Department for Levelling Up,
Housing & Communities

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Our refs: APP/A5840/W/22/3290473
APP/A5840/Y/22/3290477
APP/A5840/W/22/3290483
APP/A5840/Y/22/3290490

21 September 2023

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990 – SECTION 20
APPEALS MADE BY GPE (ST THOMAS STREET) LIMITED
NEW CITY COURT, 4-26 ST THOMAS STREET, LONDON SE1 9RS
APPLICATION REFS: 18/APP/4039; 18/AP/4040; 21/AP/1361; 21/AP/1364

These decisions were made by Rachel Maclean MP, Minister of State for Housing and Planning, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC who held a public local inquiry which opened on 19 July 2022 and closed on 10 August 2022 into your client's appeals against the failure of the Council of the London Borough of Southwark to give notice within the prescribed period of a decision on your client's applications for planning permission for:

2. Appeal A: 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, in accordance with application Ref 18/AP/4039 dated 10 December 2018.

3. Appeal C: 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

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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 46,851sqm GEA of Class E(g)(i) office floorspace, 360sqm GEA flexible office E(g)(i)/retail E(a) floorspace, 592sqm GEA Class E(b) restaurant/café floorspace and a public rooftop garden, and 5,190sqm 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, in accordance with application Ref 21/AP/1361 dated 16 April 2021.

and your client's applications for listed building consent for:

4. Appeal B: restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including: Demolition of 1980s fabric across the rear elevation and demolition of the attached 1980s office building, and reinstatement of the rear elevation of the terrace and provision of shopfronts. Rebuild the second floor, roof and chimneys of no. 16, reskin the side façade and creation of ground floor entrances. Rebuild the roof and chimneys of no. 14. Removal and replacement of roof slates with natural slate to nos. 4-12. Opening up the ground floor passageway between nos. 8 and 10 by removing 1930s door and reinstate two adjacent door openings on front elevation. Replacement of two second floor windows on front elevation. Replacement of secondary glazing to front elevation. Alterations to the front elevation of the lower ground level and vaults beneath the pavement. Internal alterations within the terrace to rearrange the ground and lower ground levels for retail units (with new stairs between) and upper levels for office units, reinstate the plan form, internal features and providing a staircase in no.12. Cleaning the brickwork, works to repair sash windows, restore the railings and first floor balconettes, in accordance with application Ref 18/AP/4040 dated 10 December 2018.

5. Appeal D: 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. In accordance with application ref 21/AP/1364 dated 16 April 2021.

6. On 31 March 2022, these appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act (TCPA) 1990, and paragraph 3 of schedule 2 to the Planning (Listed Buildings and Conservation Areas) Act (LBCA) 1990.

Inspector's recommendation and summary of the decisions

7. The Inspector recommended that:

   Appeal A: The appeal be dismissed.

   Appeal B: The appeal be allowed.

   Appeal C: The appeal be dismissed.

   Appeal D: The appeal be allowed.

8. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and agrees with her recommendations. He has decided to:

   Appeal A: Dismiss the appeal and refuse planning permission.

   Appeal B: Allow the appeal and grant listed building consent, subject to conditions.

   Appeal C: Dismiss the appeal and refuse planning permission.

   Appeal D: Allow the appeal and grant listed building consent, subject to conditions.

9. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

10. In reaching this position, the Secretary of State has taken into account the Environmental Statements as supplemented by additional documentation to reflect post submission updates and amendments, which were submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspector's comments at IR1.11, the Secretary of State is satisfied that the Environmental Statements comply with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposals.

Policy and statutory considerations

11. In reaching his decisions on Appeals A and C, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

12. In this case the development plan consists of the London Plan March 2021 (LP) and the Southwark Plan 2019-2026 (SP), adopted in February 2022. The Secretary of State considers that relevant development plan policies include those set out at IR3.3-3.18, IR3.23-3.24, and IR3.28-3.38.

13. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the documents referred to at IR3.20, IR3,27 and IR3.32. A new version of the Framework was issued on 5 September 2023; however as the changes relate solely to onshore wind development, and are not relevant to these appeals, the Secretary of State has not taken them into account in reaching his decision.

14. In accordance with section 66(1) of the LBCA 1990, the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

15. In accordance with section 72(1) of the LBCA 1990, the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Main issues

16. Paragraphs 17-53, and 55-68 below deal with Appeal A ('the 2018 scheme') and Appeal C ('the 2021 scheme'). Appeal B ('the 2018 application for listed building consent') and Appeal D ('the 2021 application for listed building consent') are addressed in paragraphs 54-55, and 69-72.

Townscape character and appearance

17. The Secretary of State agrees with the Inspector's comments and approach at IR13.6-13.11.

Architectural design and quality

18. For the reasons given at IR13.12-13.14, the Secretary of State agrees with the Inspector that in both schemes there is a distinct quality in the proposed architectural language and in the treatment of the facades, and that the materials used would be high quality. He further agrees with the Inspector's comments on the 2018 scheme at IR13.13 and the 2021 scheme at IR13.14.

Public realm

19. For the reasons given at IR13.15-13.21 and IR13.189-13.192, the Secretary of State agrees with the Inspector that the upper floor public gardens would be a positive element of the schemes, however the success of the ground floor space is more limited due to size and light issues. He agrees with the Inspector that the public realm benefits of the 2018 scheme should be afforded limited weight, and the public realm benefits of the 2021 scheme would be afforded very limited weight (IR13.189). He further agrees that the free-to-access public gardens should be afforded significant weight for each scheme (IR13.192).

Context and character

20. For the reasons given at IR13.22-13.33 and IR13.204, the Secretary of State agrees with the Inspector's assessment of each scheme, and agrees that the careful balance of the contrast in the townscape from the current Shard cluster and the townscape of Borough High Street would be eroded by either of the schemes (IR13.33).

Conclusion on townscape character and appearance

21. Overall, for the reasons given above and at IR13.204, the Secretary of State agrees that the site would be broadly acceptable in principle for tall buildings in policy terms (IR13.23-24 and IR13.34). However, he further agrees that while there would be commendable attributes in architectural and public realm terms with specific regard to the public access

gardens, there would also be significant harms caused (IR13.34), and that both schemes would fail to respond positively to local character and townscape (IR13.35). As such he agrees (IR13.204) that while there are some commendable elements, as in architectural terms the designs are interesting and are of good quality, these are undermined by identified shortfalls in public realm, and scale and massings of the schemes and its contextual relationship with its surroundings. He agrees at IR13.198 and IR13.204 that the design of either scheme cannot be said to be exemplar and that both schemes conflict with dedicated design policies at LP Policy D3 and SP Policies P13 and P14.

Heritage assets

22. For the reasons given at IR13.36-13.48 the Secretary of State agrees with the Inspector's approach to heritage assets.

23. For the reasons given at IR13.49-13.76 the Secretary of State agrees that both schemes would cause harm to the Borough High Street Conservation Area, and that this would be at a high level within the less than substantial scale (IR13.76).

24. The Secretary of State agrees, for the reasons given at IR13.77-13.88 that there would be harm to significance to the listed terrace at 4-8 and 12-16 St Thomas Street through the effect of the development upon the setting of the terrace from both schemes (IR13.84). He further agrees that both schemes would have an overpowering influence, diminishing the visual presence of the terrace and its appreciation, causing harm (IR13.85). He also agrees, for the reasons given, that that effect would be particularly apparent in the 2021 scheme (IR13.86). He considers that for both schemes there would be clear harm to the settings, and thereby the significance of the listed terrace, and that this harm would be at a moderate level in the less than substantial scale (IR13.88).

25. For the reasons given at IR13.81-13.83, IR13.88 and IR13.173, the Secretary of State agrees that the restoration and improvement of the Grade II listed Georgian terrace at St Thomas Street would be a clear benefit of both of the schemes which attracts significant weight (IR13.173).

26. For the reasons given at IR13.89-13.93 the Secretary of State agrees that the other listed buildings along St Thomas Street at IR13.89 would experience a moderate level of less than substantial harm from both schemes (IR13.93).

27. With regard to Guy's Hospital, the Secretary of State agrees, for the reasons given at RI13.94-13.107 that the combination of harms to setting behind Conybeare House and the west inner quadrangle, plus the impact upon the Chapel and the ability to appreciate it, both schemes would cause a high level of less than substantial harm (IR13.107).

28. For the reasons given at IR13.108-13.110 the Secretary of State agrees that the loss of enclosure gained from the yard through the creation of Kings Head Square would cause harm to its significance. He further agrees that the scale and intimacy as a building in a back alley would be lost due to the scale of the proposed buildings. As such he agrees

that the scale would be at the low end of the less than substantial harm scale for both schemes (IR13.110).

29. For the reasons given at IR13.111-115 the Secretary of State agrees that for both schemes there would be less than substantial harm to the significance of the George Inn, to the low end of the scale (IR13.115).

30. The Secretary of State agrees, for the reasons set out at IR13.115-124 that both schemes would cause a moderate level of less than substantial harm to the setting of Southwark Cathedral (IR13.124). He further agrees for the reasons given at IR13.122 that in views from London Bridge, the right-hand side would be eroded slightly with the introduction of the schemes roughly located in line with the end of London Bridge. He agrees that the 2018 scheme would give a greater sense of space but due to its width and mass, the 2021 scheme would reduce that to a greater degree.

31. For the reasons given at IR13.125-136 the Secretary of State agrees that the 2018 scheme would cause 'less than substantial' harm at the low end of the scale to the Tower of London World Heritage Site, and to the setting and significance of the Conservation Area and Listed Buildings listed at IR13.125. He further agrees, for the reasons given that the 2021 scheme would cause less than substantial harm at the very low end of the scale to the Tower of London World Heritage Site, and to the setting and significance of the Conservation Area and Listed Buildings listed at IR13.125 (IR13.136).

32. The Secretary of State agrees, for the reasons given at IR13.137-144 that there would be no harm to the significance of St Paul's Cathedral as derived from its setting from either scheme (IR13.144). He further finds no harm from either scheme to the setting of the Church of St George the Martyr, for the reasons set out at IR13.145.

33. For the reasons given at IR 13.146-147 the Secretary of State agrees that any harm to the setting of the Monument and the Church of St Magnus the Martyr would be very low in terms of the 2018 scheme; and that there would be no harm from the 2021 scheme (IR13.147).

34. For the reasons given at IR13.148 the Secretary of State finds that the schemes would not compromise the appreciation and understanding of the buildings and their relationship in the Bank Conservation Area.

35. The Secretary of State further agrees with the Inspector's conclusions on the impact of the removal of the existing buildings at New City Court (IR13.175).

36. For the reasons given at IR13.149-152, the Secretary of State agrees that such harmful effects attract considerable and importance and weight. He further agrees, for the reasons given, that great weight is given to any harm, and the more important the asset, the greater the weight should be (IR13.151). Overall, he agrees with the Inspector at IR13.198 that the harm relates to a wide number of assets within Southwark and across London, including those of the highest significance, and that the heritage harm carries

considerable weight. The Secretary of State has carried out the heritage balance at paragraph 202 of the Framework at paragraph 52 below.

37. He further agrees at IR13.203 that the schemes would be in conflict with dedicated heritage policies LP HC1 and HC2, and SP Policies P19, P20 and P24.

Servicing

38. The Secretary of State agrees, for the reasons set out at IR13.153-163 that overall, each scheme would accord with LP Policies T2 and T7 and SP Policy P50 (IR13.163).

Other matters

39. For the reasons given at IR13.164 the Secretary of State agrees that, subject to control by condition and /obligation, those matters set out at 9.4-9.39 of the Statement of Common Ground are acceptable.

40. For the reasons set out at IR13.165-166 the Secretary of State agrees that limited weight should be attributed to the harm by way of the reductions in daylight and sunlight to Orchard Lisle House and Brook House (IR13.166).

41. For the reasons set out at IR13.167 the Secretary of State agrees that the proposed buildings would be BREEAM outstanding, subject to conditions. He further agrees, for the reasons given, that it would be appropriate for the listed terrace to achieve the 'very good' BREEAM standard. He further agrees that other matters such as wind and solar gain have been assessed and would meet the necessary standards.

42. He further agrees that for the 2018 scheme, policy compliance for carbon emissions can be secured by condition.

43. For the reasons given at IR13.169, the Inspector agrees with the Inspector's conclusions on local concerns relating to financial segregation, community sterilisation and loss of vibrancy.

Other benefits

44. The Secretary of State agrees with the Inspector's approach to benefits, as set out in IR13.170-172.

45. For the reasons given at IR13.176-13.177 the Secretary of State agrees that the provision of office floorspace would be a significant benefit for both schemes. He further agrees, for the reasons set out at IR13.178, that the provision of affordable workspace should be afforded significant weight for each scheme.

46. The Secretary of State agrees that in respect of the 2018 scheme, the provision of affordable retail floorspace attracts limited weight, for the reasons given at IR13.179. He further agrees that the provision of the hub space should attract moderate weight in favour of the proposal (IR13.179).

47. For the reasons given at IR13.180, the Secretary of State agrees that the provision of retail/food and drink/leisure floorspace carries moderate weight for both schemes.

48. He further agrees, for the reasons given at IR13.181-13.183 that the contribution of jobs during the construction and operational phases attracts significant weight in favour of both schemes (IR13.183).

49. For the reasons given at IR13.184-187 the Secretary of State attributed substantial weight to the sustainable transport benefits for both schemes (IR13.187). He affords further moderate weight to the highway works and associated transport and accessibility improvements for pedestrians and cyclists for both schemes (IR13.188).

50. For the reasons given at IR13.193-194 the Secretary of State agrees that the 2018 scheme would attract very limited weight, and the 2021 scheme would attract limited weight in respect of carbon saving reductions (IR13.194),

51. He further finds that the Mayoral and Southwark Community Infrastructure Levy (CIL) contributions attract moderate weight for both schemes, for the reasons given at IR13.195.

Planning and heritage balance

52. The Secretary of State has carefully considered the heritage balance set out in paragraph 202 of the Framework. In keeping with that paragraph, he has weighed up the harm to the significance of the designated heritage assets caused by each proposal against the public benefits of that proposal. Overall, he considers that the public benefits arising from each of the 2018 and 2021 schemes do not outweigh the harm to the significance of the designated heritage assets caused by each scheme. The Framework's heritage balance is therefore not favourable to either scheme.

53. The Secretary of State agrees with the Inspector at IR13.205-206 that each scheme would clearly have in-principle support from the raft of LP and SP policies which seek to provide office developments in the Central Activities Zone, the Opportunity Area (as both defined in the LP and SP) and Town Centre designation. He further agrees there would also be clear conflict with many of the same policies seeking good design and protection of the historic environment and crucially, those which seek the respect and integration of the local and historic context. Overall, he agrees, for the reasons given at IR13.207-209 that there is overall conflict with SP Policy AV11, SP Policy P17, LP Policies GG2, SD1, SD4, SD6 and D9 and SP Policies ST1 and ST2.

Appeals B and D

54. The Secretary of State has proceeded on the basis set out by the Inspector in IR1.8-1.9. He has addressed the benefits of restoring the listed terrace in paragraph 25 above. He agrees with the Inspector that the physical works to the listed terrace would be beneficial, and that sensitive reinstatement of the plan-form and repairs would be achieved by both schemes. The use of appropriate materials would also be beneficial, for example the replacement of asbestos rooftiles with slate, and the works would also restore the rears of the buildings and the floorplans and the historic passageway between Nos 8 and 10 Thomas St (IR13.81). Like the Inspector, he is satisfied that in this regard there would be no harm arising from either scheme and that the special interest of the listed buildings would be preserved, and indeed enhanced (IR13.83). He further agrees that the direct physical works subject to this specific type of consent would not be harmful, and as such there would be no justifiable reason to restrict listed building consent for Appeal B and Appeal D, albeit he acknowledges that without securing the associated planning permissions, these schemes would not be likely to be brought forward (IR13.211).

Planning conditions

55. The Secretary of State has given consideration to the Inspector's analysis at IR11.1-11.4, the recommended conditions set out in Annexes D-G at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework. With regard to the conditions relating to Appeals A and C, set out at annexes D and F of the IR, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission. With regard to the conditions relating to Appeals B and D (set out in Annexes E and G of the IR), he considers that the conditions set out at Annexes A and B of this letter should form part of his decision.

Planning obligations

56. Having had regard to the Inspector's analysis at IR1.10 and IR12.1-12.4, the planning obligations dated 8 September 2022, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR12.4 that the obligations comply with Regulation 122 of the CIL Regulations and the tests at paragraph 57 of the Framework. However, the Secretary of State does not consider that the obligations overcome his reasons for dismissing Appeals A and C and refusing planning permission.

Appeal A – Planning balance and overall conclusion

57. For the reasons given above, the Secretary of State considers that the Appeal A scheme is not in accordance with SP Policies AV11, P13, P14, P17, P19, P20, P24, ST1 and ST2; and is not in accordance with LP Policies GG2, SD1, SD4, SD6, D3, D9, HC1 and HC2. He considers that the Appeal A scheme is in conflict with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

58. In favour of the proposal the Secretary of State gives significant weight to the provision of office floor space, significant weight to the provision of affordable workspace, limited weight to the provision of affordable retail floorspace, moderate weight to the provision of the hub space, moderate weight to the provision of retail/food and drink/leisure floorspace, significant weight to the provision of jobs, and substantial weight to the sustainable transport benefits. The highway works and associated transport and accessibility improvements for pedestrians and cyclists attract moderate weight, and the public realm improvements at ground level attract limited weight, and the public garden attracts significant weight. The sustainability of the proposal by way of carbon saving reductions attracts very limited weight, the CIL contributions attract moderate weight, and the restoration of the Georgian terrace attracts significant weight.

59. Weighing against the proposal the Secretary of State gives considerable weight to the harm to heritage assets, significant weight to the harms to townscape character and appearance, and limited weight to the loss of daylight and sunlight to adjacent blocks. The Secretary of State has further found that the balancing exercise under paragraph 202 of the Framework is not favourable to the proposal.

60. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the conflict with the development plan and the material considerations in this case indicate that permission should be refused.

61. The Secretary of State therefore concludes that Appeal A should be dismissed and planning permission refused.

Formal decision on Appeal A

62. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for 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, in accordance with application Ref 18/AP/4039, dated 10 December 2018.

Appeal C – Planning balance and overall conclusion

63. For the reasons given above, the Secretary of State considers that the Appeal C scheme is not in accordance with SP Policies AV11, P13, P14, P17, P19, P20, P24, ST1 and ST2; and is not in accordance with LP Policies GG2, SD1, SD4, SD6, D3, D9, HC1 and HC2. He considers that the Appeal C scheme is in conflict with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

64. In favour of the proposal the Secretary of State gives significant weight to the provision of office floor space, significant weight to the provision of affordable workspace, moderate weight to the provision of retail/food and drink/leisure floorspace, significant weight to the provision of jobs, and substantial weight to the sustainable transport benefits. The highway works and associated transport and accessibility improvements for pedestrians and cyclists attract moderate weight, the public realm improvements at ground level attract very limited weight, and the public garden attracts significant weight. The sustainability of the proposal by way of carbon saving reductions attracts limited weight, the CIL contributions attract moderate weight, and the restoration of the Georgian terrace attracts significant weight.

65. Weighing against the proposal the Secretary of States gives considerable weight to the harm to heritage assets, significant weight to the harms to townscape character and appearance, and limited weight to the loss of daylight and sunlight to adjacent blocks. The Secretary of State has further found that the balancing exercise under paragraph 202 of the Framework is not favourable to the proposal.

66. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the conflict with the development plan and the material considerations in this case indicate that permission should be refused.

67. The Secretary of State therefore concludes that Appeal C should be dismissed and planning permission refused.

Formal decision on Appeal C

68. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for 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 46,851sqm GEA of Class E(g)(i) office floorspace, 360sqm GEA flexible office E(g)(i)/retail E(a) floorspace, 592sqm GEA Class E(b) restaurant/café floorspace and a public rooftop garden, and 5,190sqm 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, in accordance with application Ref 21/AP/1361, dated 16 April 2021.

Appeal B – Conclusions

69. For the reasons given at paragraphs 54-55 above, the Secretary of State has concluded that Appeal B should be allowed and listed building consent granted, subject to conditions.

Formal decision on Appeal B

70. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants listed building consent, subject to the conditions set out at Annex A of this letter, 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, and reinstatement of the rear elevation of the terrace and provision of shopfronts. Rebuild the second floor, roof and chimneys of no. 16, reskin the side façade and creation of ground floor entrances. Rebuild the roof and chimneys of no. 14. Removal and replacement of roof slates with natural slate to nos. 4-12. Opening up the ground floor passageway between nos. 8 and 10 by removing 1930s door and reinstate two adjacent door openings on front elevation. Replacement of two second floor windows on front elevation. Replacement of secondary glazing to front elevation. Alterations to the front elevation of the lower ground level and vaults beneath the pavement. Internal alterations within the terrace to rearrange the ground and lower ground levels for retail units (with new stairs between) and upper levels for office units, reinstate the plan form, internal features and providing a staircase in no.12. Cleaning the brickwork, works to repair sash windows, restore the railings and first floor balconettes. in accordance with application Ref 18/AP/4040, dated 10 December 2018.

Appeal D – Conclusions

71. For the reasons given at paragraphs 54-55 above, the Secretary of State has concluded that Appeal D should be allowed and listed building consent granted, subject to conditions.

Formal decision on Appeal D

72. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants listed building consent, subject to the conditions set out at Annex B of this letter, 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, in accordance with application ref 21/AP/1364, dated 16 April 2021.

73. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 8 of the LBCA 1990.

Right to challenge these decisions

74. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decisions may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the TCPA 1990. A challenge to the grant of listed building consent may be made under section 63 of the LBCA 1990.

75. A copy of this letter has been sent to the London Borough of Southwark and Historic England, and notification has been sent to others who asked to be informed of the decisions.

Yours faithfully

Phil Barber

Decision officer

These decisions were made by the Minister of State for Housing and Planning, Rachel Maclean MP, on behalf of the Secretary of State, and signed on her behalf

ANNEX A LIST OF CONDITIONS FOR APPEAL B (2018 LISTED BUILDING CONSENT)

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

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

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

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

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

4. Prior to the commencement of any external works to the Georgian terrace (excluding demolition, site clearance and site investigations), the following details shall be submitted to and approved in writing by the Local Planning Authority:
    a. 1sqm sample panel of brickwork, mortar and pointing for the approved extensions.
    b. Samples of the brick, slate and other materials for the external repairs.
    c. Samples of the material of the gates and passageway surfaces between nos. 8 and 10 St Thomas Street.

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

5. Prior to commencement of works to the Georgian terrace one or more construction contract(s) for those works (under which one of the parties is obliged to carry out and complete works to the Georgian terrace for which listed building consent has been granted) shall be entered into and evidence of the construction contract shall be submitted to the Local Planning Authority for approval in writing.

    In addition to the above, prior to commencement of any external demolition works to the Georgian terrace evidence of a suitable planning permission being in place for the

external demolition works and redevelopment of the site shall be submitted to the Local Planning Authority for approval in writing.

6. Unless agreed pursuant to a condition on this permission, the approved window openings to the Georgian terrace building hereby approved shall be clear glass and shall not be painted, covered or otherwise obscured or obstructed without prior written consent of the Local Planning Authority.

7. Prior to the commencement of the works, a Listed Building Consent Application Management Plan setting out the policies and guidance for ongoing maintenance, repair and minor alterations to the listed buildings on the Site shall be submitted to and approved in writing by the Local Planning Authority. The Listed Building Consent Application Management Plan shall be prepared by an accredited conservation architect (as approved by the Local Planning Authority) and shall include (but not be limited to):
    i. the listed status of the site including the details of the special architectural and historical interest of the site;
    ii. the details of the works to the listed buildings on the site;
    iii. key objectives and actions in the refurbishment of the listed buildings on the site;
    iv. fixtures of significance; and
    v. policies for maintenance, repair and minor alterations including what work requires listed building consent or planning permission other than that already granted.

    The works shall not be carried out other than in accordance with the approved Listed Building Consent Application Management Plan for the duration that the listed buildings remain occupied.

