The development must be undertaken in accordance with this description of development and quantum of built floorspace.

Reason:

To ensure that the development is carried out in accordance with the approved drawings, documents and the Environmental Statement.

RESTRICTION ON USE CLASS

37. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment of enactment of those Orders), and notwithstanding the uses within Class E, the development shall be used only for the following purposes:
- the office floorspace hereby approved shall be used for Use Class E(g)(i) office purposes only;
 - the flexible office/retail floorspace at ground and mezzanine levels of the tower building shall be used for Use Class E(g)(i) office or E(a) retail purposes only;
 - the restaurant floorspace in the tower building at levels 24 and 25 shall be used for Use Class E(b) restaurant and café purposes only;
 - the public rooftop garden (and its associated ground floor entrance and lift access) shall be used as a public garden only;
 - the ancillary floorspace within the basement and at roof levels shall be used for ancillary purposes to the above listed uses only;

unless otherwise agreed by way of a formal application for planning permission.

Reason:

In order to ensure that the site provides the proposed office, retail, leisure and combined office and community space for this site within the Central Activities Zone, Opportunity Area and town centre in line with the submitted application, its Environmental Statement and its assessment. Other uses within the same Use Classes may have different impacts than those assessed within the Environmental Statement and application.

UNEXPECTED CONTAMINATION

38. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason:

There is always the potential for unexpected contamination to be identified during development groundworks. To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

SURFACE WATER DRAINAGE/INFILTRATION

39. No drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the Local Planning Authority in advance of the system's installation, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater. This is in line with the National Planning Policy Framework (2021) paragraph 183, and policy P64 Contaminated land and hazardous substances of the Southwark Plan (2022).

FLOOD RISK

40. The development hereby permitted shall be carried out in accordance with the recommendations of the approved New City Court Flood Risk Assessment 09/07/2021, unless a revised flood risk assessment is submitted to and approved in writing by the Local Planning Authority prior to the relevant works being carried out.

Reason:

To ensure the development is designed safely in reference to flood risk, in accordance with policy SI2 Flood risk management of the London Plan (2021) and P68 Reducing flood risk of the Southwark Plan (2022).

OPENING HOURS

41. The retail, café, restaurant, and roof garden uses of the development hereby permitted shall not be open to customers or visitors between the hours of 23:00 on one day and 07:00 on the following day.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of

amenity by reason of noise nuisance in accordance with the National Planning Policy Framework 2021 and policy P56 Protection of amenity of the Southwark Plan (2022).

HOURS OF USE OF TERRACES

42. Other than for maintenance purposes, repair purposes or means of escape, the terraces and balconies of the tower building hereby approved shall not be used outside of the following hours: 08:00 - 22:00 on Mondays to Fridays.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance in accordance with the National Planning Policy Framework 2021 and policy P56 Protection of amenity of the Southwark Plan (2022).

WINDOWS

43. Unless agreed pursuant to a condition on this permission, the approved window openings to the tower building, Keats House building and Georgian terrace building hereby approved shall be clear glass and shall not be painted, covered or otherwise obscured or obstructed without prior written consent of the Local Planning Authority.

Reason:

In order that the Local Planning Authority may be satisfied as to the design of these buildings, in the interest of their appearance and the frontages remain active and retaining a relationship with the public realm and streets in accordance with policies D4 Good quality design of the London Plan (2021) and P14 Design quality of the Southwark Plan (2022).

RESTRICTION ON THE INSTALLATION OF ROOF PLANT

44. No roof plant, equipment or other structures, other than as shown on the plans hereby approved or approved pursuant to a condition of this permission, shall be placed on the roof(s) or be permitted to project above the roofline of any part of the buildings as shown on elevational drawings or shall be permitted to extend outside of the roof plant enclosures of any buildings hereby permitted.

Reason:

In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building, the visual amenity of the area and LVMF view in accordance with the National Planning Policy Framework (2021), policy HC4 London View Management Framework of the London Plan (2021), and policy P14 Design Quality of the Southwark Plan (2022).

RESTRICTION ON THE INSTALLATION OF TELECOMMUNICATIONS EQUIPMENT

45. Notwithstanding the provisions of Schedule 2 Part 16 The Town and Country Planning (General Permitted Development) Order 2015 (as amended or re-enacted) no external telecommunications equipment or structures shall be placed on the roof or any other part of a building hereby approved.

Reason:

In order to ensure that no telecommunications plant or equipment which might be

detrimental to the design and appearance of the building, visual amenity of the area or LVMF view is installed on the roof of the building in accordance with: the National Planning Policy Framework (2021), HC4 London View Management Framework of the London Plan (2021), and policy P14 Design quality of the Southwark Plan (2022).

FIRE SAFETY

46. The development hereby permitted shall be carried out in accordance with the Fire Statement by CBDSP dated April 2021, unless a revised fire statement is submitted to and approved in writing by the Local Planning Authority prior to the relevant works being carried out.

Reason:

In order to ensure that the fire safety of the proposed development has been duly considered, as required by policy D12 Fire safety of the London Plan (2021).

Part 6: Other trigger conditions – site wide

ARCHAEOLOGY REPORTING SITE WORK

47. Within six months of the completion of archaeological site works, an assessment report detailing the proposals for post-excavation works, publication of the site findings and preparation of an archive for the archaeological findings shall be submitted to and approved in writing by the Local Planning Authority. The works detailed in this assessment report shall be carried out in accordance with any such approval given, and publication of the site findings shall be undertaken prior to the first occupation of the development.

Reason:

In order that the archaeological interests of the site are secured with regard to the details of the post-excavation works, publication and archiving to ensure the preservation of archaeological remains by record in accordance with P23 Archaeology of the Southwark Plan (2022), HC1 Heritage conservation and growth of the London Plan (2021) and the National Planning Policy Framework (2021).

PLANT NOISE

48. The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise sensitive premises. Furthermore, the Specific plant sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific Sound levels shall be calculated fully in accordance with the methodology of BS 4142:2014.

Prior to the plant being commissioned a validation test shall be carried out following completion of the development. The results along with details of any acoustic mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The plant and equipment shall be installed, constructed and operated in accordance with the approval given and shall be permanently maintained thereafter.

Reason:

To ensure that occupiers of neighbouring premises do not suffer a loss of

amenity by reason of noise nuisance or the local environment from noise creep due to plant and machinery in accordance with policy P56 Protection of amenity of the Southwark Plan (2022).

SECURITY EQUIPMENT

49. Details of the lighting (including: design; power and position of luminaries; light intensity contours) of external areas and security surveillance equipment shall be submitted to and approved by the Local Planning Authority prior to the installation of any such equipment. Prior to the external lighting being commissioned for use, a validation report to confirm the lighting levels are in accordance with the approved details shall be submitted to the Local Planning Authority for approval in writing. The development shall not be carried out or operated otherwise than in accordance with any such approval given. Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance Note 1 for the reduction of obtrusive light (2020).

Reason:

In the interest of the security of the development, the visual amenity of the area, the amenity and privacy of adjoining occupiers, and their protection from light nuisance, in accordance with the National Planning Policy Framework (2021), policy D11 Safety, security and resilience to emergency of the London Plan (2021) and P56 Protection of amenity of the Southwark Plan (2022).

Part 7: Tower building specific conditions

FIRE EVACUATION LIFT

50. Prior to commencement of the tower building (except demolition), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of at least one lift per core (or more subject to capacity assessments) will be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the tower building. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

Reason:

In the interests of fire safety and inclusive design, in accordance with policy D5 Inclusive design of the London Plan (2021).

SCREENING WINDOWS

51. Prior to the commencement of any works above grade of the tower building, details of how the windows in the south-western corner of the tower (facing to the south, south-west and west) at mezzanine, first, second and third floors of the tower building are to be designed with obscured glazing, screens or some other means to prevent views out towards the neighbouring residential properties, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

Reason:

In the interest of neighbour amenity, in accordance with policy P56 Protection of amenity of the Southwark Plan (2022).

MATERIALS

52. Prior to the commencement of any works above grade for the tower building, samples of all facing materials for the tower building shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order that the Local Planning Authority may be satisfied as to the design, details and to minimise solar glare from the façades in accordance with policies D4 Delivering good design and D9 Tall buildings of the London Plan (2021), and policies P14 Design quality and P17 Tall buildings of the Southwark Plan (2022).

DETAILED DRAWINGS - TOWER

53. Prior to the commencement of any works above grade of the tower building, the following details shall be submitted to and approved in writing by the Local Planning Authority:

a) 1:200 contextual drawings of the tower's elevations showing the locations of the relevant features listed in part b) and;

b) 1:10 or 1:5 scale elevation, plans and cross-sections of:

- 1) windows,
- 2) doors,
- 3) terrace screens and balustrades,
- 4) louvres,
- 5) roof plant screening,
- 6) roof garden level restaurant façade,
- 7) roof garden level pavilion,
- 8) circular pavilion to level 24, and
- 9) colonnade columns, fenestration and doors.

