

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

**Place and wellbeing department**

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

Date: 19/12/2018

Dear Mr Morgan

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

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

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

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

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

Planning Policy

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

The site is located within the:

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

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

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

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

Listed buildings

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

Conservation Areas

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

Land uses

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

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

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

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

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

EIA

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

Design and heritage impacts

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

The NPPF requires the council to recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance. In considering the impact of any proposal in such a historic context, the NPPF requires the council to identify and assess the particular significance of any heritage asset that may be affected by a proposal and then to consider the impact of the proposal on that significance (paragraph 190) in order to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. The NPPF requires local authorities to identify the 'harm' to the heritage asset and to categorise any harm as 'substantial' or 'less than substantial' and sets out the justification for each (paragraphs 193 – 195). Substantial harm to these assets should be "wholly exceptional" (paragraph 194 part b).

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

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

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

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

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

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

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

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

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

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

Tower design

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

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

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

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

Conclusion on design and harm to heritage impacts

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

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

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

Listed building works

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

In the main the proposals include:

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

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

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

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

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

Keats House

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

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

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

Public realm, trees and landscaping

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

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

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

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

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

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

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

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

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

Transport and servicing issues

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

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

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

Access arrangements

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

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

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

Traffic and public transport impacts

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

Car and cycle parking

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

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

Pedestrian conditions

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

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

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

Mitigation measures

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

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

Waste

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

Highways works

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

Amenity impacts

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

daylight/sunlight, overlooking, outlook and noise.

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

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

Sustainable development implications

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

BREEAM

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

Energy

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

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

Biodiversity

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

Air Quality

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

Flood risk

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

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

Ground contamination

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

Archaeology

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

Planning obligations (S.106 undertaking or agreement)

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

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

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

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

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

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

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

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

Telecommunication impacts

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

Aviation impacts

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

Community Infrastructure Levy

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

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

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

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

Other matters

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

Conclusion

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

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

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

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

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

Yours sincerely

Simon Bevan
Director of Planning



Chief executive's department
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Date: 15/05/2018

Dear Ms P Walden-Jones

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

At: NEW CITY COURT, 20 ST THOMAS STREET, LONDON, SE1 9RS
Proposal: Redevelopment of the site for construction of an office building with public terrace and retail space (including changes to listed St Thomas Street terrace to provide retail units), relocation of Keats House and associated public realm and highway works.

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

New City Court – Conservation Pre-application Response

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

Background

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

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

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

Information considered

The pre-application information submitted to the council includes:

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

Considerations

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

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

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

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

Taking the views within the Heritage Statement in turn:

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

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

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

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

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

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

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

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

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

Precedent

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

Southwark’s Development Plan

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

Policy 3.20 (Tall Buildings) of the Southwark Plan (2007) requires developments that include tall buildings to be located at a point of ‘landmark significance’ which is defined as: “*where a number of important routes converge, where there is a concentration of activity and which is or will be the focus of views from several directions.*” Further, the policy requires in part v. that every tall building proposal must contribute “*positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views*”

The information submitted with this pre-application enquiry does not demonstrate how this proposal will meet the locational criteria in saved policy 3.20. Further, the substantial separation of the proposed tower from other nearby towers in a number of views highlights that the building is likely to be isolated from the London Bridge ‘cluster’.

The emerging policy P14 (Tall Buildings) of the New Southwark Plan Proposed Submission Version (December

2017) reflects the principles of the NPPF and repeats the locational and clustering criteria and adds further requirements including, among other things:

2.2 Respond positively to local character and townscape; and

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

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

The base of the proposal includes a number of areas of public realm and proposes a significant enhancement of the yards which are a characterful and distinctive feature of the conservation area, noted in the conservation area appraisal. The middle, insofar as it is limited to the height of other tall buildings like The Place, could be considered to contribute positively to that collection of buildings at the 'foothills' of the Shard given its location near to Fielden House.

However, the information submitted with the pre-application enquiry demonstrates that the top is likely to cause substantial harm to the setting of a number of statutory listed buildings of the highest order of significance, especially Southwark Cathedral and Guys Hospital. This substantial harm, coupled with its substantial and overly dominant impact on the Borough High Street Conservation Area are irreconcilable with the council's adopted and emerging policies (as shown in views 35, 42, 48 and 49). While there are public benefits associated with the proposed scheme as listed in the DP9 note, including the improved pedestrian circulation and ground floor animation, a convincing justification for the harm has not been made. The public benefits identified are insufficient to outweigh the substantial harm that would result. Equally it is not accepted that a scheme of the proposed height is necessary to provide these public benefits.

One view from Montague Close on the northern side of Southwark Cathedral has been provided, and it is suggested a further view taken from just inside the Cathedral's gates on this northern side is also provided to aid further discussion on the harm caused.

Finally, the Shard itself is a building of prominence, an iconic building that has made its mark in the city's consciousness. This proposal, especially the 'top' is likely to have a substantial impact on the way the Shard is appreciated in the round. Set at a height that will match that of Guys Tower, and separated from the public benefits that that provides, the information submitted with the enquiry demonstrates that building of this scale is not likely to contribute positively to an appreciation of Shard especially when viewed from Southwark Street (view 35).

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

Please accept this letter as the closure of your current enquiry.

Yours sincerely

Simon Bevan
Director of Planning