

Appendix 3 - Historic England's Statement of Case



TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78

AND

**TOWN AND COUNTRY PLANNING (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000**

STATEMENT OF CASE OF

**HISTORIC BUILDINGS AND MONUMENTS COMMISSION FOR ENGLAND
(HISTORIC ENGLAND)**

Applications by Great Portland Estates (St Thomas Street) Limited

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

**Local Planning Authority refs: 18/AP/4039 & 18/AP/4040, 21/AP/1361 &
21/AP/1364**

**PINS refs: APP/A5840/W/22/3290473; APP/A5840/Y/22/3290477;
APP/A5840/W/22/3290483 & APP/A5840/Y/22/3290490**

1 INTRODUCTION

1.1 This combined Statement of Case is submitted on behalf of Historic England following appeals against the London Borough of Southwark's non-determination of two sets of planning and listed building consent applications for redevelopment at New City Court, 4-26 St Thomas Street, London SE1 9RS. These 4 applications are as follows:

1.2 The "First Scheme":

- Planning application ref: 18/AP/4039

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

- Listed building consent application ref: 18/AP/4040;

"Restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16¹ St Thomas Street) including: Demolition of 1980s fabric across the rear elevation and demolition of the attached 1980s office building, and reinstatement of the rear elevation of the terrace and provision of shopfronts. Rebuild the second floor, roof and chimneys of no. 16, reskin

¹ The listed building official list entry is Numbers 4 – 8 and 12 – 16 and attached railings, 4 – 8 and 12- 16, St Thomas Street.

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

1.3 The “Second Scheme”:

- Planning application ref: 21/AP/1361

“Redevelopment to include demolition of the 1980s office buildings and erection of a 26-storey building (plus mezzanine and two basement levels) of a maximum height of 108.0m AOD, restoration and refurbishment of the listed terrace (nos. 4-16 St Thomas Street), and redevelopment of Keats House (nos. 24-26 St Thomas Street) with removal, relocation and reinstatement of the historic façade on a proposed building, to provide 46,442sqm GEA of Class E(g)(i) office floorspace, 358sqm GEA flexible office E(g)(i)/retail E(a) floorspace, 450sqm GEA Class E(b) restaurant/cafe floorspace and a public rooftop garden, and 5,449sqm GEA of affordable workspace within the Georgian terrace, Keats House and part of the tower, associated public realm and highways improvements, provision for a new access to the Borough High Street entrance to the Underground Station, cycling parking, car parking, service, refuse and plant areas, and all ancillary or associated works.”²

² Figures taken from Southwark Council’s planning website - <https://planning.southwark.gov.uk/online-applications/> and may not take account of subsequent amendments to the application

- Listed building consent application ref: 21/AP/1364
“Listed building consent for restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including: Demolition of 1980s fabric across the rear elevation and demolition of the attached 1980s office building, reinstatement of the rear elevation of the terrace, and recladding and partial rebuilding of rear walls. Rebuild roof and chimneys, reskin the side façade and front façade at top floor level of 1980s extension. Rebuild the roof and chimneys of no. 14. Removal and replacement of roof slates with natural slate to nos. 4-16. Opening up the ground floor passageway between nos. 8 and 10 by removing 1930s door and reinstate two adjacent door openings on front elevation. Replacement of two second floor windows on front elevation. Replacement of secondary glazing to front elevation. Alterations to the front elevation of the lower ground level and vaults beneath the pavement. Internal alterations within the terrace to reinstate the plan form and the internal features, rearrange the circulation between the lower ground and upper levels (with reinstated stairs in between) for office use. Cleaning the brickwork, repointing, works to repair sash windows, restore the railings and first floor balconettes of the north façade.”

- 1.4 Historic England does not object to the applications for listed building consent.
- 1.5 Historic England has identified serious harm to the historic environment in relation to both planning applications. This Statement of Case provides the particulars of the case that Historic England will make in its evidence to the forthcoming public inquiry.