ANNEX B LIST OF CONDITIONS FOR APPEAL D (2021 LISTED BUILDING CONSENT)

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

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

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

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

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

4. Prior to the commencement of any external works to the Georgian terrace (excluding demolition, site clearance and site investigations), the following details shall be submitted to and approved in writing by the Local Planning Authority:
    a. 1sqm sample panel of brickwork, mortar and pointing for the approved extensions.
    b. Samples of the brick, slate and other materials for the external repairs.
    c. Samples of the material of the gates and passageway surfaces between nos. 8 and 10 St Thomas Street.

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

5. Prior to commencement of works to the Georgian terrace one or more construction contract(s) for those works (under which one of the parties is obliged to carry out and complete works to the Georgian terrace for which listed building consent has been granted) shall be entered into and evidence of the construction contract shall be submitted to the Local Planning Authority for approval in writing.

    In addition to the above, prior to commencement of any external demolition works to the Georgian terrace evidence of a suitable planning permission being in place for the

external demolition works and redevelopment of the site shall be submitted to the Local Planning Authority for approval in writing.

6. Unless agreed pursuant to a condition on this permission, the approved window openings to the Georgian terrace building hereby approved shall be clear glass and shall not be painted, covered or otherwise obscured or obstructed without prior written consent of the Local Planning Authority.

7. Prior to the commencement of the works, a Listed Building Consent Application Management Plan setting out the policies and guidance for ongoing maintenance, repair and minor alterations to the listed buildings on the Site shall be submitted to and approved in writing by the Local Planning Authority. The Listed Building Consent Application Management Plan shall be prepared by an accredited conservation architect (as approved by the Local Planning Authority) and shall include (but not be limited to):
    i. the listed status of the site including the details of the special architectural and historical interest of the site;
    ii. the details of the works to the listed buildings on the site;
    iii. key objectives and actions in the refurbishment of the listed buildings on the site;
    iv. fixtures of significance; and
    v. policies for maintenance, repair and minor alterations including what work requires listed building consent or planning permission other than that already granted.

    The works shall not be carried out other than in accordance with the approved Listed Building Consent Application Management Plan for the duration that the listed buildings remain occupied.

The Planning Inspectorate

Report to the Secretary of State

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Date 16 January 2023

TOWN AND COUNTRY PLANNING ACT 1990

PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

LONDON BOROUGH OF SOUTHWARK

APPEALS BY GPE (ST THOMAS STREET) LIMITED

Inquiry opened on 19 July 2022. Site visits on 20 July, 5, 8, 9 and 10 August 2022

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

File Refs: APP/A5840/W/22/3290473, APP/A5840/Y/22/3290477, APP/A5840/W/22/3290483 and APP/A5840/Y/22/3290490

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[1] Cover photomontage from CD-A-12.1 (VP24) and CD-B-14.1 (VP18)

List of Abbreviations

BHA	Built Heritage Assessment
BHSCA	Borough High Street Conservation Area
CA	Conservation Area
CAZ	Central Activity Zone
CAA	Conservation Area Appraisal
DAS	Design and Access Statement
EIA	Environmental Impact Assessment
ES	Environmental Statement
GLA	Greater London Authority
GPA	Good Practice Advice
GSST	Guy's and St Thomas' NHS Foundation Trust
HE	Historic England
HGV	Heavy Goods Vehicle
HSOCG	Heritage Statement of Common Ground
ICOMOS	International Council on Monuments and Sites
KCL	Kings College London
LBS	London Borough of Southwark
LGV	Light Goods Vehicle
LP	London Plan (March 2021)
LVMF	London View Management Framework
LUL	London Underground Limited
NPPF	National Planning Policy Framework
OUV	Outstanding Universal Value
PCPA 2004	Planning and Compulsory Purchase Act 2004
PH	Public House
PLBCAA 1990	Planning (Listed Building and Conservation Areas) Act 1990
PoE	Proof of Evidence
PPG	Planning Practice Guidance
RX	Re-Examination
S106	Section 106 (of the T&CP Act)
SOCG	Statement of Common Ground
SOUV	Outstanding Universal Value
SoS	Secretary of State
SP	Southwark Plan 2019-2026 (February 2022)
TfL	Transport for London
ToL	Tower of London
TVIBHA	Townscape, Visual Impact and Built Heritage Assessment
WHC	World Heritage Committee
WHS	World Heritage Site
WHSMP	World Heritage Site Management Plan
XIC	Examination in Chief
XX	Cross Examination

APPEAL A Ref: APP/A5840/W/22/3290473
New City Court, 4-26 St Thomas Street, London SE1 9RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by GPE (St Thomas Street) Limited against the Council of the London Borough of Southwark.
- The application Ref 18/AP/4039 is dated 10 December 2018.
- The development proposed is 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.

Summary of Recommendation: The appeal be dismissed.

APPEAL B Ref: APP/A5840/Y/22/3290477
New City Court, 4-26 St Thomas Street, London SE1 9RS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
- The appeal is made by GPE (St Thomas Street) Limited against the Council of the London Borough of Southwark.
- The application Ref 18/AP/4040 is dated 10 December 2018.
- The works proposed are restoration, rebuilding and refurbishment of the listed terrace (nos. 4-16 St Thomas Street) including: Demolition of 1980s fabric across the rear elevation and demolition of the attached 1980s office building, and reinstatement of the rear elevation of the terrace and provision of shopfronts. Rebuild the second floor, roof and chimneys of no. 16, reskin the side façade and creation of ground floor entrances. Rebuild the roof and chimneys of no. 14. Removal and replacement of roof slates with natural slate to nos. 4-12. Opening up the ground floor passageway between nos. 8 and 10 by removing 1930s door and reinstate two adjacent door openings on front elevation. Replacement of two second floor windows on front elevation. Replacement of secondary glazing to front elevation. Alterations to the front elevation of the lower ground level and vaults beneath the pavement. Internal alterations within the terrace to rearrange the ground and lower ground levels for retail units (with new stairs between) and upper levels for office units, reinstate the plan form, internal features and providing a staircase in no.12. Cleaning the brickwork, works to repair sash windows, restore the railings and first floor balconettes.

Summary of Recommendation: The appeal be allowed.

APPEAL C Ref: APP/A5840/W/22/3290483
New City Court, 4-26 St Thomas Street, London SE1 9RS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by GPE (St Thomas Street) Limited against the Council of the London Borough of Southwark.
- The application Ref 21/AP/1361 is dated 16 April 2021.
- The development proposed is 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 46,851sqm GEA of Class E(g)(i) office floorspace, 360sqm GEA flexible office E(g)(i)/retail E(a) floorspace, 592sqm GEA Class E(b) restaurant/café floorspace and a public rooftop garden, and 5,190sqm 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.

Summary of Recommendation: The appeal be dismissed.

APPEAL D Ref: APP/A5840/Y/22/3290490
New City Court, 4-26 St Thomas Street, London SE1 9RS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
- The appeal is made by GPE (St Thomas Street) Limited against the Council of the London Borough of Southwark.
- The application Ref 21/AP/1364 is dated 16 April 2021.
- The works proposed are 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.

Summary of Recommendation: The appeal be allowed.

1 Procedural Matters

1.1 The Inquiry relates to 2 separate appeal schemes for the same site. Planning permission and Listed Building Consent (LBC) were first sought in 2018 (herein referenced as the 2018 scheme). A revised scheme for both Planning and LBC was also later submitted in 2021 (the 2021 scheme). In all cases, the appeals are made against the non-determination of the applications. Putative reasons for refusal were, however, provided by the Council in their Statement of Case.[2] These were later reported to, and ratified by, Southwark Planning Committee on 19 April 2022.[3]

1.2 The appeals were recovered for a decision by the Secretary of State (SoS) by a direction dated 31 March 2022. This was in respect of the impacts on the outstanding universal value (OUV), integrity, authenticity and significance of the Tower of London World Heritage Site.

1.3 The Inquiry opened on 19 July 2022 and closed on 10 August 2022 after a total of 14 sitting days.[4] Historic England (HE) appeared as a Rule 6 party who participated in proceedings in respect of heritage matters and public (heritage) benefits. Transport for London (TfL) also participated in 'Round Table Sessions' relating to servicing impacts and conditions and obligations. A representative for the Guy's and St Thomas' NHS Trust also appeared. Other written submissions were also made to the Inquiry by interested parties.

1.4 A 'Core Documents' library was established in advance of the Inquiry. Documents were submitted during the course of the Inquiry ('Inquiry Documents'). Details of these and how to access them are annexed to this report. Thanks is given to Joanna Vincent, the Programme Officer, for her assistance with the running of the Inquiry and the documents website.

1.5 Prior to the formal evidence being examined, a factual presentation was made by the architect for each of the schemes by way of 'setting the scene'.[5] This included videos of VR walkthroughs of the proposed public realm. Models of the proposed schemes and the wider areas were also present at the venue throughout the duration of the Inquiry.

1.6 Site visits were undertaken on an unaccompanied and accompanied basis. On 20 July an accompanied site visit was made to 4-16 St Thomas Street (the listed terrace) as well as the 1980's New City Court building. An accompanied site visit was also held following an itinerary agreed by all parties on 5 August around the surrounding area.[6] On 8 August I visited Parliament Hill and Kenwood Gazebo unaccompanied to aid my understanding of the effects on St Paul's Cathedral. I visited The Shard on 9 August to view the site and surroundings from the upper viewing platforms. In respect of transport and servicing matters, I viewed the local highways of St Thomas Street, Borough

[2] CD-I-03 and CD-I-04 submitted on 16 March 2022.
[3] CD-I-06 and CD-I-07 (Committee Reports) and CD-I-08 (Committee Minutes).
[4] Including scheduled breaks/overspill days. A copy of the Inquiry Programme can be found at: https://gateleyhamer-pi.com/en-gb/new-city-court/inquiry-programme/
[5] INQ-07 The contents of this was the subject of prior agreement with all main parties.
[6] INQ-28

High Street, White Hart Yard and Kings Head Yard on 10 August.[7] I also walked the area surrounding the appeal site at various dates over the course of the Inquiry to familiarise myself with the area at different times of the day.

1.7 A Planning Statement of Common Ground (SOCG) was agreed between the Council and Appellant. Separate topic based SOCG were also submitted and agreed between the Council and Appellant on Character and Appearance, Heritage and Servicing Matters.[8] The latter two were also agreed with HE and TfL as per their respective interests. A public benefits comparison schedule between the Council and Appellant was also submitted.[9]

1.8 In terms of the listed building (LB) appeals, these were given putative reasons for refusal by the Council as they were considered 'parasitic' to the planning appeals. The putative reasons for refusal referred to harm to their setting, however no case was advanced by the Council at the Inquiry, either within the proofs, or in oral evidence in respect of harm to the listed buildings arising from physical works to their fabric. Moreover, heritage benefits were also identified in terms of the proposed works to the listed buildings.

1.9 In light of this and given that LBC is only required for direct physical works, as per section 7 of the Planning (Listed Building and Conservation areas) Act 1990 (PLBCAA 1990), I asked the Council to consider whether listed building consent for the physical works only could be recommended for approval, even in the event that the planning appeals were recommended for dismissal. The Council produced a detailed note on this[10] and confirmed that this could be possible, subject to the imposition of conditions. Accordingly, I have not considered the putative reasons for refusal in terms of the listed building consent appeals in this report. I have, however, considered the works and the effects on the setting of these buildings as I am duty bound to do.

1.10 Planning Obligations for each scheme were submitted in draft form, discussed at the Inquiry and subsequently finalised.[11] I deal with these below.

1.11 Environmental Statements (ES) accompanied the planning applications. The original submissions were also supplemented by additional documentation to reflect post submission updates and amendments, which together comprise the composite ES. I am satisfied that these documents meet the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, and I have taken them into account in my consideration of the appeals.

1.12 This report contains a description of the site and its surroundings, an explanation of the proposals, identification of relevant planning policies, and the gist of the submissions made at the Inquiry and in writing, followed by my conclusions and recommendation. Lists of appearances are annexed.

[7] As per the details set out in INQ-21 and INQ-22.
[8] SOCG-01-04 can be found at: https://gateleyhamer-pi.com/en-gb/new-city-court/inquiry-documents/proofs-evidence/statements-common-ground/
[9] INQ-32.
[10] INQ-11.
[11] INQ-29.3 and INQ29.4.

2 Site and Surrounding Area

2.1 The site and its surroundings are described in detail in the Planning SOCG.[12] In summary, the site comprises 3 different components:

i) Nos 4-16 St Thomas Street which is an early 19th Century terrace (Grade II listed).

ii) No 20 St Thomas Street which comprises a 1980's office block 'New City Court' which is 4-5-storeys in height with glazing and panelled exterior and flat roofs.

iii) Nos 24-26 St Thomas Street which is a retained red brick and stone ornate façade plus basement and railings, dating from the 19th Century, with a 1980's 4-storey building behind. This building is known as Keats House.

2.2 Nos 4-16 St Thomas Street are 19th century townhouses built as private residences for the physicians of Guy's and St Thomas' Hospital. These are yellow brick with stucco and are 3-4 storey in height with basement vaults and cast-iron railings to the pavement edge. Originally the properties were two separate terraces, however they were infilled in the 1930's in buff brick and a double doorway with stucco pilasters and entablature surround. They were heavily altered; in the 1980s with the development of New City Court with replacement glazing bar sash windows, asbestos roof tiles, concrete slabs to doorways over basement, loss of internal floorplan, chimney breasts and detailing and the rebuilding or overcladding of the rear facades.

2.3 The 1980's New City Court extends behind Keats House and the Georgian terrace and all three are physically attached. To the rear it forms the northern edge of Kings Head Yard (taking in a retained façade from former hop sample rooms). This yard extends to Guy's Hospital to the eastern site boundary, and links into White Hart Yard.

2.4 To the west, the site is bounded by the rear of properties which front Borough High Street, including London Bridge Underground entrance/exit. The site as a whole is currently in use as offices.

2.5 The site is within the Central Activities Zone (CAZ), the London Bridge Borough and Bankside Opportunity Area, and the London Bridge District Town Centre. London Bridge Station is located to the west, accessed from St Thomas Street along with The Shard and newly constructed Shard Place. Guy's and St Thomas Hospital (including Guy's Tower) and Kings College London (Guy's Campus) are located to the south and east of the site.

2.6 The site is located within the Borough High Street Conservation Area (BHSCA) and the North Southwark and Roman Roads Archaeological Priority Area. The Tooley Street Conservation Area (CA) is located to the north. Other CA's in the wider area include Trinity Church Square CA, Bank CA and Tower CA.

2.7 The area is rich in heritage and there are a number of LBs in the vicinity of the site. The relevant heritage assets considered to be affected by the proposal are set out below:

[12] SOCG-01.

World Heritage Site

- The Tower of London World Heritage Site (also a scheduled monument and within a conservation area)

Grade I listed buildings

- Tower of London (Inner curtain wall with mural towers, the New Armouries, the Queen's House and Tower Green)
- Cathedral Church of St Saviour and St Mary Overie (Southwark Cathedral)
- Cathedral Church of St Paul (St Paul's Cathedral)
- The George Inn
- The Monument (also a scheduled monument)
- Church of St Magnus the Martyr

Grade II* listed buildings

- Guy's Hospital main building including wings and chapel
- 9, 9A, 11, 13 and 15 St Thomas Street
- Church of St George the Martyr

Grade II listed buildings

- 4 – 8 and 12 – 16 St Thomas Street
- Kings Head Public House (PH)
- Bunch of Grapes Public House

Conservation Areas

- Borough High Street
- Tower
- Bank

2.8 The Heritage SOCG[13] sets out detailed summaries of significance for these assets including the Outstanding Universal Value (OUV) of the Tower of London World Heritage Site (ToLWHS), the historic, architectural, artistic and archaeological interest of the listed buildings and broad summaries for the CA's. These summaries are agreed between parties but they do not set out the contribution of setting to significance, as these were not agreed.

2.9 Helpfully, summary tables for the impact on significance are covered by the heritage SOCG, setting out which assets each party consider to be harmed and to what level in the less than substantial harm (LTSH) range.

2.10 The site is also within the wider setting consultation areas of two London View Management framework views; Parliament Hill and Kenwood. The submitted Townscape and Visual Impact and Built Heritage Assessments for each scheme (TVIBHA)[14] assessed these, along with the abovementioned heritage assets.

[13] SOCG-03
[14] CD-A-12.1 & 2 and CD-A-57 (2018 Scheme) and CD-B-14.1 & 2 and CD-B-58 (2021 Scheme)

3 Planning Policy

3.1 Applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the development plan comprises the London Plan March 2021 (LP)[15] and the Southwark Plan 2019-2026[16] (SP) which was recently adopted in February 2022. The National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) are material considerations.

3.2 A significant number of relevant policies from both the LP and SP are identified in the SOCG, along with the relevant parts of the NPPF and PPG, and a number of other documents also deemed to be material. [17] I set out below the details of those which are most pertinent to these appeals, grouped into themes.

Good Growth

3.3 The concept of 'Good Growth' underpins the LP and its policies. This is growth that is socially and economically inclusive and environmentally sustainable. LP Policy GG2 sets criteria for making the best use of land including applying a design-led approach to determine optimum development capacity, understanding what is valued about existing places and using this as a catalyst for growth, renewal and place-making, strengthening London's distinct and varied character. Use of brownfield land and promoting higher density development in well-connected locations is also specified.

3.4 Growing a good economy is a central theme and the LP recognises that London's rich cultural and historic assets, the quality of its streets and public places, its spirit of creativity and entrepreneurialism attract businesses of all sizes and allow them to develop and thrive.[18] Policy GG5 seeks to conserve and enhance London's global economic competitiveness and ensure that economic success is shared amongst all Londoners. This is achieved by planning for sufficient employment and industrial space in the right locations to support economic development and regeneration; ensuring that London continues to provide leadership in innovation, research, policy and ideas; supporting its role as an international incubator and centre for learning; promoting and supporting London's rich heritage and cultural assets and its role as a 24-hour city; and by making the fullest use of London's existing and future public transport, walking and cycling network, as well as its network of town centres, to support agglomeration and economic activity.

3.5 LP Policy SD1 seeks to ensure that identified Opportunity Areas fully realise their growth and regeneration potential through supporting development which creates employment opportunities and recognising the role of heritage in place making. SD4 notes the national and international significance of the CAZ as the vibrant heart and globally-iconic core of London, seeking to support and enhance office functions including the intensification and provision of sufficient space to meet demand. This policy also seeks to sustain and enhance the distinct environment and heritage of the CAZ and supports and promotes the

[15] CD-D-21
[16] CD-E-01
[17] SOCG-01 pages 23-28
[18] Para 1.5.2, page 23 of the LP.

CAZ as a centre of excellence and specialist clusters including functions of state, health, law, education, creative and cultural activities.

3.6 Policy SD5 requires that residential development should not compromise the strategic functions of the CAZ and gives greater weight within the CAZ to office development over residential development. Policy SD6 also seeks to promote and enhance the vitality and viability of London's town centres.

3.7 Drilling down further under the strategic concept of 'Good Growth', LP Policy E1 supports increases in business and office developments in the CAZ. Policy E3 requires the provision of affordable workspace, secured by planning obligations, in areas defined by development plans.

3.8 These themes are carried into the SP which sets Area Vision policies that provide the strategic vision for Southwark's distinct places and identify the character of these areas to be renewed, retained and enhanced.

3.9 Policy AV11 recognises that London Bridge is a globally significant central London business district which is home to international business headquarters, centres of academic and health excellence at King's College London and Guy's Hospital as well as being a local destination and town centre. It identifies that London Bridge is internationally renowned for its prominent riverfront location providing cultural spaces and retail, including Borough Market, and riverside access, an area with a rich heritage preserved in historic monuments, buildings, yards, public spaces, vistas, cityscapes and archaeology, is one of the UK's busiest and fastest growing transport hubs, that has increased rail and river capacity and improved walking and cycling provision and the quality of the public realm and is of great archaeological interest, containing nationally significant sites and scheduled monuments of Roman, medieval and post-medieval date.

3.10 AV11 sets out criteria for future development in London Bridge which seeks to:

- *"attract global commerce with headquarter and local offices and build on its reputation for arts and crafts, food and trade while serving local needs through its town centre role;*
- *Support the creation of a distinctive and inspiring world class environment through a mix of inspiring new architecture, restored and reactivated warehouses and other heritage revealed with 'placemarks', public art and quality public realm that provides openness, connectivity and a 'green grid'. Greenery and innovations in environmental resilience should be incorporated into buildings;*
- *Build on the fabric of local alleyways and yards to create quiet, green routes with clean air;*
- *Strengthen the cultural offer of the area and diversify activities and shops;*
- *Make sure the new standard of London Bridge Station is upheld and the Shard remains significantly taller and more visible than surrounding buildings as the station's landmark;*

- *Improve local accessibility and interchange at the station with enhanced walking, cycling, tube, bus and boat routes;*
- *Contribute towards the development of the Low Line, a new public realm corridor adjacent to historic railway arches, with lively accessible spaces for creativity, new jobs and retail;*
- *Harness the expertise and infrastructure from Kings College London, Guy's Hospital and other medical and science facilities to develop a strong, dynamic and specialised local economy that will attract new specialised services and research and promote heath and wellbeing in the local environment;*
- *Enhance the sense of place and visitor and cultural activities along the Thames riverfront, and encourage use of riverboat services, waterborne freight and the Thames Path in a safe and sustainable way;*
- *Support the development of vibrant new high streets on St Thomas Street, Crucifix Lane and Tooley Street, complementing the distinct character of nearby Bermondsey Street."*

3.11 Policy AV11 also recognises that London Bridge has experienced significant transformation with the delivery of the London Bridge Shard Quarter, more London riverside development, the Shard tower and News Building along with the 2018 redevelopment of London Bridge station which includes access to/from St Thomas Street.

3.12 SP Policy ST1 is a strategic policy which sets out development targets for Southwark, including 10,000 jobs in the Borough, Bankside and London Bridge Opportunity Area and 460,000 sqm of office space, 80% of which to be delivered in the CAZ. This is also reflected in Policy SP4 (a green and inclusive economy). Policy AV11 (referenced above) also reflects the jobs targets identified in ST1 and SP4. Policy ST2 is also a strategic policy which recognises complex place making and the drive for development within Opportunity Areas.

3.13 Policy P30 requires retention or increasing of employment floorspaces within the CAZ, town centres and opportunity areas. P31 requires the delivery of affordable workspace for developments of over 500sqm GIA.

3.14 Paragraph 8 of the NPPF sets out the overarching economic, social and environmental objectives to achieve sustainable development, which should be pursued in mutually supportive ways. Paragraph 81 gives significant weight to the need to support economic growth and productivity.

Historic Environment

3.15 The LP recognises that London's historic environment provides a depth of character that benefits the city's economy, culture and quality of life. London's heritage assets and historic environment are irreplaceable and an essential part of what makes London a vibrant and successful city, and their effective management is a fundamental component of achieving good growth. The general theme of the LP and SP Policies is that proposals should conserve and enhance the significance of heritage assets (and their settings), including SP Policy P19 (Listed Buildings and Structures) and P20 (Conservation Areas).

3.16 In particular, LP policy HC1 deals with heritage conservation and growth and seeks the effective integration of London's heritage in regenerative change by recognising and embedding the role of heritage in place making, utilising the heritage significance of a site or area in the planning and design process, integrating the conservation and enhancement of heritage assets and their settings with innovative and creative contextual architectural responses that contribute to their significance and sense of place and delivering positive benefits that conserve and enhance the historic environment, as well as contributing to the economic viability, accessibility and environmental quality of a place, and to social wellbeing. Cumulative impacts should also be actively managed. The integration of heritage considerations early on in the design process to avoid harm and identify enhancement opportunities is also required.

3.17 LP Policy HC2 and SP Policy P24 relate to WHSs. Development proposals in a WHS and their settings should conserve, promote and enhance their OUV, and they should not compromise the ability to appreciate their OUV, or the authenticity and integrity of their attributes and support their management and protection. This should include views into, out of and across WHSs.

3.18 LP Policy HC3 deals with designated strategic views of which development proposals must be assessed for their impact within the fore-, middle- or background of that view. Parliament Hill to Central London and Kenwood to Central London are two such identified views. HC4 deals with London View Management Framework requiring that proposals should not harm, and should seek to make a positive contribution to, the characteristics and composition of Strategic Views and their landmark elements. Development in the fore-, middle- and background of a designated view should not be intrusive, unsightly or prominent to the detriment of the view.

3.19 Statutory duties are also laid down by the PLBCAA 1990 in sections 16, 66 and 72. Special regard must be had to the desirability of preserving a LB or its setting and special attention must be paid to the desirability of preserving or enhancing the character or appearance of a CA.

