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<b>Item No.</b> 5.1	<b>Classification:</b> Open	<b>Date:</b> 19 April 2022	<b>Meeting Name:</b> Planning Committee
<b>Report title:</b>	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)		
<b>Ward(s) or groups affected:</b>	London Bridge And West Bermondsey		
<b>From:</b>	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

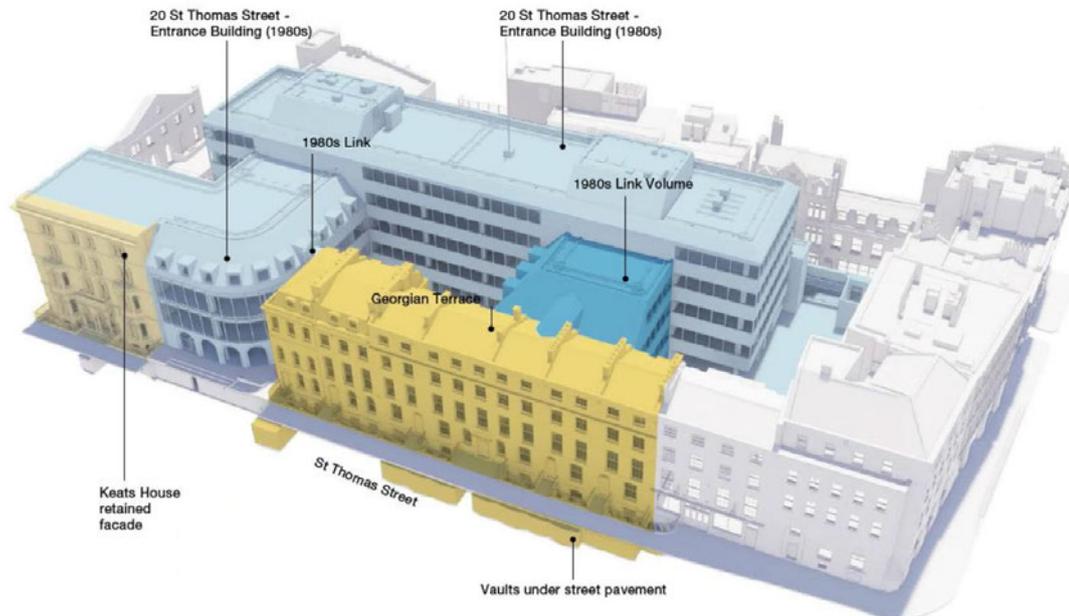
17. The site has an area of 3,700sqm (0.37 hectares). It comprises three main elements which are shown in the diagram below:

- 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*



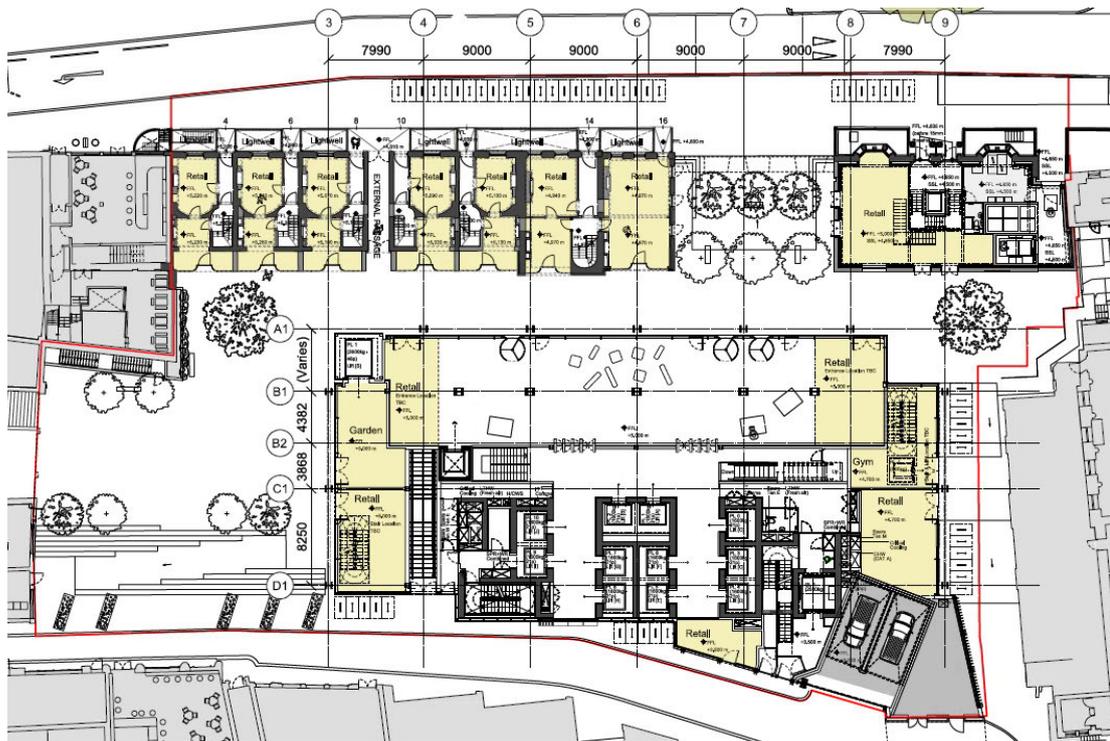
*Rear of Keats House, with Guy's Hospital to the right*