2 LOCATION AND SITE DESCRIPTION

- 2.1 The development site is located to the south of London Bridge in Southwark and is entirely within the Borough High Street Conservation Area. The site is bounded by St Thomas Street to the north and King’s Head Yard to the south. Borough High Street (which is a defining feature of the conservation area) is

located immediately to the west of the site, and immediately to the east is the Grade II* listed Guy's Hospital.

- 2.2 The site was redeveloped in the 1980s for office use. A five-storey plus basement office block was erected in the backland of the site, whilst incorporating the frontage buildings along St Thomas Street. These include an early 19th century Grade II listed terrace at 4-8 and 12-16 St Thomas Street, 20 St Thomas Street which was built as part of the 1980s scheme, and a building known as Keats House at nos. 24-26 with a retained decorative Victorian frontage. The 1980s office block also incorporates a historic façade along King's Head Yard.
- 2.3 The wider townscape is mixed, with a growing cluster of tall buildings to the north and north east of the development site around London Bridge Station. These include The Shard (72 habitable storeys), The News Building (17 storeys), and the recently completed Fielden House (26 storeys), all of which are components of the plan-led phased masterplan around London Bridge Station. The 34-storey Guy's Tower dates from the 1970s and is located to the east of the development site.
- 2.4 A number of highly significant historic landmarks are located within the wider area. These include the Grade I listed Southwark Cathedral which is located to the north west of the development site beyond Borough Market. The Tower of London World Heritage Site is located across the Thames from the development site, and further upstream is the Grade I listed St Paul's Cathedral.

3 ROLE OF HISTORIC ENGLAND

- 3.1 Historic England is an independent grant-aided body governed by Commissioners. It was established with effect from 1 April 1984 under Section 32 of the National Heritage Act 1983. The general duties of Historic England are as follows:

'...so far as is practicable:

- (a) to secure the preservation of ancient monuments and historic buildings situated in England;
- (b) to promote the preservation and enhancement of the character and appearance of conservation areas situated in England; and
- (c) to promote the public's enjoyment, and advance their knowledge of, ancient monuments and historic buildings situated in England and their preservation.'

3.2 Historic England's sponsoring ministry is the Department for Digital, Culture, Media and Sport, although its remit in conservation matters intersects with the policy responsibilities of a number of other Government departments, particularly the Department for Levelling Up, Housing and Communities, with its responsibilities for land-use planning matters.

3.3 Historic England is a statutory consultee on certain categories of applications for planning permission and listed building consent. Similarly, Historic England advises the Secretary of State on those applications, subsequent appeals, scheduled monument consent applications and on other matters generally affecting the historic environment. Historic England also has a role in advising Government in relation to World Heritage Sites and compliance with the 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage. It is the lead body for the heritage sector and the Government's principal adviser on the historic environment.

4 LEGISLATION, POLICY AND GUIDANCE

4.1 Statutory duties relating to proposals affecting listed buildings and conservation areas are contained in the Planning (Listed Buildings and Conservation Areas) Act 1990, notably section 16, 66, and 72.

4.2 Central Government planning policy is set out in the National Planning Policy Framework (NPPF), revised in July 2021. Chapter 16 deals with conserving and enhancing the historic environment, although the Framework should be read as

a whole. Further guidance is provided by the online Planning Practice Guidance (PPG), which is regularly updated.

- 4.2 The NPPF states that planning decisions must reflect relevant international obligations and statutory requirements.³ Among these for the World Heritage Convention is a requirement for the State Party to identify ‘cultural and natural heritage of Outstanding Universal Value’ and to use ‘the utmost of its resources to protect, conserve, present and transmit’ the values of such properties.⁴
- 4.3 The NPPF and the PPG emphasise the need for a clear understanding of the significance of a heritage asset and the contribution that its setting makes to its significance, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal.⁵ Any harm to the significance of a designated heritage asset, including from development within its setting, requires clear and convincing justification.⁶ Where less than substantial harm is identified to the significance of a designated heritage asset, the NPPF states that the harm should be weighed against the public benefits of the proposal⁷. The PPG explains that public benefits (for the purposes of Paragraph 202) can include heritage benefits.⁸
- 4.4 When considering the impact of a proposed development on the significance of a designated heritage asset, the NPPF states that great weight should be given to its conservation. The more important the asset, the greater the weight should be, irrespective of whether the harm amounts to substantial harm, or less than substantial harm to its significance.⁹
- 4.5 The NPPF further stipulates that good design is a key aspect of sustainable development, which includes being sympathetic to local character and history,

