



Appeal Decision

Inquiry Held on 13-15 and 20 August 2019

Site visit made on 20 August 2019

by David Nicholson RIBA IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th October 2019

Appeal Ref: APP/A5840/W/18/3219188

160 Blackfriars Road and Land to the Rear, London SE1 8EZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (T&CPA) against a refusal to grant planning permission.
 - The appeal is made by AG EL 160 Blackfriars Road BV against the decision of the Southwark Council.
 - The application Ref. 18/AP/1215, dated 6 April 2018, was refused by notice dated 19 December 2018.
 - The development proposed¹ is for: Erection of a 10 storey building (40.23m AOD) with basement, comprising a 220 bedroom hotel with ancillary restaurant (Class C1); flexible office space (Class B1); retail units (Class A1/A3); creation of public space; landscaping and associated works. Works to the existing building at ground and roof levels (including a new rooftop terrace, enclosure and PV panels); elevational alteration; creation of a new entrance and the installation of an architectural feature along the Blackfriars Road elevation.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Planning obligations were submitted by the developer and site owner to the Council in a Unilateral Undertaking under section 106 of the T&CPA (s106).
3. The Inquiry sat for 4 days. I held an accompanied site visit on the last day and carried out unaccompanied visits before and during the Inquiry.

Main Issues

4. From the evidence before me, the written representations, and my inspections of the appeal site and its surroundings, I consider that the main issues are:
 - i. the effect of the proposals on the character and appearance of the area with particular regard to height and quality of design;
 - ii. their effect on the provision and concentration of visitor accommodation in the area, including its vitality and potential for other uses;
 - iii. whether the quality of the proposed accommodation would be acceptable;
 - iv. whether there would be any benefits that would outweigh any or all of the harm that might arise from the above issues in the overall planning balance.

¹ As amended – see Statement of Common Ground (SoCG) dated July 2019

Reasons

Character and appearance

6. Blackfriars Road is a wide thoroughfare which forms an important artery through a mixed-use part of Southwark. The appeal site lies roughly halfway between Southwark Underground Station and St George's Circus, within the Central Activities Zone (CAZ) and the Bankside, Borough and London Bridge Opportunity Area. It is not far from Waterloo Station and the Southbank and is on many bus routes and a Cycle Superhighway. It has a Public Transport Accessibility Level (PTAL) of 6b (the highest). The site lies adjacent to Friars Primary School on Webber Street, and close to the Grade II listed Clanden House and Albury House on opposite sides of neighbouring Boyfield Street. It was common ground that the adjacent Blackfriars Foundry, on the corner with Webber Street, is a building of townscape merit.
7. The site itself includes part of an existing office building, with retail units on the ground floor, which forms a 'T' shape on plan with a large frontage along Blackfriars Road, and a shorter extrusion into the site. The street façade extends to 9 storeys or 28.9m above ground level with a slight set back to most of the width of the top floor behind a parapet. This increases to 32.4m to the top of the plant room, which is set further back from the road. The rear car park contains 70 parking spaces. The building was refurbished in 2013 and is fully let.
8. The proposed hotel would stand within the car park and would be linked to the existing 10-storey building. It would have a food and drink outlet on the ground floor, new public realm in the form of two open squares, set behind the existing offices and next to the proposed hotel, and a single storey affordable office building within the rear of the site. I saw that the car park is under used and note that the principle of making better and more effective use of the site was agreed with the Council.
9. The parapet height of the hotel building would be 32.9m; that of the plant enclosure 36.5m. The scheme would include a framed structure or pergola of about 4m in height around a rooftop terrace on top of the existing office building including where it fronts onto the road. The proposed hotel would be seen in public views, notably above Blackfriars Foundry, from the other side of Blackfriars Road, and from the relatively low rise Boyfield Street, particularly where it joins Webber Street at the entrance to the school.
10. Townscape studies examined the visibility of the proposals from neighbouring streets and the relationship it would have with the existing office building. For the amended scheme before me, this resulted in efforts to make the hotel appear subservient in height compared with the office building through a 'shoulder' set back at 6th floor level and the concept of a 'veil' to give a 'neutral backdrop' to the Foundry roof². To my mind, these are acknowledgements that the hotel would be significantly higher than its neighbours and that there would be a need to soften, if not conceal, the prominence of the upper storeys.
11. The Council accepted that the hotel would not be much higher than the existing office and that this in turn is not much higher than adjacent buildings. Notwithstanding this concession³, it remains that the respective heights of both

² Bruce §§4.6.1 and 4.8.1

³ McKay in cross-examination by Warren

the hotel and its plant room would be a storey higher than the existing office building even discounting its top floor set back. Taken together the jump in height between nearby buildings, at 30m or below, and the top of the proposed hotel plant enclosure at over 36m would be a significant increase amounting to a step change in heights. The increased would be particularly apparent when seen above the Foundry from the Blackfriars Road and in the degree to which the hotel would stand above the adjacent primary school when viewed from Webber Street and along Boyfield Road.