3.20 Other material considerations related to heritage include:

- Borough High Street Conservation Area Appraisal (June 2006)[19]
- HE Good Practice Advice (GPA) 2 - Managing Significance in Decision-Taking in the Historic Environment, July 2015[20]
- HE GPA 3 – The Setting of Heritage Assets (2nd Edition), December 2017[21]
- Tower of London World Heritage Site Management Plan (WHSMP), Historic Royal Palaces, 2016[22]

[19] CD-E-06
[20] CD-F-06
[21] CD-F-04
[22] CD-F-09

- London View Management Framework Supplementary Planning Guidance (LVMF) Mayor of London, 2012[23]

3.21 Paragraph 199 of the NPPF states that great weight should be given to the conservation of a heritage asset and the more important the asset, the greater the weight should be. Paragraph 200 states that any harm to the significance of designated heritage assets (including from development within its setting) should require clear and convincing justification. Paragraph 202 states that where a development proposal will lead to LTSH this harm should be weighed against the public benefits of the proposal. The glossary of the NPPF defines significance and setting.

3.22 Finally, paragraph 18 of the PPG[24] gives guidance on how harm to heritage assets should be assessed. It states that harm may arise from works to the asset or from development within its setting. Noting that substantial harm is a high test, within each category of harm (which category applies should be explicitly identified), the extent of the harm may vary and should be clearly articulated.

Design Quality

3.23 LP Policy D3 requires that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth. Higher densities are supported in locations well connected to jobs, services, infrastructure with good accessibility. Detailed criteria are set out in terms of form and layout, experience and quality and character, the latter of which requires development to:

- *"respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character*
- *be of high quality, with architecture that pays attention to detail, and gives thorough consideration to the practicality of use, flexibility, safety and building lifespan through appropriate construction methods and the use of attractive, robust materials which weather and mature well*
- *aim for high sustainability standards (with reference to the policies within London Plan Chapters 8 and 9) and take into account the principles of the circular economy*
- *provide spaces and buildings that maximise opportunities for urban greening to create attractive resilient places that can also help the management of surface water."*

3.24 SP Policies P13 and P14 relate to design of places and design quality, again setting out detailed criteria requiring high standards of design, fitting to the

[23] CD-D-24 (1-3)
[24] CD-D-11

location, context, scale and type of development. Policies also set out design principles in respect of high quality public realm.

3.25 The NPPF seeks to achieve well-designed places, stating that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve (paragraph 126). Paragraph 130 sets out criteria, including ensuring that developments are visually attractive as a result of good architecture, layout and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

3.26 Paragraph 134 of the NPPF is clear that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents.

3.27 As set out in the National Design Guide (January 2021),[25] the fundamental principles for good design are that it is: fit for purpose; durable; and brings delight. It outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics: context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan.

Tall Buildings

3.28 LP Policy D9 requires that Boroughs should define what is considered a tall building for specific localities and identify within Development Plans suitable locations where such buildings may be appropriate, subject to meeting specific requirements. The policy also sets out detailed criteria in terms of addressing specific visual, functional, environmental and cumulative impacts.

3.29 Under visual impacts, Policy D9 requires that proposals address a range of possible effects, including on long- and mid-range views, and immediate views from the surrounding streets. Architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of buildings is maintained throughout their lifetime. Proposals should also take account of and avoid harm to the significance of heritage assets and their settings noting that proposals resulting in harm to heritage assets will require clear and convincing justification, demonstrating that alternatives have been explored, and that there are clear and convincing public benefits that outweigh that harm. Buildings in the setting of a WHS must preserve and not harm the OUV of the WHS, and its ability to appreciate it.

3.30 The functional impacts in policy D9 relate to the need to ensure safety, appropriate servicing and maintenance, appropriate and safe access to the building and wider transport network, maximise benefits and regeneration potential through the design. Environmental impacts relate to the need to consider wind, daylight and sunlight and not compromise the enjoyment of open spaces. Cumulative impacts in respect of proposed, consented and

[25] CD-D-20

planned tall buildings must also be considered. Finally, free to enter public access should be incorporated.

3.31 As required by LP Policy D9, SP Policy P17, identifies broad areas where tall buildings are expected, noting that these are typically in opportunity areas and the CAZ. Individual site allocations for tall buildings have also been identified. Specific criteria are similar to those in D9, although these are more specific in requiring that such buildings must be located at a point of landmark significance, have a height that is proportionate to the significance of the proposed location and the size of the site, make a positive contribution to the London skyline, respond positively to local character and townscape; and provide a functional public space that is appropriate to the height and size of the proposed building (amongst other things). Detailed design criteria are also specified, again making reference to the need to conserve and enhance the significance of designated heritage assets, and giving clear and convincing justification for harm. In addition to the supporting text for P17, a 'Fact Box' accompanies the policy and sets out definitions for tall buildings and points of landmark significance.

3.32 Historic England Advice Note 2: Tall Buildings (March 2022)[26] is also relevant as a material consideration.

Residential Amenity

3.33 SP Policy P56 seeks to protect amenity, including daylight and sunlight. Previously referenced policies P14, P17 in the SP and policies D3 and D9 in the LP also make reference to such amenity issues. Paragraph 130 of the NPPF makes reference to securing high standards of amenity.

Servicing

3.34 LP Policy T2 sets criteria to deliver a healthy streets approach with an emphasis on improved walking, cycling and public transport opportunities and improving street safety, comfort, convenience and amenity. In growth areas and opportunity areas, this should be planned at an early stage. Policy T7 deals with deliveries, servicing and construction. It requires safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible. Construction Logistics Plans and Delivery and Servicing Plans will be required and should be developed in accordance with Transport for London guidance and in a way which reflects the scale and complexities of developments. Developments should be designed and managed so that deliveries can be received outside of peak hours and in the evening or night time. Appropriate facilities are required to minimise additional freight trips arising from missed deliveries and thus facilitate efficient online retailing.

3.35 SP Policy P50 relating to highway impacts also seeks to ensure safe and efficient delivery and servicing that minimises the number of motor vehicle journeys, and incorporate delivery and servicing within major development sites and not on the public highway.

[26] CD-F-07

3.36 Servicing and deliveries are also covered in design policies in the LP Policy SD6, D3, D9 and SP Policy P14. The servicing SOCG[27] gives a precis of the relevant policies.

3.37 NPPF paragraph 112 also makes reference to the need for the efficient delivery of goods and minimising conflict between pedestrians, cyclists and vehicles, avoiding unnecessary street clutter and responding to local character and design standards.

Other

3.38 The above section highlights the most relevant policies to these cases. There is a raft of other development plan policies which are also relevant, for example those relating to climate change, noise, fire safety etc. Those policies are listed in paragraph 8.4.1 of the Planning SOCG[28] for the LP, and para 8.4.2 for the SP.

4 The Proposals

4.1 The schemes are described in broad terms in the Planning SoCG. The Design and Access Statements for each scheme also give detailed analysis and evolution of the schemes.[29] The TVIBHA[30] also includes photographic visualisations which, while only an impression, do give a helpful idea of what the developments would look like in context.

4.2 All schemes would involve the demolition and removal of the 1980's components of the site and the restoration, refurbishment and alterations to the listed Georgian terrace. Keats House would also be redeveloped and the proposals would involve the creation of new public realms, service and ancillary spaces, a new entrance to London Bridge London Underground Station and elevated garden space accessible to the public.

2018 Scheme

4.3 This would comprise a 37-storey tower (144m AOD) which would be positioned in the south-eastern corner of the site. The broadly rectangular tower would comprise an exposed structural steel frame with glazed walls. The northern elevation incorporates a vertical curve with cut back corners. The widest point would be at floors 21 and 22. The eastern and western sides would have an exoskeleton bracing structure. In order to minimise solar gain, the southern elevation would incorporate core features such as stairwells, vents, lifts and lift lobbys and plant, all designed to be seen. A lower level 4 storey office block would be located to the south-eastern corner at the site boundary with Kings Head Yard.

4.4 The development would create around 54,501sqm of floorspace, the vast majority of which would be office use. Publicly accessible elevated gardens would be at levels 5 and 6 to give 'Mary Poppins' roof level views out across

[27] SOCG-02
[28] SOCG-01
[29] CD-A-06 (2018 scheme) and CS-B-08 (2021 Scheme)
[30] CD-A-12.2 (2018 Scheme) and CD-B-14.2 (2021 Scheme)

London and include a cafe. The Hub would be located at levels 21 and 22 with an auditorium spanning 2 floors, reception space and outdoor terrace.

4.5 The rear of the existing London Underground Station building would be opened up to create a new entrance/exit point onto a new landscaped public square. A gap in the frontage to St Thomas Street would be created between Keats House and the listed Georgian terrace and a new yard area would link the public square to this area, lined with the shopfronts to the rear of the terrace. Areas behind Keats House would also be opened up and a passage ('East Yard') created between the tower block and the rear of Guy's and St Thomas Hospital linking to Kings Head Yard to the south. The Kings Head PH would have an open setting to the new public square with a stepped and ramped access from this yard into the square due to level differences.

4.6 The Georgian terrace would be restored and refurbished with the creation of affordable retail units to the ground floor and basements. The heavily altered rear elevations would be restored and new shopfronts to the rear of the terrace would be installed, looking out onto the newly created public square. Upper floors would be converted to affordable office space and historic floorplans would be reinstated. The 1930's infill would be altered to remove the doorway and create a through passage to the rear.

4.7 Keats House façade would be retained and relocated 2.7m west along St Thomas Street and the west, south and east facades would be recreated to provide further office and food and drink floorspace. A pair of pitched roofs would be created to emulate the original form. The newly created gap between Keats House and Conybeare House would be infilled with a perforated brick screen with glass behind.[31] This would facilitate service access onto the Site from a loading bay on St Thomas Street for HGVs and refuse vehicles.

4.8 The development would be car free, with provision of two accessible parking spaces. LGVs and cars would access an on-site loading bay at basement level via White Hart Yard. Two vehicle lifts would also be provided to access the lower basement level. Cycle facilities (including parking, lockers and showers) would also be provided for employees and visitors.

2021 Scheme

4.9 The 2021 scheme presents a different design response to the 2018 scheme in height, massing and architectural approach as well as servicing, public realm and public garden.

4.10 It would comprise of the construction of a 26-storey building (108m AOD) which would create 55,461 sqm of floorspace for office, affordable workspace and some flexible office and retail provision. It would be a parallelogram shape with rounded corners. It would broadly fill the width of the site behind the Georgian Terrace and Kings Head Yard. It would have framed facades.

[31] The works to Coneybeare House, as a Grade II* listed building would be subject to separate planning and listed building consent which do not form part of these appeals. More detail is set out in INQ-34. The SoS may wish to approach parties if more information on these separate applications is required.

4.11 The tower would be framed with pale coloured V shaped vertical and horizontal structural glass reinforced concrete piers, the width of which would reduce higher up the building, punctuated with aluminium 'Chicago Windows'.[32] The northern façade would incorporate curved balcony areas with planting. The southern elevation would incorporate solid inverted V pillars to minimise solar gain. These would mask stairwells, vents, lifts and limit glazing to the lift lobby areas.

4.12 At its base, there would be a 4-storey gallery area behind the Georgian terrace which is covered above by the upper floors and supported by textured/profiled concrete hexagonal piers. The set back area of the building would have double order Chicago windows. The upper floors would oversail part of the rear roofs to the Georgian terrace, supported by pillars which would be located close, but not attached to, the rear facades of the terrace.

4.13 There would also be a 4-storey projecting area to the south-eastern corner to follow the footprint of the edge to Kings Head Yard. This would have a flat roof and would incorporate a garden terrace area above.

4.14 Similar to the 2018 scheme, the Georgian terrace would be restored and refurbished, however this would be for affordable office (rather than any retail provision) and the rear facades would be restored with the creation of new sash window openings at ground floor level looking out onto the newly covered gallery area. Historic floorplans would be reinstated and the 1930's infill would be altered to remove the doorway and create a through passage to the rear from St Thomas Street.

4.15 Keats House façade would be retained. It would again be relocated, but in this case 6m west of its current position in order to create a segregated service entrance between Keats House and Conybeare House leading to a dedicated service yard.[33] The western façade would be recreated, while the eastern façade would be curved to allow safe access to the service yard area. A crown roof with skylights would be created behind the parapet to give additional floorspace. To the rear would be a glazed access stairway and lift shafts which would be under the tower block. The service yard area would also be underneath the upper floors of the tower block with offices above from first floor level and there would be no requirement for on-street servicing.

4.16 The main entrance to the site would be from St Thomas Street through a 10m wide landscaped access area between the relocated Keats House and the Georgian terrace, leading to the covered gallery.

4.17 The rear of the existing London Underground Station building would again be opened up to create a new entrance/exit point onto a smaller public square area with planting. The Kings Head PH would have a partially open setting to the new public square, again with landscaped stepped access between these areas.

[32] Typically comprising of a large central pane of glass, flanked symmetrically by a pair of opening vents

[33] Again these works would require consent – see INQ-34.

4.18 A publicly accessible roof garden would be created at the top of the building, with panoramic café/restaurant, educational pavilion, and wildlife track around the perimeter. A further a private garden terrace above the café/restaurant would also serve the offices.

4.19 Again, the development would be car free, with provision for 2 accessible spaces and cycle facilities (including parking bays, lockers and showers).

5 Planning History

5.1 This is set out in detail in the Planning SoCG. An analysis of the pre-application discussions and consultations is also set out in the Appellant's Design Proof of Evidence (PoE).[34]

5.2 In short, since the redevelopment of the site in the 1980's, planning and listed building applications have only related to minor works. The schemes subject to these appeals represent the first comprehensive redevelopment proposals for the site.

5.3 Relevant to these appeals are consented and pending schemes for tall buildings in the vicinity of the site. These have been assessed as part of the TVIBHA's (with an updated TVIBHA addendum for the 2018 scheme to reflect the passage of time since the first one was undertaken).[35]

5.4 The Shard, which was granted permission following a call-in by the then Secretary of State in 2003, is a 306m high tower, replacing Southwark Towers.[36] This is located on St Thomas Street, to the south-east of the appeal site. The replacement of New London Bridge House was granted in 2010. Known as London Bridge Place or more commonly, the News Building, this is a 17-storey mixed use building, designed by the same architect as the Shard. This is located to the north-east of the appeal site, located off London Bridge Street.

5.5 In 2014 consent was granted to demolish Fielden House and erect a part 26 and part 16 storey mixed use building. This is newly constructed and known as Shard Place.[37] It is located on St Thomas Street broadly opposite the gates of Guy's and St Thomas Hospital and was designed by the same architects as The Shard.

5.6 In 2018 the redevelopment of London Bridge Station was completed with extensive reconfiguration of tracks, new platforms, shops, cafes, bars and restaurants, with entrances to St Thomas Street, Tooley Street and direct access to the Shard and Shard Place.

5.7 Together The Shard, Shard Place and the News Building form a group known as the London Bridge Shard Quarter. In particular, The Shard is recognised in the SP as a new pinnacle within the existing cluster of tall buildings around the station and Guy's Hospital. The SP also seeks to protect this as a landmark.

[34] Sections 5 and 8 of Mr Alford PoE (APP-1-A and APP-1-B). Further commentary is also provided from the Council in a rebuttal Statement (LBS-W4).
[35] 2018 Scheme: CD-A-12.2 and CD-A-57 (addendum) and 2021 Scheme: CD-B-14.2
[36] CD-H-17
[37] CD-H-15

The 1970's Guy's Tower, at 154m AOD, is also part of the existing cluster of tall buildings.

5.8 In terms of planning permissions which have not yet been completed, the demolition and replacement of Capital House with a 39-storey building was granted in 2020. This is located at 42-46 Weston Street (off St Thomas Street), to the east of the site. Adjacent to this on St Thomas Street, the replacement of Becket House was granted in 2021 for a 27 storey mixed-use building.

5.9 The Mayor of London has also resolved to grant planning permission (subject to a s106 agreement) at the Vinegar Yard, which is further east along St Thomas Street for an 18 storey building.[38] There is also a pending application submitted in 2019 for buildings at 40-44 Bermondsey Street (adjacent to the above site) for 3 buildings, ranging from 5- 17 storeys in height. An application for the demolition of Colechurch House located at the end of London Bridge, and replacement with a mixed-use development of up to 22 storeys in height was also submitted in 2020.[39]

6 The Case for the Appellant

Introduction

6.1 In a few words: even were it to be concluded that the 2018 and 2021 proposals would cause the extent and degree of LTSH to heritage the Council and Historic England contend would be the case, the public benefits each scheme would bring are so compelling both planning appeals should be allowed.

6.2 The associated listed building consent appeals are uncontroversial and subject to the imposition of suitably worded conditions should be allowed.

Overall development plan strategy relevant to the appeal site and proposals

6.3 It is important to understand the overall development plan strategy relevant to the appeal site and proposals in order to set the proposals within their full and proper context. The strategy is set by the LP and the SP, both of which are up-to-date, although the SP was adopted after the LP[40] such that, to the extent that there is any conflict between policies in the respective plans, the conflict is to be resolved in favour of the policy in the SP.[41]

6.4 The appeal site is within the CAZ, an Opportunity Area and a town centre. There is a clear message of facilitating economic growth which is consistent in policy underpinning these designations. The sites' use for office-led

[38] CD-G-04-01
[39] It is understood that this was determined post the close of the Inquiry. The SoS may wish to seek the details of this scheme. The SoS may wish to approach parties for the details on this, is required.
[40] The LP was adopted in March 2021 and the SP in February 2022
[41] See section 38(5) of the Planning and Compulsory Purchase Act 2004

redevelopment would simultaneously contribute to meeting what are described by the development plan as *international, national and London-wide roles*.[42] There are also specific local roles.

6.5 The starting point for understanding the overall strategy is Policy GG5 of the LP, the opening words of which aim *"to conserve and enhance London's global economic competitiveness"* by a series of imperatives (*"must"*) amongst which are to *"promote the strength and potential of the wider city region"* and planning for *"sufficient employment... space in the right locations to support economic development and regeneration."*

6.6 Part A of LP Policy SD4 for the CAZ states *"The unique international, national and London-wide roles of the CAZ .. should be promoted and enhanced".* Part B is hugely significant to these appeals as it provides, with emphasis added:

"The nationally and internationally significant office functions of the CAZ should be supported and enhanced .. including the intensification and provision of sufficient space <u>to meet demand</u> for a range of types and sizes of occupier and rental values."

The demand-led approach i.e. not simply to fulfil economic projections, is important and the significance of the CAZ in economic terms as ***"one of the world's most attractive and competitive business locations."*** is reiterated over and over in the LP.[43]

6.7 This international and national importance is crystal clear not just in Policy SD4 but throughout the LP. Policy SD5 specifically prioritises offices (by giving office development greater weight relative to residential development) while paragraph 2.5.1 of the supporting text to the policy reiterates *"The CAZ is an **internationally and nationally significant office location**"*. In all these examples, the boldened emphasis is in the LP itself.

6.8 The specific policy of the LP dealing with offices, Policy E1, makes it clear (Parts B and C) that increases in the current stock of offices *"should be supported"* in the CAZ. The same policy also provides (Part A) that improvements to the quality of office space *"should be supported"*. Policy E1 thus lends supports to both quantitative and qualitative improvements in office floorspace.

6.9 Moving from the CAZ to the Opportunity Area, Policy SD1 (Part A) of the LP aims *"To ensure that Opportunity Areas fully realise their growth and regeneration potential"*. Part B of the policy aims to *"deliver the growth potential of Opportunity Areas"* (B1) and *"support development which creates employment opportunities"* (B2). Opportunity areas are stated in paragraph 2.1.1 of the supporting text to the policy to be *"significant locations with development capacity to accommodate new … commercial development"*.

[42] Policy SD4 A of the London Plan
[43] Paras 2.4.1 and 2.4.8 of the supporting text to Policy SD4.

6.10 It is a strategic requirement under LP Policy GG2 to *"enable the development of brownfield land, particularly in Opportunity Areas .. and sites within .. town centres.."* (Part A), while prioritising sites which are well-connected by public transport (Part B), promoting higher density development particularly in well-connected locations (Part C) and optimising the development capacity of sites (Part D). LP Policy SD6 also encourages offices in town centres as a way of promoting their vitality and viability.

6.11 Alongside and interwoven with this, the LP also seeks to protect London's heritage.[44] The key point in applying section 38(6) of the 2004 Act and working out what determination (whether to allow or dismiss the appeals) would be in accordance with the development plan (when read as a whole):

i) the LP has a demand-led approach to facilitate office redevelopment proposals such as ours and it does so because it sees increasing the supply and improving the quality of office floorspace in the various designated areas within which the appeal site sits as being of global, national and London-wide significance;

ii) the LP seeks to protect heritage, some of which (the WHS) is of international significance; and

iii) to the extent these (i.e. i and ii) pull in opposite directions in cases like the appeal proposals, as discussed later on in these submissions *the development plan* reconciles any tension by recognising that public benefits can outweigh harm to heritage.

6.12 The strategic policies of the LP are carried forward at a local level in the Southwark Plan. Accordingly, SP Policy ST1 sets a development target of 10,000 jobs between 2019 and 2036 in the Opportunity Area (out of a target of 58,000 jobs across Southwark). It also sets a Southwark target of 460,000 sqm of office floorspace in the same period and provides that around 80% of this figure is to be delivered in that part of the CAZ in Southwark. Policy SP4 repeats these targets but makes it plain the 460,000 sqm of office floorspace is a minimum. This policy also treats the Southwark jobs target as a minimum figure. Policy ST2 explains that *"Most new development will happen in the Opportunity Areas.."* Policy P30 of the SP specifically provides that in the CAZ, town centres and opportunity areas development *"must retain or increase the amount of employment floorspace on site".*

6.13 Policy in the SP is then further refined by way of area sub-division, with the area vision policy relevant to the site being AV.11*"*. The appeal site is within the designated area as shown by the blue line on the "Vision Map" on page 92 of the SP. It is literally irrelevant that an evidence base document dating back to 2013, the Bankside, Borough and London Bridge Characterisation Study[45], may not at that stage have included the appeal site in London Bridge. What counts is the adopted SP itself. Policy AV.11 variously provides that, as well as London Bridge being an area with a rich heritage and one of the UK's busiest and fastest growing transport hubs it is *"A globally significant central London business district"* where development should *"Attract global commerce with*

[44] Including at 1.2.7, GG5 F, SD1 B4, SD4 C, 2.4.4 O, 2.4.9. These are just examples, there are several others quite apart from the bespoke heritage policies themselves.
[45] CD-E-13

headquarter and local offices" and support *"inspiring new architecture"*. Growth of the area's *"strategic office provision"* is a specifically identified opportunity.

6.14 A specific facet of AV.11[46] provides that development in London Bridge should *"Harness the expertise and infrastructure from Kings College London, Guy's Hospital and other medical and science facilities to develop a strong, dynamic and specialised local economy that will attract new specialised services and research and promote health and wellbeing in the local environment."* The excellent fit of the two proposals with this objective was clear from the evidence from Guy's and St Thomas's NHS Foundation Trust.[47]

6.15 Just as the LP, the SP also seeks to protect heritage not least via its bespoke heritage policies. To the extent the drive for economic growth in the globally significant London Bridge Area might give rise to tensions with heritage protection policies one needs to look to see how the development plan seeks to balance any tensions.

Approach to competing strands or tensions in the development plan strategy

6.16 Each proposal derives strong and emphatic support in principle from the LP and SP policies concerning the global, national and London-wide significance of office development in the four designated areas within all of which the appeal site lies. However, to the extent the proposals would cause harm to heritage they would be inconsistent with policies in the plans which seek to protect heritage.

6.17 It is not unusual to find policies in a development plan pulling in opposite directions. However, both schemes are in accordance with the development plan when read as a whole when undertaking the planning balance.

6.18 Fortunately, the most recent part of the development plan, the SP, explicitly explains how to reconcile matters. SP Policy AV.11 which supports *"a mix of inspiring new architecture .. and .. heritage.."* in the London Bridge Area. Part 3.2 of SP Policy P17, as an important policy to the determination of the appeals, specifically incorporates of a balancing exercise. This balance amalgamates the point made in the first sentence of paragraph 200 with paragraph 202 of the NPPF.[48]

6.19 The inclusion of such a balancing exercise in Policy P17 as the tall buildings policy is noteworthy. Rather than just leaving things to other parts of the plan, its specific reference can only be a recognition that tall buildings are inherently likely to give rise to some or other harm to heritage. This is especially so were one to adopt the Council's and Historic England's approach of treating a tall building in the setting of a heritage asset as a "distraction" from and thus harmful to the asset's significance.