³ NPPF 2021 Paragraph 2 and UNESCO 1972 Convention Concerning the Protection of the World Cultural and Natural Heritage

⁴ *ibid*

⁵ NPPF 2021 Paragraph 195

⁶ NPPF 2021 Paragraph 200

⁷ NPPF 2021 Paragraph 202

⁸ Government’s Planning Practice Guidance (updated 1 October 2019) (Para 020).

⁹ NPPF 2021 Paragraph 199

including the surrounding built environment and landscape setting.¹⁰ The National Design Guide (2021) emphasises the importance of heritage and context when considering the merits of a design.¹¹

4.6 An application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.¹² The relevant development plan policy context for these appeals comprises the London Plan (2021) and The Southwark Plan (2022).

4.7 We expect that a comprehensive list of relevant policies will be the subject of agreement between the parties, considering issues such as Heritage, World Heritage Sites, Tall Buildings, Design and Views.

4.8 In addition, there are a number of other guidance and advice documents which are likely to be relevant to the appeals. A comprehensive list of these is set out in Section 7.

5 SUMMARY OF HISTORIC ENGLAND'S INVOLVEMENT

5.1 February 2018 – January 2019: Historic England engaged in pre-application discussions with the Appellant regarding the First Scheme for the redevelopment of the site including the erection of a 37-storey tall building.

28 June 2018: First Scheme considered by Historic England's London Advisory Committee.

9 July 2018: Pre-application advice letter provided by Historic England to the Appellant in which we strongly objected to the First Scheme.

¹⁰ NPPF 2021 Paragraph 126 and Paragraph 130 c)

¹¹ Paragraphs 40, 41, 46, 48 consider the importance to well-designed places of a sound understanding of the features of the context surrounding a site; of developments integrating into their surroundings so they relate well to them; of developments being influenced by their context positively; and of proposals being responsive to local history, culture and the significance and setting of heritage assets.

¹² (s38(6) Planning and Compulsory Purchase Act 2004; S70(2) Town and Country Planning Act 1990)

15 November 2018: Historic England provided a short advice letter on revised plans for the First Scheme expressing that our concerns had not been addressed.

28 January 2019: Historic England was consulted by Southwark Council on the submitted listed building consent and planning applications for the First Scheme.

15 February 2019: Historic England provided its consultation response to the listed building consent application and raised no objection.

27 March 2019: Historic England provided its consultation response to the planning application and strongly objected.

5.2 18 March 2021: Historic England was invited into pre-application discussions with the Appellant to consider new plans for the site, even though the First Scheme had not been determined. The Second Scheme involved the reduction in height of the proposed tall building from 144m AOD to 108m AOD and a largely new approach to its architectural design.

28 April 2021: Historic England wrote to the Appellant by email explaining that we would strongly object to the new plans should an application be submitted, and that the proposal would be subject to consideration by Historic England's London Advisory Committee.

6 May 2021: Historic England was consulted by Southwark Council on listed building consent and planning applications for the Second Scheme.

1 July 2021: The Second Scheme was subject to consideration by Historic England's London Advisory Committee.

29 July 2021: Historic England provided its consultation response to the planning application. We recognised that the proposed reduction in height of the tall building would lessen the impact on some designated heritage assets. However, we maintained a strong objection to the Second Scheme. Historic England provided its consultation response to the listed building consent application and raised no objection.

1 December 2021: Historic England provided its consultation response to amendments to the planning application for the Second Scheme and maintained a strong objection.

- 5.3 10 February 2022: Southwark Council notified Historic England that appeals had been submitted for the First and Second Scheme applications and they would be determined by public inquiry. The Planning Inspectorate granted Historic England's request for Rule 6(6) status to the inquiry on 18 February 2022.