12. The proposed veil could be in a range of materials⁴, which could be controlled by conditions, but the suggestion was that it would be in the form of vertical terracotta battens which could to break up the appearance of an otherwise monolithic block and make it look more recessive. The Appellant's witness⁵ was not able to identify examples of where upper floors had been successfully softened in this way. None of the illustrations of terracotta battens⁶ were particularly intended to serve this purpose, indeed some were employed to articulate or enliven elevations rather than subdue them. On this point I find that, regardless of any proposed veil, the upper floors would appear monolithic and even assertive rather than subservient in the surrounding townscape. I am not persuaded that this, or any other veil or treatment, would overcome the harm that would be caused to the character and appearance of the area by the bulk of the new hotel, and by the top floors in particular.
13. The scheme would improve the appearance of the Blackfriars Road façade and there would be functional improvements as well, albeit that those would be limited by what can be achieved to alter the access to the front of the building without radical structural alterations. The proposed new rooftop pergola to the existing office building would not only exceed the 30m height limit set by policy (see below) but, unlike the plant rooms, would do so on the frontage where it would be highly visible. On the other hand, subject to conditions controlling materials, details and planting, it could have a lightweight appearance which would go a long way towards mitigating its height.
14. While the rear of the existing offices is not particularly attractive, at present the matching materials help it to blend into the main block along Blackfriars Road. The proposed hotel, with its change in treatment for the upper floors, would be likely to stand out in a more pronounced fashion. At street level, any positive contribution from the removal of an unsightly car park would be outweighed by the harmful impact of its replacement.
15. While the front of the existing building is on Blackfriars Road, and Webber Street leads to Waterloo Station, to my mind the landmark on this corner is the Blackfriars Foundry, backed up by the existing office building. For the proposed hotel to amount to a landmark, it would need to become the most obvious building on the corner whereas it has apparently been designed to be subservient. None of the information provided to the Inquiry on the final materials to the upper storeys persuaded me that any external finish to the top floors could both attract the eye as a landmark and be subservient. On this point, I find that the design would fall between two stools and fail to be either an attractive landmark or a subtle and subservient addition. I acknowledge that the Appellant had persuaded the Council's officers to support the scheme as a

⁴ See CD A2: Design and Access Statement (DAS) pp68-72

⁵ Murphy

⁶ ID11. Provided only when prompted and after his evidence had been heard. He had not visited all the examples.

marked improvement on a 13 storey version, which was presented as a landmark⁷, but this does not make it acceptable.

16. The statutory development plan for the area comprises the Southwark Core Strategy 2011, Saved Policies of the Southwark Plan 2007 and the London Plan 2016. Of particular relevance, Saved Southwark Plan Policy 3.20 – *Tall Buildings*, which applies to all buildings taller than 30m, sets criteria all of which need to be met. These include ensuring that any tall building:
 - i) makes a positive contribution to the landscape; and
 - ii) is located at a point of landmark significance; and
 - iii) is of the highest architectural standard; and
 - iv) relates well to its surroundings, particularly at street level; and
 - v) contributes positively to the London skyline as a whole consolidating a cluster within that skyline or providing key focus within views.
17. More up to date guidance is found in the Blackfriars Road Supplementary Planning Document (SPD) January 2014. Its SPD 5 *Building Heights* identifies *Tall buildings* as landmarks and refers to *Buildings of up to 30m along Blackfriars Road between Southwark tube station and St George's Circus*. For all buildings over 30m it adds criteria which reflect and expand on those in Saved Policy 3.20. While the SPD is no more than guidance, it reinforces this policy in a more up to date document. Although slightly less prescriptive with regard to heights, London Plan 7.7 - *Location and Design of Tall and Large Buildings* also reiterates and expands on these criteria.
18. The proposed hotel would be well above the 30m threshold in Policy 3.20 such that its criteria all apply. For the reasons set out above, I find that the scheme would conflict with most of these criteria. For similar reasons, it would be contrary to SPD 5 and conflict with London Plan Policy 7.7. It would fail to satisfy the requirements in Chapter 12 *Achieving well-designed places* in the National Planning Policy Framework (NPPF).