The development shall not be carried out otherwise than in accordance with the approved details and retained thereafter.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with policies D4 Good quality design and D9 Tall buildings of the London Plan (2021), and P14 Design quality and P17 Tall buildings of the Southwark Plan (2022).

MOCK UP

54. Sample section façade visual “mock ups” as representative bays of the tower building's façade(s) constructed to 1:1 scale shall be presented on site and approved in writing by the Local Planning Authority before any construction work above grade of the approved tower building. The visual “mock ups” shall be constructed in the proposed materials and finishes and shall include a representative bay of the tower building approximately 7m wide by 5m high showing the floors and typical window. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order that the Local Planning Authority may be satisfied as to the design detailing of this tall building in accordance with policy D4 Delivering good design of the London Plan (2021), and policies P14 Design quality and P17 Tall

buildings of the Southwark Plan (2022).

TV, RADIO AND TELECOMMS IMPACTS

55. Before any above grade work for the tower building begins, details of how the impact of the tower within the development on television, radio and other telecommunications services will be assessed, the method and results of surveys carried out, and the measures to be taken to rectify any problems identified due to the development shall be submitted to and approved in writing by the Local Planning Authority. The premises shall not be occupied until any such mitigation measures as may have been approved have been implemented.

Reason:

In order to ensure that any adverse impacts of the development on reception of properties in the area is identified and resolved satisfactorily in accordance with the National Planning Policy Framework (2021), D9 Tall buildings of the London Plan (2021), and P17 Tall buildings of the Southwark Plan (2022).

WIND MITIGATION

56. Before any above grade work for the tower building begins, details of the wind mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. Such wind mitigation measures shall include: tree planting within the ground floor public realm; tree planting and raised landscaping; porous screening attached to the tower. The development shall be constructed in accordance with the approved wind mitigation measures prior to first occupation of the tower building, and the mitigation measures retained as such.

Reason:

So that the Local Planning Authority may be satisfied with the mitigation for wind conditions detailed in the Environmental Statement which needs to be in place prior to first occupation, to accord with policies D8 Public realm and D9 Tall buildings of the London Plan (2021), P13 Design of places and P17 Tall buildings of the Southwark Plan (2022).

COMMERCIAL KITCHEN EXTRACT VENTILATION – TOWER

57. Prior to the commencement of any works above grade of the approved tower building, full particulars and details of a scheme for the extraction and venting of odours, fats and particulate matter from the cooking activities of the commercial kitchen(s) shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out otherwise than in accordance with any approval given.

Reason:

In order to ensure that that the necessary ventilation, ducting and ancillary equipment are installed during the construction in the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building in accordance with the National Planning Policy Framework (2021) and P56 Protection of Amenity of the Southwark Plan (2022).

BREEAM REPORT AND POST CONSTRUCTION REVIEW - TOWER

58. (a) Before any fit out works to the tower building begin, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve an

'excellent' rating, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;

(b) Before the first occupation of the tower building hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the tall building proposal achieves the exemplary sustainability standards included in the proposed scheme and complies with Section 14 Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework (2021), policies SI 2 Minimising greenhouse gas emissions and SI5 Water infrastructure of the London Plan (2021), and policy P69 Sustainability standards of the Southwark Plan (2022).

CAR PARKING MANAGEMENT

59. Prior to the first occupation of the tower building, a Parking Management Plan detailing access arrangements for the two accessible car parking spaces, the provision of electric vehicle charging facilities to both spaces, how the accessible parking spaces are to be allocated (if at all) for occupiers and visitors of the development, and the routes for people from the parking spaces into the tower building shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved Plan. No other car parking shall be provided on site unless agreed in advance by the Local Planning Authority in writing.

Reason:

To ensure adequate provision for wheelchair accessible parking spaces and convenient access, in accordance with policies D5 Inclusive design, T6 Car parking and T6.2 Office parking of the London Plan (2021).

Part 8: Keats House specific conditions

KEATS HOUSE FAÇADES AND CONYBEARE HOUSE

60. (a) No demolition of Keats House shall commence until a Façade Relocation Plan has been submitted to and approved in writing by the Local Planning Authority. The Façade Relocation Plan shall detail the methodology and specification for how the historic façades are to be moved over, repaired and restored, or how they are to be dismantled, reconstructed, repaired and restored. If the façades are to be dismantled high level recording of the existing facades is to be included, as well as the specification for how the structure will be dismantled, stored, and reassembled in its restored and repaired state shall be included in the Façade Relocation Plan. The works to Keats House shall be carried out only accordance with the approved Façade Relocation Plan.
- (b) No demolition of Keats House shall commence until details of how those parts of Conybeare House that would be exposed by the Keats House removal are to be made weather-tight and protected during the demolition and construction works. The works to Keats House and Conybeare House shall be undertaken in accordance with the approved details.

Reason:

To retain the historic fabric of the Keats House heritage asset, to ensure its reprovion and restoration as a key feature of the streetscene which adds to the character of the Borough High Street Conservation Area, and to protect the historic fabric of Conybeare House to accord with policy HC1 Heritage conservation and growth of the London Plan (2021) and policies P20 Conservation Areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

FIRE EVACUATION LIFT

61. Prior to commencement of Keats House development (except demolition), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of at least one lift per core (or more subject to capacity assessments) will be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

Reason:

In the interests of fire safety and inclusive design, in accordance with policy D5 Inclusive design of the London Plan (2021).

MATERIAL SAMPLES – KEATS HOUSE

62. Prior to the commencement of any works for Keats House above grade (excluding demolition), the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a) samples of all facing materials including the roof, parapets, brick, window frames and doors, and servicing yard entrance.
 - b) 1sqm sample panel of brickwork, mortar and pointing for the western and southern elevations.
 - d) Samples of the brick, stone and other materials for the external repairs to the relocated historic façades.

The development of Keats House shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details, and how they relate to the historic façades, in accordance with policy D4 Delivering good design of the London Plan (2021), and policies P14 Design quality, P20 Conservation Areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

DETAILED DRAWINGS – Keats House

63. Prior to the commencement of any works for Keats House (except for demolition), the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a) 1:10 and 1:20 scale details of all fenestration;
 - b) 1:10 and 1:20 scale details of all doors;
 - c) 1:10 and 1:20 scale details of the parapet to the new elevations
 - d) 1:20 and 1:50 scale details of the servicing yard entrance and associated

gate/barrier.

The development shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order that the Local Planning Authority may be satisfied as to the design and details in accordance with policy D4 Good quality design of the London Plan (2021), and policies P14 Design quality, P20 Conservation Areas and P21 Conservation of the historic environment and natural heritage of the Southwark Plan (2022).

64. BREEAM REPORT AND POST CONSTRUCTION REVIEW - Keats House
- (a) Before any fit out works to the Keats House building hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve an 'excellent' rating, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
- (b) Before the first occupation of the Keats House building hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the tall building proposal achieves the exemplary sustainability standards included in the proposed scheme and complies with Section 14 Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework (2021), policies SI 2 Minimising greenhouse gas emissions and SI5 Water infrastructure of the London Plan (2021), and policy P69 Sustainability standards of the Southwark Plan (2022).

Part 9: Georgian terrace specific conditions

65. MATERIAL SAMPLES – GEORGIAN TERRACE
- Prior to the commencement of any works to the Georgian terrace (excluding demolition), the following details shall be submitted to and approved in writing by the Local Planning Authority:
- a) 1sqm sample panel of brickwork, mortar and pointing for the approved extensions.
 - b) Samples of the brick, slate and other materials for the external repairs.
 - c) Samples of the material of the gates and passageway surfaces between nos. 8 and 10 St Thomas Street.

The development shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021), and P19 Listed Buildings and structures of the Southwark Plan (2022).

66. BREEAM REPORT AND POST CONSTRUCTION REVIEW – Georgian terrace.
- (a) Before any fit out works to the Georgian terrace hereby authorised begins, an independently verified BREEAM report (detailing performance in each category, overall score, BREEAM rating and a BREEAM certificate of building performance) to achieve an 'excellent' rating, shall be submitted to and approved in writing by the Local Planning Authority and the development shall not be carried out otherwise than in accordance with any such approval given;
- (b) Before the first occupation of the Georgian terrace building hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards at (a) have been met.

Reason:

To ensure the tall building proposal achieves the exemplary sustainability standards included in the proposed scheme and complies with Section 14 Meeting the challenge of climate change, flooding and coastal change of the National Planning Policy Framework (2021), policies SI 2 Minimising greenhouse gas emissions and SI5 Water infrastructure of the London Plan (2021), and policy P69 Sustainability standards of the Southwark Plan (2022).