6 HISTORIC ENGLAND'S CASE

Introduction

- 6.1 Historic England will call one witness to give evidence: Alasdair Young, Inspector of Historic Buildings and Areas.
- 6.2 Historic England will, in its evidence, identify the heritage assets that would be affected by the proposal and describe their significance. Historic England will describe how the setting of such assets contributes to their significance; how that significance would be impacted by the proposals; and the degree of harm that would be caused to each in respect of each of the applications. We will also comment on the policy implications of such harm. We will not however be making a case as to the overall planning balance and whether permission should be granted.
- 6.3 Historic England's case will concentrate on the impacts of both schemes on the significance of the Borough High Street Conservation Area, Guy's Hospital, and Southwark Cathedral. We will also describe the harm that would be caused by both schemes to the significance of St Paul's Cathedral, and the harm to the Tower of London World Heritage Site caused by the First Scheme.
- 6.4 Specific listed buildings which make a positive contribution to the character of the Borough High Street Conservation Area will be referred to including the George Inn (Grade I), the former Parish Church of St Thomas (Grade II*), as well as Nos. 4-8 and 12-16 St Thomas Street (Grade II).

Significance of heritage assets

The Borough High Street Conservation Area

- 6.5 The Borough High Street Conservation Area has a very high degree of heritage significance as the main arterial route out of the City since Roman occupation. This significance is noted in the supporting Conservation Area Appraisal which states that *“the importance of Borough High Street as the primary route into the City of the London from the south for 2000 years is the most powerful influence on the physical evolution of the Conservation Area, and this street still forms the spine of the area”*.¹³ The well-preserved fine urban grain of Borough High Street demonstrates its organic development with largely continuous three-to-four storey historic frontage buildings of high architectural quality along both sides of the street.
- 6.6 Former yards and alleys associated with the coaching inns that lined the high street from the medieval period until the 19th century make a significant contribution to the character of the conservation area. Although the high street has evolved since then, this distinctive urban grain remains legible. In Historic England’s view, this is a conservation area deriving exceptional interest from the unique urban morphology of this central London high street, and the unusually high degree of survival of historic buildings on both sides.
- 6.7 New City Court partially occupies the site of a coaching inn at its southern end – Kings Head Yard. The yard was redeveloped in the 19th century with the current arrangement, comprising a decorative arched entrance from Borough High Street, leading to a narrow alleyway framed to the north by a two-storey façade, and a public house to the south (the Grade II listed Old Kings Head). The current alleyway is a characterful example of the Victorian reworking of Borough High Street’s medieval grain and contributes strongly to the character of the conservation area.

¹³ Borough High Street Conservation Area Appraisal, Southwark Council, June 2006, para 2.2.1, p15

- 6.8 The conservation area also incorporates the west end of St Thomas Street and Guy's Hospital, which has a distinctive character and more formal layout defined by fine Georgian architecture. Nos. 4-8 and 12-16 St Thomas Street is an early nineteenth-century terrace listed at Grade II. The terrace was extensively altered during the 1980s, and while some internal features survive, its significance is now principally derived from the architectural interest and townscape value of its frontage. The frontage of Keats House is at the east end of the development site. Keats House has a highly decorative stone and brick retained façade, double portico and associated lightwell walkway, iron railings and coal vaults. It is unlisted but makes a particularly positive contribution to the character of the Borough High Street Conservation Area.

Guy's Hospital

- 6.9 The Grade II* listed Guy's Hospital is a fine example of a Georgian hospital complex. It was founded in 1725 and is a particularly rare and important survival of a purpose-built institution associated with the emergence of healthcare provision in 18th century London. The Hospital has long been a centre for education, since its conversion to a teaching institution with the neighbouring St Thomas' Hospital in 1768. It is used today by King's College London as a science and medical campus.
- 6.10 Architecturally, the Hospital has a formal arrangement of classical ranges, including the large forecourt and inner quadrangles (1721-5), central entrance block by Thomas Dance (1728), east wing originally by James Steere (1738-41 – completely rebuilt in the 1960s following WWII damage) and the chapel and west wing by Richard Jupp (1774-7). The crowning pediment of the west wing is the centrepiece of its strongly symmetrical facade.