HERITAGE ASSETS

19. Blackfriars Foundry is considered a building of townscape merit (or a non-designated heritage asset in NPPF parlance). Its significance includes its architectural and historic interest and the extent to which it has survived. In particular, its ornate detailing and intricately decorated skyline, with a combination of gable, chimneys and finials, make it one of the more interesting buildings in the vicinity. The proposed hotel would stand behind and above the Foundry as does the existing office building. However, while the existing building has a single blank flank wall rising above the Foundry, subject to conditions, the hotel could add a rather more complicated external treatment in the immediate background. Consequently, even if the external treatment succeeded in making the hotel appear somewhat recessive, the more varied materials to the upper floors would cause harm to the setting of this heritage asset. Cumulatively with the existing building, whether plain or complicated, this harm would be significant. Given its lack of designation, the overall weight to this harm, and to the conflict with a raft of conservation policies, should be no more than moderate.
20. Albury House and Clandon House on Boyfield Street are Grade II listed. The proposed hotel would be visible in views along the street and so within their

⁷ Bruce §4.2.4

settings. However, their significance is not dependent on an extensive setting, the hotel would be at some distance, and the existing offices are already visible in the settings. On this point I find no demonstrable harm or conflict with relevant preservation policies.

Provision of visitor accommodation

21. Saved Policy 1.12 *Hotels and visitor accommodation* encourages these in areas with high public transport accessibility but does not permit them where they would result in a loss of existing residential accommodation, or an over dominance of visitor provision in the locality. The reasons given are that visitor accommodation within Southwark contributes to local job opportunities and prosperity, as well as promoting Southwark as a tourist destination; it must be near public transport to reduce travel by private car, and be of greatest benefit to visitors. The reasons add that dominance by single uses such as hotel accommodation detracts from the vitality of an area and reduces the range of other services available to residents and visitors.
22. It was common ground that London Plan Policy 4.5Ab aims for 40,000 net additional hotel rooms by 2036; that the draft New London Plan does not set a target for additional serviced accommodation, but estimates⁸ that London will need an additional 58,000 bedrooms of serviced accommodation by 2041; that there is an need for around 2,500 additional visitor accommodation rooms⁹ in Southwark between 2007 and 2026; and that the latest draft New London Plan evidence base¹⁰ states that the projected demand for Southwark is a net additional 1,795 visitor accommodation rooms between 2016-2041. The current number of bedrooms within Southwark is 5,802 which equates to a share of 4% of serviced accommodation room supply in London, which is the 7th highest in the capital¹¹.
23. The agreed evidence¹² enumerates the existing visitor accommodation as well as the implemented, extant, and lapsed permissions, and the live applications in Southwark. The evidence¹³ on the map of local hotels shows that these are concentrated around the back of Waterloo Station, which is in Lambeth, on the approaches to Blackfriars Bridge and Southwark Bridge, to the south of Tate Modern, and between Southwark Street and Union Street. Beyond these areas, there are only 4 hotels within half a mile of the appeal site, with further permissions for two new hotels and one extension. It was common ground that there are no hotels within 100m of the site, only one hotel within 200m and 6 hotels within 400m of the site.
24. I acknowledge that there must be a limit to hotel provision within an area before it starts to significantly alter that area's character and note that the adjoining Borough of Lambeth is putting measures in place. I accept that there is nothing in policy to indicate that compliance, or otherwise, or the definition of local, should be assessed by reference to clustering. I note that the targets for new accommodation for Southwark have already been met but this is not the same as demonstrating over-dominance. I also accept that the sense of the

⁸ Supporting paragraph 6.10.2 to draft New London Plan Policy E10

⁹ GLA's Hotel Demand Study (2006)

¹⁰ Table 14, page 37, of the GLA Economics Working Paper 88: Projections of demand and supply for visitor accommodation in London to 2050 (GLA, 2017)

¹¹ Ibid p16

¹² SoCG addendum on hotel provision, Summary Table A, p3

¹³ Table 5 and Map 2 of Ms Hills's evidence (as updated)

character of an area¹⁴ can be a matter of perception, but the weight to be given to the evidence should be predominantly to factors which can be measured.