[46] Ibid (8th of the 2nd set of bullets)
[47] See also INQ-018
[48] CD-D-01

6.20 The SP explicitly encourages more tall buildings *"around London Bridge Station and Guy's Hospital"*[49] where it must surely be obvious it is impossible to build a tall building without causing such "distraction". The clue is in the word "tall" and were there any doubt about it, the "Fact Box" on page 135 of the SP tells us that a "point of landmark significance" is somewhere *"which is or will be the focus of views from several directions".* One can hardly be a focus of views and yet not be seen in the setting of heritage assets in a heritage rich[50] area like London Bridge.

6.21 The Appellant's case remains as put in opening[51]: *"the cumulative, extensive and very real public benefits either proposal would bring would comfortably outweigh whatever LTSH to heritage you find either of them would cause; and the same would go for any other harm you conclude would arise."* It is wrong to suggest that the Appellant's approach is to *"sacrifice"* heritage in favour of growth. Instead, the Appellant relies on the way the development plan itself seeks to make overall sense of those of its objectives which pull in opposite directions.

Tall buildings

Broad area

6.22 In accordance with Part 1 of Policy P17 of the SP the appeal site falls within the area where tall buildings are *expected,* as shown on the adopted Policies Map and on Figure 4 of the Plan. Of course, the area shown is broad and it is clearly not the case that any site within it is to be considered, without more analysis, as suitable for a tall building. The fact that the appeal site falls within the identified area is, however, the correct starting point. Little is to be gained from reflecting that Southwark Cathedral is within the area in question. One would not expect individual sites (although a more unlikely development site than the Cathedral is hard to imagine) to be excluded from a broad area. Perhaps more to the point is that the Council could have chosen to make it clear that conservation areas were excluded from the area but, on the contrary, they are included in it and part of allocation NSP52 *"London Bridge Health Cluster"* (which includes the principle of a tall building) is in fact also within the Borough High Street Conservation Area.

The relevance of allocation

6.23 It is not a pre-requisite of SP Policy P17 that tall buildings must be on a site which has been allocated as one where they may be appropriate. The policy does not say that tall buildings can only come forward on sites so allocated. The correct approach is clearly (as is common ground) to consider the appeal proposals against the detailed criteria of Policy D9 of the LP and Policy P17 of the SP. Should there be a conflict between the criteria in the one plan compared to the other, this is to be resolved in favour of the most recently adopted plan.[52]

[49] SP Policy P17 see Reasons para. 7
[50] Policy AV.11 3rd bullet
[51] INQ-03
[52] Section 38(5) of the 2004 Act

6.24 The non-allocation of the site in the SP related to an inaccurate record of the site's supposed 'fragmented ownership'.[53] There is no suggestion that the site was unsuitable for redevelopment for any other reason for a tall building in the Council's Site Allocations Methodology Report Update 2021 or in INQ-19 which was the Council's response.

6.25 Equally, nothing in the evidence base material for the SP carries any force in deciding what is to be made of the non-allocation of the appeal site in the Plan.[54] The adopted SP does not say that tall buildings are confined to allocated sites, and allows for their development on other sites in the broad area identified in the plan, including sites in conservation areas.[55] Rather than banning tall buildings in conservation areas SP Policy P17 adopts the approach of requiring any harm to heritage to be weighed against public benefits.

A cluster

6.26 The SP recognises the existence of a tall buildings cluster in the vicinity of London Bridge Station and Guy's Hospital. This is made unequivocally clear in the reasons for Policy P17. These state at paragraph 7 that *"The riverfront areas of Blackfriars Road, Bankside and London Bridge provide an established height for tall building clusters set back from the river with a number of prominent buildings visible on the skyline including … Guy's Hospital Tower, London Bridge Place[56], and the Shard. The Shard which stands at 309.6m, has formed a new pinnacle within the existing cluster of tall buildings around London Bridge Station and Guy's Hospital. This tall building has redefined the skyline of the area, making London Bridge a focus for new tall building development."*

6.27 In respect of the proposition made by the Council that there are two distinct clusters or families of tall buildings, one around the Shard and the other farther to the east along St Thomas Street, the evidence[57] clearly shows that there is a cluster of tall buildings here and that it is one cluster.

6.28 There is also no evidence to support a further, related, claim made by the Council that that the St Thomas Street allocations were intended to curate the cluster by locating it as far away as possible from heritage assets. In this regard we note that the notion in paragraph 7.3.28 of the TOLWHSMP[58] that "*the area to the east of the Shard can accommodate substantially tall buildings without their being visible from the Inner Ward"* has proven to be wrong, as demonstrated by photographic evidence.[59] Each of the consented tall buildings on allocation NSP53 (Capital House and Edge London Bridge) and the tall building on allocation NSP54 approved by the Mayor (Vinegar Yard) would be visible from the Inner Ward. Further, each of the allocations for tall buildings in

[53] CD-E-09
[54] For example in CD-E-08, CD-E-20, CD-E-18
[55] It would be odd were it otherwise given the Council's decision to approve Shard Place which is in the same conservation area as the appeal site; nor was Shard Place identified in the draft SPD as a suitable site for a tall building.
[56] The News Building
[57] Mr Allford PoE p34 – 36, 112, 128, 129, 179, 196 – 198.
[58] CD-F-09
[59] Mr Stewart PoE App 2, cumulative view 27

the SP explicitly draws attention to heritage constraints which is hardly surprising as one of the allocated sites is Guy's Hospital itself.

6.29 The SP clearly promotes a cluster of tall buildings in the London Bridge Area. It is important to appreciate that the approach of the SP has been developed in the context of the increased protection to WHS (including the TOLWHS) embodied in Policy HC2 of the LP.[60] The present case is very different from the Tulip decision[61] in this respect.

6.30 Either proposal would form part of the cluster of tall buildings recognised in Policy P17 to exist around London Bridge Station and Guy's Hospital and promoted in the SP. The proximity of the proposals to the Shard, Shard Place[62] and Guy's Hospital Tower makes it unrealistic to suggest otherwise. The appeal site is diagonally across the street from Shard Place, the walk between them being some 30 seconds. The approved tall buildings which would form the foothills of the cluster to the east along St Thomas Street extend considerably further from the Shard than would the proposed tall building on the appeal site[63]. The schemes would be 118 metres from the centre of the Shard, whereas the Vinegar Yard tower approved by the Mayor would be 238 metres. Were the cluster to be left as it is, or as it would be with the approved schemes, it would be pretty lop-sided. As CABE suggested,[64] a tall building on the appeal site could be regarded as the western stop of the cluster.

The cluster conundrum

6.31 The same issue of how to reconcile the development plan pulling in opposite directions also arises when considering how the promotion of a cluster of tall buildings at London Bridge fits with heritage considerations in the light of a battery of policies, expressed in varying degrees of strictness, concerned with protection of the historic environment. As said, tall buildings will almost inevitably give rise to some adverse heritage impacts, particularly if one accepts that distraction amounts to harm equation.

6.32 Again, this would be resolved in the planning balance. Policy P17 of the SP provides as much. In so providing it not only acknowledges the likely risk of some conflict between the development of tall buildings and heritage interests but also puts forward its solution in incorporating a planning balance test expressed by way of a requirement for clear and convincing justification for harm to heritage significance in the form of public benefits.

6.33 A similar approach is taken in the LP which, in the tall buildings Policy D9, Part C 1)d) provides *"Proposals resulting in harm [to the significance of heritage assets] will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm."* The approach is similar but not identical to Policy P17

[60] And also now found in Policy P24 of the SP.
[61] CD-H-10
[62] The eastern edge of the appeal site is only 86m from the western edge of the base of the Shard (Mr Allford's PoE, figure 102), 118m from its centre and 30m from Shard Place (Mr Goddard's RPoE, paragraph 4.9).
[63] Mr Allford's PoE, figure 115
[64] CD-C-05

because this criterion refers to demonstrating that alternatives have been explored in addition to the public benefits outweighing the harm. The Appellant's case is not only is the balance of harm and benefit to be struck favourably but also that alternatives have been explored.

6.34 It is acknowledged that LP Policies HC1 and HC2 and SP Policy P24 do not contain a criterion which would allow public benefits to be weighed against harm to heritage. However, the tall buildings policy, D9, does in respect of heritage generally (D9 Part C 1 d) albeit in D9 Part C 1) e) there is a criterion that tall buildings *"must preserve, and not harm, the OUV of the WHS, and the ability to appreciate it"* with no acknowledgment that public benefits can outweigh harm. SP Policies P19 and P20 would also allow for public benefits to be weighed against harm.

6.35 However, the approach in the most recently adopted plan, the SP, must prevail and the bespoke tall buildings policy in the SP, Policy P17 Part 3 (2) explicitly provides for the balancing exercise between harm to heritage and public benefits. In so doing it does not exclude WHS.

6.36 Even had it done so, the decision-maker would be required under the "material considerations" part of section 38(6) of the 2004 Act to apply paragraph 202 of the NPPF which necessitates the weighing of harm to heritage (any designated heritage, including WHS) against public benefits. In other words, whatever the route taken, all roads lead to the balancing exercise.

6.37 An example of the approach we describe is found in the Mayor's approval of the Vinegar Yard proposal. The Greater London Authority (GLA) report on this proposal itemises occurrences of LTSH to several heritage assets (including the Tower of London WHS)[65] which it considered were *"at the low to moderate end of the scale"*[66] but concluded that the public benefits delivered by the scheme would clearly and convincingly outweigh the heritage harm. The report also concluded that, despite the breach of a number of heritage protection policies in the development plan[67], and thereby partial conflict with it, the proposal was adjudged to accord with the development plan overall.[68]

A point of landmark significance

6.38 SP Policy P17 (Part 2 at indent 1) provides that tall buildings must be located at *"a point of landmark significance".* The *"Fact Box"* at the end of the policy states that a point of landmark significance is *"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."* Judged sensibly against this, a tall building on the appeal site would be at a point of landmark significance.

6.39 The Fact Box is not to be read as if it was a statute. An overall planning judgment is required. The microscopic location of a point of a convergence of routes at Barclay's Bank on the corner of St Thomas Street and Borough High Street illustrates the overly prescriptive and artificial nature of the line of

[65] CD-G-04 para 579
[66] Ibid para 586
[67] Ibid para 578
[68] Ibid para 589

reasoning employed by the Council. The wider area of this junction (including the appeal site) sensibly represents the convergence of a number of important routes for the purposes of the Fact Box, especially when direct access to the London Underground station (separated from the appeal site by the thickness of only a wall – which it is proposed to remove) is taken into account. St Thomas Street itself is also such a convergence not least in the sense of routes by rail and tube. The concentration of activity around the area of the junction and along St Thomas Street is not seriously to be doubted. And it is hardly consistent with the Council's case complaining about the visibility of the proposed tall buildings to imply that either tall building will not be the focus of views from several directions when their objection appears to rest on the proposition that they will be.

6.40 If that strand of the Council's reasoning which considered Fielden House (Shard Place) to be a point of landmark significance because it was *"located at a significant river crossing"*[69] i.e. London Bridge itself, were to be applied to the present case the appeal site is a point of landmark significance too.

6.41 It would be wrong to conclude that whereas all the tall buildings along St Thomas Street from Vinegar Yard to the east to Shard Place to the west have been considered to be located at a point (or points) of landmark significance, the appeal site (which is that much closer to the junction of St Thomas Street and Borough High Street, and London Bridge itself, and is the other side of a wall from a tube station) is not.

Townscape and design

6.42 The townscape in the vicinity of the appeal site has undergone, and continues to undergo, huge transformation in which taller buildings are an ever-increasing characteristic, bringing with them contrasts in scale and architectural style, which are all part of the area becoming a globally significant business district. Each of the proposals constitutes exemplary architectural and design quality. Either would enhance the character and appearance of the area in townscape terms with any adverse effects greatly outweighed by the beneficial effects. Striking new buildings would replace the poor quality and dated 1980s office building; generous new and inviting public realm would be created and the historic Georgian terrace would be sympathetically restored.

6.43 The extensive tall building development which has already taken place and been approved in the London Bridge area has led to an intermingling of the old and new. The contrast that would be produced by juxtaposition of each of the proposed tall buildings and their lower-scale immediate context would be appropriate in accordance with SP Policies P17 and AV11.

6.44 The Appellant's opening referred to *"the contrasts in scale and style"* where tall buildings here in Southwark "*are found cheek by jowl with and in the closer and wider settings of heritage buildings and areas"* and described these contrasts as *"threads in a rich tapestry woven by us in our era."* Paragraph 49 of the National Design Guide,[70] under the heading of *"context"* very much

[69] CD-H-15 para 105
[70] CD-D-20

encapsulates the same idea: *"today's new developments extend the history of the context. The best of them will become valued as tomorrow's heritage, representing the architecture and placemaking of the early 21st century."*

6.45 The Council's townscape and design objection to the present proposals suffers from a number of significant problems. First, it is advanced in a way which lacks any proper balance. It was asserted that that, save for the restoration of the Georgian Terrace, there were no good things to be said about either of the proposals. This is an untenable view which calls into question the objectivity of the evidence. It does not even reflect the Council's own pre-application position in respect of the 2018 Scheme[71] where (amongst a range of criticisms) it was at least recognised that benefits flowed from *"the generous and well-proportioned square to the rear of the tube station and the new public space on St Thomas Street"* and that the proposal *"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."*

6.46 Secondly, critique was made regarding the absence of any *"design story"* for the schemes and the related claim that it appeared that the design journey had started with a tower rather than this resulting from the consideration of alternative forms of development.

6.47 The design story is narrated in the Appellant's evidence.[72] The absence of any such story was not made as a criticism until the Inquiry whereby (e.g. as set out in the Design and Access Statement (DAS) for each scheme) the oral evidence provided a superabundance of additional narration of the design story.

6.48 Nor did the design process start with a tower as a given. A 'do minimum' option in terms of adapting the 1980s building was considered extensively over a number of months but concluded to be an unviable proposition. There was no "independent" report before the inquiry demonstrating this – nor is there any need to do so. Informed views on that issue, from an architect expert in the development of office buildings, is more than sufficient. It is also important to remember that the Council have never previously challenged this position.

6.49 A further option considered before the idea of developing a tower was generated was the 'ocean liner' concept (an 8-10 storey redevelopment filling the site). This was rejected on the basis that it would not deliver public benefits and a tall building solution was settled on after about nine months to release space on the site for public realm and associated public benefits.

6.50 Accordingly, the consideration of the 'do minimum' and the 'ocean liner' options constitute, for the purposes of Policy D9 of the LP exploration of two further alternatives in addition to the two schemes before the inquiry.

6.51 Thirdly, another main theme of the Council's case was that the design process for the schemes has been inadequately informed by context lacks any merit and is refuted. Enormous attention has been given to context, including study through map regression of how the appeal site and its context have changed

[71] CDC-02
[72] Mr Allford PoE

over time, detailed consideration of the historical evolution of Kings Head Yard and exhaustive analysis of the changes that have brought about the Georgian terrace as it now appears and how it relates to the earlier development of the buildings on the north side of St Thomas Street. Consideration of context has gone far beyond looking at the architectural language of surrounding buildings and structures although this exercise has also been carried out with thoroughness. New buildings in the area have also been appropriately considered as part of the context.

6.52 Turning to the case of HE, this raises a point of principle in relation to design insofar as it includes the proposition *"design cannot be regarded as 'good' if it causes unacceptable heritage harm"*. This is misconceived. It is premised on a non-existent free-standing notion of "unacceptable" heritage harm whereas the true position is that, certainly in the case of LTSH caused by a proposal, the proposal only becomes unacceptable if the conclusion is reached that the heritage harm is not outweighed by the public benefits of the proposal. The acceptability or unacceptability of heritage harm resides not in the harm itself (as the proposition would mistakenly have it) but is the product of the necessary balancing exercise. It plainly cannot be the case that *"unacceptable heritage harm"* could mean, as suggested by HE, heritage harm which is unacceptable to that organisation.

6.53 As it is, it is submitted that the requirements of the relevant design policies have been met in this case.

6.54 Each scheme represents optimisation of the appeal site's capacity by following a design led approach in accordance with Policy D3 of the LP. The generous public realm provided by each scheme and their relatively modest area uplifts (x 3.97 for the 2018 Scheme and x 4.08 for the 2021 Scheme[73] seen against the generally much larger uplifts of the other modern tower schemes in the vicinity) belie any suggestion of maximisation rather than optimisation. The same is also true of the evidence given that the quantum of new office floorspace, which had become fixed under the 2018 Scheme through the evolving design process over some four years, was on the cusp of viable.

6.55 The design requirements of Policy P17 of the SP are met. Without itemising each and every one of these requirements, each of the schemes have heights that are proportionate to the significance of their location (at a point of landmark significance) and the size of the site, make the necessary positive contributions to local character and townscape, manifest exemplary architectural design, provide generous public realm including elevated gardens, avoid harmful environmental impacts, maximise energy efficiency/prioritise the use of sustainable materials To the extent that there is harm to designated heritage assets, these provide clear and convincing justification in the form of public benefits.

6.56 Each proposal represents the inspiring new architecture demanded by SP Policy AV.11 and neither infringes the requirement of that policy that the Shard remains significantly taller and more visible than surrounding buildings. The contention that the proposals would challenge the dominance of the Shard

[73] INQ-17 slides 2B and 2C

should not be accepted. Any new tall building in the near vicinity of the Shard would inevitably obstruct its visibility to some degree when viewed from a particular angle at a particular point (e.g. the effect of the News Building when seen from London Bridge). The requirement cannot be read to proscribe that which would be impossible to achieve. The Shard would remain both significantly taller and more visible than either of the proposals and the Shard is particularly prominent in mid and more distant views.

6.57 Influences in relation to railway infrastructure and warehouses drawn from outside sub-area 4 of the Conservation Area (in relation to the former) and from a different conservation area (Tooley Street in relation to the latter) have been appropriately relied on to influence the architectural language of the proposals. The wider area is appreciated by those within it as a continuous urban experience rather than entry into and exit from distinct conservation sub-areas, with a series of relationships and views. The railway infrastructure can be seen from sub-area 4 in any event. Each proposal would be seen from outside the Conservation Area in any event. The approach taken by the appeal schemes is not to dilute the distinctive character and appearance of sub-area 4 but to enrich it (just as Shard Place has done).

6.58 The assertion by the Council that there was a shortcoming in the design process in respect of the 2021 Scheme in that it was not taken to CABE for design review, resulting in a breach of Part 4 of Policy D3 *"Delivering good design"*, is a bad point. The Council did not suggest that the 2021 proposal should go to CABE, instead a local design review panel was suggested for a date which was not convenient and the Council never returned with an alternative date but later made it clear in an email to the Appellant that the 2021 Scheme would not be supported in any event. Importantly, the 2021 scheme arose from the many years of extensive consultation which preceded it in respect of the 2018 scheme (both before and after the submission of the 2018 application) and was primarily directed at addressing the criticism of the relationship between the 2018 scheme and Southwark Cathedral. The 2021 scheme achieved at least some success in that regard as whereas the Cathedral object to the 2018 scheme, they support the 2021 scheme.

6.59 Finally on the subject of townscape and design it is worth remembering that the Council's statements of case in respect of each scheme[74] contend "*the scale and design of the proposed development is not appropriate for this site and its surrounding context, resulting in harm to the townscape and local character*." The Appellant strongly disagree but if the conclusion is reached that there would be harm of the nature alleged then, along with any harm to heritage, it would need to be weighed against the public benefits of the proposals. The Appellant's case is that the public benefits of the proposals are so compelling they would outweigh not only harm to heritage but also, if any is added to the weighing scales, harm to townscape and local character. The reality is that much of the case made against the proposals in terms of harm to townscape is based on the same or similar points to those made in relation to harm to heritage (they certainly morph into each other) and if the public benefits are sufficient to outweigh harm to heritage, bearing in mind the

[74] CD-I-03 and CD-I-04 -para 8.20 in both

particular weight which is to be given to any such harm, it is hard to see how the benefits would not also outweigh harm to townscape.

Heritage

Matters of Approach

6.60 The uncontentious starting point in approaching heritage issues is that the question of whether there is harm to a designated heritage asset is to be answered by asking whether there is harm to the significance of the asset.

6.61 Neither the Council nor Historic England contend that there is substantial harm to any heritage asset. It is important to understand where the boundary lies between substantial and LTSH in order that the magnitude of harm can be more clearly understood. It is common ground with both the Council and HE that substantial harm is a high test, as provided in paragraph 18 of the Planning Practice Guidance ("PPG") on Historic Environment.[75]

6.62 Taking the example of works to a listed building as a proxy for impacts on heritage assets in general, it can be inferred from paragraph 18 of the PPG that LTSH is generally to be understood as harm which does not seriously affect a key element of the asset's special architectural or historic interest, that is, its significance.

6.63 An essentially similar point emerges from the way in which matters were put by the court in the Holocaust Memorial case[76] where the judge concluded that the inspector in that case had interpreted *"the relevant test for substantial harm"* as being *"the serious degree of harm to the asset's significance"*. This formulation, equating as it does *"substantial"* with *"serious"*, was (correctly) accepted by counsel for the claimant on the basis that it *"reflects the wording of the Planning Practice Guidance and is an expression of Government policy"* and it was adopted by the court.[77]

6.64 HE was not able to say whether the harm was LTSH either because it did have a serious effect but not on a key element of the asset's significance or because it did have an effect on a key element of the asset's significance but that effect was not a serious one.

6.65 HE agreed with the formulation in the Holocaust Memorial case that substantial harm involves serious harm to significance (with its inevitable corollary that LTSH does not involve serious harm) yet was unable to explain how the heritage harm is serious notwithstanding that it is LTSH. This is a contradiction in terms as it involves this proposition: *substantial harm means serious harm, the harm here is not substantial but it is serious.*

6.66 Turning next to the question of calibration of the degree of harm arising in a case of LTSH, that calibration must be against the whole heritage interest of the asset. It is therefore contextually relevant in this regard, where impacts

[75] CD-D-11
[76] CD-H-07 *The London Historic Parks and Gardens Trust v The Minister of State for Housing* [2022] EWHC 829 (Admin)
[77] Ibid para 35

are indirect (affecting setting only), to keep in mind there are no direct impacts.

6.67 This leads us to the *Edith Summerskill House* decision[78] which contains a clear analysis of how setting impacts can be approached. The analysis is of particular relevance in this case in that all the heritage impacts here apart from the (beneficial) interventions in respect of the Georgian Terrace and the direct impacts on the Conservation Area are impacts on setting. The Inspector reasoned *"in cases where the impact is on the setting of a designated heritage asset, it is only the significance that asset derives from its setting that is affected. All the significance embodied in the asset itself would remain intact. In such a case, unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm to significance."*[79]

6.68 That Inspector rounded the analysis off as follows: *"it is often argued that such an approach leads to harm to the significance of a designated heritage asset being underestimated. However, what is under consideration is the impact of change on the significance of a designated heritage asset. If that change would come about as a result of development in the setting of that asset, then it is only the component of significance that the asset derives from its setting that would be affected. That is the outcome of the approach the Framework takes."*[80]

6.69 The SoS agreed with the Inspector's reasoning in the above paragraphs[81]. It is submitted that the Inspector's analysis is clear and compelling in its logic.

6.70 In the Council's opening it was suggested that the approach taken in the *Edith Summerskill House* decision was different from the approach taken in the *Tulip* decision and it was indicated that the Council preferred the latter (although it was recognised that it was a matter of judgment). In the latter the Inspector said that *"the key point is not whether some aspects would be left untouched, but the importance of what would be affected, that is the setting, to its significance."*[82] The Appellant submit that there is in fact little difference between the approaches in that the essential focus of each is on the contribution made to significance by setting. Thus it is considered that that the *Tulip* approach has been followed but that, not inconsistently, the question of 'what was left untouched' had figured also been consideration as relevant. The Appellant's are not saying that harm to setting was always less significant than harm to historic fabric but that it was less with the proposals presently under consideration.