Southwark Cathedral

- 6.11 The Grade I listed Cathedral Church of St. Saviour and St. Mary Overie (Southwark Cathedral) is one of London's most important medieval structures and has been an Anglican cathedral since 1905. With 13th century origins as

the Augustinian Priory of St. Mary Overie, the building has been subject to various alterations and additions over time. The lower stage of the tower dates from the 14th century and two upper stages to the 14th-15th centuries, with early 19th century pinnacles added by George Gwilt. The silhouette of the tower in particular makes the Cathedral a prominent historic landmark, especially within Southwark and in cross-river views.

St Paul's Cathedral

- 6.12 The development site is located within a Protected Vista orientated towards the Grade I listed St Paul's Cathedral from Parliament Hill (LVMF 2A.1) and Kenwood Gazebo (LVMF 3A.1). The significance of the Cathedral is well known, but in summary, it is a masterpiece of English Baroque architecture, designed by Sir Christopher Wren between 1673 and 1710. Its iconic silhouette, consisting of an enormous dome and elegant west towers, is a world-renowned symbol of London that can be appreciated from considerable distance, hence its recognition in various LVMF views.

The Tower of London

- 6.13 The international significance of the Tower of London is encapsulated in its World Heritage Site (WHS) status. Its Outstanding Universal Value is rooted in the rare survival of an 11th century fortress symbolising the military might of William the Conqueror and the seat of royal power through the middle ages.
- 6.14 The Tower complex also includes a number of individual buildings of very high significance. Amongst these, the Scheduled and Grade I listed Queen's House at its south-western corner is a rare and unique collection of late medieval timber-framed buildings with distinctive gabled roofs, all of which form an important and distinctive historic corner to the Inner Ward. These buildings also reinforce the sense of enclosure, and separation from the outside world, which was so crucial for the Tower's defensive purpose.

Heritage impacts arising from the appeal schemes

- 6.15 The proposed changes on site, and the scale and massing of the proposed 37 and 26-storey (plus mezzanine) development in the First and Second Scheme respectively, would result in harm to the significance of the heritage assets identified.

Borough High Street Conservation Area

- 6.16 The greatest harm caused by both schemes would be to the Borough High Street Conservation Area, due to the profound impact they would both have on its special character and appearance.
- 6.17 This harm would result particularly from the dramatic contrast in scale between a tall building of 37 or 26 (plus mezzanine) storeys respectively, and the prevalent scale of buildings in the conservation area of mainly four storeys. That jarring juxtaposition would be particularly emphasised by the close proximity of the proposed developments set behind the largely continuous frontages of buildings on Borough High Street and St Thomas Street. Although the Second Scheme is lower than the First, the contrast between it and the historic buildings along St Thomas Street would also be extremely marked, especially because in the Second Scheme the development's northern edge would be brought closer to the rear of these buildings.
- 6.18 The conservation area would also be harmed by the demolition of the historic south façade of New City Court and the creation of open public realm, in contrast to the continuous frontages with narrow alleyways and yards behind that characterise the area. This change would erode the historic street layout of King's Head Yard, which is illustrative of the historic pattern of yards in the backlands that underpins the overall significance of the conservation area. Further erosion of the urban morphology of the conservation area and its authenticity would be caused in both schemes by deconstructing and relocating Keats House (identified as a positive contributor to the character of the conservation area) in a new location.

6.19 Historic England considers that the overall harm to the significance of the conservation area would, in terms of the NPPF, be located at the upper end of the scale of less than substantial harm. We consider that the harm would be broadly similar for both schemes.

Guy's Hospital

6.20 The proposed tall building in both schemes would also cause severe harm to various designated heritage assets that would be impacted indirectly due to changes to their settings. The greatest setting impact would be on Guy's Hospital due to its very close proximity to the development and the particular nature of its architecture, which is defined by its formal, symmetrical Classical ranges formed by central porticoes and pediments.