25. The maps of hotels and land use show a concentration of existing and projected accommodation towards the river, and near to connections to central London, but also highlight that the appeal site is within quite a different character area. Although relevant policy does not define what is the relevant locality, I find that a single additional hotel on the appeal site would not tip the balance for the nearby area such as to amount to a significant change in character for this locality. Both on its own, and in combination with other existing and permitted developments, the addition of one further hotel on the appeal site would not unduly compromise the balance of local land uses.
26. There is no scheme to demonstrate that the car park alone could be suitable for any significant amount of housing development and the owners have expressly ruled out redevelopment for housing. The existing office has been recently refurbished, and is unlikely to be redeveloped soon, so there is very little prospect of housing development on the site in the foreseeable future. While there could be conflict with the allocation in emerging policy NSP15 of the draft submission version of the New Southwark Plan 2017, which stipulates that development proposals for the wider site should include housing, as this is unlikely to happen, even over a 15 year timespan, and as the policy is far from adoption, this conflict should be given limited weight.
27. It follows that the scheme would not be contrary to Saved Policy 1.12 *Hotels and Visitor Accommodation* or to other relevant existing and emerging policies which generally support the provision of additional hotel rooms in both London as a whole and in Southwark in particular.

Quality of visitor accommodation

28. The proposal is for a low cost hotel and around 23% of the rooms would have no window. There is no policy excluding such accommodation and the Council's objection relied on general design policies. It is fair to say that a small, windowless room would not amount to a design that would provide a good standard of amenity for long term residents. However, the intention is that these rooms would be for short-term stays, that would spend more of their waking time in other areas of the hotel such as the sunny open spaces. Visitors just staying overnight in the winter months, or those sleeping in the daytime due to an overnight flight, might have no desire to look out of a window. Rooms would be air conditioned in any event. As discussed at the Inquiry, a condition could prevent residents staying for more than a few nights and so prevent the rooms being used for any lengthy stays.
29. For these reasons, I find that the size and lack of windows alone should not be a bar to this development and note that this was also a finding of a previous Inspector¹⁵, albeit for a scheme with a smaller proportion of windowless rooms. There would be no conflict with London Plan Policy 4.5C, which expects that LDFs should promote high quality design of new visitor accommodation.

¹⁴ Shah's evidence

¹⁵ see CD D9 para 19

Other matters

30. One of the tenants of 160 Blackfriars Road was particularly concerned not only with the potential loss of an extremely pleasant view but also with overlooking. This concern was heightened by the nature of its business. However, my site visit showed that the areas that would be most easily overlooked are not currently in sensitive uses.
31. The nursery area for the adjacent Primary School lies very close to the boundary with the existing car park and would be affected by a loss of daylight and a reduction in sunlight. While these matters are not sufficient to outweigh the general benefits of a substantial development in a prime location, they nonetheless add slightly to the harm I have identified.

Planning obligation and conditions

32. The s106 obligations would include financial contributions to local and strategic transport, travel and other management plans; public realm works; employment, training and local procurement; and to an energy strategy. A single storey affordable workspace would also be secure by obligation. While these are important aspects of the scheme, in large part they would be mitigation to offset harms, or conflict with policies, that would otherwise arise and so should be given limited weight as benefits.

Benefits

33. Under the current development plan, as the site is within the CAZ and an Opportunity Area, the proposed hotel use would generally accord with London Plan Policy 4.5, which supports London's visitor economy; with Southwark's Core Strategy 2011 which, at Strategic Policy 10 - *Jobs and businesses* aims to protect tourism facilities and encourage new ones; it would accord with Saved Policy 1.12 - as above; and with the Blackfriars Road SPD which supports proposals for new hotels.
34. The scheme would have economic benefits, make better use of brownfield land, and make more efficient use of land in a highly sustainable location with a PTAL of 6b. These are significant benefits. An affordable workspace would be an additional benefit. There would be two new squares, at least one of which would enjoy significant levels of sunshine. On the other hand, as the public spaces are largely out of sight from the road, much of the benefit from these would be likely to be enjoyed by the new hotel customers and office users, that is to say by the occupiers of the site, rather more than by the wider public who would be less aware of their existence.
35. There would be improvements to the appearance of the façade as well as functional enhancements to the way that the ground floor operates. However, the new roof pergola would conflict with policy limiting the height of new development and access improvements would be limited by the structure. While both these are matters in favour of the appeal, for these reasons they should be given limited weight in the balance when considering the benefits.
36. I acknowledge the demonstrable quality of the architects' hotel work elsewhere but each application must be treated on its own merits.

Overall planning balance

37. For the above reasons, and having regard to all other matters raised, including overlooking, rat runs, potential loss of light, proximity to flats opposite, and drop-off traffic, I find that the harm to the character and appearance of the area as a result of the prominence of the new hotel, and its upper floor in particular, taken with the lesser harms to the setting of Blackfriars Foundry and other concerns, would outweigh the above benefits.
38. For these reasons, the scheme would be contrary to the development plan policies set out above and, on balance, with the development plan as a whole. The benefits do not amount to material considerations of such weight as to overcome this conflict and so, on balance, the appeal should be dismissed.