Appendix 3

List of Conditions Should Listed Building Consent be Granted

In the event the Inspector is minded to recommend the scheme for approval, the Council asks that the following conditions be included on the listed building consent and with these drawings listed:

20065_G_(00)_P119	Georgian Townhouses Proposed Lower Ground Floor Plan	P02
20065_G_(00)_P120	Georgian Townhouses Proposed Ground Floor Plan	P01
20065_G_(00)_P121	Georgian Townhouses Proposed First Floor Plan	P01
20065_G_(00)_P122	Georgian Townhouses Proposed Second Floor Plan	P01
20065_G_(00)_P123	Georgian Townhouses Proposed Third Floor Plan	P01
20065_G_(00)_P125	Georgian Townhouses Proposed Roof Floor Plan	P01
20065_G_(00)_P201	Georgian Townhouses Proposed North Elevation	P01
20065_G_(00)_P202	Georgian Townhouses Proposed East Elevation	P01
20065_G_(00)_P203	Georgian Townhouses Proposed South Elevation	P01
20065_G_(00)_P301	Georgian Townhouses Proposed Section A-A	P01
20065_G_(00)_P302	Georgian Townhouses Proposed Section B-B	P01
20065_G_(00)_P304	Georgian Townhouses Proposed Section DD - no.16	P02
20065_G_(00)_P305	Georgian Townhouses Proposed Section EE - no.14	P02
20065_G_(00)_P306	Georgian Townhouses Proposed Section FF - no.10	P02
20065_G_(00)_P307	Georgian Townhouses Proposed Section GG - no.4	P02
20065_G_(00)_P308	Georgian Townhouses Proposed Section HH - no.4	P02
20065_G_(00)_P309	Georgian Townhouses Proposed Section JJ - no.12	P02
20065_G_(00)_P401	Georgian Townhouses Proposed Vault	P01
20065_G_(12)_P119	Georgian Townhouses Lower Ground Floor Demolition Plan	P01
20065_G_(12)_P120	Georgian Townhouses Ground Floor Demolition Plan	P01
20065_G_(12)_P121	Georgian Townhouses First Floor Demolition Plan	P01
20065_G_(12)_P122	Georgian Townhouses Second Floor Demolition Plan	P01
20065_G_(12)_P123	Georgian Townhouses Third Floor Demolition Plan	P01
20065_G_(12)_P125	Georgian Townhouses Roof Floor Demolition Plan	P01
20065_G_(12)_P201	Georgian Townhouses North Elevation Demolition	P01
20065_G_(12)_P202	Georgian Townhouses East Elevation Demolition	P01
20065_G_(12)_P203	Georgian Townhouses South Elevation Demolition	P01
20065_G_(12)_P401	Georgian Townhouses Vaults Demolition	P01
20065_X_(12)_P119	Demolition Scope of Existing Level LG Plan	P01
20065_X_(12)_P120	Demolition Scope of Existing Level 00 Plan	P01
20065_X_(12)_P121	Demolition Scope of Existing Level 01 Plan	P01
20065_X_(12)_P122	Demolition Scope of Existing Level 02 Plan	P01
20065_X_(12)_P123	Demolition Scope of Existing Level 03 Plan	P01
20065_X_(12)_P124	Demolition Scope of Existing Level 04 Plan	P01
20065_X_(12)_P125	Demolition Scope of Existing Lower Roof Plan	P01

20065_X_(12)_P126	Demolition Scope of Existing Upper Roof Plan	P01
20065_X_(12)_P201	Demolition Scope of Existing Elevation 01	P01
20065_X_(12)_P202	Demolition Scope of Existing Elevation 02	P01
20065_X_(12)_P203	Demolition Scope of Existing Elevation 03	P01
20065_X_(12)_P205	Demolition Scope of Existing Elevation 05	P01
20065_X_(12)_P206	Demolition Scope of Existing Elevation 06	P01
20065_X_(12)_P207	Demolition Scope of Existing Elevation 07	P01
20065_X_(12)_P301	Demolition Scope of Existing Section A-A	P01
20065_X_(12)_P302	Demolition Scope of Existing Section B-B	P01
20065_X_(12)_P303	Demolition Scope of Existing Section C-C	P01
20065_X_(12)_P304	Demolition Scope of Existing Section D-D	P01
20065_X_(12)_P305	Demolition Scope of Existing Section E-E	P01

TIME LIMIT

1. The development hereby permitted shall be begun before the end of three years from the date of this permission.

Reason:

As required under Section 18 of the Planning (Listed Buildings & Conservation Areas) Act 1990 as amended.

METHOD STATEMENTS AND SCHEDULE OF WORKS

2. Prior to commencement of works on site, a Method Statement(s) and Schedule of Works shall be submitted to and approved in writing by the Local Planning Authority;
 - i) Demolition of the modern rear extensions; removal of the second floor, roof and chimneys of no. 16 St Thomas Street and making window openings to the side façade; removal of the roof and chimneys of no. 14; removal of the roof slates to nos. 4-12; removing the ground floor door between nos. 8 and 10; removal of the vault front wall;
 - ii) The underpinning of the terrace for the adjoining basement excavation;
 - iii) Support, protection and repair of the retained façades, floors and roof;
 - iv) Cleaning of the brickwork;
 - v) Repairs to the sash windows, railings and first floor balconettes.

The development shall not be carried out otherwise than in accordance with any such approval given.

Reason:

In order to ensure that the proposed works are in the interest of the special architectural or historic qualities of the listed building in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC 1 Heritage conservation and growth of the London Plan (2021) and P19 Listed buildings and structures of the Southwark Plan (2022).

DETAILED DRAWINGS

3. Prior to the commencement of works, drawings (scale 1:10, 1:20) shall be submitted to the Local Planning Authority and approved in writing to show the

elevations, sections, materials and finishes for:

- i) All new fenestration (including lintel, arch, cills) and doors.
- ii) The new and replacement dormer windows.
- iii) Rainwater goods.
- iv) Chimney pots.
- v) The replacement secondary glazing.
- vi) The gates to the ground floor passageway between nos. 8 and 10 St Thomas Street.
- vii) All new staircases (internal and external).

The development shall not be carried out otherwise than in accordance with the approved details.

Reason:

In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building in accordance with Section 16 Conserving and enhancing the historic environment of the National Planning Policy Framework (2021), policy HC1 Heritage conservation and growth of the London Plan (2021) and policy P19 Listed buildings and structures of the Southwark Plan (2022).

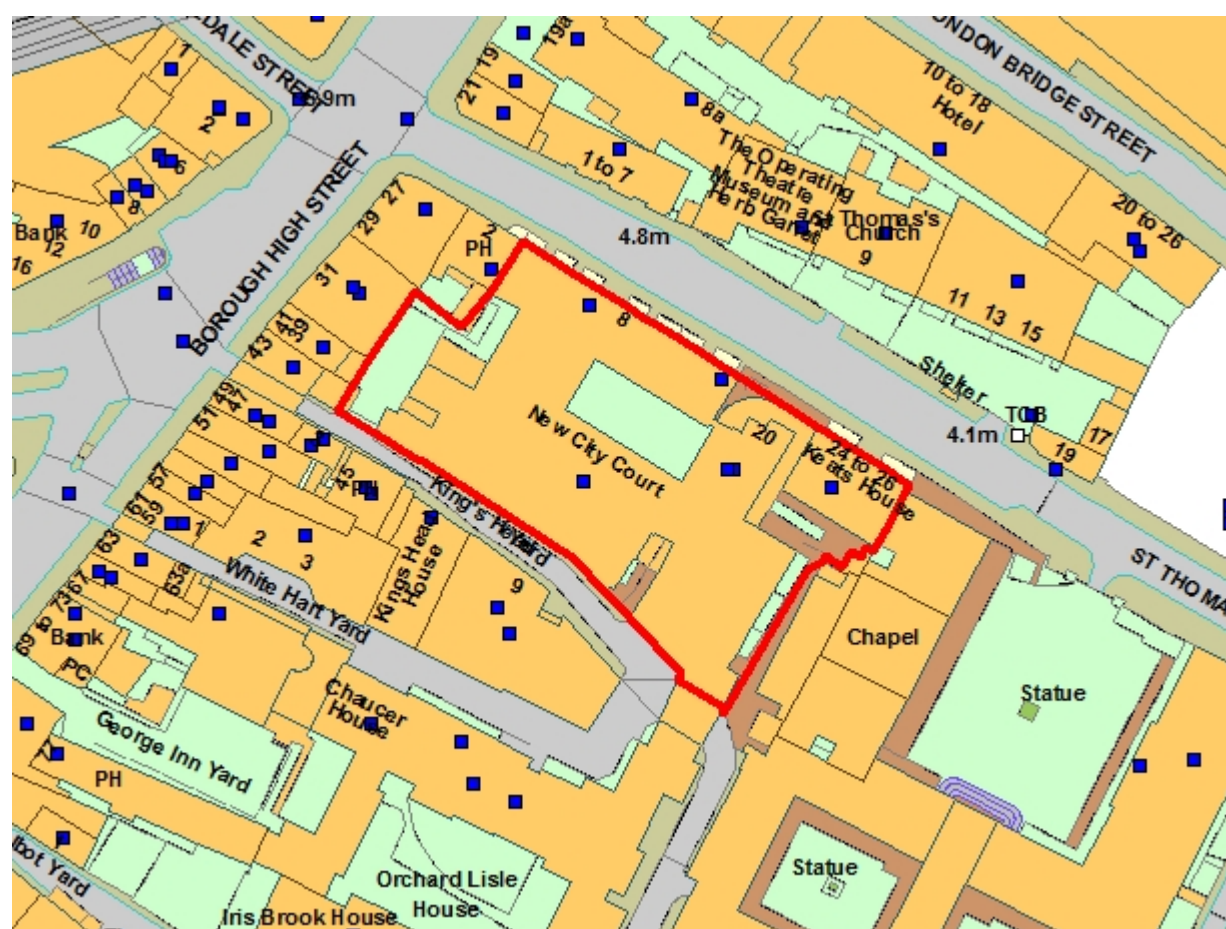
Appendix 2 - Pre-application advice letter for the 2021 scheme


www.southwark.gov.uk

DEVELOPMENT MANAGEMENT – PREAPPLICATION RESPONSE – COVER SHEET

Reference Number:	20/EQ/0286
Site Address:	New City Court, 20 St Thomas Street 4-26 St Thomas Street , London, Southwark,