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*

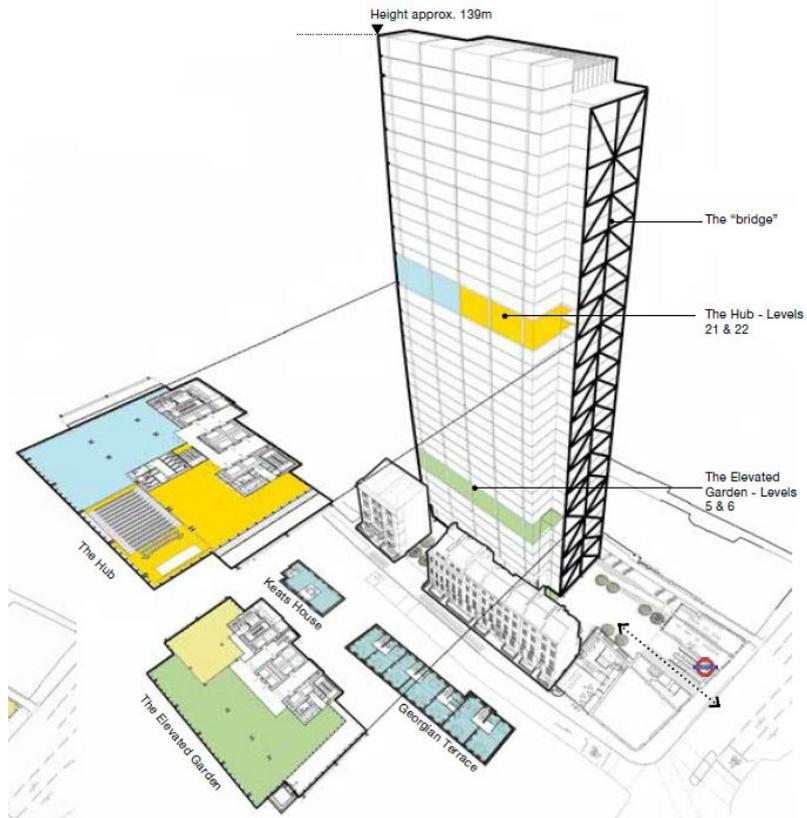
29. Across the site, a total of 54,501sqm GIA of floorspace is proposed, comprising the following quantum of different uses. While the government has changed the national Use Classes to introduce Class E since the application was submitted, as a current application it is appropriate to continue to refer 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
<b>Site wide total</b>	<b>54,501 sqm</b>

## 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 21<sup>st</sup> and 22<sup>nd</sup> 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

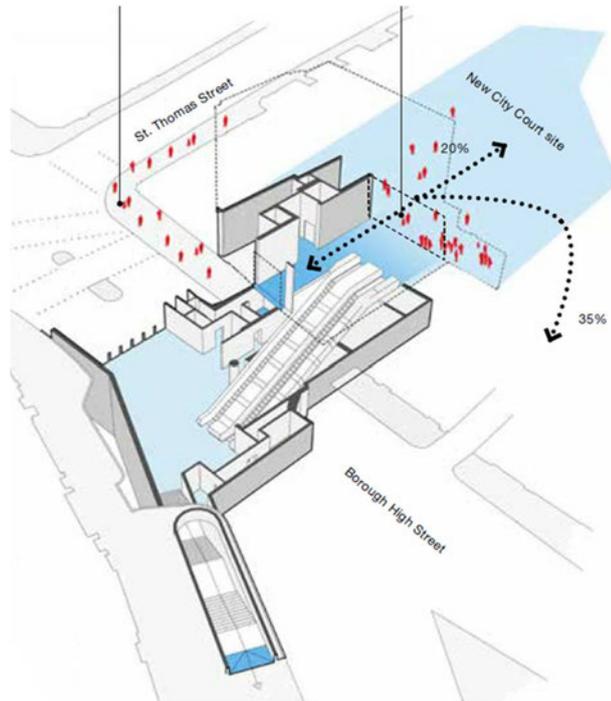
### Keats House

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

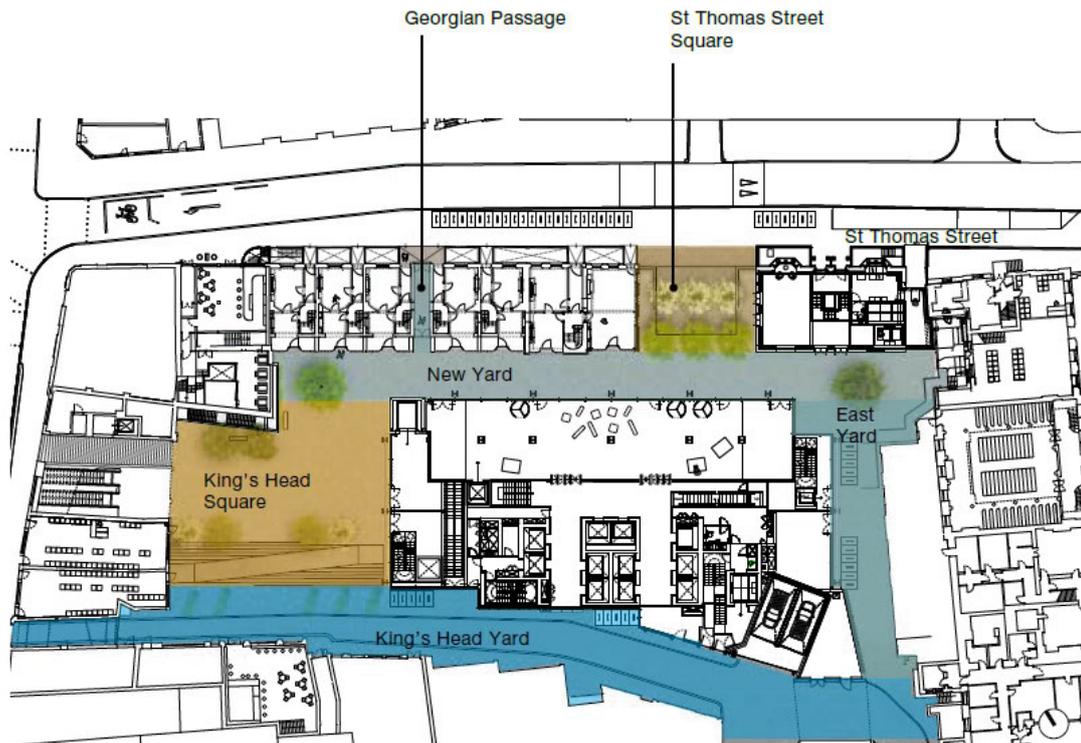
movements:



*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.

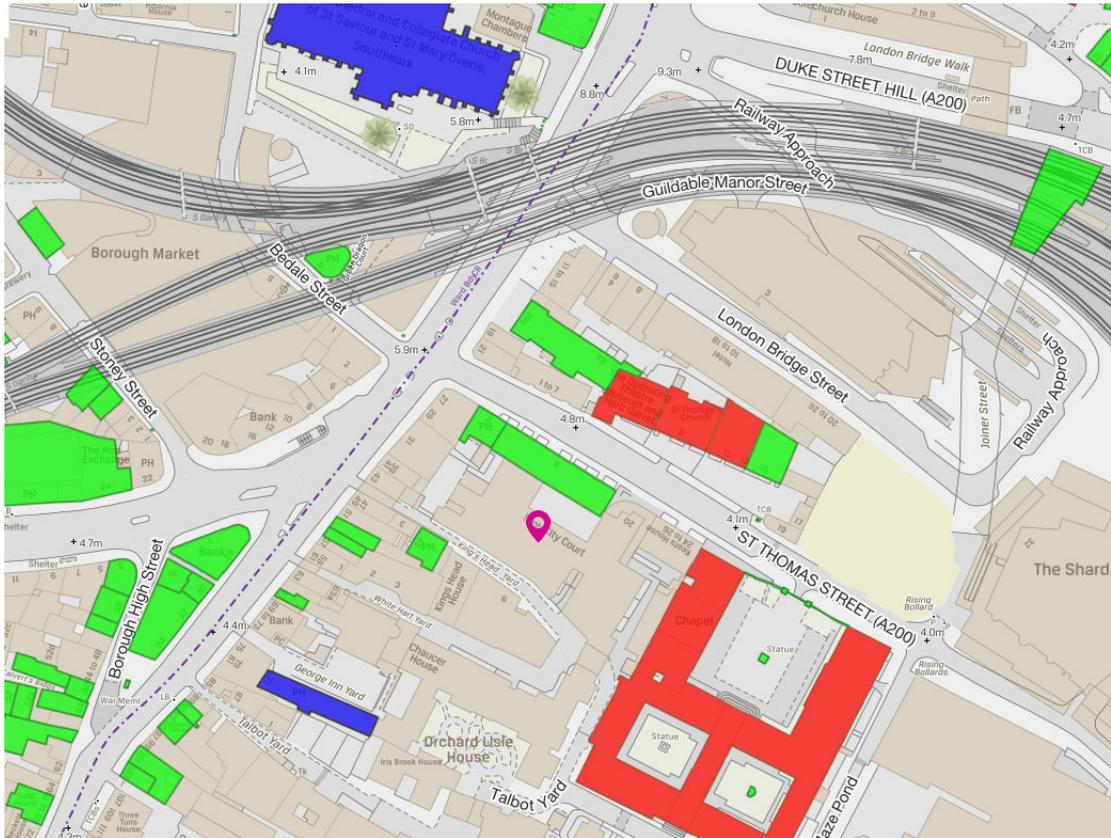
### **1) Summary of likely reasons for refusal in the Statement of Case**