6.21 The proposed tall building in both schemes would dominate views from the forecourt towards the west range above its uninterrupted roofline. The location of the development site is such that the tall building in both schemes would appear to rise out of the west wing's central pediment, totally undermining the architectural meaning of its crowning feature, and entirely discordant with the formal composition which can currently be so well appreciated from this vantage point. The proposed tall building in both schemes is also likely to have a harmful impact on the quality of light into the listed building, particularly within the central chapel of the west wing.

6.22 We consider that the harm to the Grade II* listed building would be similar in both schemes, and at the upper end of the scale of less than substantial harm.

Southwark Cathedral

6.23 The proposed tall building in both schemes would also have a marked impact on Southwark Cathedral in the assessed views from the forecourt to the north and from Montague Close, where the architectural and landmark qualities of the Cathedral can be particularly appreciated. The First Scheme would appear conspicuously above the nave roof and behind the tower in these views. Both

the tower and nave roof are currently read against a clear sky in these specific views, which is a crucial factor in allowing the Cathedral's architecture to be appreciated mostly unchallenged by visual distraction. This clear sky particularly allows the tower to rise above its surroundings, giving it prominence and contributing to the landmark quality it still retains despite the presence of modern buildings within its wider setting. The proposed tall building of the First Scheme would seriously undermine these elements of the Cathedral's significance, and would cause serious harm, which for the purposes of the NPPF we characterise as being located towards the upper end of the range of less than substantial harm.

- 6.24 The proposed tall building in the Second Scheme would also break the Cathedral roofline, again pitting it in direct visual competition with the Cathedral's dominant crossing tower, albeit to a lesser extent. We consider that the harm to Southwark Cathedral would, in that scheme, be located in the middle of the range of less than substantial harm.

St Paul's Cathedral

- 6.25 The proposed tall building in both schemes would also harm St Paul's Cathedral by creating a notable visual distraction in the London Panorama from Kenwood Gazebo (LVMF 3A.1) In both schemes, the tall building would appear immediately behind the west towers of the Cathedral and to the right of the dome, harming an appreciation of their silhouette and landmark appearance. A low level of harm would result from this impact, but nonetheless to a Grade I listed building, and therefore of exceptional special interest.

Tower of London

- 6.26 The proposed tall building of the First Scheme would also be visible from within the Inner Ward of the Tower of London, above the roofline of the Grade I listed Queen's House. Whilst various modern tall buildings are visible, the proposed development would create a significant cumulative effect that would further encroach on the Tower of London and diminish the important sense of enclosure from the outside world created by its perimeter buildings. This would

cause some harm to the significance of the Grade I Queen's House, and in so doing would harm the Outstanding Universal Value of the World Heritage Site.

- 6.27 The proposed tall building of the Second Scheme would rise above the roofline of the Grade I Queen's House, but only to a small extent. The impact would be limited, and the resulting harm would be of a very low level.

Policy implications

- 6.28 Historic England will not call a separate planning witness and will confine its policy evidence to those policies which relate to the historic environment.
- 6.29 Considering the policies of the NPPF, the proposals would cause harm to a range of designated heritage assets, several of very high degrees of significance. In all cases the harm would be less than substantial in the NPPF's terminology. In several cases, including those of the Borough High Street Conservation Area, and Guy's Hospital, it would approach the upper end of the spectrum of less than substantial. This does not equate to a less than substantial objection.¹⁴
- 6.30 Any harm requires clear and convincing justification and should be weighed against the public benefits of the proposal in accordance with the NPPF. As set out in the supporting PPG, public benefits can include heritage benefits. Historic England will provide evidence on the value of heritage-related public benefits arising from the proposals but will not express a view on the weight to be given to other public benefits relied on by the Appellant.
- 6.31 The removal of the 1980s office building and the restoration of the Grade II listed terrace are proposed as heritage benefits in the submission. Within the context of the wider proposals, the proposed tall building in both schemes would dominate the listed terrace in views from St Thomas Street, diminishing its architectural value and townscape presence which are important aspects of its

¹⁴ Barnwell Manor Wind Energy Ltd v E. Northants DC, English Heritage, National Trust & SSCLG [2014] EWCA Civ 137

significance. Historic England therefore considers the heritage benefits of both schemes to be quite minor.