Location Plan:



KEY DATES

Application Start Date:	16.12.2020	Application Expiry Date:	17.03.2021
Earliest Decision Date:		Committee Date:	Not applicable

DEVELOPMENT MANAGEMENT – PREAPPLICATION RESPONSE

APPLICATION DETAILS	
Application Type:	Pre Application Enquiry
Proposal:	Pre-application advice for redevelopment to include demolition of the 1980s office buildings and erection of an office building, restoration and refurbishment of the listed terrace and works to Keats House, provision of retail floorspace, associated public realm and highways improvements, provision for a new LUL station access, cycle parking, car parking, service, refuse and plant areas, and all ancillary or associated works.
Ward(s):	London Bridge And West Bermondsey
From:	Director of Planning
Case Officer and Team:	Victoria Crosby, Strategic Applications

ASSESSMENT OF PROPOSAL

Executive summary

There is much to commend about the speed with which the project team has sought to progress changes, which explored whether reducing the height from the 2018 application submission to a revised scheme of 25/26 storeys and a revised architecture would enable officers to make a positive recommendation. However, officers' view is that the reduced height (which is accompanied by a significant increase in bulk of the building) does not overcome the principal concerns expressed in relation to the 2018 scheme, particularly on the harm to the townscape, the conservation area and setting of a large number of listed buildings, and would not be supported were it to be formally submitted. The revised servicing arrangement may address one issue with the 2018 application but would need to be agreed by TfL as it would now affect its road. The increased width of the proposal would likely affect the amenity of neighbouring properties more than the original submitted tower.

The pre-application response set out below is based upon the information provided for the three pre-application meetings, and is proportionate in the level of detail that can be given in response.

Site description

The site extends between St Thomas Street and Kings Head Yard to the south, and is mostly covered by a 1980s office building.

The site is located within the:

- Central Activities Zone
- Bankside, Borough and London Bridge Opportunity Area
- London Bridge district town centre
- Bankside, Borough and London Bridge Strategic Cultural Area
- Borough High Street Conservation Area

- Archaeological Priority Zone
- Air Quality Management Area

The heritage assets within the site boundary area include the grade II listed nos 4-8 and 12-16 St Thomas Street as well as Keats House and the Victorian facade along Kings Head Yard. The site is within the Borough High Street Conservation Area.

The heritage assets within the wider context of the site include:

Listed buildings:

- Grade I - Cathedral church of St Saviour and St Mary Overie (Southwark Cathedral) and The George Inn.
- Grade II* - Guys Hospital main building, 9, 9A, 11 and 13 St Thomas Street.
- Grade II - Kings Head public house, Bunch of Grapes public house, no. 15 St Thomas Street, K2 telephone box outside nos. 17 and 19 St Thomas Street, Statue of Thomas Guy in the courtyard of Guys Hospital, the gates, piers and street railings to Guys Hospital along the St Thomas Street frontage, and the alcove from old London Bridge in the inner quadrangle of Guys Hospital. London Bridge station (platforms 9-16) and the railway viaduct arches along Crucifix Lane and St Thomas Street. Several properties along Borough High Street including numbers 2, 4, 6, 8, 10, 19A, 28, 30, 32, 34, 38, 40, 50, 52, 53, 53A, 54, 55, 58, 66, 67, 68, 70, 91, 93, 95, 101 and 103, the St Saviours Southwark war memorial, and the bollards at the entrance to Green Dragon Court. The Hop Exchange, 1B and 3 Southwark Street, bollard between nos 1 and 2 Stoney Street, 5 and 6 Stoney Street. The Globe public house (and bollards and lamp post to rear), and post at north corner of Bedale Street.

Conservation areas:

- Borough High Street Conservation Area extends on all sides of the application site
- Tooley Street Conservation Area (to the north-east)
- Bermondsey Street Conservation Area (to the south-east)
- Liberty of the Mint Conservation Area (to the south-west)
- Union Street Conservation Area (to the south-west)
- Thrale Street Conservation Area (to the west).

Planning policy and material considerations

The statutory development plan for the borough currently comprises The London Plan (2021), the Core Strategy (2011) and saved policies from the Southwark Plan (2007).

The following will be key material considerations for a future application:

- The National Planning Policy Framework
- The New Southwark Plan (Southwark Council's proposed changes to the submission NSP) August 2020 - and any later versions.
- Section 106 Planning Obligations and CIL SPD (2015 as amended)
- Draft Bankside, Borough and London Bridge SPD 2010.

The weight that can be given to the policies in the draft New Southwark Plan will depend upon their stage in the adoption process at the time any future application is determined. The examination in public will have concluded, and the Inspectors' comments would likely have been published by that stage.

Land use

With the changes made to the Use Classes last year, the application would propose Class E uses, although the individual uses would need to be specified in the different subcategories in the proposal description and supporting documents to allow a full assessment.

There is policy support for office use in this location within the CAZ, Opportunity Area and town centre. Draft policy P29 of the NSP requires a marketing strategy to be provided for the use and occupation of the employment space being delivered, to demonstrate how it would meet market demand. The revisions no longer include retail floorspace on the ground level, and would be mainly office space in the Georgian terrace, Keats House, and the tower. There is no objection to the omission of the proposed retail use.

Initial detail was provided on the affordable workspace offer ahead of an April meeting. Proposing 10% of the office floor area is in line with the NSP draft policy P30, and is a dramatic improvement on the 2018 submission. The different buildings would include a variety of unit sizes and different characters which is welcomed. The intention for it to be office space, suitable for tech, creative and biomedical industries is supported.

Further discussions on the management of the affordable workspace, the level of fit out, the rent levels, service charge level, the targeted business/individuals and marketing could continue through the application as they would form heads of terms on any permission (although for the reasons set out below the application is unlikely to be recommended for approval). The local planning authority needs to be confident that the affordable space being proposed would be affordable to occupiers that need discounted rents and meet our eligibility criteria.

Height, form, heritage impacts and landscaping

The applicant has reduced the proposal by 12 storeys when compared to the 2018 scheme. However it remains a significantly tall building that is considered to fail to accord with tall buildings policies in the development plan, and cause harm to many heritage assets in the immediate area and wider London context.

The reduction in height has reduced the prominence of the tower to some degree in some of the wider London views. While it is removed from certain views towards St Paul's, such as around Clerkenwell Road and Farringdon Lane for example, it would remain visible in LVMF views (including next to St Paul's Cathedral), from the Tower of London and from within the City of London.

The revised scheme is still considered to be far too tall in this sensitive location, some 20 storeys higher than its immediate context, and retaining the same floorspace as the 2018 scheme has resulted in a much longer and wider building. It remains a broad tall building in a historic setting, harming the conservation area and setting of listed buildings. A very significant reduction in height, to respond more specifically to the context of the area around Borough High Street and Southwark Street would be needed to be able to conclude that the harm could be outweighed by the benefits. Despite the changes, in our view this revised scheme remains a substantial and incongruous incursion into a sensitive historic setting and, based on the information currently available to us, it could not be supported.

The viewpoints to be included in the TVIA have been set out in a separate email, and generally include the same views as in the 2018 application with some removed where the lower tower would no longer be visible.

The revised proposal has removed the enclosed public garden within the tower, and instead proposes a more typical roof top location for the public space, which would benefit from better light levels and need less management for the planting to thrive. This change is welcomed and helps to address concerns with the 2018 submission on the quality of public access being offered in the tall building. Comments were made in the meetings about the size of the public terrace, questioning what would attract people up to it, and limited information is currently available about the extent of the public access. The design of the crown having a continuous greening around the top to soften the appearance of the tower from all sides has merit, although the pedestrian route along the perimeter is narrow and difficult to use freely. It was also suggested that the vertical greening be incorporated on the southern elevation to help break the width of this tower. The technical detailing of the roof volume, planting types etc will be assessed at the application stage.