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**

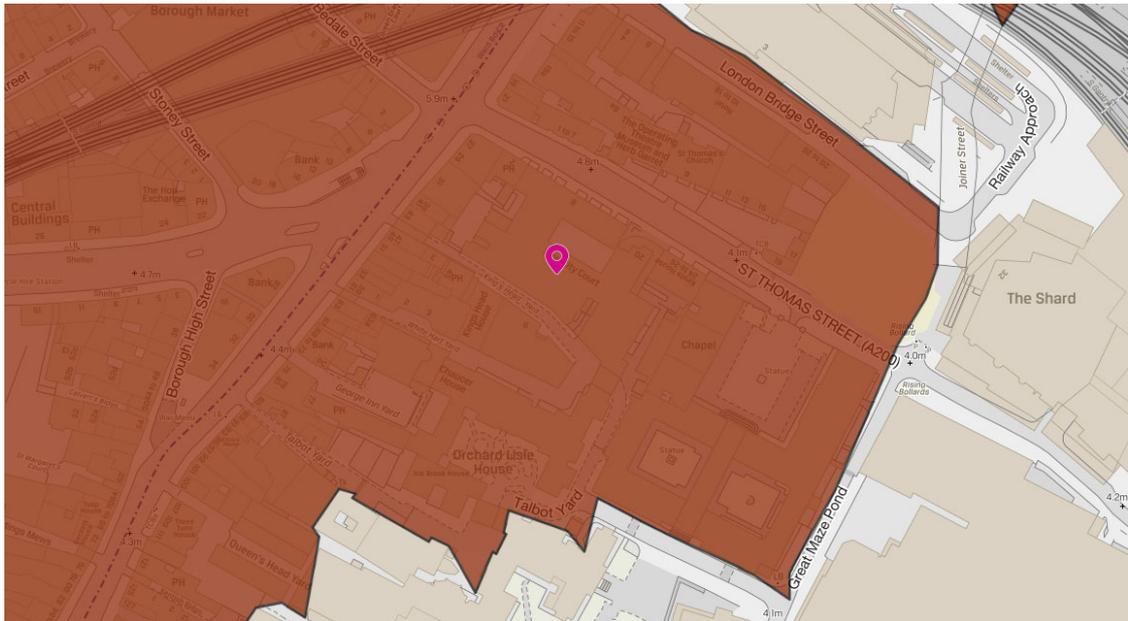
## the harm is not outweighed by public benefits

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.*

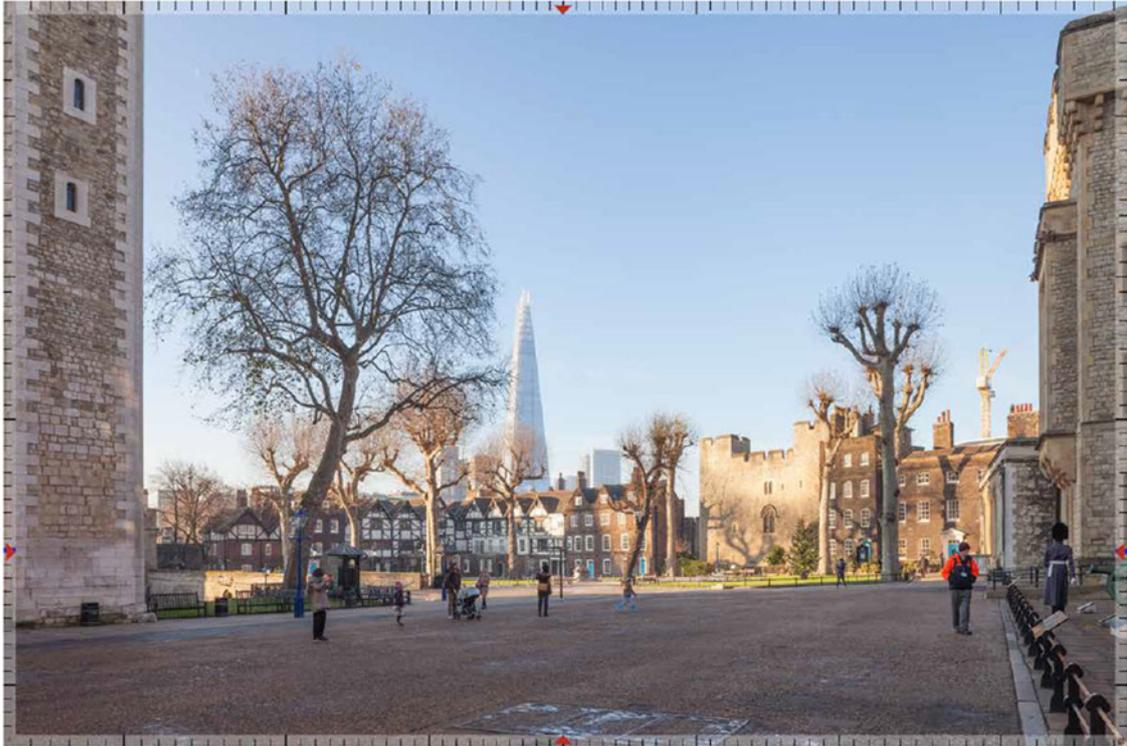
- 8.4 Any harm to a listed building or its setting, or to the character or appearance of a conservation area, gives rise to a strong presumption against the grant of planning permission (*Barnwell Manor Wind Energy Limited v. SSCLG* [2014] EWCA Civ 137).
- 8.5 Great weight should be given to the conservation 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.*