6.71 Next, based on the Glossary definition of the conservation of a heritage asset in the NPPF and paragraph 199 of the NPPF provides that great weight should be given to the asset's conservation it is necessarily the case not just that

[78] CD-H-20
[79] Ibid para 12.50
[80] Ibid para 12.54
[81] Ibid para 13
[82] Ibid para 14.2 and para 16

great weight should be given to harm to an asset's significance but also that heritage benefits arising through enhancement of significance should carry great weight.

6.72 As for paragraph 202 of the NPPF, we add that satisfaction of the balancing test it contains supplies the necessary clear and convincing justification required by paragraph 200 of the NPPF for harm to the significance of a designated heritage asset; there is but one test, not two.

6.73 Finally in respect of matters of approach, assessment of the effect of a proposal on a CA is to be undertaken by reference to the area as a whole rather than by reference to the particular sub-area (4) in which the appeal site lies. This is now disputed by HE.[83] However, paragraph 207 of the NPPF explicitly refers to assessing the conservation area (and indeed, WHS) as a whole.

The role of photographs and visualisations

6.74 Photographs and visualisations are a tool to provide assistance but are no more than that and do not provide a substitute for going out on site. They cannot capture the human viewing experience and the points from which the photographs are taken and the visualisations provided are not, in the majority of cases, 'views' proper but simply photos taken from places where you would or might see the proposed tall building in either scheme. And, of course, views change and evolve in a dynamic sequence as the viewer proceeds on whatever may be his or her way.

6.75 Some caution is therefore to be exercised in considering the photographs and visualisations. For example, the photographs from London Bridge do not convey the true on-site experience in which tall buildings behind Southwark Cathedral are, as things presently stand, readily apparent to the viewer (walking from north to south across the bridge).

The environmental assessment process

6.76 Both the Council and HE that contend that, where the TVIBHA[84] identified major adverse effects in relation to heritage assets, that was not to be equated with major adverse harm *to the significance of* the heritage assets. However, the extent of the harm to the heritage significance of the assets (harm being encompassed in the finding of an adverse effect) is to be found in the narrative part of the assessment which follows on after the *"mechanical"* assessment of the significance of the change to the asset has been completed.

The main heritage assets

6.77 Turning to the consideration of the main heritage assets (as identified below) where harm could potentially arise, the evidence is clear in relation to the main and all other heritage assets. The restoration of the Georgian Terrace at 4-8 and 12-16 St Thomas Street is also a heritage benefit which should, accordingly, be afforded great weight.

[83] INQ-38 paras 117 – 121
[84] CD-A-12.2 and CD-B-14.2

6.78 The Heritage SOCG very helpfully sets out a comparison of the presence or absence of harm and the extent of any LTSH as concluded by each of the parties on heritage for each scheme. Even if HE's and / or the Council's assessments of the presence and extent of LTSH to be preferred across the board, the Appellant submits the public benefits individually and cumulatively of each scheme are so compelling that they would outweigh all such harm, acknowledging of course that the presence of heritage harm creates a strong presumption against the grant of permission (the presumption is rebuttable by public benefits) and that considerable importance and weight, indeed great weight, is to be given to heritage harm (just as it is to heritage benefits).

Borough High Street Conservation Area

6.79 It is considered that, in the round, the effect of the 2018 Scheme on the character and appearance of the BHSCA would be positive. There are some minor losses of heritage significance as a result of adverse effects on the appearance of the BHSCA as seen from a limited number of locations but that these are outweighed by the substantial public benefits in terms of urban design and townscape improvements to the site and wider area delivered by the 2018 Scheme, which include significant improvements to the character and appearance of the BHSCA. The conclusion is the same for the 2021 scheme.

6.80 The overall enhancement stems not least from the opening up of the site to public access for people to enjoy. In the case of either the 2018 or 2021 Scheme there would be a tall building in the BHSCA to join Shard Place just across the street, and the other tall buildings – not least the Shard – a few paces away from the CA but, as the CAA says: *"Borough High Street has throughout its history had to accommodate change, and part of its character is due to the immense variety that change has brought."*[85] That was written in 2006 since when there has been more change and greater variety added to the continuum.

6.81 The Council and HE have repeatedly referred to Shard Place as being at the edge/the very edge of the Conservation Area while the appeal site has been characterised as being located at its heart. The fact remains though that the two sites are diagonally opposite each other, a few metres apart – even were one to accept the characterisation the result would be that Shard Place is 30 seconds walk from the heart of the Conservation Area and the appeal site 30 seconds walk from its edge/the very edge.

6.82 The approach of the Council and HE in relation to the enclosure of King's Head Yard (and the part opening-up of this enclosure by the appeal schemes) in particular is in stark contrast to the views of others and our own. The GLA Stage 1 Report[86] demonstrates the point as it recognises the alleyway being characteristic of the historic street pattern and the significance of BHSCA but details the unattractive nature of the route and its negative effect on the setting of the grade II listed Kings Head PH. GLA Officers considered that the public square, while a significant change, would be positive and not give rise to harm.

[85] CD-E-06 para 5.2.8
[86] CD-G-02

Guy's Hospital

6.83 The harm to Guy's Hospital from each of the 2018 and 2021 Schemes would be considerably less than substantial. The impact of seeing the tower in the 2018 Scheme rising behind the central pedimented bay of the western wing of the forecourt[87] would have a minor effect on the ability to appreciate the building's significance.

6.84 This is a realistic calibration of the harm and to be preferred to that of the Council and HE who are over-attached to notions of visual competition and distraction and the like. We appreciate that concepts like these feature in Historic England's Good Practice Advice Note 3 *"The Setting of Heritage Assets"*[88] but they are not the conclusion of the analysis required by the NPPF. If it is concluded that there would be visual competition / distraction / drawing the eye away / harm to the ability to appreciate the significance of the asset or any such, whether in relation to Guy's or any of the other heritage assets within the setting of which the proposals would stand, one must still go on to work out whether this effect would cause harm to the significance of the asset. The Framework repeatedly and exclusively refers to impact on / harm to the significance of a heritage asset.[89] It is acknowledged that visual distraction etc, if found, is a material consideration. However, the point is that it is simply a step in the analysis but not its conclusion. One must be careful not to assume that visual distraction (or similar) would harm the heritage significance of the asset in question. One must ask and answer the questions – does it, and if so, how?

6.85 However much one were to write about the significance of Guy's Hospital, it would be unlikely that the ability to view its western forecourt wing against a clear sky would be identified as a contributor. And visual competition (one might just as well substitute for competition the word variety) between old and new or low and tall buildings, often without the ability to appreciate the historic against clear sky, is an inescapable feature of central London including the close vicinity of the appeal site.

Southwark Cathedral

6.86 The assessment of the impact of the 2018 Scheme in relation to Southwark Cathedral is careful and balanced. These are summarised for the 2018 scheme as follows[90]. There are positive and negative aspects of the effects of the 2018 Scheme on the Cathedral's setting. Most aspects of the Cathedral's setting are unaffected by the 2018 Scheme, but considered in the round, the 2018 Scheme would cause some harm to the heritage significance of this listed building. The degree of harm would be minor, arising from the unsatisfactory visual relationship between the two towers (the 2018 Scheme tower and the

[87] See view 49 in the 2018 TVIBHA CD-A-12.1
[88] CD.F.04
[89] NPPF paras 199, 200, 201, 202, 203, and 207
[90] Mr Stewart PoE para 5.64 and 10.45 (for 2021 scheme)

Cathedral Tower) as seen from certain points, which would have a small effect on the viewer's ability to appreciate the Cathedral seen clearly against the sky. When one considers that most of the Cathedral's significance subsists in its fabric, that its setting is varied and takes in many large commercial buildings, and that most of its immediate setting is modern, it is apparent that any harm to its significance is minor and, in NPPF terms, considerably LTSH.

6.87 The Cathedral's setting was not an historic one, unlike Canterbury, York or Lincoln and that, while the asset was grade I, its setting was not of grade I quality. The setting has also been far from static over time and, as the CAA says, the Cathedral is *"set within the ever-changing environment of its modern setting."* [91]

Tower of London World Heritage Site

6.88 The assessment of no harm is sensible and measured. Again to summarise the 2018 Scheme[92] it would be visible from only limited points within the ToL WHS, which is about 750m [and across the River] from the appeal site. Looking out from the WHS, one would see, from those points in it where the 2018 Scheme could be seen, the development appearing as part of the grouping of late twentieth century modern and tall large scale buildings at London Bridge, providing balance to the composition. The 2018 Scheme would not harm any elements of setting that contribute to the heritage significance or OUV of the WHS and there would be no effect on any of the attributes of the OUV, leading to the conclusion of no harm to heritage significance.

6.89 A similar analysis applies in the case of the 2021 Scheme[93] where the evidence to the position of the Council and HE who describe in this case harm at the low end of the range for LTSH (the Council) or as a low / very low level of LTSH (HE)).

6.90 That any degree of harm is identified in the case of the 2021 Scheme is indicative of an unduly demanding approach to harm which would appear to equate any visibility, however limited, of a tall building above the Inner Ward as harmful.[94] That approach seems to reflect the views of the UNESCO-ICOMOS Reactive Mission Monitoring Report of 2011 considered by the World Heritage Committee at its meeting in June 2012. The extract states, in the context of considering the Shard, that *"if any tall buildings are planned, these should not exceed the height by which they would become visible above the on-site historic buildings that are part of the Tower complex."* The extract continues by opining that *"any additional tall buildings in the area would destroy the visual integrity of the property and severely compromise its Outstanding Universal Value (OUV), possibly beyond repair."* [95]

6.91 The extreme nature of this latter view does not deserve to be taken seriously. The postulates of destruction of visual integrity and severe compromise of OUV would clearly amount to substantial harm in NPPF terms. But no one suggests

[91] CD-E-06 para 3.4.3
[92] Mr Stewart PoE para 5.70
[93] Ibid para 10.47
[94] Mr Young PoE paras 10.33 and 10.34.
[95] Extracts cited in Dr Barker-Mills PoE para 4.15 and Mr Young PoE para 10.19

in the present case that the visibility of the tall buildings proposed by either appeal scheme would (despite visibility from the ToL) come anywhere close to occasioning substantial harm. It would therefore be wrong to equate visibility of tall buildings above the Inner Ward of the ToL with harm to its OUV on the basis of a document which is patently laden with an inflated conception of harm.

St Paul's Cathedral

6.92 Neither the 2018 Scheme nor the 2021 Scheme would affect one's ability to appreciate the significance of St Paul's Cathedral from either of the London View Management Framework views 2A.1 (Parliament Hill) or 3A.1 (Kenwood) or, indeed, in any other views, whether of borough significance or not[96].

Other issues

Servicing (2018 Scheme)[97]

6.93 In respect of the 2018 scheme, even if one were to take TfLs case at its highest, the Council (adopting that case) does not advance it as a reason for refusal but simply says that there would be some harm, attracting moderate weight, which should be factored into the planning balance.[98] This in itself really tells you all you need to know about whether the Council considers that the servicing proposals would pose an unacceptable impact on road safety or would lead to a severe residual cumulative impact on the road network because, in either of those eventualities, they would be required to suggest refusal in accordance with paragraph 111 of the NPPF.

6.94 TfL initially accepted the servicing proposals for the 2018 Scheme as their written representations confirm[99] and the GLA Stage 1 Report reflected this position by describing the servicing strategy to be acceptable in principle[100] with details to be further addressed by condition[101]. Whether or not TfL accepted the position reluctantly[102] or not on the basis that there was no viable on-site solution is neither here nor there. The fact is that they accepted the strategy in principle. They would hardly have reached that position if the strategy was genuinely flawed to an unacceptable degree.

6.95 TfL's change of position cannot be justified by reference to policy. Policy T7 of the LP requires that with on-street loading bays only used where it is not possible to provide them off site. TfL appear to argue that the fact that the 2021 Scheme has come forward with on-site servicing supersedes their earlier view of the 2018 scheme based on acceptance that on-site servicing was not possible, when the 2021 scheme now shows that it is.

6.96 The schemes are completely different and each requires to be judged on its own merits. TfL's representatives never answered the question posed at the

[96] Mr Stewarts PoE paras 5.74-5.76 (2018 Scheme) and paras 10.50-10.52 (2021 Scheme)
[97] No issue arises in respect of serving proposals for the 2021 Scheme.
[98] Mr Glasgow PoE para 11.9
[99] CD-C-24 para 35
[100] CD-G-02 para 86
[101] Ibid para 78
[102] Ibid para 35

round table session whether on-site servicing is possible with the 2018 scheme. It is not. The possibility is to be judged by reference to the scheme in question considered on its merits. To suggest otherwise is wrong as a matter of interpretation. Policy T7, Part G is satisfied in the case of the 2018 Scheme.

6.97 Any suggestion that TfL's change of position might be justified in the light of the Mayor's Vision Zero Policy objectives is not correct. Vision Zero had already been around for a year by time of the GLA Stage 1 Report and the Mayor's Healthy Streets and Vision Zero objectives were taken into account in that response.[103]

6.98 As for the on-street servicing bay proposals, the evidence[104] shows this arrangement would work satisfactorily and, with the combination of the consolidation strategy proposed and the introduction of control over the timing of vehicle deliveries (with only two during the working day as opposed to seven at present), would represent an improvement over the existing situation. The loading bay could be designed not to interfere unacceptably with pedestrian movement on a widened footway or any cycle lane. The experimental footway widening scheme presently out for consultation could, with minor alterations, accommodate the 2018 Scheme (and the 2021 Scheme).[105]

6.99 The use of White Hart Yard for smaller vehicle deliveries would not create unacceptable risks. Following consolidation there would be 23 such vehicles over a 24-hour period. None of these deliveries would take place during peak pedestrian periods and there would be a maximum of four vehicles an hour outside such periods. The narrowness of the exit to White Hart Yard and the reduced visibility at that point encourages drivers to pull out slowly and carefully. There have been no recorded accidents involving pedestrians and vehicles at this junction.

6.100 Seen in the round with the removal of vehicular traffic from King's Head Yard using the present service yard of the existing building as a car park and, more importantly, the reduction in pedestrian flows on the crowded footways at the junction of Borough High Street and St Thomas Street (brought about by the new routes through the site), the servicing arrangements in the 2018 Scheme would meet Policy T2 "*Healthy Streets"* of the LP.

6.101 The servicing strategy for the 2018 Scheme is underpinned by detailed controls in the section 106 agreement requiring, inter alia, a delivery and service management plan and a delivery and service monitoring plan backed up with a delivery and service cash deposit to ensure compliance.

BREEAM

6.102 The Council now accepts that the BREEAM "very good" standard is appropriate for the Georgian Terrace.

Climate change and sustainability

[103] CD-G-02 para 78
[104] Mr Vaughan PoE
[105] INQ-27

6.103 The Council now accepts that, in respect of the 2018 Scheme, compliance with the necessary policy requirements can be achieved by condition.

Daylight and sunlight

6.104 SP Policy P56 lists daylight and sunlight as one of a number of considerations to be taken into account in coming to a conclusion whether development would cause an unacceptable loss of amenity to present or future occupiers. In respect of the schemes' impact on daylight and sunlight at the student accommodation at Orchard Lisle House and Iris Brook House to be carried into the planning balance as moderate harm, the Council conceded that there was no breach of the policy, rather than the alleged tension with the policy. In the absence of a policy breach, it is difficult to see how moderate harm can arise to be carried into the balance. Policy is the arbiter of harm. If the policy is not breached there is no unacceptable loss of amenity and any loss of amenity below that threshold is, by definition, acceptable. The Appellant takes the position that the daylight and sunlight losses had no material part to play in the overall decisions.

Public benefits

6.105 The public benefits either scheme would bring, cumulatively, are enormous. The range of benefits is substantially agreed (as set out in the Planning SOCG) and the real point of departure between the Appellant's and the Council is the weight to be given to each benefit in turn and then to their accumulation overall. Some of the more important differences are singled out below. Helpfully, there is an agreed statement that sets out side by side for easy comparison the weight given to the benefits by the Appellant and the Council.[106] The Appellant's case is that the Council has talked down the benefits.

6.106 Also, it is important to include the considerable public benefits secured by the s106 planning obligations, and the CIL payments.

Quantity and quality of office space

6.107 Either proposal would bring about a major improvement in the quantity and quality of office space on the site. In the 2018 Scheme there would be 46,374 sqm of Grade A office accommodation, resulting in an uplift of 33,611 sqm of office floorspace across the site. The 2021 Scheme would provide 49,049 sqm of Grade A office accommodation, resulting in an uplift of 36,286 sqm of office floorspace across the site. Either scheme would thus make a significant quantitative contribution (7.2% and 7.7% respectively of Southwark's net minimum additional office floorspace target) of new office floorspace in a policy-compliant location. Coupled with the high quality of the new floorspace to be provided, substantial weight is attached to this benefit. This is especially so given the strong policy support for more and better quality office floorspace in the globally, nationally and London-wide significant location within which the appeal site lies.

[106] INQ-32

6.108 The Council's attribution of only moderate weight to this benefit on the basis that strategic targets can comfortably be achieved without the uplift in floorspace that the schemes would deliver[107] is wrong in principle. Providing more floorspace in circumstances where there is no cap on its delivery (the target is a minimum) is not a reason to reduce the weight to be attached to it. That is especially so in circumstances where uncontested market overview and demand analysis[108] points to the difficulty of meeting demand for new build grade A office space in the SE1 market with only 4% of the potential future supply having minimal entry barriers. Planned allocations do not necessarily translate into deliverable consents. The appeal site is owned by GPE, a hugely experienced and well-funded developer of office floorspace in central London. Once again, one must keep firmly in mind the importance (global, national and London-wide) attached by the development plan to more and better quality office space in the 4 designated areas in which the appeal site sits, and that the approach in the LP is to meet demand for office floorspace. In the light of points like these it really is hard to fathom how only moderate (middling) weight should be given. It is self-evidently a matter of substantial weight.

Employment and the contribution to the local economy

6.109 Either scheme would generate significant job creation at construction and operational stages, accompanied by worker spend in the local economy and an increase in GVA. The net additional FTE jobs in the operational phase, more than 2,000 and 3,000 in the 2018 and 2021 Schemes respectively should in any sensible analysis be seen as very important indeed.[109] Substantial weight is given to the benefits of employment and the contribution to the economy.[110]

6.110 The Council relies on the Appellant's ES scoping report for the 2018 Scheme to attach only moderate weight to the job benefits on the basis that the scoping report stated that the jobs were unlikely to be materially significant in the wider London area. [111] However, the proposals would deliver on a single site 22% (2018) or 30% (2021) of the target of 10,000 jobs for the Opportunity Area. This is a sizeable contribution to an important SP policy target. Whatever may have been the views of the environmental assessors, a London-wide jobs perspective is a poor basis for a comparative judgment when specific development plan targets are set for the more immediate area of the site. Indeed, the Council themselves rely on local Southwark policy considerations in giving significant weight to the schemes' provision of affordable workspace[112] as is correct to do.

6.111 Returning to the London-wide comparison, given that London supports 5.7m jobs,[113] any scheme would struggle to make a significant quantitative jobs contribution measured against this yardstick. The schemes could also be

[107] Mr Glasgow PoE para 8.4
[108] Mr Goddard PoE app 2 -Cushman & Wakefield market overview and demand analysis
[109] Chris Goddard Proof paras 9.6 and 9.7 and as extracted from the Volterra report in appendix 6 to this proof.
[110] Chris Goddard Proof para 9.20.
[111] Mr Glasgow PoE para 8.9
[112] Ibid para 8.6
[113] Paragraph 2.2.2 of the LP.

significant for jobs at a London-wide level in qualitative, if not quantitative terms, for their potential to attract occupation as a global headquarters.

6.112 There is no reason to reduce the weight given to job creation on the basis that the schemes would do no more than comparable schemes. The obverse is the case. A comparable scheme should also attract the same substantial weight. It is not to be forgotten that paragraph 81 of the NPPF provides that significant weight should be placed on the need to support economic growth and productivity taking into account, inter alia, local business needs (as evidenced in this case in the Cushman & Wakefield market overview and demand analysis).

Public realm

6.113 The same theme of devaluation of the public benefits of the schemes is apparent in the Council's attribution of only limited weight to the public realm that they provide, in contrast to very substantial weight that should be attached to this dimension of the schemes as part of an assessment of the wider topic of design quality and public realm. The GLA Stage 1 Report was also strongly supportive of the public realm in the 2018 Scheme[114].

6.114 The public realm is generous. 1,355 sqm of new public realm is provided at ground level in the 2018 Scheme. To be added to this is the 700 sqm of the new elevated public garden (excluding the café). This makes a total of 2,055 sqm of new (multi-level) public realm overall which amounts to 73% of the available site area (the Georgian Terrace and Keats House not being available). As it stands, the existing site provides purely theoretical public realm (taking the most generous but wholly fanciful view) of 211 sqm. 1,136 sqm of new public realm is provided at ground level in the 2021 Scheme. To be added to this is the 780 sqm of new elevated public garden. This makes a total of 1,916 sqm overall. In both schemes, public realm outside the appeal site boundary would also be enhanced.

6.115 The elevated free to access public gardens in the schemes are a unique feature of the developments. None of the existing tall buildings in the area has such a facility nor are any of the other proposals coming forward on St Thomas Street delivering one.

6.116 The criticism that the public realm would be too busy with people passing through to enable space to dwell is misplaced. Appropriate areas to dwell are illustrated on the Space Syntax diagrams in respect of both the 2018 and the 2021 schemes.[115] The provision of shade which has also featured as a quibble about the external public realm (although there will be plenty of daylight and reasonable sunlight) is not a bad thing but a good thing. The fact that 54% of the public realm would be enclosed is by no means an unsatisfactory feature of the 2021 Scheme but, on the contrary, represents an entirely appropriate design response in the provision of an elegant side lit gallery 17m tall with echoes of the highest part of the concourse reaching up to the elevated platforms at London Bridge Station.

[114] CDG.02 paras 28-30.
[115] INQ-17 slides 18-13 and 21-11 (Space Syntax diagrams)

6.117 If any implications were being suggested for the success of the public realm in the 2018 Scheme in the light of the decision in respect of the 2021 Scheme to remove from the latter much of the retail provision proposed in the former, there is no concern in that regard. A good developer might well decide to address any resulting issue by cross subsidy of uses so that public space was activated; and it would realistically be expected that activity and engagement would be curated over time by the management of the building. In addition, there is affordable retail space in the 2018 scheme.

Sustainable transport benefits

6.118 The nadir of the Council's approach to valuing the public benefits of the schemes comes in its attribution of only limited weight to the creation of a new entrance to the underground station, the permeability provided by the new routes through the site and the relief provided to crowded footways on Borough High Street – all in contrast to the very substantial weighting which should be attached. The new access to the underground station is another unique and exceptional public benefit of our proposals. The GLA Stage 1 Report in respect of the 2018 Scheme *"strongly supported"*[116] the new station entrance and improved pedestrian access between Borough High Street and St Thomas Street. In CABE's response of 1st June 2018 it was observed that *"the panel was impressed by the proposed creation of a new entrance to the underground station together with the new public space to activate Kings Head Yard and integrate it into the public realm. The proposed development promises to seize a unique opportunity to enhance connectivity and public realm in the area."*[117]

6.119 What is to explain the Council's reluctance to acknowledge the true worth of the benefit we are providing here? It seems to come down to the view that *"the principal beneficiaries of the new access would likely be those employed within the development."* [118] This is not the case: see INQ-24. Some 70% of the users of the new public realm would not be users of the new buildings.[119] The Council's note[120] on the subject attempts to cast doubt on this although the queried input was agreed with TfL modellers[121] and importantly, puts forward no alternative figure of his own. On the evidence, the only conclusion open to be reached is that most of the users of the new public realm would not be people working in the buildings on the appeal site. The entrance / exit isn't as busy as others at London Bridge but this mustn't be allowed to distract from the absolute numbers – we are talking about thousands of people using this entrance / exit in the busier hours. Quite apart from the fact that the large majority of the users of the new public realm would not be users of the new buildings, it is to be noted that the TfL recognise this as a public benefit.[122]

Heritage benefits

[116] CD-G-02 para 86
[117] CD-C-09
[118] Mr Glasgow PoE para 8.15
[119] INQ-24
[120] INQ-33
[121] Ibid para 12
[122] CD-C-24 para 23

6.120 The restoration of the Georgian Terrace represents a heritage benefit, and is agreed to be such in the Planning SOCG.[123] It is another benefit which is unique to the proposals in comparison to the other tall buildings built or permitted along St Thomas Street. The ascription of only limited weight to it by the Council in the face of a requirement to give it great weight under paragraph 199 of the NPPF is not only surprising but simply wrong. This is another example of talking down the benefits as referenced in opening.