In the floorplan drawings provided with the affordable workspace information, a series of columns beneath the tower have been added across the ground floor. The appearance of these columns and how they allow for or impede pedestrian flows across the site and up from the yards (for walkers and wheelchair users) with sufficient clear space will need to be demonstrated in the application to allow assessment.

We have not discussed in detail the works to the listed Georgian terrace on the site, and how these differ from the 2018 LBC application, but in summary it was confirmed in a meeting that the works were broadly the same with the exception of the rear wall (no longer proposing shopfronts) and changes to how many stairwells were being reinstated. This would need to be worked through in detail during the assessment of the LBC application to establish the loss of historic fabric and whether there is any harm.

Neighbour amenity impacts

The broader form of the revised proposal compared with the smaller footprint of the 2018 tower would likely have greater daylight impacts on neighbouring properties, especially those on Borough High Street and the yards. The closer proximity also would raise outlook and privacy issues that are less pronounced with the 2018 scheme. Should the revised scheme be progressed, these neighbour amenity issues would need to be worked through carefully, and are likely to be additional harms that fail the neighbour amenity policies.

Transport and highways

The applicant has kept the new Underground station entrance in the revised scheme, and the route through the site, which are welcomed.

A key issue that is not resolved with the 2018 application is the servicing arrangements. Having all servicing on site, and moving all servicing traffic onto St Thomas Street and away from the yards is supported by internal colleagues (subject to the detail of the turning movements, visibility splays, path widths etc), but most importantly would need TfL's agreement as the highway authority. On-site servicing might address TfL's earlier objections to the on-street arrangement for larger vehicles, however the road designs were not resolved and TfL's agreement is needed if the

revisions are progressed. The applicant is encouraged to enter into TfL's own detailed pre-application process to resolve this ahead of submission. Off-site highway works and contribution towards the redesign of St Thomas Street would be further heads of terms if permission were being recommended.

With a larger footprint to the proposed building, there does not appear to be space to accommodate a cycle docking station, nor convenient visitor cycle parking - although the recent changes at the rear of the Georgian terrace may allow for some to be provided.

Sustainable development implications

The London Plan 2021 introduced new requirements in terms of zero carbon development, whole life cycle assessment, and circular economy statements which will require additional documentation not originally required for the 2018 submission. A carbon offset payment would be required, in line with the November 2020 addendum to the council's Section 106 and CIL SPD. The project's response to these topics have not been discussed during the pre-application process, so no comment is given. A fire statement is a further additional requirement introduced by policy D12 of the London Plan.

Planning obligations and Community Infrastructure Levy

A major proposal of this scale would trigger various planning obligation requirements as set out in the council's Section 106 Planning Obligations and Community Infrastructure Levy SPD.

Planning obligations will be required to offset the negative impacts of any development on the site including mitigation highlighted through the ES and to secure policy compliance, for example the affordable workspace, free public access to the roof terrace and public realm, works to secure the Underground access, public transport improvements and contribution towards the St Thomas Street highway improvements. It is important to ensure that all future development is sustainable and contributes towards the provision of appropriate infrastructure and services in the area that future staff and visitors may use. Draft Heads of Terms should be submitted as part of the planning application.

The proposal would be liable for Mayoral CIL2 and Southwark CIL. Further information can be found on these links and an CIL additional information form should be provided with the future application:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil>

<http://www.communities.gov.uk/publications/planningandbuilding/communityinfrastructurelevymay11>

Other matters

As the overall scale of the proposal remains much the same as the 2018 application, the proposal is EIA development. It is understood that the applicant does not intend to submit a request for a fresh scoping opinion, but will use the same topic chapters of the 2018 application EIA. The applicant's assessment of the heritage impacts in the 2018 application is considered by the local planning authority to be inadequate (in terms of the method of the assessment, the unclear reporting of the environmental effects in the ES, on the scale of harm in NPPF terms, and the balancing exercise of the public benefits) and will be a recommended reason for refusal of the 2018

application. The applicant repeating the same approach in the ES for the new application will result in the same conclusion.

The council's Development Consultation Charter has introduced new requirements on applicants to engage with the community and consultees at pre-application, application and post-decision stages. It is a common point of discussion at Planning Committee about what changes the applicant has made in response to feedback. The pre-application plan should be shared with officers. The completed Development Consultation Charter template for the application stage is a validation requirement for the future application, and is separate from the Statement of Community Involvement document.

A range of other planning topics would need to be worked through with the revised scheme, such as the revised basement design's impact on potential archaeological remain, air quality impacts, biodiversity improvements, the flooding risk of the site and incorporation of sustainable drainage with a smaller area of public realm, and the telecommunication impacts.

Conclusion

Although the revised scheme has reduced the height of the tower from the 2018 scheme, it remains a very tall and much wider building in a historic part of the borough that will cause harm to the setting of listed buildings and to conservation areas within the immediate context of the site and further afield. An application for the revised proposal would not be supported.

Based on the information provided to date, it appears that the revised scheme would raise similar issues to the 2018 application in terms of the location of a tall building, its harmful impact on heritage assets not being outweighed by the public benefits of the scheme, and the insufficient ES heritage impact reporting (if the same approach is used again by the applicant). The principal concerns already communicated in relation to the 2018 application would continue to apply.

The change to on-site servicing may address the concerns of the current application as a positive change, but would need to be supported by TfL. The increased provision of affordable workspace to address the emerging New Southwark Plan policy is another welcomed change. The amended massing of the proposal may raise more significant neighbour amenity issues than the 2018 scheme, and may result in an additional recommended reason for refusal.

Comments in the letter above also refer to changes made since 2018 that require additional documentation to be provided with a new application.

Signed: Simon Bevan

Director of Planning

Date: 17 April 2021

APPENDIX 1: PLANNING APPLICATION SITE HISTORY

Reference	Status	Date	Proposal
18/AP/2633	Scoping Opinion	04/10/2018	<p>Request for an Environmental Impact Assessment (EIA) Scoping Opinion for the redevelopment of the site (comprising numbers 4-16, 20 and 24-26 St Thomas Street) including:</p> <p>Demolition of 20 St Thomas Street and construction of a new office tower building approximately 139m high (comprising double height ground floor reception and retail, 31 storeys of office space, and double height publicly accessible elevated garden and retail unit) totalling 31,200sqm of office and retail floorspace. Double basement for servicing, cycle storage, refuse storage and plant, with vehicle access from Kings Head Yard and two disabled parking spaces.</p> <p>Relocation of Keats House (24-26 St Thomas Street) facade 2m to the west in a new stand alone building. Alterations to and restoration of the listed terrace (8-14 St Thomas Street). Up to 1,800sqm of retail and office floorspace in the listed terrace and Keats House.</p> <p>A new access to the London Bridge Underground station.</p> <p>New ground level pedestrian routes and public realm throughout the site with hard and soft landscaping.</p> <p>Ancillary servicing, highway works and associated works.</p>
18/AP/4039	Pending consideration		<p>Redevelopment to include demolition of the 1980s office buildings and erection of a 37 storey building (plus two basement levels) of a maximum height of 144m (AOD), restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) and change of use of lower floors to Class A1 retail, and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic facade on a proposed building, to provide a total of 46,374sqm of Class B1 office floorspace, 765sqm of Class A1 retail floorspace, 1,139sqm of Class A3 retail floorspace, 615sqm of leisure floorspace (Class D2), 719sqm hub space (Class B1/D2) and a 825sqm elevated public garden within the 37-storey building, associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works. (Associated listed</p>

			<p>building consent application ref. 18/AP/4040).</p> <p>RECONSULTATION as additional environmental information has been submitted, a revised servicing strategy, energy strategy, ventilation strategy and travel plan and associated revised drawings previously submitted.</p> <p>The application is accompanied by an Environmental Statement submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, which can be viewed on the council website southwark.gov.uk using the reference number. A hard copy of the application documents is available for inspection by prior appointment at New City Court, St Thomas Street, SE1 9RS (Monday to Friday 9am to 5pm) by contacting david.shiels@dp9.co.uk. Copies of the Non-Technical Summary are available free of charge, CD copies of the full ES are available for purchase for £125 and printed copies of the ES can be provided on request for sale at a cost of £600 by contacting Waterman Group (ie@watermangroup.com)</p>
18/AP/4040	Pending consideration		<p>Restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including:</p> <p>Demolition of 1980s fabric across the rear elevation and demolition of the attached 1980s office building, and reinstatement of the rear elevation of the terrace and provision of shopfronts.</p> <p>Rebuild the second floor, roof and chimneys of no. 16, reskin the side facade and creation of ground floor entrances.</p> <p>Rebuild the roof and chimneys of no. 14.</p> <p>Removal and replacement of roof slates with natural slate to nos. 4-12.</p> <p>Opening up the ground floor passageway between nos. 8 and 10 by removing 1930s door, and reinstate two adjacent door openings on front elevation.</p> <p>Replacement of two second floor windows on front elevation.</p> <p>Replacement of secondary glazing to front elevation.</p> <p>Alterations to the front elevation of the lower ground level and vaults beneath the pavement.</p> <p>Internal alterations within the terrace to rearrange the ground and lower ground levels for retail units (with new stairs between) and upper levels for office units, reinstate the plan form, internal features and providing a staircase in no.12.</p> <p>Cleaning the brickwork, works to repair</p>

			sash windows, restore the railings and first floor balconettes. (Listed building consent application. Associated planning application ref. 18/AP/4039)
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Appendix 3 - Historic England's Statement of Case



**TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
AND
TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000**

**STATEMENT OF CASE OF
HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND
(HISTORIC ENGLAND)**

Applications by Great Portland Estates (St Thomas Street) Limited

New City Court, 4-26 St Thomas Street, London SE1 9RS

**Local Planning Authority refs: 18/AP/4039 & 18/AP/4040, 21/AP/1361 &
21/AP/1364**

**PINS refs: APP/A5840/W/22/3290473; APP/A5840/Y/22/3290477;
APP/A5840/W/22/3290483 & APP/A5840/Y/22/3290490**

1 INTRODUCTION

1.1 This combined Statement of Case is submitted on behalf of Historic England following appeals against the London Borough of Southwark's non-determination of two sets of planning and listed building consent applications for redevelopment at New City Court, 4-26 St Thomas Street, London SE1 9RS. These 4 applications are as follows:

1.2 The "First Scheme":

- Planning application ref: 18/AP/4039
"Redevelopment to include demolition of the 1980s office buildings and erection of a 37 storey building (plus two basement levels) of a maximum height of 144m (AOD), restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) and change of use of lower floors to Class A1 retail, and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide a total of 46,374sqm of Class B1 office floorspace, 765sqm of Class A1 retail floorspace, 1,139sqm of Class A3 retail floorspace, 615sqm of leisure floorspace (Class D2), 719sqm hub space (Class B1/D2) and a 825sqm elevated public garden within the 37-storey building, associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works."
- Listed building consent application ref: 18/AP/4040:
"Restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16¹ St Thomas Street) including: Demolition of 1980s fabric across the rear elevation and demolition of the attached 1980s office building, and reinstatement of the rear elevation of the terrace and provision of shopfronts. Rebuild the second floor, roof and chimneys of no. 16, reskin

¹ The listed building official list entry is Numbers 4 – 8 and 12 – 16 and attached railings, 4 – 8 and 12- 16, St Thomas Street.

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

1.3 The “Second Scheme”:

- Planning application ref: 21/AP/1361

“Redevelopment to include demolition of the 1980s office buildings and erection of a 26-storey building (plus mezzanine and two basement levels) of a maximum height of 108.0m AOD, restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street), and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide 46,442sqm GEA of Class E(g)(i) office floorspace, 358sqm GEA flexible office E(g)(i)/retail E(a) floorspace, 450sqm GEA Class E(b) restaurant/cafe floorspace and a public rooftop garden, and 5,449sqm GEA of affordable workspace within the Georgian terrace, Keats House and part of the tower, associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works.”²

² Figures taken from Southwark Council’s planning website - <https://planning.southwark.gov.uk/online-applications/> and may not take account of subsequent amendments to the application

- Listed building consent application ref: 21/AP/1364

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

- 1.4 Historic England does not object to the applications for listed building consent.
- 1.5 Historic England has identified serious harm to the historic environment in relation to both planning applications. This Statement of Case provides the particulars of the case that Historic England will make in its evidence to the forthcoming public inquiry.

2 LOCATION AND SITE DESCRIPTION

- 2.1 The development site is located to the south of London Bridge in Southwark and is entirely within the Borough High Street Conservation Area. The site is bounded by St Thomas Street to the north and King’s Head Yard to the south. Borough High Street (which is a defining feature of the conservation area) is

located immediately to the west of the site, and immediately to the east is the Grade II* listed Guy's Hospital.

- 2.2 The site was redeveloped in the 1980s for office use. A five-storey plus basement office block was erected in the backland of the site, whilst incorporating the frontage buildings along St Thomas Street. These include an early 19th century Grade II listed terrace at 4-8 and 12-16 St Thomas Street, 20 St Thomas Street which was built as part of the 1980s scheme, and a building known as Keats House at nos. 24-26 with a retained decorative Victorian frontage. The 1980s office block also incorporates a historic façade along King's Head Yard.
- 2.3 The wider townscape is mixed, with a growing cluster of tall buildings to the north and north east of the development site around London Bridge Station. These include The Shard (72 habitable storeys), The News Building (17 storeys), and the recently completed Fielden House (26 storeys), all of which are components of the plan-led phased masterplan around London Bridge Station. The 34-storey Guy's Tower dates from the 1970s and is located to the east of the development site.
- 2.4 A number of highly significant historic landmarks are located within the wider area. These include the Grade I listed Southwark Cathedral which is located to the north west of the development site beyond Borough Market. The Tower of London World Heritage Site is located across the Thames from the development site, and further upstream is the Grade I listed St Paul's Cathedral.

3 ROLE OF HISTORIC ENGLAND

- 3.1 Historic England is an independent grant-aided body governed by Commissioners. It was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duties of Historic England are as follows:

‘...so far as is practicable:

- (a) to secure the preservation of ancient monuments and historic buildings situated in England;
- (b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
- (c) to promote the public's enjoyment, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation.'

3.2 Historic England's sponsoring ministry is the Department for Digital, Culture, Media and Sport, although its remit in conservation matters intersects with the policy responsibilities of a number of other Government departments, particularly the Department for Levelling Up, Housing and Communities, with its responsibilities for land-use planning matters.

3.3 Historic England is a statutory consultee on certain categories of applications for planning permission and listed building consent. Similarly, Historic England advises the Secretary of State on those applications, subsequent appeals, scheduled monument consent applications and on other matters generally affecting the historic environment. Historic England also has a role in advising Government in relation to World Heritage Sites and compliance with the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. It is the lead body for the heritage sector and the Government's principal adviser on the historic environment.

4 LEGISLATION, POLICY AND GUIDANCE

4.1 Statutory duties relating to proposals affecting listed buildings and conservation areas are contained in the Planning (Listed Buildings and Conservation Areas) Act 1990, notably section 16, 66, and 72.

4.2 Central Government planning policy is set out in the National Planning Policy Framework (NPPF), revised in July 2021. Chapter 16 deals with conserving and enhancing the historic environment, although the Framework should be read as

a whole. Further guidance is provided by the online Planning Practice Guidance (PPG), which is regularly updated.

- 4.2 The NPPF states that planning decisions must reflect relevant international obligations and statutory requirements.³ Among these for the World Heritage Convention is a requirement for the State Party to identify 'cultural and natural heritage of Outstanding Universal Value' and to use 'the utmost of its resources to protect, conserve, present and transmit' the values of such properties.⁴
- 4.3 The NPPF and the PPG emphasise the need for a clear understanding of the significance of a heritage asset and the contribution that its setting makes to its significance, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.⁵ Any harm to the significance of a designated heritage asset, including from development within its setting, requires clear and convincing justification.⁶ Where less than substantial harm is identified to the significance of a designated heritage asset, the NPPF states that the harm should be weighed against the public benefits of the proposal⁷. The PPG explains that public benefits (for the purposes of Paragraph 202) can include heritage benefits.⁸
- 4.4 When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF states that great weight should be given to its conservation. The more important the asset, the greater the weight should be, irrespective of whether the harm amounts to substantial harm, or less than substantial harm to its significance.⁹
- 4.5 The NPPF further stipulates that good design is a key aspect of sustainable development, which includes being sympathetic to local character and history,

³ NPPF 2021 Paragraph 2 and UNESCO 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage

⁴ *ibid*

⁵ NPPF 2021 Paragraph 195

⁶ NPPF 2021 Paragraph 200

⁷ NPPF 2021 Paragraph 202

⁸ Government's Planning Practice Guidance (updated 1 October 2019) (Para 020).

⁹ NPPF 2021 Paragraph 199

including the surrounding built environment and landscape setting.¹⁰ The National Design Guide (2021) emphasises the importance of heritage and context when considering the merits of a design.¹¹

- 4.6 An application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.¹² The relevant development plan policy context for these appeals comprises the London Plan (2021) and The Southwark Plan (2022).
- 4.7 We expect that a comprehensive list of relevant policies will be the subject of agreement between the parties, considering issues such as Heritage, World Heritage Sites, Tall Buildings, Design and Views.
- 4.8 In addition, there are a number of other guidance and advice documents which are likely to be relevant to the appeals. A comprehensive list of these is set out in Section 7.