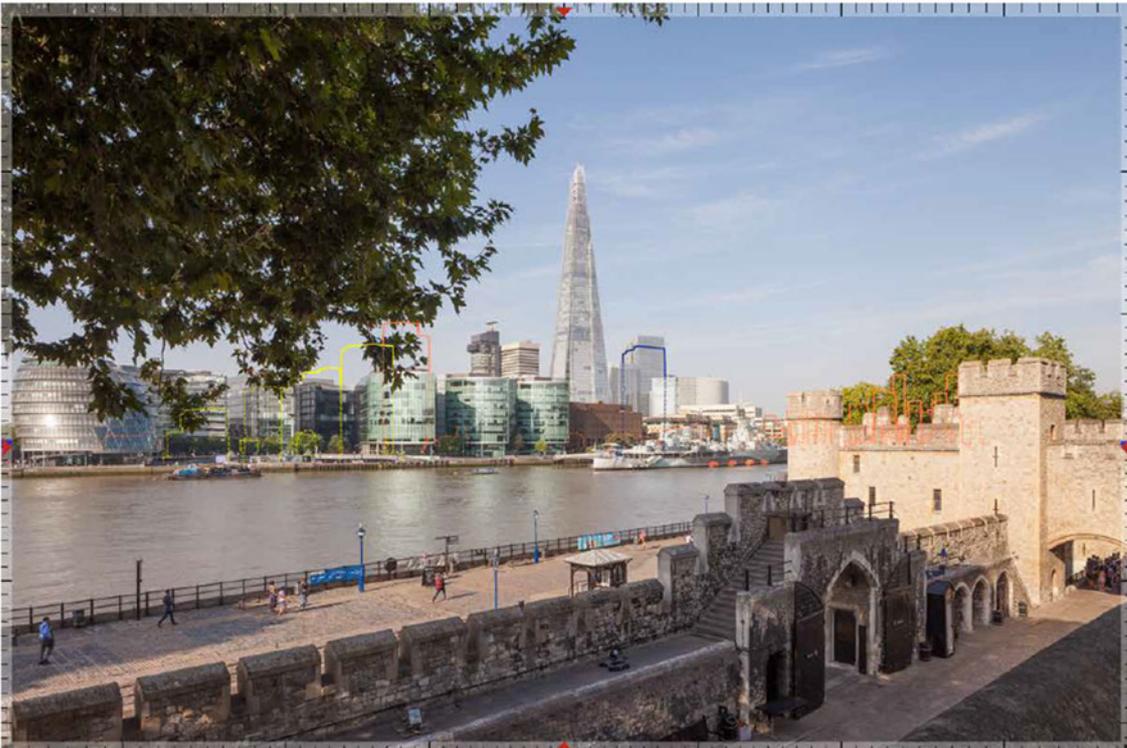
8.11 *The proposed tower would cause less than substantial harm to the significance of the following buildings and structures which are designated heritage assets:*

- *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



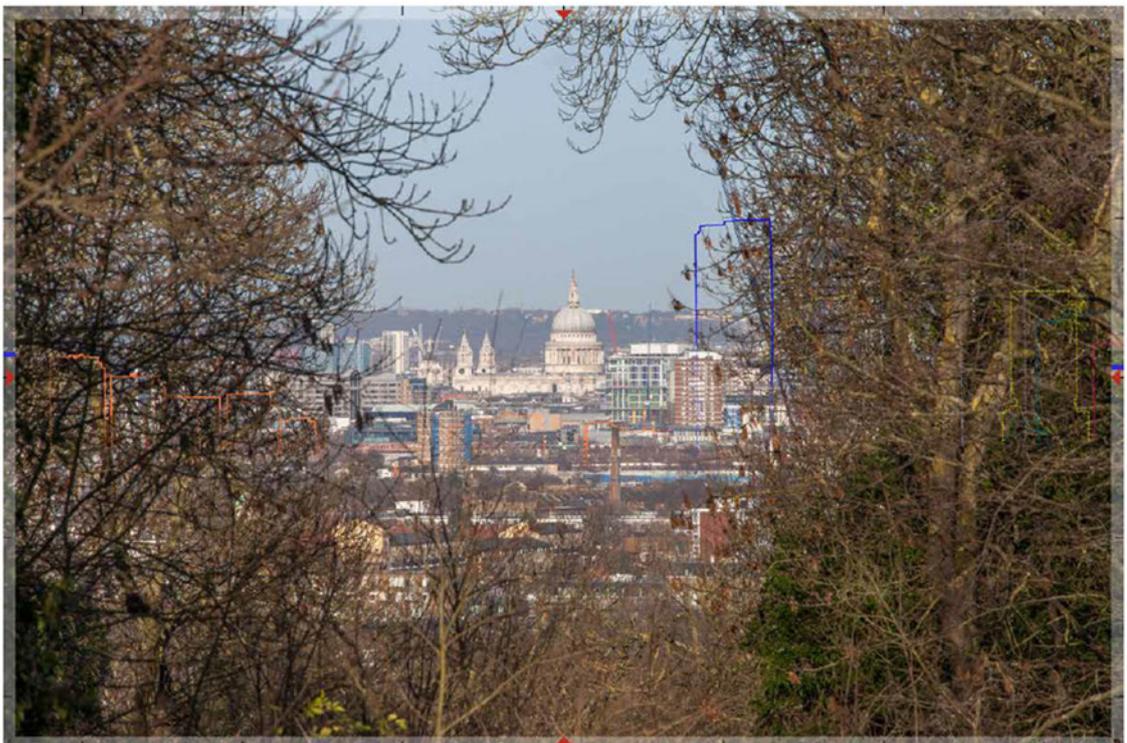
83. At the entrance gates to Millennium Courtyard, on the north side of Southwark Cathedral