Cumulative weighting of benefits and overall balance

6.121 The Council provides with no cumulative weighting of the benefits of our proposals and was not prepared to do so, whereas the Appellant attaches very substantial weight to the cumulative set of public benefits.

6.122 The Appellant reiterate that the combined benefits would comfortably outweigh any LTSH that either of the proposals are found to cause; and that the same also goes for any other harm if it is concluded would arise.

6.123 For the avoidance of doubt, if any LTSH is found to either of the proposals, the balance should still be struck in the Appellant's favour not just it is found that the Appellant's assessment of the LTSH is correct but also if it is found that the assessment of the Council and/or HE is to be preferred (or if the assessment is in between).

6.124 The striking of the balance in this way would be in line with the conclusion expressed in the GLA Stage 1 Report[124] in respect of the 2018 Scheme where the conclusion was reached, notwithstanding an assessment of LTSH to a number of heritage assets, that this harm would be outweighed by the wider public benefits associated with the scheme.

Accordance with the development plan

6.125 The issue of accordance with development plan policy is rehearsed in various places. The determination in respect of each of the schemes would be in accordance with the development plan, when read as a whole, would be to allow the appeals.

6.126 Should a different conclusion be reached, it is submitted that material considerations, namely the compelling package of public benefits, would (in the language of the second part of s.38(6) of the 2004 Act) indicate otherwise such that the appeals should be allowed.

Overall conclusion

6.127 Accordingly, we ask that the SoS is recommended to allow both appeals. The Appellant's ask to be allowed to add a layer of history to this globally significant business district.

7 The Case for the Council

[123] Paras 10.1.12 and 10.1.24.
[124] CD-G-02

Introduction

Overview

7.1 Neither of the two schemes can properly be said to constitute sustainable development or good design.

7.2 The height and scale of both proposed towers are driven by commercial imperatives, seeking to maximise the delivery of office floorspace rather than following a design-led approach to find the most appropriate form of development that responds to the site's capacity for growth.

7.3 Both schemes represent overdevelopment of what is agreed to be a highly challenging site in a sensitive and complex historic environment. The site is in a tight space in which to try and accommodate such a large building, and in close proximity to a number of listed buildings.

7.4 The Appellant has consistently failed to grapple with the implications of those constraints for the appropriate scale and design of any redevelopment.

7.5 That failure manifests itself in the approach taken to context. The site lies in the heart of one of London's oldest and most important CAs, and within a sub-area agreed to have a particularly distinguished historic character, with characteristics of restrained quality and consistency.[125] It was agreed to be one of Southwark's most significant historic streets, with a highly significant cluster of nationally important historic buildings[126]. And yet for the purposes of considering context and seeking to justify height and scale the Appellant effectively ignores the CA boundary and the highly sensitive historic site and surroundings and looks only to the tall buildings which (with the exception of Shard Place, which we address below) all lie outside it.

7.6 Both schemes have no meaningful relationship to their historic context, and either tower would become a dominating and overbearing presence within the CA and the setting of numerous LBs both in the immediate vicinity and further afield. Both would destroy the currently successful clear demarcation between the coherent and consistent historic environment and the tall buildings around London Bridge Station, and set a damaging precedent for further such development within the rest of the CA.

7.7 The symptoms of this being too much development in the wrong place[127] are also apparent in the distinctly uncomfortable and harmful relationship the towers would have with the Shard in a number of important viewpoints where they are seen either in alignment or in close proximity to one another. As explained below, there are many important viewpoints from which the Shard is either obscured or largely obscured as the station's landmark by the new towers, or in which the relationship between them is "*visually uneasy*" as the Appellant describes it.[128]

[125] CD-E-06 para 3.5.1
[126] CD-H-15 para 96
[127] Or not "proportionate to the significance of the proposed location and the size of the site" to use the words of SP Policy P17 Part 2.2
[128] CD-A-12-1 para 5.5.39

7.8 The harm would be wide ranging and significant, both in design/townscape and heritage terms. It is telling that, with limited exceptions, the harm is the same for both schemes.

7.9 The 2018 scheme met widespread and consistent objections from a range of important stakeholders consulted both before and after the application was submitted.

7.10 At the pre-application stage CABE/Design Council advised the Appellant that the height of the proposed tower required further justification, and that its isolation from other tall buildings in the area and its proximity to the historic buildings within the CA clearly lead to a significant impact on the CA and on historic views, both locally and within the LVMF.[129] HE advised that if the application was submitted in the form consulted upon it would strongly object due to the serious harm that would result to the historic environment.[130] The LPA's pre-application advice was that the height and level of harm to surrounding heritage assets was the "*key reason why the scheme cannot be supported by officers*"[131]. After submission the objections received reflected those same themes in strong and unequivocal terms.

7.11 The Appellant's attempt to overcome the objections to the 2018 scheme with a new and markedly different design has proved to be unsuccessful. For all its myriad flaws, the Appellant's own TVIBHA continued to identify the same fundamental problems of visual dominance of the sensitive historic environment and uncomfortable relationship to the townscape context. That was partly a result of the still very considerable height of the tower, but also because the only way that the architects were able to accommodate the client's requirement to deliver the same quantum of commercial floorspace was by substantially increasing the width and massing of the tower so that it would extend along most of the site's frontage to St Thomas Street, with the bulk at floor 3 and above bulging out over the rooves of the listed Georgian Terrace. All of this has served to exacerbate the harmful and oppressive relationship between the tower and the designated heritage assets surrounding it.

7.12 In the circumstances, the LPA's discouraging pre-application response to what became the 2021 scheme should have come as no surprise. Nor should the strong objection subsequently received from HE, or the GLA's conclusion in its Stage 1 Report that "*the significant width proposed (over 60m) does not feel proportionate or comfortable in this low rise historic context with many designated heritage assets*" and that the "*design choice overall does not seem to be successful.*"[132]

7.13 Indeed, all the signals should have alerted the Appellant to the fact that this was simply not a suitable site to accommodate its desired quantum of commercial floorspace, and that it was necessary to take a step back and look at alternative options.

[129] CD-C-09 p 1-2
[130] CD-C-04 Summary
[131] CD-C-02 p 3
[132] CD-G-03 para 41 & 44

7.14 Those clear and consistent signals were ignored, and the Appellant pressed ahead with the scheme regardless. This time it did so without bothering to engage with the independent design review process. The subsequent belated attempt by the Appellant to excuse this failure by reference to receipt of a discouraging pre-application response from the LPA is fundamentally misconceived for two reasons:

a. If the application was therefore submitted on the assumption that it would probably need to be appealed to the SoS, that has no bearing whatsoever on whether it would have been appropriate to comply with the policy obligation to undergo design review "*early on*" in the process. That policy obligation, and the important public interest objectives that underlie it, are no less important or applicable when a scheme is being considered on appeal.

b. If anything, a discouraging pre-application response from the LPA on (inter alia) design grounds should underline the importance of going through the design review process before submission. If that process produces a response from CABE which is more positive than the LPA's initial view, it could be prayed in aid as part of the case for persuading the LPA that its initial response was wrong. If the response is negative, that would be important when deciding whether it was in fact appropriate to proceed to the stage of making an application for the emerging proposal.

7.15 The upshot is that the LPA has raised objections to both schemes on essentially similar grounds. The first of the putative reasons for refusal has consistently been supported by HE, the Government's principal heritage advisor, in relation to those assets which are most significantly affected. It has taken the unusual step of appearing at this Inquiry as a Rule 6 party, reflecting its view as to the seriousness of the harm to the historic environment in this case.

7.16 It is agreed that there is a strong statutory presumption in favour of refusal of both appeals. That is reinforced by the wide ranging and extensive conflict with up-to-date development plan and national policy, and conflict with the development plan when considered as a whole. The policies which are infringed are policies of the highest level of importance for the purposes of the determination of these appeals, the extent and significance of the breaches are considerable, and the conflict goes to the overall thrust of the development plan. All of those are agreed to be relevant factors in forming a judgment as to whether there is compliance or not with the plan overall.

7.17 Southwark is a borough that is supportive of economic growth and consequential change through appropriate development, and the development plan reflects that. In accordance with the NPPF and LP, and as developed through the SP, however, the LPA is seeking to achieve *good* growth that is environmentally sustainable. Neither scheme warrants that description.

7.18 The presumption in favour of the development plan therefore creates a further statutory presumption against the grant of planning permission in this case.

7.19 It is acknowledged that there would be public benefits associated with either scheme, but the extent and level of harm and of policy conflict is nowhere close to being offset by those benefits.

The approach to new tall buildings

7.20 The SP identifies a broad area where tall buildings are expected, which includes the CAZ, Major Town Centres, Opportunity Area Cores and Action Area Cores[133]. This broad area includes the appeal site. The SP also identifies specific sites that may be suitable for tall buildings in site allocations, four of which are in the London Bridge area[134]. Both the LP (Policy D9) and the SP (Policy P17) have detailed and stringent policy criteria for the assessment of new tall building proposals, reflecting the significant adverse impacts that can be caused at both a local and London-wide level from a poorly designed tall building in the wrong place. In providing a far more detailed set of criteria to guide the assessment of impacts, LP policy D9 marks a significant change in the policy framework for the assessment of the acceptability of proposed tall buildings when compared to the approach of the London Plan 2016.

7.21 It is apparent from the size and nature of the area identified by the SP that tall buildings would not be considered suitable on every site in that area. The inclusion of the Grade I Southwark Cathedral within the broad area exemplifies this. The SP does not attempt a fine grain approach to tall building site suitability (beyond the specific site allocations) and the fact that the broad area includes sites that are obviously inappropriate needs to be borne in mind when applying the policy. A common sense approach is required and inclusion within the broad area is very far from representing a green light for a tall building proposal. In fact, the studies and evidence base that informed the approach taken to tall buildings in the SP did not identify the appeal site or the wider BHSCA as a suitable location for tall building development. Indeed, when a more fine-grained analysis was undertaken the site was excluded from the area marked as "*Appropriate location for tall buildings*" and CAs, (including specifically the BHSCA) were described as generally unsuitable for tall building development in all relevant studies that informed the SP.[135]

7.22 The position of the Shard as the pinnacle of the London Bridge cluster also plays an important role in Southwark's approach to new tall buildings. The Area Vision in the SP for London Bridge explains that development should make sure that "*the Shard remains significantly taller and more visible than surrounding buildings as the station's landmark*" [136]. This approach is not simply concerned with height but also with relative visibility as the station's landmark, which requires the impact on the Shard's landmark qualities to be assessed from different locations around the area.

7.23 The 'cluster' concept itself is relevant when considering new tall buildings in the London Bridge area in the context of their potential impact on the setting of the ToL. On the assumption that further tall building development is

[133] CD-E-01 Fig 4 p 137
[134] Ibid NSP52-55 p381-393
[135] Mr Glasgow PoE para 5.73-5.82. See specifically CD-E-08 Fig 9 p15, p32, Fig 20 p33, CD-E-18, paras 4.4.7, 5.1, 5.2, CD-E-19 Fig 8 p5, p52, CD-E-20 p69
[136] CD-E-01 p385, 388

inevitable, clustering of tall buildings to a contained area provides a means of avoiding a spread of towers and thereby limiting adverse impact on the WHS.[137] The same underlying principle ought sensibly to apply to the London Bridge area as it applies to the City of London's eastern cluster. The same issues and impacts arise in both cases. Thus the existence of a cluster does not mean that its continued expansion in any and all directions should be regarded as acceptable. The shape, direction and extent of growth, and the overall curation of the cluster, all require careful consideration having regard to townscape and in particular heritage impacts. A tower that appears to be separated from the London Bridge cluster in important views risks both increasing harm to the ToLWHS and introducing a spread of towers across a wider area, failing to safeguard the remaining openness of the ToL setting and undermining the public interest benefits of clustering.

7.24 The Appellant's perspective on the approach to new tall buildings in the London Bridge area has proven to be remarkably and inappropriately simplistic. Its witnesses have appeared to view the presence of the Shard, the News Building and, in particular, Shard Place as giving rise to a presumption that tall buildings would be suitable anywhere in the London Bridge area generally and within the BHSCA specifically. The logic of their position, if correct, would mean that it could never be said that the cluster has gone far enough in any direction because one tall building, for example, Shard Place begets another one – the appeal site – on the basis that it is just 30 seconds or 30 metres away. It is a recipe for the incremental erosion of the area's special and distinctive character and heritage interest, and for additional cumulative harm to the OUV of the WHS.

7.25 The refrain from the Appellant's team throughout the inquiry was that London Bridge is, and always has been, a place of change, with the implication that the LPA's resistance to these particular towers pushes inappropriately against this 'inevitable' tide of change. However, change in the form of a new tall building in a particular location in the London Bridge area is neither inevitable nor inevitably good.

7.26 There has been an over-reliance on decisions made in respect of other sites, in particular Vinegar Yard and Shard Place. The over-reliance on previous decisions in cases with materially different facts, and emphasis on the suggested inevitability of adding another 'layer of history' to London Bridge through further tall building development reflects a highly simplistic and crude approach. It effectively seeks to side-step the detailed, and recently enhanced, scrutiny that the development plan rightly expects of buildings that have the potential to give rise to significant and wide-reaching impacts.

7.27 The first criterion of Policy P17 of the SP is the locational requirement that tall buildings must be "*located at a point of landmark significance*"[138] defined as being "*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.*"[139] These factors are concerned with the site and its existing status

[137] Dr Barker-Mills PoE para 4.18, CD-H-10 Tulip Inspector's Report paras 14.7-14.8
[138] CD-E-01 p133
[139] Ibid p135

rather than on the nature or impacts of the tall building that is proposed. It is common ground that not every site within the broad designated area can be of 'landmark significance'.

7.28 The Appellant has long been aware that compliance with this policy requirement is problematic here. That much is plain from its decision to instruct DP9 to argue for its removal from the draft SP tall buildings policy. DP9 argued that this criterion did not "*recognise the role that tall buildings can play in creating new areas of townscape significance and stimulating regeneration*"[140], but those arguments did not prove persuasive and the requirement has become part of the development plan. If the Appellant and its team of advisors had thought the application of this criterion would tend to support the suitability of the site for a tall building they would not have sought its removal.

7.29 In terms of the application of the SP's definition of landmark significance.

a. The site is not located "*where a number of important routes converge.*" Whereas Borough High St is an important route, in the context of surrounding major streets including Tooley Street, St Thomas St is a more local route. In any event, and importantly, the appeal site is not located at a point at which important routes converge as the point of convergence is between Borough High St and St Thomas St is Barclays Bank. Instead, the point of convergence was said to extend so far along St Thomas St that a person standing outside Keats House was still at a point where important routes converge. That was an absurd position to adopt. It was also claimed that the new entrance to London Bridge underground station would result in the site being at the point at which important routes converge, entirely missing the point that the focus of the policy is on the existing position. Further, even if it is accepted that a large run of St Thomas St is located at a point at which important routes converge, the location of the towers would not be on St Thomas St but rather in a backland location with no street frontage.

b. The site plainly is not "*where there is a concentration of activity*".

i. The position that the site qualifies as such because people walk past the site to access major attractors of footfall such as the Shard or London Bridge station, would make every building along Borough High Street and the western end of St Thomas St a location where there is a concentration of activity. That, again, is an absurd approach to the policy requirement.

ii. It is the destination to which people are moving that represents the concentration of activity, and not the places they pass on their way to it. The site generates a modest level of footfall from its existing use, but it cannot properly be described as representing a concentration of activity in any meaningful sense.

iii. The status of the appeal site can usefully be contrasted with that of the Shard, Shard Place and the News Building, all of which sit

[140] INQ-19 2.43

on top of or immediately adjacent to major access points to London Bridge underground and rail station, and in the case of the News Building, the bus station, and all of which are hives of activity associated with the use of the station. There is no tension between these three buildings being located at a point of landmark significance and the appeal site not.

c. As for the final aspect of the definition, the appeal site is not currently the focus of views. If you put a big enough building on any site it is likely to become a focus of views to some extent, but that this does not tell you anything about whether the site itself is located at a point of landmark significance. The absence of a tall building in the location of the appeal site provides important openness between the London Bridge cluster and the historic area around Southwark Cathedral in views from London Bridge. The absence of landmark status of the appeal site allows focus to appropriately be placed on views of true landmark locations such as the Shard and Southwark Cathedral.

7.30 The upshot of the Appellant's approach to the landmark significance requirement is that any site along St Thomas St or Borough High St could be said to be located at a point of landmark significance. That is not a realistic approach to the clear policy criteria and serves only to emphasise the inability of the site, on a proper analysis, to meet any of the aspects of the definition. The Appellant's concerns about meeting this criterion back in 2018 were well founded: the proposed towers would clearly not be located at a point of landmark significance and thus conflict with the first criterion of Policy P17.

The effect on the significance of designated heritage assets

Introduction

7.31 The Council does not seek to address the impact on each of the designated heritage assets covered by the written evidence, but instead focuses attention on those which were addressed in the oral evidence of the parties, namely:

a. Borough High St CA
b. Guy's Hospital
c. The St Thomas St LBs
d. Southwark Cathedral
e. ToL WHS
f. St Paul's Cathedral

7.32 The impact on the other designated heritage assets that would be harmed should not, however, be treated as an unimportant or peripheral issue. Where harm occurs, it is to be given great weight, with the specific level of weight reflecting both the extent of harm and the significance of the asset in each case.

7.33 In these appeals it is not only the weight ascribed to the harm to individual assets that matters, it is also the extent of and weight to be given to the collective harm. Many of the designated heritage assets that will be adversely affected in this case are not only important in their own right, they are also

important in the role they play as part of the special character and appearance of the BHSCA. The number of individual designated heritage assets within the CA that are adversely affected therefore reflects and is consistent with the widespread nature of the adverse impact on its special qualities.

General approach and policy points

7.34 The Appellant's flawed and incomplete approach to the assessment of heritage impacts has been problematic from the outset. Significant concerns about the methodology and transparency of the assessments used in the BHA were raised during the review of the ES by the LPA's EIA Consultants LUC in respect of both applications.[141] These are not new points. The Appellant has had notice of them for years, and yet the same errors and omissions were reflected in its evidence to the Inquiry.

7.35 In respect of the errors in approach, the Council's evidence was clear, compelling, and obviously right. The substantial gaps and methodological errors in the analysis have given rise to some of the more surprising conclusions reached in the Appellant's assessment.

7.36 Fortunately a good deal of helpful common ground on approach has been established.

Setting

7.37 The following matters are common ground in relation to setting:

a. The statutory duty in s.66 arises where a proposed development affects a LB *or its setting*. Where that is the case, special regard must be had to the desirability of preserving the LB *or its setting*. There is no issue between the parties as to the importance of setting: it is not a secondary consideration, but rather something which is itself given a special statutory protection in decision-making.
b. The concept of setting is defined in the NPPF Glossary. As the NPPF makes clear, there are two reasons why setting is important. The first is that elements within the setting of a heritage asset may make a contribution to its significance. The second reason is that setting may affect the ability to appreciate significance.
c. HE GPA 3[142] reflects those twin roles, and any assessment needs to consider both aspects. That is reflected in the steps and how they are described throughout the guidance.
d. The same position is reflected in up to date development plan policy. Policy HC1 Part C[143] is concerned with protecting not only significance but also appreciation of significance within the surroundings of heritage assets.
e. The Appellant has sought to assess both aspects, recognising that both roles are important. It is expected that the Inspector and SoS to

[141] See CD-A-42 (2018) at p36+ and CD-B-67 (2021)
[142] CD-F-04 para 3 p2 (Box) and p10-13 (steps 2 and 3)
[143] CD-D-21 p279

consider both, and to treat both as important, consistently with the statutory duty to have special regard to the desirability of preserving the setting of the LBs affected in this case.

Calibration of harm

7.38 The following matters are common ground in respect of the approach to calibrating harm to heritage assets:

a. Assessing where harm sits on the spectrum of LTSH is a matter of judgment for the decision-maker.
b. The courts have made clear that the NPPF does not direct the decision-maker to adopt any specific approach to identifying harm or gauging its extent.[144]
c. 'Substantial' in the NPPF means what it says, and any attempt to put a gloss on the meaning of the term has no justification in the context of the NPPF. The policy framework and guidance provide a steer that relevant factors include the degree of impact, the significance of the heritage asset under scrutiny and its setting.[145]
d. Whilst an example has been given in the PPG to assist in considering whether harm is substantial in relation to works to a LB, it does not purport to be a definition of the word 'substantial'. That is unsurprising given that the PPG is guidance and not policy.
e. The example that is given in the PPG contemplates that substantial harm could occur if an adverse impact seriously affects **a** key element of a LB's special architectural or historic interest, even if other key elements are unaffected. That is consistent with what the SoS concluded in the Tulip decision[146] where it was found that the key point is not whether some aspects are left untouched, but the importance of what would be affected (in this case setting) to the asset's significance.
f. There is nothing in the Appellant's evidence that seeks to take issue with the approach taken by the SoS in the Tulip DL or to give reasons to justify a different approach being taken in this case.
g. If in this context it is appropriate to treat the word "*serious*" as synonymous with "*substantial*", concluding that harm below the threshold is not "*serious*" in that narrow technical sense does not mean that it is unimportant. Treating LTSH as a less than substantial objection involves an error of law, and does not reflect the statutory duties.

Cumulative harm and precedent

7.39 The following matters are common ground in respect of the approach to cumulative harm and precedent:

[144] CD-H-07 para 47
[145] Ibid para 53
[146] CD-H-10 para 16

a. The PPG makes clear that when assessing any application which may affect the setting of a heritage asset, decision-makers may need to consider the implications of cumulative change.[147]
b. That guidance must be understood in the light of the NPPF's definition of 'setting', which recognises that there may be elements of the setting of a heritage asset which make a negative contribution to significance or the ability to appreciate it. Where that is the case, and a proposed development would exacerbate that negative contribution, that is a material consideration in judging whether the additional harm is acceptable or not. That is consistent with HE's advice in GPA3 that where the significance of an asset has been compromised in the past by unsympathetic development affecting its setting, to accord with NPPF policies consideration needs to be given to whether additional damage will further detract from the significance of the asset.[148]
c. A setting which suffers from elements making a negative contribution may therefore have a particular sensitivity to further change as a result. To treat such a setting as being 'less sensitive' as a result would mean that on each occasion an additional element of harm was permitted its sensitivity would be said to reduce again. On that approach, it would never be possible to prevent the gradual cumulative erosion of the remaining contribution that setting makes to significance or the ability to appreciate it.
d. The LP specifically calls for the contribution to cumulative impact to the setting of London's WHS to be clearly illustrated and assessed where a development may contribute to such an impact[149], which reflects a recognition that the setting of those WHS has already suffered harm from past development.
e. LP Policy HC1 also requires cumulative impacts on heritage assets and their settings from incremental change to be actively managed. Effective implementation of that policy requirement requires the decision-maker to consider:
    i. the impacts of previous change on significance and ability to appreciate significance;
    ii. the extent to which the impacts of proposed development may have a cumulative effect together with existing impacts; and
    iii. the potential for significance and ability to appreciate significance to be eroded by incremental change.

Juxtaposition of old and new

7.40 It is agreed that it is not automatically positive to have modern skyscrapers standing near historic buildings. Just because that juxtaposition has been identified as positive in previous reports does not mean that it will always be positive for every proposal or for every asset. It will need to be assessed and its appropriateness or otherwise considered on a case by case basis.

[147] CD-D-11 para 13
[148] CD-F-04 p4
[149] CD-D-21 Policy HC2 Pt. C

Development plan policy approach to protecting the WHS

7.41 The most recent iteration of the LP includes crucial policy changes to respond to the World Heritage Committee's concerns arising from the decision to consent the Shard and other tall buildings. This most recent iteration is agreed to mark a shift in policy on heritage in general and WHSs in particular. These important differences in planning policy provide another reason why little or no weight should be given to previous permissions, or their justifications, as setting a binding precedent.

7.42 The changes in planning policy are agreed to reinforce the greater weight that should now be given to heritage protection on account of the revised wording.