5 SUMMARY OF HISTORIC ENGLAND'S INVOLVEMENT

- 5.1 February 2018 – January 2019: Historic England engaged in pre-application discussions with the Appellant regarding the First Scheme for the redevelopment of the site including the erection of a 37-storey tall building.
- 28 June 2018: First Scheme considered by Historic England's London Advisory Committee.
- 9 July 2018: Pre-application advice letter provided by Historic England to the Appellant in which we strongly objected to the First Scheme.

¹⁰ NPPF 2021 Paragraph 126 and Paragraph 130 c)

¹¹ Paragraphs 40, 41, 46, 48 consider the importance to well-designed places of a sound understanding of the features of the context surrounding a site; of developments integrating into their surroundings so they relate well to them; of developments being influenced by their context positively; and of proposals being responsive to local history, culture and the significance and setting of heritage assets.

¹² (s38(6) Planning and Compulsory Purchase Act 2004; S70(2) Town and Country Planning Act 1990)

15 November 2018: Historic England provided a short advice letter on revised plans for the First Scheme expressing that our concerns had not been addressed.

28 January 2019: Historic England was consulted by Southwark Council on the submitted listed building consent and planning applications for the First Scheme.

15 February 2019: Historic England provided its consultation response to the listed building consent application and raised no objection.

27 March 2019: Historic England provided its consultation response to the planning application and strongly objected.

- 5.2 18 March 2021: Historic England was invited into pre-application discussions with the Appellant to consider new plans for the site, even though the First Scheme had not been determined. The Second Scheme involved the reduction in height of the proposed tall building from 144m AOD to 108m AOD and a largely new approach to its architectural design.

28 April 2021: Historic England wrote to the Appellant by email explaining that we would strongly object to the new plans should an application be submitted, and that the proposal would be subject to consideration by Historic England's London Advisory Committee.

6 May 2021: Historic England was consulted by Southwark Council on listed building consent and planning applications for the Second Scheme.

1 July 2021: The Second Scheme was subject to consideration by Historic England's London Advisory Committee.

29 July 2021: Historic England provided its consultation response to the planning application. We recognised that the proposed reduction in height of the tall building would lessen the impact on some designated heritage assets. However, we maintained a strong objection to the Second Scheme. Historic England provided its consultation response to the listed building consent application and raised no objection.

1 December 2021: Historic England provided its consultation response to amendments to the planning application for the Second Scheme and maintained a strong objection.

- 5.3 10 February 2022: Southwark Council notified Historic England that appeals had been submitted for the First and Second Scheme applications and they would be determined by public inquiry. The Planning Inspectorate granted Historic England's request for Rule 6(6) status to the inquiry on 18 February 2022.

6 HISTORIC ENGLAND'S CASE

Introduction

- 6.1 Historic England will call one witness to give evidence: Alasdair Young, Inspector of Historic Buildings and Areas.
- 6.2 Historic England will, in its evidence, identify the heritage assets that would be affected by the proposal and describe their significance. Historic England will describe how the setting of such assets contributes to their significance; how that significance would be impacted by the proposals; and the degree of harm that would be caused to each in respect of each of the applications. We will also comment on the policy implications of such harm. We will not however be making a case as to the overall planning balance and whether permission should be granted.
- 6.3 Historic England's case will concentrate on the impacts of both schemes on the significance of the Borough High Street Conservation Area, Guy's Hospital, and Southwark Cathedral. We will also describe the harm that would be caused by both schemes to the significance of St Paul's Cathedral, and the harm to the Tower of London World Heritage Site caused by the First Scheme.
- 6.4 Specific listed buildings which make a positive contribution to the character of the Borough High Street Conservation Area will be referred to including the George Inn (Grade I), the former Parish Church of St Thomas (Grade II*), as well as Nos. 4-8 and 12-16 St Thomas Street (Grade II).

Significance of heritage assets

The Borough High Street Conservation Area

- 6.5 The Borough High Street Conservation Area has a very high degree of heritage significance as the main arterial route out of the City since Roman occupation. This significance is noted in the supporting Conservation Area Appraisal which states that *“the importance of Borough High Street as the primary route into the City of the London from the south for 2000 years is the most powerful influence on the physical evolution of the Conservation Area, and this street still forms the spine of the area”*.¹³ The well-preserved fine urban grain of Borough High Street demonstrates its organic development with largely continuous three-to-four storey historic frontage buildings of high architectural quality along both sides of the street.
- 6.6 Former yards and alleys associated with the coaching inns that lined the high street from the medieval period until the 19th century make a significant contribution to the character of the conservation area. Although the high street has evolved since then, this distinctive urban grain remains legible. In Historic England’s view, this is a conservation area deriving exceptional interest from the unique urban morphology of this central London high street, and the unusually high degree of survival of historic buildings on both sides.
- 6.7 New City Court partially occupies the site of a coaching inn at its southern end – Kings Head Yard. The yard was redeveloped in the 19th century with the current arrangement, comprising a decorative arched entrance from Borough High Street, leading to a narrow alleyway framed to the north by a two-storey façade, and a public house to the south (the Grade II listed Old Kings Head). The current alleyway is a characterful example of the Victorian reworking of Borough High Street’s medieval grain and contributes strongly to the character of the conservation area.

¹³ Borough High Street Conservation Area Appraisal, Southwark Council, June 2006, para 2.2.1, p15

- 6.8 The conservation area also incorporates the west end of St Thomas Street and Guy's Hospital, which has a distinctive character and more formal layout defined by fine Georgian architecture. Nos. 4-8 and 12-16 St Thomas Street is an early nineteenth-century terrace listed at Grade II. The terrace was extensively altered during the 1980s, and while some internal features survive, its significance is now principally derived from the architectural interest and townscape value of its frontage. The frontage of Keats House is at the east end of the development site. Keats House has a highly decorative stone and brick retained façade, double portico and associated lightwell walkway, iron railings and coal vaults. It is unlisted but makes a particularly positive contribution to the character of the Borough High Street Conservation Area.

Guy's Hospital

- 6.9 The Grade II* listed Guy's Hospital is a fine example of a Georgian hospital complex. It was founded in 1725 and is a particularly rare and important survival of a purpose-built institution associated with the emergence of healthcare provision in 18th century London. The Hospital has long been a centre for education, since its conversion to a teaching institution with the neighbouring St Thomas' Hospital in 1768. It is used today by King's College London as a science and medical campus.
- 6.10 Architecturally, the Hospital has a formal arrangement of classical ranges, including the large forecourt and inner quadrangles (1721-5), central entrance block by Thomas Dance (1728), east wing originally by James Steere (1738-41 – completely rebuilt in the 1960s following WWII damage) and the chapel and west wing by Richard Jupp (1774-7). The crowning pediment of the west wing is the centrepiece of its strongly symmetrical facade.

Southwark Cathedral

- 6.11 The Grade I listed Cathedral Church of St. Saviour and St. Mary Overie (Southwark Cathedral) is one of London's most important medieval structures and has been an Anglican cathedral since 1905. With 13th century origins as

the Augustinian Priory of St. Mary Overie, the building has been subject to various alterations and additions over time. The lower stage of the tower dates from the 14th century and two upper stages to the 14th-15th centuries, with early 19th century pinnacles added by George Gwilt. The silhouette of the tower in particular makes the Cathedral a prominent historic landmark, especially within Southwark and in cross-river views.

St Paul's Cathedral

- 6.12 The development site is located within a Protected Vista orientated towards the Grade I listed St Paul's Cathedral from Parliament Hill (LVMF 2A.1) and Kenwood Gazebo (LVMF 3A.1). The significance of the Cathedral is well known, but in summary, it is a masterpiece of English Baroque architecture, designed by Sir Christopher Wren between 1673 and 1710. Its iconic silhouette, consisting of an enormous dome and elegant west towers, is a world-renowned symbol of London that can be appreciated from considerable distance, hence its recognition in various LVMF views.

The Tower of London

- 6.13 The international significance of the Tower of London is encapsulated in its World Heritage Site (WHS) status. Its Outstanding Universal Value is rooted in the rare survival of an 11th century fortress symbolising the military might of William the Conqueror and the seat of royal power through the middle ages.
- 6.14 The Tower complex also includes a number of individual buildings of very high significance. Amongst these, the Scheduled and Grade I listed Queen's House at its south-western corner is a rare and unique collection of late medieval timber-framed buildings with distinctive gabled roofs, all of which form an important and distinctive historic corner to the Inner Ward. These buildings also reinforce the sense of enclosure, and separation from the outside world, which was so crucial for the Tower's defensive purpose.

Heritage impacts arising from the appeal schemes

- 6.15 The proposed changes on site, and the scale and massing of the proposed 37 and 26-storey (plus mezzanine) development in the First and Second Scheme respectively, would result in harm to the significance of the heritage assets identified.