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



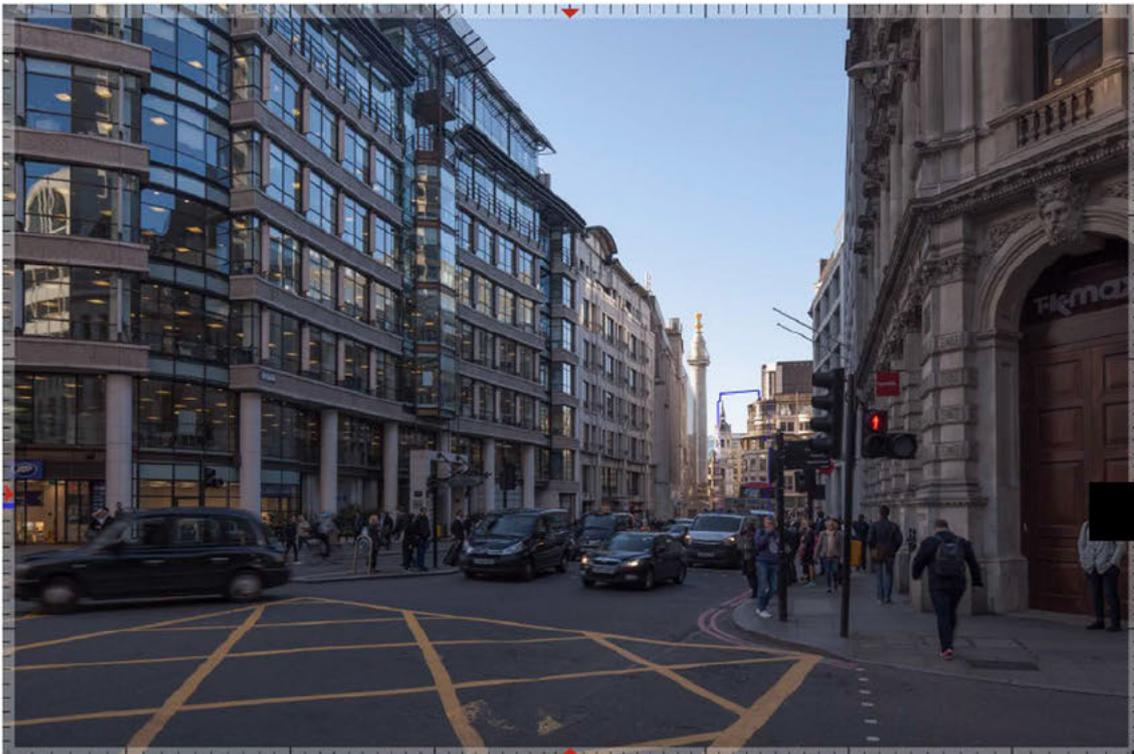
85. St Paul's Cathedral in the Parliament Hill LVMF view – telephoto



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.

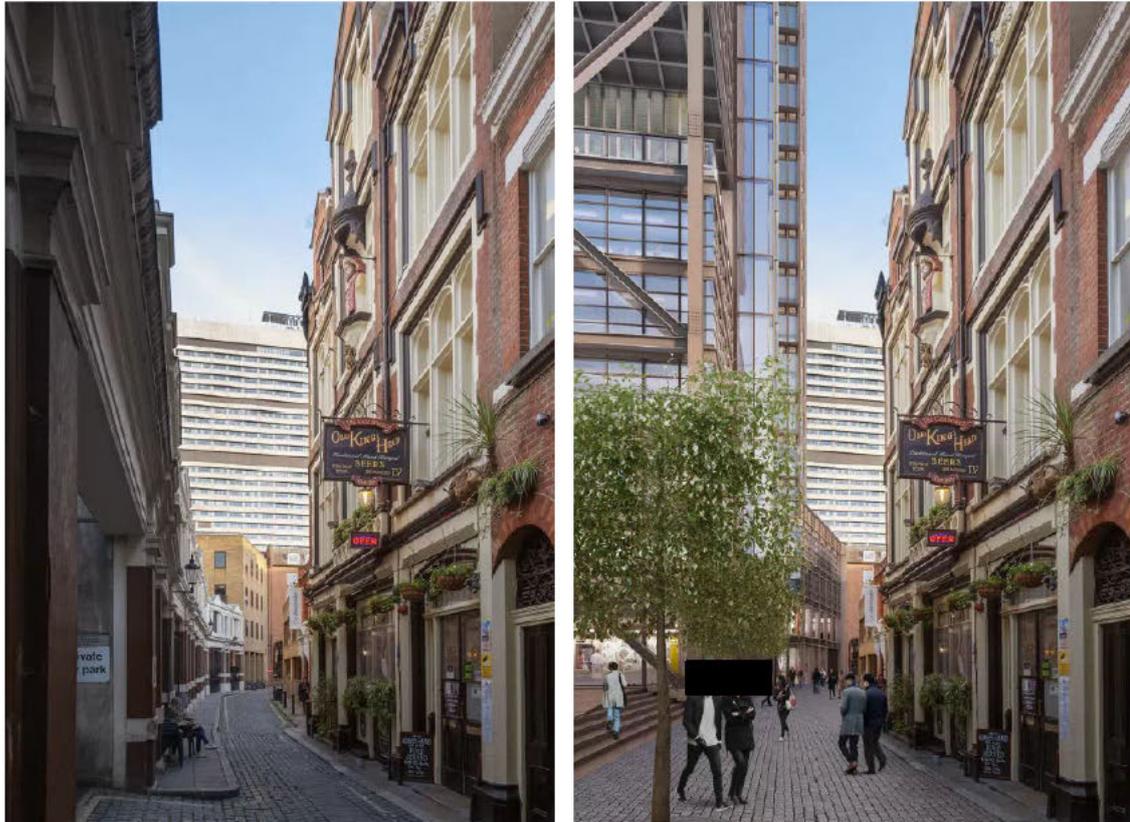


92. The Bunch of Grapes public house, and nos. 4-8 and 12-16 St Thomas Street

(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



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.