7.43 LP Policy HC2 Pt. B is agreed to be an important part of the strengthened policy framework to address the problems that had arisen from previous decisions. It is common ground that there is no scope for compliance with the policy if harm is caused to the OUV of the WHS – there is no scope for compliance on the basis of harm being outweighed by benefits. The same approach appears in Policy D9 Pt. C (e). The supporting text makes clear that making good on the Government's commitment to protecting the WHS[150] requires effective implementation of policies for conserving and enhancing the historic environment. In other words, it is not enough just to have these policies, making good on the commitment requires them to be implemented effectively in development control decision-making.

7.44 Finally, it was suggested that because Policy P17 of the SP does not have an equivalent to Policy D9 Pt. C (e) of the LP, there is a conflict between the policies which should be resolved in favour of P17 pursuant to s.38(5) of the PCPA 2004. That is a hopeless argument, because Policy P24 of the SP also applies, where relevant, to any tall building proposal and sets *exactly* the same test for development affecting the OUV of WHS and their settings as LP Policy HC2 and D9[151]. Policy P17 does not set a different approach to impact on WHS. The simple fact that the specific test for impact on WHS in SP Policy P24 is not duplicated in SP Policy P17 cannot properly be argued to mean that there is a conflict between the policies in the two parts of the development plan.

Architectural Quality as a factor potentially reducing heritage harm

7.45 "*Good design is inherently informed by its surroundings, including the historic context.*"[152] Where a proposed building would be a poor and unsympathetic response to its historical context that will weigh heavily against the quality of the design.[153] Those concepts are reflected in the extent to which the development plan and national policy and guidance emphasise the importance

[150] See emboldened text in para 7.2.1
[151] CD-E-01 p149
[152] CD-H-10 IR para 14.84, endorsed by the SoS at DL para 38
[153] Ibid DL para 38

of context when assessing whether a proposal can properly be considered to represent good design[154].

7.46 It is accepted that, in principle, the quality of a design might reduce heritage harm, it does not do so here. Indeed, the detailed design of each scheme serves to exacerbate rather than reduce the harm caused.

7.47 By way of example, for Guy's Hospital in TVIBHA 2018 view 49, the design of the scheme does not reduce or negate harm as the girders and railway bridge themes are nothing to do with this part of the CA and the architectural expression of the 2018 tower has nothing to do with the neoclassical architectural approach which is of such importance to the heritage significance of Guy's North Quad.

7.48 There is also confusion in the Appellant's own evidence about the intended relationship between the detailed design and the closest designated heritage assets with the 2018 scheme being described as providing a "*dramatic contrast*"[155] and "*dramatic and striking juxtaposition*" with those assets, and refers to a relationship of dominance of the proposed tower over the existing streetscene. Yet other evidence states that the design would provide a "*calm neutral backdrop.*"[156] The same inconsistency arises in respect of descriptions of the 2021 scheme.[157]

7.49 Reliance on design quality in the abstract cannot be an excuse for the fact that the design of a development has not been properly informed by its context, including the historic environment.

Assets of focus

7.50 There are two preliminary points to be made about the evidence relating to the impacts on the heritage assets in this case.

7.51 First relates to the images of the proposed towers as there is a notable lacuna in the suite of images (both still and moving) produced by the Appellant.

7.52 The Appellant has produced a full height image of the 2021 scheme as seen from St Thomas St outside the Shard looking west, but no equivalent full height image for the 2018 scheme. There was no technical reason why such an image was not (or could not have been) produced, the Appellant just chose not to do so.

7.53 The image for the 2018 scheme only extends as far as about level 16 (approx. 65m AOD), some 40m or more below what is shown for the 2021 scheme and almost 80m less than its full height of 144m AOD. The Appellant has not provided any illustrative material to show what the full height of the 2018

[154] See Ms Adams PoE section 2.2.2
[155] See e.g. Stewart PoE paras 4.10, 5.43-5.44, 7.12, 7.32
[156] Mr Allford PoE para 7.1.5.3
[157] See Mr Stewart PoE para 9.9 and 10.35 and Mr Allford PoE para 9.19.12, Figure 486 and para 10.1.5.3

tower would look like from ground level looking west on St Thomas St. The Council has sought to fill the gap, and it is agreed that the Appellant's amended Figure 32[158] is the best image that the Inspector has for this purpose.

7.54 That is a remarkable state of affairs, having regard to the technology available to the Appellant and to the following points:

a. the proposal is to erect a 144m high tower in the middle of a low rise CA and very close to many LBs;
b. harm is acknowledged in the view from St Thomas St, and to Guy's Hospital through development in its setting; and
c. in correspondence the LPA asked the Appellant to provide a fully rendered version if it did not consider the amended image to be sufficiently accurate or representative to be relied upon by the Inspector.

7.55 It is compounded by the fact that in neither of the 'walk through' videos produced for the purposes of the Inquiry does the viewer on St Thomas St look up to take in the building as a whole (for either scheme) and therefore enable the effect of the scale of the building to be appreciated.

7.56 In the circumstances the most likely explanation would seem to be a reluctance to allow the full magnitude of an acknowledged adverse impact of major significance to be appreciated by the decision-maker, for fear of what that might lead to.

7.57 Second, care has been taken in our assessments to follow the approach espoused in HE guidance, and to be transparent. That is important, because it allows others to understand what informs each stage of the assessment, where professional judgment has been exercised and the basis for those judgments. It is robust, credible and reliable. Surprisingly the detail of that was not challenged.

Borough High Street Conservation Area

7.58 Consistent with the views of HE, it is considered that there would be LTSH to the CA, above the middle and towards the upper end of the range.[159] The Appellant's stance that the impact on the BHSCA would be to enhance it does not withstand scrutiny. The purported (unspecified) harm, "*offset*" by "*the many positive qualities of the development*" has nothing to do with the special qualities for which the CA had been designated. The outcome of the assessment is simply not credible, as even a cursory glance through the TVIBHA images of the proposed towers taken from important viewpoints within the CA would reveal. It is simply not accurate to present this as a reasonable difference of professional judgment about effects. The assessment is methodologically flawed and incorporates irrelevant considerations which are critical to the conclusions reached. No reliance can be placed on it as a result.

[158] INQ-08
[159] Dr Barker-Mills POE para 9.79-9.82

7.59 It can also be noted that there was no dispute that the CAA[160] represented a fair encapsulation of the special qualities that justified designation and that the Inspector and SoS should use it for the purposes described in its paragraph 1.1.1.

7.60 There are three further points about the approach to the assessment of harm to the BHSCA:

a. As with the approach to heritage assets generally, the key point is not whether some aspects of the CA are left untouched, but the importance of what would be affected to the CA's significance. In this case it is agreed that when assessing impact on the CA it is important to have in mind the distinct character of the sub-areas, as well as the overall identity of the CA as a whole. In any event, it is agreed that whilst the towers would be situated in the heart of sub-area 4, they will also be very apparent in views from the other three sub-areas. That reflects the relatively low heights of buildings in the CA, the position of the appeal site within it, and the height of the proposed towers.

b. Sub-area 4 is agreed to have its own distinct character, with the quality and consistency of the buildings and the formality of the hospital buildings clearly being key to the character and appearance of this sub-area. It is also agreed to represent a marked change in character from the High St, to already possess a listed landmark feature[161] which is consistent in character and appearance with the other LBs in this part of the CA, and to have a special identity in which the completeness and coherence of the elements in this part of St Thomas St is of special note.

c. The Appellant's evidence and approach is remarkably and inappropriately dismissive of this very important and historic CA.
   i. The variety within the CA as a whole - arising from its unusual and highly valuable time-depth – is treated as somehow making it less sensitive to the impact of tall buildings. Why that is believed to be the case is never properly explained, presumably because there is no proper basis for it. The CAA[162] makes clear that the overall identity of the BHSCA is as much to do with scale and form as other factors. These special qualities make it more rather than less sensitive to the impact of new development which is entirely (indeed dramatically) out of keeping in both scale and form.
   ii. The yards leading off BHS – features of obvious and acknowledged importance to its character and appearance – are treated by the architect designing the scheme as places of misery, a problem to be addressed, rather than an essential and valuable feature of the historic grain of the townscape recognised both in the CAA and the SP's Area Vision.[163]

[160] CD-E-06
[161] The former Parish Church of St Thomas on the northern side of the street
[162] CD-E-06 para 3.1.6
[163] CD-E-01 Policy AV.11

iii. The Appellant has focussed relentlessly on the ability to see tall buildings from within the CA, and, as already explained, the LPA's decision in 2014 to approve Shard Place on the very edge of the CA, right next to the Shard itself, as effectively allowing for 'open season' in terms of erecting towers further into the CA. The first of those matters fails to recognise the importance and implications of the CA Boundary. Reference has been made above to this and is not repeated.

7.61 Having regard to the importance of the asset, and the extent of harm, very significant weight should attach to the harm to the BHSCA.

Guy's Hospital (Grade II)*

7.62 It is considered that there would be LTSH to this Grade II* listed building above the middle and towards the upper end of the range.[164] Again this is consistent with the assessment made by HE.

7.63 In acknowledging that LTSH would be caused, the Appellant has seriously under-estimated the level of that harm by identifying it as "*minor*". The calibration of harm is unreliable, as illustrated by the following points:

a. The assessment plainly relies on the existence of other tall buildings within the setting of the LB as serving to limit the extent of harm, rather than giving rise to existing harm to which the proposed tower would add cumulatively. Whether the impact of these modern elements is positive, neutral or negative has not been assessed.
b. It was confirmed that Guy's Hospital Tower was a negative element in the setting, but concluded that it too had a "*minor*" effect. This is helpful, because:
   i. it establishes common ground that there is a need to consider cumulative harm from tall buildings in this instance; and
   ii. it allows a sense on site of quite what Mr Stewart regards as a "*minor*" effect.
c. In XX it became apparent that the level of harm to this particular LB was regarded by Mr Stewart as being ameliorated by what he had described as "*tangible long term benefits to the setting*" of this LB[165] but which he ultimately accepted not to be relevant either to its heritage significance nor the ability to appreciate its significance. To say the least, that is a surprising and elementary error to make when assessing the extent of harm to a Grade II* LB, and symptomatic of the general lack of rigour, robustness and transparency in the Appellant's assessment.

7.64 Having regard to the importance of the asset, and the extent of harm, very significant weight should attach to the harm to Guy's Hospital.

[164] Dr Barker-Mills POE paras 9.47-9.55.
[165] CD-A-12-2 para 12.103

The St Thomas Street LBs (Grade II and II)*

7.65 The impact to 9, 9a, 11-13 and 15 St Thomas Street is LTSH below the middle of the range.[166] To the Bunch of Grapes PH, 4-8 and 12-16 St Thomas Street the LTSH is considered to be at around the middle of the range.[167]

7.66 The Appellant has failed to follow key parts of the HE recommended 'stepped' approach and their position cannot be relied upon. Having regard to the importance of the assets, and the extent of harm, significant weight should attach to the harm to these LBs.

Southwark Cathedral (Grade I)

7.67 The LTSH to this Grade I listed building would be above the middle and towards the upper end of the scale.[168] That assessment is broadly consistent with that of HE, which characterises the level of LTSH as 'High'.

7.68 The Appellant acknowledges that LTSH would be caused, though it has seriously under-estimated the level of that harm by identifying it (belatedly[169]) as minor. The calibration of harm is unreliable, as exemplified by the following points:

a. The issue of cumulative harm has failed to be adequately considered.
    i. There was no assessment in the BHA of whether the presence of tall buildings such as Guy's Hospital Tower in the setting of the cathedral where it can be seen is positive, negative or neutral. Guy's Hospital Tower plainly is a negative element of setting.
    ii. The Shard has an unsatisfactory relationship with the cathedral.
    iii. Where the setting already features negative distracting elements in the form of tall buildings, adding the appeal proposals is agreed to give rise to cumulative harm.
    iv. The Appellant has not assessed cumulative harm, and indeed appears positively to rely on the presence of tall buildings in the existing view as justification for adding more.[170]
b. A related flaw in the assessment is that it does not sufficiently acknowledge the importance and value either of the view of the cathedral from the north across London Bridge or the views immediately in front of the cathedral where it is currently seen against clear sky without tall buildings in the background.

[166] Dr Barker-Mills PoE paras 9.56-9.59
[167] Ibid paras 9.60-9.71
[168] Ibid paras 9.38-9.46.
[169] Until his XIC on Day 9, Mr Stewart had gone no further in calibrating harm to any heritage asset than to say it was "Considerably less than substantial harm". This was the phrase used in the BHA, his PoE and the Heritage SoCG. It is of very limited (if any) utility for the purposes of the exercise required by the PPG, because the phrase is broad enough to encapsulate harm from above the middle of the range right down to the very bottom of the range.
[170] e.g Mr Stewart PoE paras 5.53-5.56 and 5.58-5.59

c. So far as the latter views are concerned, that these are views which at present offer a particularly good opportunity to appreciate the form, silhouette and external architecture of the cathedral. The effect of the development would be to introduce a tall building behind the cathedral in views where it is currently seen against clear sky. That is agreed to be harmful. Where the assessment goes wrong, however, is to treat as harmful only those instances where the proposed tower would be seen directly behind the Cathedral's tower. Where the two are seen alongside one another it is assumed that there is no longer any adverse impact either on the significance of the cathedral as derived from its setting, or on the ability to appreciate that significance. That is an inappropriately narrow and restrictive approach, taking no account of the existence and extent of distraction and visual competition where the two towers are seen alongside one another.

7.69 Having regard to the importance of the asset, and the extent of harm, very significant weight should attach to the harm to Southwark Cathedral.

Tower of London World Heritage Site

7.70 The level of LTSH to the ToLWHS would be just below the middle of the range for the 2018 scheme and at the low end of the range for the 2021 scheme.[171] This assessment is broadly consistent with that of HE, albeit a notch higher in the case of the 2018 scheme. HE concludes that there would be LTSH in both cases, characterising the level of LTSH as 'Low' in both instances.

7.71 The Appellant concludes that there would be no harm at all for either scheme. Whilst this is wrong in respect of both schemes, the conclusion in respect of the 2018 scheme is simply not credible. The following points are of particular relevance when forming a view on this point:

a. the extent to which the relevant attributes rely on setting is uncontroversial.
b. the Appellant's assessment notes that the tower would be visible as one of a number of tall buildings and would add to the grouping, but gives no consideration of whether that existing grouping gave rise to harm.
c. It was accepted that the approach taken in the assessment was to refer to and endorse the findings of the Inspector who held the inquiry into the Shard, incorporating those findings wholesale into the assessment.
d. It is plain from the subsequent events recorded in the Tulip decision (and the decision itself) that:
    i. those findings cannot be relied upon as a guide to what is now to be considered acceptable;
    ii. the Government has acknowledged harm was caused by the Shard[172]; and that
    iii. policy has subsequently been significantly tightened in order to address the evident ineffectiveness of the previous policies to protect the OUV of London's WHS.

[171] Dr Barker-Mills POE para 9.10-9.25
[172] See e.g. CD-F-15 p2

e. If the Inspector and SoS conclude that the visibility of the 2018 scheme, cumulatively with other tall buildings, would mean that attention would be distracted from the buildings within the Inner Ward, or the proposals would compete for attention with those buildings, that would constitute harm[173].

7.72 The ToL WHS is a heritage asset of universal and international importance, among the most important cultural heritage sites in the world and a key feature of London's identity as a world city. It is agreed (and the Government has made clear[174]) that harm to its OUV should be given the maximum weight possible in decision-making. It is also agreed that if the Inspector and SoS were to find that there would be LTSH to this asset it would be appropriate to attach the maximum possible weight to this harm and to conclude that it gives rise to a conflict with development plan policy.

7.73 Having regard to the importance of the asset, and the extent of harm, very significant weight should attach to the harm to the ToL caused by the 2018 scheme, and significant weight should attach to the harm caused by the 2021 scheme.

St Paul's Cathedral (Grade I)

7.74 There would be LTSH towards the lower end of the range for both schemes.[175] Having regard to the importance of the asset, and the extent of harm, significant weight should attach to the harm to St Paul's Cathedral.

Heritage Benefits

7.75 There are acknowledged to be some heritage benefits that would arise from the proposed works to the Grade II listed terrace as the effective reversal of the previous opening up of the interiors and restoration of the plan form would be a heritage benefit.

7.76 In just the same way as any harm (no matter how modest) to the heritage significance of a designated heritage asset should be given considerable importance and weight, it is accepted that works which provide a benefit to that heritage significance (no matter how modest) should also be given considerable importance and weight.

7.77 That is the appropriate starting point, but as the Court of Appeal has made clear in *Bramshill*[176] that "*does not predetermine the appropriate amount of weight to be given to the "conservation" of the heritage asset in a particular case. Resolving that question is left to the decision-maker as a matter of planning judgment on the facts of the case, bearing in mind the relevant case law, including Sullivan L.J.'s observations about "considerable importance and*

[173] See also CD-F-10 Local Setting Study p. 10 View 1 and related objectives and guidance
[174] See CD-H-11 para 21
[175] Dr Barker-Mills PoE paras 9.26-9.32
[176] CD-H-06 para 73

weight" in Barnwell Manor." Adopting that approach, plainly not all benefits (just as not all harms) will have the same weight in planning balance.

7.78 In the context of the schemes as a whole, the benefits are not considered to be particularly significant, and this view and reasoning was echoed in the views of HE. These are benefits, but their relative importance in the overall planning balance should inevitably reflect the relatively modest level of heritage benefit that they will deliver.

7.79 On the evidence the Inquiry has heard it is plain that the other claimed heritage benefits[177] are nothing of the kind.

Listed Building Consent Applications

7.80 For the reasons set out in INQ-11, the LPA is now content that the LBCs could be approved if permission is refused for planning applications subject to the imposition of an appropriate condition ensuring that work is not carried out in respect of particular aspects without planning permission being in place for appropriate corresponding works. As the Appellant has pointed out, the reality is that the relevant works would almost certainly not be carried out in those circumstances.

Heritage Conclusions

7.81 When the adverse effects on heritage assets are considered as a whole, their collective weight must be very substantial indeed. Those effects give rise to a strong statutory presumption in favour of dismissing the appeals, and to significant direct conflict with development plan policies of the highest importance for the determination of these appeals.

7.82 The benefits that the schemes deliver (including the modest heritage benefits) would come nowhere near outweighing that harm and overcoming the resulting statutory and policy presumptions.

The effect on the character and appearance of the area with regard to urban design, townscape, architectural quality and public realm

Introduction

7.83 There are inevitable overlaps between these issues[178] and the heritage impacts, not least because so much of the surrounding townscape is of heritage significance. These issues are also addressed under the headings "The Approach to New Tall Buildings" and "A Point of Landmark Significance" in the introductory section to the Council's case, above.

Approach

[177] See Mr Goddard PoE para9.35 a., c. and d
[178] See Ms Adams PoE Sections 2.2, 4 & 5

7.84 The quantum of deliverable commercial floorspace that would be achievable through a tall building proposal was a key driver of the brief. This driver applied to both the 2018 and 2021 schemes, rather than reducing ambitions in the 2021 scheme to overcome the drawbacks of the 2018 scheme. This was said to be due to viability.

7.85 The brief for the 2021 scheme thus encompassed the same broad overall level of floorspace with a reduction of mass in the sky and increase within the city along with the removal of retail space and the introduction of a fully on-site servicing arrangement.

7.86 The substantial increase in mass within the city was said to be directed towards appeasing Southwark Cathedral's Fabric Advisory Committee and removing one of the barriers to the LPA making a favourable decision in respect of the project. It was not a meaningful attempt to respond to and resolve the much wider concerns raised by the LPA and many others about the impact of a tall building on the site in the more immediate context of Guy's Hospital, sub-area 4 of the CA and the listed buildings on St Thomas Street, or in respect of any of the other local heritage assets impacted. The Appellant's commercial imperative has led to a blinkered approach to the design process and to substantial adverse impacts on the design outcomes for both schemes.

7.87 The Appellant's views as to the success of the design of each Scheme must be approached with caution. The inability of the architects practice to be impartial or independent when giving evidence on the schemes that the practice has designed means that the weight that should be attached to this evidence is diminished. On this matter, the Council's witness was independent and impartial with no prior involvement in the schemes. The written and oral evidenced given analysed and explained the existing context at and in the vicinity of the appeal site and the design and townscape impacts of each scheme in a clear and methodical manner and by reference to the general design policies and, notably, the detailed criteria set by the LP and SP tall buildings policies. This evidence was credible, balanced and fair, and it is to be commended to the Inspector and SoS.

7.88 The decision by the Appellant's to proceed with a tall building was made in 2014/2015, before any engagement with stakeholders or, notably, any input from Mr Stewart, their witness on townscape and heritage matters. When the Appellant's team did engage with stakeholders in respect of the schemes and their impact, the general approach was not to pay heed to and seek to respond to concerns raised. The yardstick for a successful design was whether he considered the Schemes to be 'delightful' and there was disinterest in the views of others, including HE and CABE. The quality of CABE's advice was viewed as being insufficient to justify a design review of the 2021 scheme and HE was considered not to be sufficiently 'progressive' to warrant taking proper account of, and responding to, their clearly expressed concerns.

7.89 This dismissive approach to the considered views of stakeholders reflected a striking lack of humility in relation to the development of this plainly sensitive site.

7.90 The dismissive approach did not stop there. It was instructive and somewhat surprising to hear the internal disagreements between the Appellant's own architect and own heritage and townscape witness as to the townscape and heritage impacts of his proposed towers. No attempt was made to respond to and address the adverse impacts in the TVIBHA. Given the nature and scale of the impacts, the findings should have set alarm bells ringing. The TVIBHA identified a number of problematic relationships between the towers, the Shard, the BHSCA and the immediate streetscene, from a range of viewpoints within the CA. In respect of the 2018 scheme, to name but a few, the TVIBHA identifies a "*visually uneasy*" conjunction with Shard in the view from St Saviour's war memorial and a "*noticeable shift in the balance between historic foreground and modern background*", a "*noticeably greater*" domination of the historic foreground by modern background than is the case with the view as existing from Southwark St/Stoney St, a considerable domination by the development of the existing street scene and disruption to the coherent quality of the view from St Thomas St/London Bridge St, and a greater distraction to the viewer than the Shard from Guy's West Wing Quad Panorama.[179]

7.91 It is striking that the same conclusions were reached in respect of townscape impacts for the same set of views for the 2021 scheme.[180] This, rather suggests that the site is fundamentally unsuitable for a tall building, either at all or certainly with the quantum of floorspace sought by the Appellant.

7.92 As for heritage input, there is no dispute that reliable and robust input regarding the effects of particular design options on heritage assets is a very important design input for a highly sensitive site such as the appeal site. That is consistent with the development plan, which expects design to respond to a site's historic context.[181] As the Inspector in the Tulip appeal recognised, an unsympathetic response to the historical context is relevant to whether a scheme is of good, or, as is required here exemplary, design. It appears that thorough and careful assessment of the historic context did not inform the main elements of the design in any meaningful way. The outcome is a design that does not positively respond to the site's historic context, and this not only leads to a conflict with heritage policies of the development plan but also with those applying specifically to design.

Height, scale and massing

7.93 The LPA has assessed the adverse impacts of the design of the schemes in terms of their height, scale and massing.[182]

7.94 Good design does not exist in a vacuum when it comes to place-making and planning. The Appellant accepted that a proposal that fails to respond

[179] CD-A-12-1 2018 TVIBHA p. 229 & para 5.5.39, p. 233 & para 5.554, p. 257 and para 5.624, p. 245 and para 5.588.
[180] CD-B-14-2 p. 203 7 para 5.436, p. 207 & para 5.451, p. 219 & para 5.485, p. 231 and para 5.524, p. 243 & para 5.561 and p. 247 & para 5.574
[181] CD.D.21 LP Policy D3 D(11), Policy D9 C(d), CD.E.01 SP Policy P13, Policy P14, Policy P17.
[182] Ms Adams PoE para 5.3.1 and 5.5.2

positively to local context and the wider London landscape would fail to accord with the development plan. Yet what was designed, even after two attempts, is entirely at odds with the immediate context and would be harmful to the wider London landscape.

7.95 As became clear at the inquiry, the height, scale and massing of both schemes are driven not by context but by client requirements, commercial considerations and by a process that has eschewed the input of assessment regarding heritage and townscape impact and the advice of many stakeholders. The result is two disruptive and discordant towers that are disproportionate to the size and significance of the site and the scale and character of the surrounding townscape.