Borough High Street Conservation Area

- 6.16 The greatest harm caused by both schemes would be to the Borough High Street Conservation Area, due to the profound impact they would both have on its special character and appearance.
- 6.17 This harm would result particularly from the dramatic contrast in scale between a tall building of 37 or 26 (plus mezzanine) storeys respectively, and the prevalent scale of buildings in the conservation area of mainly four storeys. That jarring juxtaposition would be particularly emphasised by the close proximity of the proposed developments set behind the largely continuous frontages of buildings on Borough High Street and St Thomas Street. Although the Second Scheme is lower than the First, the contrast between it and the historic buildings along St Thomas Street would also be extremely marked, especially because in the Second Scheme the development's northern edge would be brought closer to the rear of these buildings.
- 6.18 The conservation area would also be harmed by the demolition of the historic south façade of New City Court and the creation of open public realm, in contrast to the continuous frontages with narrow alleyways and yards behind that characterise the area. This change would erode the historic street layout of King's Head Yard, which is illustrative of the historic pattern of yards in the backlands that underpins the overall significance of the conservation area. Further erosion of the urban morphology of the conservation area and its authenticity would be caused in both schemes by deconstructing and relocating Keats House (identified as a positive contributor to the character of the conservation area) in a new location.

- 6.19 Historic England considers that the overall harm to the significance of the conservation area would, in terms of the NPPF, be located at the upper end of the scale of less than substantial harm. We consider that the harm would be broadly similar for both schemes.

Guy's Hospital

- 6.20 The proposed tall building in both schemes would also cause severe harm to various designated heritage assets that would be impacted indirectly due to changes to their settings. The greatest setting impact would be on Guy's Hospital due to its very close proximity to the development and the particular nature of its architecture, which is defined by its formal, symmetrical Classical ranges formed by central porticoes and pediments.
- 6.21 The proposed tall building in both schemes would dominate views from the forecourt towards the west range above its uninterrupted roofline. The location of the development site is such that the tall building in both schemes would appear to rise out of the west wing's central pediment, totally undermining the architectural meaning of its crowning feature, and entirely discordant with the formal composition which can currently be so well appreciated from this vantage point. The proposed tall building in both schemes is also likely to have a harmful impact on the quality of light into the listed building, particularly within the central chapel of the west wing.
- 6.22 We consider that the harm to the Grade II* listed building would be similar in both schemes, and at the upper end of the scale of less than substantial harm.

Southwark Cathedral

- 6.23 The proposed tall building in both schemes would also have a marked impact on Southwark Cathedral in the assessed views from the forecourt to the north and from Montague Close, where the architectural and landmark qualities of the Cathedral can be particularly appreciated. The First Scheme would appear conspicuously above the nave roof and behind the tower in these views. Both

the tower and nave roof are currently read against a clear sky in these specific views, which is a crucial factor in allowing the Cathedral's architecture to be appreciated mostly unchallenged by visual distraction. This clear sky particularly allows the tower to rise above its surroundings, giving it prominence and contributing to the landmark quality it still retains despite the presence of modern buildings within its wider setting. The proposed tall building of the First Scheme would seriously undermine these elements of the Cathedral's significance, and would cause serious harm, which for the purposes of the NPPF we characterise as being located towards the upper end of the range of less than substantial harm.

- 6.24 The proposed tall building in the Second Scheme would also break the Cathedral roofline, again pitting it in direct visual competition with the Cathedral's dominant crossing tower, albeit to a lesser extent. We consider that the harm to Southwark Cathedral would, in that scheme, be located in the middle of the range of less than substantial harm.

St Paul's Cathedral

- 6.25 The proposed tall building in both schemes would also harm St Paul's Cathedral by creating a notable visual distraction in the London Panorama from Kenwood Gazebo (LVMF 3A.1) In both schemes, the tall building would appear immediately behind the west towers of the Cathedral and to the right of the dome, harming an appreciation of their silhouette and landmark appearance. A low level of harm would result from this impact, but nonetheless to a Grade I listed building, and therefore of exceptional special interest.

Tower of London

- 6.26 The proposed tall building of the First Scheme would also be visible from within the Inner Ward of the Tower of London, above the roofline of the Grade I listed Queen's House. Whilst various modern tall buildings are visible, the proposed development would create a significant cumulative effect that would further encroach on the Tower of London and diminish the important sense of enclosure from the outside world created by its perimeter buildings. This would

cause some harm to the significance of the Grade I Queen's House, and in so doing would harm the Outstanding Universal Value of the World Heritage Site.

- 6.27 The proposed tall building of the Second Scheme would rise above the roofline of the Grade I Queen's House, but only to a small extent. The impact would be limited, and the resulting harm would be of a very low level.

Policy implications

- 6.28 Historic England will not call a separate planning witness and will confine its policy evidence to those policies which relate to the historic environment.
- 6.29 Considering the policies of the NPPF, the proposals would cause harm to a range of designated heritage assets, several of very high degrees of significance. In all cases the harm would be less than substantial in the NPPF's terminology. In several cases, including those of the Borough High Street Conservation Area, and Guy's Hospital, it would approach the upper end of the spectrum of less than substantial. This does not equate to a less than substantial objection.¹⁴
- 6.30 Any harm requires clear and convincing justification and should be weighed against the public benefits of the proposal in accordance with the NPPF. As set out in the supporting PPG, public benefits can include heritage benefits. Historic England will provide evidence on the value of heritage-related public benefits arising from the proposals but will not express a view on the weight to be given to other public benefits relied on by the Appellant.
- 6.31 The removal of the 1980s office building and the restoration of the Grade II listed terrace are proposed as heritage benefits in the submission. Within the context of the wider proposals, the proposed tall building in both schemes would dominate the listed terrace in views from St Thomas Street, diminishing its architectural value and townscape presence which are important aspects of its

¹⁴ Barnwell Manor Wind Energy Ltd v E. Northants DC, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137

significance. Historic England therefore considers the heritage benefits of both schemes to be quite minor.

6.32 The NPPF also states that planning law requires that applications for planning permission be determined in accordance with development plans unless material considerations indicate otherwise¹⁵. Both the London Plan and Southwark Local Plan contain policies that relate directly or indirectly to the historic environment which will require careful consideration by the decision maker in light of the harm we have identified.

6.33 Relevant policies in the London Plan include:

- Design Policy D1;
- Design Policy D3;
- Tall Buildings Policy D9;
- Heritage Conservation and Growth Policy HC1;
- World Heritage Sites Policy HC2;
- London View Management Framework Policy HC4.

6.34 Relevant Policies in the Southwark Local Plan include:

- Design of places Policy P13;
- Design quality Policy P14;
- Tall buildings Policy P17;
- Listed buildings and structures Policy P19;
- Conservation Areas Policy P20;
- World Heritage Sites Policy P24.

Conclusion

6.35 Given the serious harm that would be caused to heritage assets of exceptional significance, and the especially great weight that consequently needs to be given to their conservation, Historic England strongly objects to these applications. It will be for the decision-maker to determine whether the harm has been clearly and convincingly justified, including consideration of policy support for a tall building in this location. The decision-maker will also need to

¹⁵ (s38(6) Planning and Compulsory Purchase Act 2004; S70(2) Town and Country Planning Act 1990), and NPPF 2021 Paragraph 2

determine whether the public benefits are so great as to outweigh the serious harm to some of London's most important heritage.

7 DOCUMENTS THAT MAY BE REFERRED TO AT THE INQUIRY¹⁶

The National Planning Policy Framework (July 2021);

Planning Practice Guidance;

The National Design Guide and National Model Design Code;

Strategic and Local Development Plan policies (including The London Plan (Mayor of London, 2021) and Southwark Plan (Southwark Council, 2022);

Southwark's Historic Environment – Heritage Supplementary Planning Document (Southwark Council, December 2020);

Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment (Historic England, March 2015);

Historic Environment Good Practice Advice in Planning: 3 – The Setting of Heritage Assets (Historic England, December 2017);

Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management (February 2019);

Historic England Advice Note 2 – Managing Change to Heritage Assets (February 2016);

Historic England Advice Note 3 – The Historic Environment and Site Allocations in Local Plans (October 2015);

Historic England Advice Note 4 – Tall Buildings (March 2022);

Conserving Georgian and Victorian terraced housing – A guide to managing change (Historic England, July 2020);

Understanding Place – Historic Area Assessment (Historic England, April 2017);

¹⁶ We would expect that the majority, if not all, of these documents will be Core Documents and will liaise with the other parties accordingly.

Conservation Principles, Policies and Guidance (Historic England, April 2008);

The Protection & Management of World Heritage Sites in England [for reference only] (Historic England, June 2015);

London's World Heritage Sites: Guidance on Settings (Mayor of London, March 2012);

Statutory designation for the relevant heritage assets;

The Borough High Street Conservation Area (Southwark Council, 2006);

Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2016);

London View Management Framework (LVMF, Mayor of London, 2012);

LVMF Supplementary Planning Guidance (Mayor of London, 2012);

ICOMOS Heritage Impact Assessment Guidance (2011);

UNESCO Operational Guidelines for the Implementation of the World Heritage Convention (2021);

Historic England correspondence;

Photographs and other visual material;

Other relevant plans, policy advice and guidance, historical publications and documents, research papers and documents, any relevant inspectors' reports and decision letters and relevant case law.

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