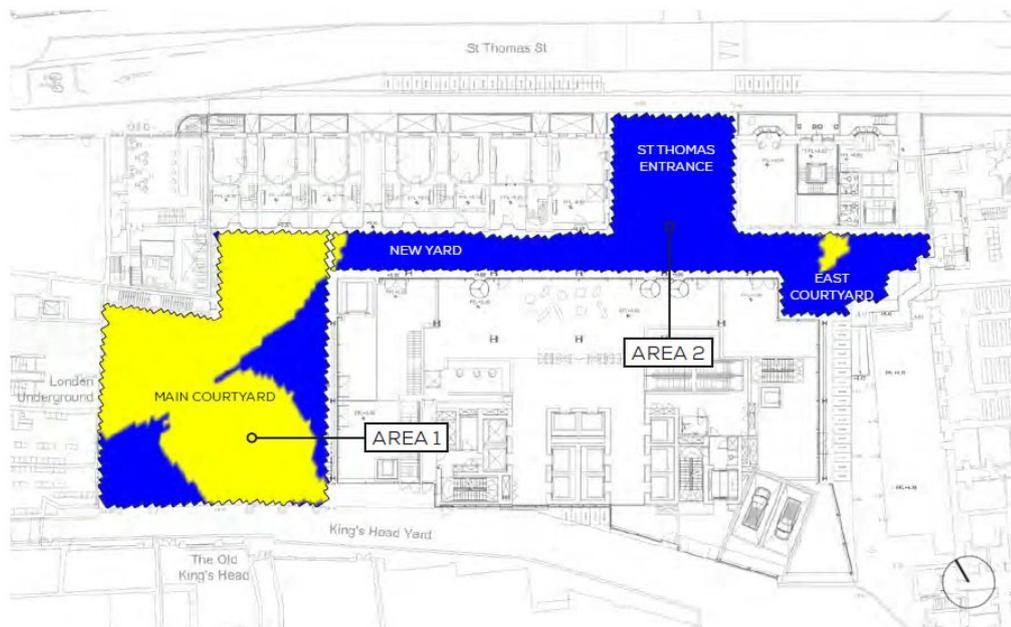
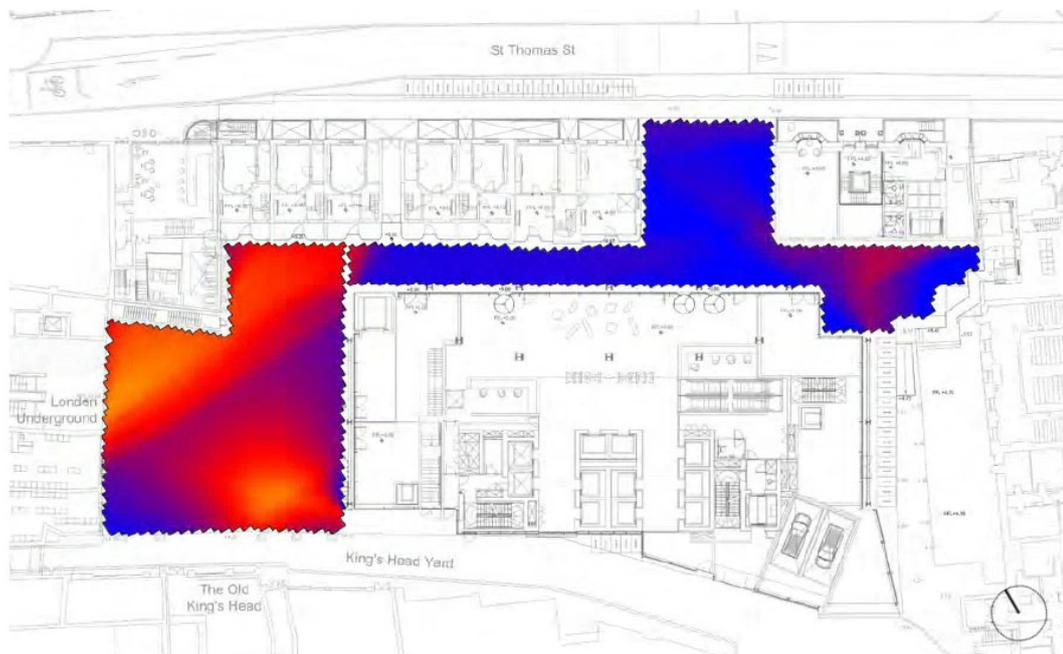