David Nicholson

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|----------------------------|---------------------------------|
| Stephanie Hall of Counsel | instructed by Southwark Council |
| She called | |
| Martin McKay MSc MRTPI BSc | Southwark Council |
| DipArch ARB | |
| Laura Hills BA MPlan MRTPI | Southwark Council |
| Andre Verster BA MTP | Southwark Council |

FOR THE APPELLANT:

| | |
|----------------------------|-------------------|
| Rupert Warren QC | instructed by DP9 |
| He called | |
| Mark Bruce BA DipArch RIBA | EPR Architects |
| RIAS ARB | |
| Kevin Murphy BArch MUBC | K M Heritage |
| RIBA IHBC | |
| Oliver Sheppard BA Dip TP | Director DP9 |
| MRTPI | |

INTERESTED PERSONS:

| | |
|--------------------|---------------------|
| Sachin Shah | Local resident |
| Daniel Hyde | Freeths, solicitors |
| Cllr. Adele Morris | Local Counsellor |
| Miss Ramsey | Local resident |

INQUIRY DOCUMENTS (ID)

| | |
|-------|---|
| ID 1 | Appellant's opening points |
| ID 2 | SoCG Addendum (superseded) |
| ID 3 | Summary proof of evidence from Laura Hills |
| ID 4 | Opening submission for the Council |
| ID 5 | Statement from Freeths solicitors |
| ID 6 | List of suggested conditions |
| ID 7 | Note from Miss Ramsey |
| ID 8 | Southwark five and fifteen year housing land supply |
| ID 9 | SoCG Addendum on hotel provision |
| ID 10 | Note concerning hotel guestrooms without windows |
| ID 11 | Note concerning terracotta battens |
| ID 12 | Council's closing submissions |
| ID 13 | Appellant's closing submissions |
| ID 14 | Signed and dated s106 undertaking |

CORE DOCUMENTS (CD)

- CD A1 Planning application forms
- CD A2 Design and Access Statement
- CD A3 Planning Statement
- CD A4 Existing and Proposed Drawings
- CD A5 Heritage and Townscape Appraisal
- CD A6 Energy and Sustainability Statement
- CD A7 Transport Assessment
- CD A8 Travel Plan
- CD A9 Outline Construction Logistics Plan
- CD A10 Draft Operational Management Plan
- CD A11 Servicing Management Plan
- CD A12 Acoustic Report
- CD A13 Statement of Community Involvement
- CD A14 Basement Impact Assessment and Contamination
- CD A15 Daylight and Sunlight Report
- CD A16 Air Quality Assessment
- CD A17 Archaeology Assessment
- CD A18 Arboricultural Assessment
- CD A19 Flood Risk Assessment
- CD A20 Ecology Survey
- CD A21 Hotel Demand Analysis
- CD A22 Hotel Socio and Economic Impact Analysis

- CD B1 Officer's Committee Report
- CD B2 Decision Notice
- CD B3 GLA Stage I Report
- CD B4 GLA Stage II Report
- CD B5 Appellant Statement of Case
- CD B6 Council Statement of Case
- CD B7 Statement of Common Ground
- CD B8 Officer's Committee Report- Addendum

- CD C1 The National Planning Policy Framework (NPPF) 2019
- CD C2 Core Strategy (2011)
- CD C3 Saved Policies of the Southwark Plan (2007)
- CD C4 New Southwark Plan: Proposed Submission Version (2017)
- CD C5 The New Southwark Plan proposed Submission Version Amended Policies 2019
- CD C6 London Plan (2016)
- CD C7 Draft London Plan (extracts only)
- CD C8 Blackfriars Road SPD (2014)
- CD C9 Mayor's Central Activity Zone SPD (2016)
- CD C10 Planning Obligations and Community Infrastructure SPD
- CD C11 Historic England- Tall Buildings Advice Note 4 (2015)

- CD D1 Committee Report for 13/AP/3815- 235-241 Union Street
- CD D2 Committee Report for 16/AP/1660- Friars Bridge Court
- CD D3 Committee Report for 14/AP/1862- 128-150 Blackfriars Road
- CD D4 Committee Report for 17/AP/1959- 14-21 Rushworth Street
- CD D5 Committee Report for 18/AP/2670- 110 Peckham Road
- CD D6 Planning Statement for 18/AP/2670- 110 Peckham Road
- CD D7 Committee Report for 17/AP/4042- Former Lesoco Campus, Ufford Street
- CD D8 Quick Parking Car Park, 112A Great Russell Street, London
- CD D9 Denmark Hill Neighbourhood Housing Office, 161 Denmark Hill, London
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