6.32 The NPPF also states that planning law requires that applications for planning permission be determined in accordance with development plans unless material considerations indicate otherwise¹⁵. Both the London Plan and Southwark Local Plan contain policies that relate directly or indirectly to the historic environment which will require careful consideration by the decision maker in light of the harm we have identified.

6.33 Relevant policies in the London Plan include:

- Design Policy D1;
- Design Policy D3;
- Tall Buildings Policy D9;
- Heritage Conservation and Growth Policy HC1;
- World Heritage Sites Policy HC2;
- London View Management Framework Policy HC4.

6.34 Relevant Policies in the Southwark Local Plan include:

- Design of places Policy P13;
- Design quality Policy P14;
- Tall buildings Policy P17;
- Listed buildings and structures Policy P19;
- Conservation Areas Policy P20;
- World Heritage Sites Policy P24.

Conclusion

6.35 Given the serious harm that would be caused to heritage assets of exceptional significance, and the especially great weight that consequently needs to be given to their conservation, Historic England strongly objects to these applications. It will be for the decision-maker to determine whether the harm has been clearly and convincingly justified, including consideration of policy support for a tall building in this location. The decision-maker will also need to

¹⁵ (s38(6) Planning and Compulsory Purchase Act 2004; S70(2) Town and Country Planning Act 1990), and NPPF 2021 Paragraph 2

determine whether the public benefits are so great as to outweigh the serious harm to some of London's most important heritage.

7 DOCUMENTS THAT MAY BE REFERRED TO AT THE INQUIRY¹⁶

The National Planning Policy Framework (July 2021);

Planning Practice Guidance;

The National Design Guide and National Model Design Code;

Strategic and Local Development Plan policies (including The London Plan (Mayor of London, 2021) and Southwark Plan (Southwark Council, 2022);

Southwark's Historic Environment – Heritage Supplementary Planning Document (Southwark Council, December 2020);

Historic Environment Good Practice Advice in Planning: 2 – Managing Significance in Decision-Taking in the Historic Environment (Historic England, March 2015);

Historic Environment Good Practice Advice in Planning: 3 – The Setting of Heritage Assets (Historic England, December 2017);

Historic England Advice Note 1 – Conservation Area Appraisal, Designation and Management (February 2019);

Historic England Advice Note 2 – Managing Change to Heritage Assets (February 2016);

Historic England Advice Note 3 – The Historic Environment and Site Allocations in Local Plans (October 2015);

Historic England Advice Note 4 – Tall Buildings (March 2022);

Conserving Georgian and Victorian terraced housing – A guide to managing change (Historic England, July 2020);

Understanding Place – Historic Area Assessment (Historic England, April 2017);

¹⁶ We would expect that the majority, if not all, of these documents will be Core Documents and will liaise with the other parties accordingly.

Conservation Principles, Policies and Guidance (Historic England, April 2008);

The Protection & Management of World Heritage Sites in England [for reference only] (Historic England, June 2015);

London's World Heritage Sites: Guidance on Settings (Mayor of London, March 2012);

Statutory designation for the relevant heritage assets;

The Borough High Street Conservation Area (Southwark Council, 2006);

Tower of London World Heritage Site Management Plan (Historic Royal Palaces, 2016);

London View Management Framework (LVMF, Mayor of London, 2012);

LVMF Supplementary Planning Guidance (Mayor of London, 2012);

ICOMOS Heritage Impact Assessment Guidance (2011);

UNESCO Operational Guidelines for the Implementation of the World Heritage Convention (2021);

Historic England correspondence;

Photographs and other visual material;

Other relevant plans, policy advice and guidance, historical publications and documents, research papers and documents, any relevant inspectors' reports and decision letters and relevant case law.