Fig. 07: Ground Floor Plan -Top view

AREA 1 - MAIN COURTYARD - COMPLIANCE RATE: 73 %

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



**SUN EXPOSURE**  
TOTAL HOURS

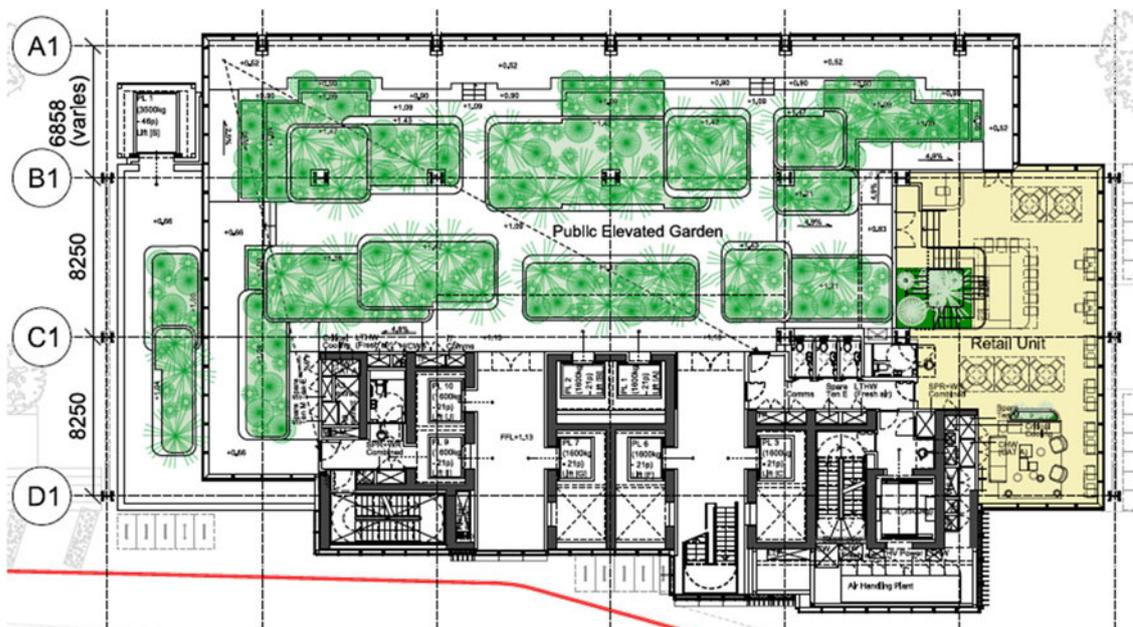


0.0 0.5 1.0 1.5 2.0 2.5 3.0 3.5 4.0 4.5 5.0 5.5 6.0+

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 CABE 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".*

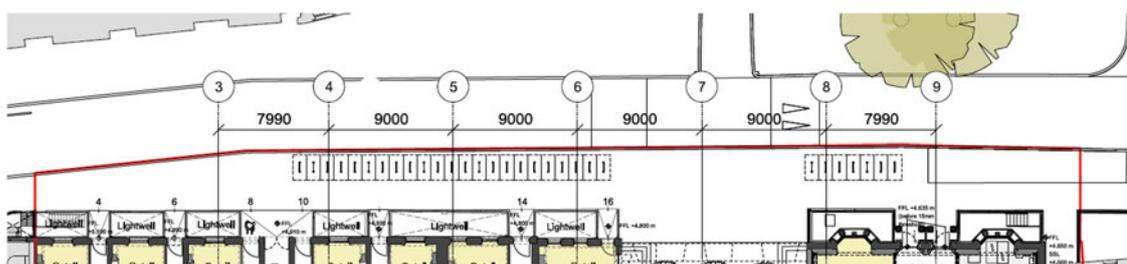
*9.4 Should the Inspector be minded to grant consent for the Listed Building Consent Proposal alongside the Planning Application Proposal, then the Council would ask for the conditions proposed in Appendix 3 to be included. Should the Inspector be minded to grant consent only for the Listed Building 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"> <li>• An employment, skills and business support plan for the construction phase workplace coordination, skills development and on-going support.</li> <li>• To deliver 104 sustained jobs to unemployed Southwark residents, 104 short courses, and take on 26 construction industry apprentices</li> <li>• 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.</li> </ul>
End phase jobs and training	<ul style="list-style-type: none"> <li>• A skills and employment plan to identify suitable sustainable employment opportunities and apprenticeships for unemployed borough residents in the end use of the development.</li> <li>• To deliver 323 sustained jobs for unemployed Southwark residents at the end phase.</li> <li>• 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).</li> </ul>
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"> <li>• provided for a 30-year period at a discount of at least 25% on the market rent level;</li> <li>• detailed plans showing final location of affordable workspace;</li> <li>• a management plan is in place to secure the appointment of a Workspace Provider and a methodology for that Provider to support the occupiers;</li> <li>• appropriate marketing of the affordable workspace;</li> <li>• the rates and service charges payable by the tenant will be capped;</li> <li>• a rent-free period is offered to incentivise uptake;</li> <li>• Provision of the affordable workspace before more than 50% of the market rate floorspace occupied.</li> </ul> <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"> <li>• Require a revised Energy Strategy to detail the carbon reduction measures to achieve at least 40% savings on-site.</li> <li>• 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).</li> <li>• Future-proofing by providing the connection and plant space for a future connection into a wider network.</li> <li>• "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.</li> </ul>
Servicing and deliveries	<ul style="list-style-type: none"> <li>• Delivery and servicing management plan, including commitment to use of off-site consolidation.</li> <li>• 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.</li> <li>• Restrict hours of waste collection to outside peak times and lunchtimes.</li> <li>• Monitoring and review regime agreed with TfL and the council, and funded by the developer.</li> <li>• Deposit payment and monitoring fees.</li> </ul>
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

	<p>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.</p>
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	<p>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.</p>
Station entrance and Underground protection	<ul style="list-style-type: none"> <li>• To enter into a development agreement for the station entrance with TfL prior to implementation.</li> <li>• LUL infrastructure protection requirements for groundworks across the site.</li> <li>• Detailed design of the entrance appearance and layout to be agreed with TfL and council.</li> <li>• Construction of new station entrance at no cost to TfL and provided ready for use prior to first occupation of the tower.</li> </ul> <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 considers 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

<b>Lead Officer</b>	Stephen Platts, Director of Planning and Growth	
<b>Report Author</b>	Victoria Crosby, Team Leader	
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<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
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Strategic Director of Law and Governance	Yes	Yes
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