Architectural quality

7.96 The LP and SP require tall building design to be exemplary.[183] Neither scheme meets this standard.[184]

7.97 Good design is about much more than the architectural expression of a building. Architectural quality is not a simple phenomenon confined to form making or composition and instead requires success on a number of levels including achieving high quality place-making and being responsive and sensitive to context. Design quality should not be assessed in isolation from a building's setting or its impact on adjacent or associated existing buildings.[185]

7.98 The Appellant's approach has sought to focus on the quality of the appearance of the building divorced from its context. The view from Guy's Hospital looking west from the north quad[186] exemplifies the folly of the Appellant's approach. However 'good' or 'exemplary' one might find the architectural expression of either or both of the schemes to be in isolation, the view of the towers from this location demonstrates why scale, siting, height and massing are highly relevant factors when judging the quality of a design in context. The result of the juxtaposition of Guy's Hospital north quad and the schemes, with the leap in scale of the towers and their very awkward relationship with the classical formality of the historic building in the foreground, is extremely unfortunate. The same concerns arise in respect of the relationship between the towers and the Georgian terrace on St Thomas St. The terrace would become subservient to the tower and would consequently reduce the terrace to a base for the modern towers, or a 'footnote.'

7.99 Moreover, leaving to one side the incongruous juxtapositions created by the towers' scale, height and mass, the appearance of the towers would serve to exacerbate that harm when considered in context. The warehouse and large scale infrastructure references borrowed by the Appellant from locations

[183] LP Policy D9 C 1(c), SP Policy P17 para. 3.1
[184] Ms Adams PoE para 5.3.2 and 5.5.3 where each buildings bas, middle and top has been assessed in accordance with the approach set by LP Policy DP.
[185] Ibid para 6.22
[186] CD.A.12-1 p. 253 and CD.B.14 p. 227

outside of sub-area 4 of the CA (and for the 2021 scheme from an entirely different CA[187]) bear no relationship to the materiality of the existing London Bridge cluster that the Appellant is seeking to align their schemes with but they also jar significantly with the consistent formal Georgian architecture of St Thomas St and the neoclassical approach taken to Guy's Hospital.

7.100 It was suggested that using brick, the predominant material in sub-area 4, would have been a peculiar choice for tall buildings on the appeal site because it would have undermined the differentiation between old and new. However, even the National Design Guide cites a good practice example of a tall building that sits well in its context, which is in fact located in Southwark, using brick.[188] It is not suggested that brick is the only acceptable solution for a tall building on the appeal site or in Southwark but rather that a necessary component of good design is an architectural expression that is an appropriate response to the specific context of the appeal site, something which cannot be properly said of either scheme.

Public realm

7.101 The quality of the public realm for each scheme at ground level has been significantly compromised by the commercial imperative to maintain a particular quantum of floorspace. For each scheme, the public realm is ungenerous, lacking a sense of openness, overshadowed and dominated by tall buildings, and unlikely to be attractive to users as a place to dwell. The public realm is inadequate.[189]

7.102 The public realm will receive little sunlight for most of the year. The mainly sunlit images produced to illustrate it[190] belied the written evidence that is before the decision-maker. The 2018 scheme's Landscape Strategy describes most of the public realm as being in light-to-deep shade during most of the day for most of the year.[191] A large proportion of the public realm would be non-compliant with BRE Guidelines.[192] The entrance from St Thomas St is not considered to have a specific requirement for sunlight because rather than being an amenity space it is instead simply a point of entry."[193] This is despite of a reliance on it as providing a pocket park of amenity space.

7.103 The 2021 scheme fares worse. The increase in massing of the 2021 scheme results in a decrease in public realm from approximately 1305 sqm in the 2018 scheme to 1136 sqm, of which 54% would be under cover. It was accepted that this would result in reduced daylight, sunlight and views of the sky in the 2021 scheme. This is reflected in the 2021 Landscape Strategy, which

[187] The Tooley St CA (see INQ7, p. 23)
[188] CD.D.20 p. 17
[189] Ms Adams PoE para 5.3.8 and 5.5.8
[190] See e.g. INQ-07 pp. 64 (18-6A), 66 (18-6C), 69 (18-8B), 74 (18-9D), 99 (18-14B), 109 (18-17B), 110 (18-18A), 114 (18-19B), 136 (21-6A), 141 (21-8B), 147 (21-9E), 149 (21-9G), 150 (21-9H), 177 (21-17B), 195 (21-23)
[191] CD-A-20 p16
[192] Mr Goddard RPoE APP-3-B-5.
[193] Ibid p9 para 4.2 & 4.3

describes most of the outdoor areas that are not covered being in part shade for most of the day during most of the year. The GIA appendix to Mr Goddard's rebuttal, also shows most of the courtyard outside the new London Bridge underground station entrance as failing to comply with BRE Guidelines[194].

7.104 It is not simply the increased mass of the tower that has an adverse impact on the public realm in the 2021 scheme. It is also compromised by the arrangement for on-site servicing. This is due to a number of factors:

a. The 2021 scheme does not include a link from the entrance square to the tower on St Thomas St through Beak Alley to King's Head Yard due to the presence of the servicing yard. This means that pedestrians wishing to access Beak Alley need to use an access that is shared with the servicing yard, which will be used by HGVs and refuse vehicles.

b. It means that there will be two substantial gaps in the building line and the active frontage on St Thomas St, one for the entrance to the tower and another for the servicing yard and access to Beak Alley, resulting in a greater loss of active frontage on St Thomas St.

c. The 2018 scheme has active frontages on Beak Alley with retail units and a gym entrance as well as a shop at the back of Keats House. Those important features are absent in the 2021 scheme, which therefore has no passive surveillance down Beak Alley. Instead, it becomes an alleyway with dead frontages, shielding the loading bay behind. There is no dispute between the parties that the 2021 public realm would be materially less attractive and appealing to pedestrians when compared to the 2018 scheme.

7.105 Finally, there is a distinct reason to be concerned about the success of the 2018 public realm. It emerged during the inquiry that the substantial reduction in retail provision in the 2021 scheme was a change to the brief made by the client to reflect concerns about the likely success of retail in the current climate, linked to the rise in online retail and decline in the bricks and mortar version. It was suggested that the Appellant could cross-subsidise the retail, and it is envisaged that GPE would curate the units' occupancy so that it would be successful. However, there is no guarantee that the Appellant would deliver the schemes themselves (we say more about this in relation to the benefits below). The identity of the Appellant is irrelevant to the decision that must be made now as to the likely success or otherwise of the public realm. The lack of confidence in the retail provision in the 2018 scheme casts significant doubt on the likely success of the public realm, even leaving aside its physical inadequacies.

Impact on townscape and views

[194] Ibid p 14 & CD-B-19 p. 31

7.106 The adverse impacts of the schemes on townscape and in respect of local, borough and strategic and LVMF views are explained in the Council's PoE.[195]

7.107 The requirement in AV.11 of the SP for the Shard to remain significantly taller and more visible than surrounding buildings was a further policy criterion that the Appellant sought to have excised from the SP plan through its representations.[196] Again, the only credible explanation for seeking to remove this criterion is that the Appellant and its professional advisors were concerned about the impact, if adopted, on its ambitions for the site.

7.108 The Appellant was plainly right to be concerned, in a context in which the townscape input an uncomfortable and uneasy relationship with the Shard and one in which views of it would be obscured and the proposed tower would become the new focal point from a number of important viewpoints (as previously explained).

7.109 Only one image was used by the Appellant to represent the relationship between the schemes and the Shard, that of the view over London Bridge looking south.[197] None of the images that show the two buildings in close alignment or proximity (for example the view from Southwark St east of the railway bridge, Southwark St/Stoney St or the War Memorial on Borough High St) even though it was agreed that these images are plainly relevant for the Inspector and SoS to consider.

7.110 The impact in these viewpoints is stark, and quite clearly runs contrary to the objectives of the SP in terms of the role and status of the Shard within the townscape. Why choose to avoid them when dealing with this point? No independent and impartial assessment or presentation in relation to this issue would do so. The only explanation would seem to be a desire to avoid acknowledging and dealing with the harmful impact and policy conflict that they reveal.

Character and appearance conclusion

7.111 The schemes would conflict with policies SD4, D1, D3, D4, D8, D9 and HC4 of the LP and policies P13, P14, P17, P18 and P21 of the SP as well as the good design requirements of the NPPF and National Design Guide.

7.112 Very significant weight should attach to this policy conflict and the harms that flow from it. Indeed, it is difficult to conceive of circumstances in which a tall building that fails to accord with these centrally important policies could be judged to be acceptable, let alone to accord with the development plan overall.

2018 Servicing

[195] Ms Adams PoE para 5.3.9 and 5.5.9 and Dr Barker-Mills PoE paras 9.91-9.93 (for LVMF views)
[196] INQ-19 para 7.3
[197] INQ-17 p36-37

7.113 The servicing arrangements proposed for both schemes, the relevant policy framework applicable to the consideration of these matters, and the areas of disagreement in respect of the 2018 scheme are explained in detail in the Servicing SoCG.[198] Notwithstanding the Appellant's proposed measures[199] the 2018 scheme arrangements would introduce highways impacts that result in harm and fail to comply with relevant LP and SP policies.[200]

7.114 The first principal matter of concern is the use of St Thomas Street by HGVs, vehicles servicing the Georgian Terrace and Keats House, refuse collection vehicles and motorcycles for loading and unloading. This would be incompatible with the expected increase in the already considerable pedestrian use of St Thomas Street and TfL's proposals associated with the Healthy Streets approach. That approach and the specific measures that TfL are taking on St Thomas St (including through the consultation that opened during the inquiry whereby further temporary works are proposed such to install semi-permanent materials to replace the blue barriers) are directed towards giving pedestrians greater priority and more space to move.

7.115 As TfL explained, the introduction of a loading bay outside the 2018 scheme would require the removal of 14m of the extended pedestrian footway and would also involve the trolleying of goods across the footway, neither of which would accord with the Healthy Streets approach. The introduction of bollards to ensure that vehicles remained within a fixed boundary would also directly reduce the space available for pedestrians and run contrary to the objectives of policy. The loading bay would not be for the exclusive use of the appeal proposals, and if it is full when a particular delivery vehicle arrives, that vehicle may seek to mount the pavement, again causing pedestrian conflict.

7.116 In addition to pedestrian conflict, this arrangement would provide less road space to TfL to enact future measures on St Thomas St, such as a bi-directional cycle lane.

7.117 A common principle for other schemes on St Thomas St is the diversion of servicing activity away from St Thomas St (e.g. Shard Place with its fully internalised servicing yard). By not delivering this for the 2018 scheme, the Appellant's proposal is an outlier. Both the SP and the LP expect servicing to be undertaken on-site.[201] LP policy T7 G requires servicing to be undertaken off-street with on-street loading bays only used where this is not possible. In order to comply with Policy T7, the Appellant's must demonstrate that it is not possible to service the development off-street, it is not a question of preference or whether it would be more straightforward to do so, and that this is a high bar to overcome.

[198] SOCG-02
[199] Ibid, p 10-12 including a consolidation strategy for White Hart Yard and St Thomas St, and the proposed restriction of the use of the St Thomas St loading bay to hours outside the AM, PM and lunchtime peak
[200] CD-D-21 Policies D3, D9, T2, T5 and T7 and CD-E-01 Policies P14, P18 and P50
[201] SP Policy P50

7.118 The Appellant's approach to the interpretation of Policy T7 was that the judgement about whether it is possible to incorporate off-street servicing was to be exercised by reference to what was possible within the particular scheme in front of the planning authority, rather than whether this would be possible with a reconfigured scheme. This led the Appellant to consider that there was no conflict with Policy T7, but the underlying premise is false.

a. If that approach was correct, it is difficult to imagine circumstances in which an applicant could fail to comply with the policy because they would always be able to claim that the particular design that they had opted for in respect of a specific scheme precluded on-site servicing. That is not only a self-serving approach to take to policy interpretation but it also defies common sense.

b. In order for the policy to have any practical purpose, it must require an assessment as to whether it would be possible to introduce on-site servicing with a reconfigured scheme.

c. Given that it has proven possible for the Appellant to include on-site servicing for the 2021 scheme, it is plainly possible for servicing to be undertaken on-site on this site with a similar level of commercial office floorspace, and so the high bar set by Policy T7 is not met.

7.119 The other principal cause for concern is the increased use of White Hart Yard by servicing vehicles which would result in an increased risk of collision between vehicles, pedestrians and cyclists both within the Yard and where the Yard meets Borough High Street. It is agreed that White Hart Yard already has limited visibility for vehicles. The fact that servicing vehicles currently use the Yard is not a good reason to increase the reliance on what is already an undesirable arrangement. Increasing the number of occasions when this risk occurs brings with it additional harm.

7.120 Moderate weight should be attributed to this harm in the planning balance.

Daylight

7.121 The Appellant's daylight and sunlight consultants, GIA, identify that both schemes will cause a noticeable reduction to the daylight amenity within the student housing blocks located to the south of the appeal site,[202] namely Orchard Lisle House and Iris Brook House. There is no dispute between the parties as to the conclusions of GIA's technical assessment. The following matters are agreed:

a. The impact on the amount of daylight reaching student accommodation is a negative impact of the schemes. When assessing the weight to be attached to this negative impact in the planning balance, the Inspector and SoS will need to consider both the nature (i.e. the magnitude of the

[202] Mr Goddard RPoE App 3-B-5 para 3.8

reduction) and the extent (how much of the student accommodation is affected) of the impacts.

b. The ES concludes that the effects are either moderate adverse or moderate to major adverse for the two schemes i.e. significant adverse environmental effects.
c. Protection of the amenity of young people is important and good levels of daylight in student rooms are relevant to health and wellbeing and therefore student welfare.
d. The loss of daylight means that more energy consumption is needed to ensure that rooms are adequately lit and this has both adverse sustainability and cost implications.

7.122 In spite of this, the Appellant's view was that the daylight impacts on the amenity of Orchard Lisle House and Iris Brook House should attract "*very, very very little weight*" in the planning balance. This casually dismissive approach to what will be a noticeable and significant reduction in amenity for those affected is consistent with the Appellant's wider reluctance properly to face up to and take account of the negative impacts of the schemes. It is also not a credible assessment of the weight that should fairly be given to this adverse effect.

7.123 Given the nature and extent of the impact on the student accommodation, and the importance of protecting the amenity of young people, the LPA is right in concluding that this should attract moderate weight.

Benefits

7.124 As explained in opening,[203] the principal differences between the parties in terms of the identification of public benefits flow from the LPA's heritage and design and townscape likely reasons for refusal. Beyond the modest heritage benefit of restoring the Georgian terrace, the LPA does not accept that either scheme delivers heritage benefits. Further, the design of the schemes is far from exemplary and is instead harmful, and there is consequently no public benefit associated with the quality of the design of either scheme.

7.125 The differences between the parties with regard to the weight to be attached to public benefits and the calibration scales of each of the respective witnesses is set out in the public benefits comparison note.[204] We do not address each and every difference of opinion but instead focus on the main points.

Economic

Employment floorspace

7.126 One of the key differences between the parties is the significance of the fact that the LPA can comfortably achieve the SP's strategic targets for the delivery of employment floorspace and economic growth over the plan period without

[203] INQ-01 para 57
[204] INQ-32

the additional 'windfall' floorspace that would be contributed by one or other of the appeal schemes.

7.127 It is the LPA's case that this necessarily bears on the weight to be attached to this benefit.

a. In generating figures for how growth should be distributed within the Borough in the SP, the LPA has had regard to a variety of different sensitivities and considerations.

b. In that context, the addition of substantially increased levels of employment floorspace in any one location (particularly within a relatively 'mature' area such as London Bridge) cannot simply be assumed to represent an unalloyed benefit. In short, if one keeps introducing further substantial levels of growth beyond what has been planned for in the SP, the risk is that harms are introduced that go beyond those reflected in the balance struck in the development plan.

c. That is the context in which to consider the significance of the additional benefit generated by surpassing the levels of growth identified in the development plan, alongside consideration of the impact that might have on the delivery of sustainable development more generally. The LP expects the special features that Londoners value about a place, such as historic elements, should be used positively to guide and stimulate growth.[205] In some cases that will mean guiding particular forms of development away from valued heritage assets. That may help to stimulate growth in less sensitive locations. This approach is consistent with the concept of good growth (rather than simply growth at any cost) that underpins the development plan as a whole. In circumstances in which the LPA has a clear pipeline of delivery of employment floorspace in the London Bridge area, the weight that should attach to the benefit of further floorspace is fairly characterised as moderate.

7.128 The identity of the Appellant has been treated as a factor that justified the application of additional weight to the provision of office floorspace given the Appellant's "*track record, and ability and commitment to deliver the Scheme, if permitted within a short timescale.*"[206] That approach is misconceived in circumstances where it is common ground between the parties that:

a. There is no proposal to make a grant of permission for either scheme personal to the Appellant.
b. There is nothing to prevent the Appellant from selling the site to another developer with the grant of planning permission.
c. There is nothing to stop the Appellant from changing their corporate approach for commercial reasons at some future date and e.g. not delivering the scheme themselves or coming back with a different scheme.
d. If planning permission is granted and material weight is accorded to the Appellant "track record", there is no comeback if the Appellant does not in the event deliver the scheme.

[205] CD-D-21 para 1.2.7
[206] Goddard Rebuttal para 5.12

e. Aside from the standard condition regarding the implementation period for a permission, there is nothing proposed to secure the timing of delivery.
f. The Appellant have not explained their intended delivery timescales for the schemes should permission be granted.

7.129 There is another significant practical hurdle to be overcome before the development could be implemented, namely the need to enter into a Development Agreement with TfL and/or LUL for the delivery of the station works.[207] The matters to be covered by the Development Agreement are set out in Sch. 5 clause 1.2, and include a range of technical design, protective, commercial, consenting and licensing matters which will necessarily take some time to complete. Whilst the parties are obliged to use reasonable endeavours to reach agreement, the history of negotiations with LUL just to establish agreement to the principle of a new access point suggests that agreement on all points of detail for the design and implementation of the station works will not be straightforward.

7.130 In the light of these factors, the identity of the Appellant is irrelevant to the weight to be attached to this benefit.

Jobs

7.131 The Appellant has also overvalued the scale of the benefit arising from the provision of new jobs associated with the schemes. It is agreed that in judging the weight to be attributed to this benefit, it is relevant to compare the number of jobs provided by the schemes with the jobs delivered by other comparable office led development in Southwark, as well as a London-wide comparison.

7.132 So far as the local Southwark context is concerned:
a. No challenge was made to the LPAs evidence that the number of jobs delivered by the schemes is commensurate with similar developments in the area such as Becket House and Vinegar Yard.[208]
b. Further, no challenge was made to his assessment that if the delivery of one of the schemes was combined with Vinegar Yard and Becket House, together they would make up approximately the 10,000 jobs total required in the entire Bankside, Borough and London Bridge Opportunity Area for the whole plan period.[209]
c. The substantial contribution made by those schemes towards the target in this part of the Opportunity Area is relevant to the weight that should be attributed to the windfall benefit provided by this scheme.

7.133 On a London-wide scale, it is agreed that the delivery of the additional jobs associated with the scheme is not significant. This is reflected in the ES Scoping Report for the 2018 scheme, which treats the provision of new jobs as an insignificant socio-economic issue and states that *"whilst [this] job creation*

[207] INQ-29.3 & INQ29.4
[208] Mr Glasgow PoE para 7.13
[209] See CD-E-01 SP Policy ST1

is large in number, will contribute towards job creation targets and is clearly an economic benefit, these jobs are unlikely to be materially significant in the context of the wider London area."[210]

7.134 That conclusion is significant. There was a subsequent attempt to distance the Appellant's case from what was said on its behalf during the EIA Scoping process by emphasising that this was considering significance on a London-wide basis. That attempt was misguided, for two reasons.

a. As with all environmental topics, it is a matter of judgment for the appropriately qualified experts to determine the most appropriate basis to judge significance having regard to the proposed development and the nature of the effect under consideration. In this case the relevant experts have judged that the most appropriate basis for assessing significance is to look at what would be delivered in the London context. It is not an arbitrary choice, but one informed by expert judgment on the facts of the particular case. Any ex post facto attempt to disown that choice to suit the Appellant's arguments in an inquiry should be given short shrift.

b. In this case the adverse townscape and heritage impacts of the proposed development will be felt far beyond the local context. They also adversely affect heritage assets which are significant at a London, national and (in the case of the ToL WHS) international level. If the scale of employment benefits are such as to be material only at a local level, that is itself a strong indicator that they are unlikely to attract the sort of weight needed to outweigh those adverse impacts in the balance.

Affordable workspace

7.135 The LPA has acknowledged the provision of 10% affordable workspace to be a benefit to which significant weight should attach. Whilst the level provided is the minimum needed to comply with policy, the provision of such floorspace is a strategic priority.

7.136 It is notable that the Appellant only ascribes moderate weight to this benefit, and the contrast with the LPAs more generous position makes it hard to understand the Appellant's accusation that the LPA is talking the down the benefits, or that the LPA appears to attach reduced weight to benefits which do not extend beyond the policy requirement. Neither accusation is accurate or fair. A clear, considered and eminently reasonable explanation for the weight accorded to each benefit in this case has been given.

7.137 In evidence the Appellant has sought to rely on the potential for King's College London (KCL) to take space in the affordable elements of the scheme, either alone or as a joint venture with Guy's and St Thomas NHS Trust (GST), as being relevant to the weight that attaches to the affordable workspace. That reliance was misplaced, as became apparent during the section 106 round table session. On behalf of the Appellant it was explained that no reliance was

[210] Glasgow PoE para 8.9

in fact placed on any particular occupier for the purposes of the planning balance. That is sensible. There can be no guarantee that either KCL or GST will take space in the development, and indeed the space has not been specifically designed for their purposes. It is possible that KCL and/or GST may take space in the building, but it is equally possible that they do not. No weight can therefore be attached to that factor in the planning balance.

Environmental and social

7.138 The new London Bridge underground station access is acknowledged to be a public benefit, but the parties differ substantially regarding the appropriate weight that attaches to it.

7.139 There is no evidence that London Underground Ltd (LUL) has ever identified a need for change to or enhancement of the existing access on the east side of BHS. Nor is there evidence that LUL considers the existing access is not functioning satisfactorily. Absent the proposed redevelopment of the appeal site, all indications are that the existing access would not be likely to change (or need to change) any time soon.

7.140 TfL is consulting on separate proposals to increase the space available to pedestrians on this side of BHS and into St Thomas St, which would serve to reduce congestion on the pavements including the pavement outside the station access.

7.141 The view of TfL is that the new access is required to meet an acceptable pedestrian comfort level[211] and so it is necessary mitigation to address what would otherwise be a potential obstacle to the grant of planning permission, rather than representing a pure enhancement.

7.142 Further, beyond providing a convenient access into the development for those employed in the retail and workspace, the extent to which the new access will represent a significant benefit to other underground users is limited. This is due to the following factors:

a. The existing entrance and exit on the east side of BHS is a secondary access, used by about 12% of those using the station, in comparison to the far busier access points on St Thomas St and Duke St Hill[212].
b. The fact that there is already an entrance and exit for those who wish to come out of the station and go one way or another along the east side of BHS means that for those seeking to go north and south on BHS, the new access is simply a further means of entering and exiting the same existing secondary point of access to the station.
c. As the Space Syntax studies show, most of the existing pedestrian traffic exiting the station on the east side of BHS heads north, south or west and only a limited proportion presently heads east along St

[211] CD-C-24 p4
[212] Mr Allford PoE Fig 143 p41

Thomas St or into King's Head Yard.[213] So, a relatively small proportion of total users of the station use the existing BHS east access point and of that relatively small proportion, only approximately 1 in 5 current users of this access would benefit from a new access point that allows for a more direct route east.

7.143 Taken together, these contextual factors mean that this benefit is not properly characterised as exceptional and the LPA are right to accord moderate weight to it.

7.144 At a very late stage, the Appellant introduced a new analysis[214] seeking to show that 70% of those using the new access to the station would be travelling to somewhere other than the development. Even when committed to writing, the basis for these figures was somewhat opaque. As the subsequent note[215] explains, clarification of the underlying figures with the assistance of AHMM suggests that the percentage figure relies on a number of unstated and in places questionable assumptions. In particular, it is assumed that a large number of those who currently exit onto BHS to travel south along that street will henceforth eschew that option and would instead exit to the east before doubling back along King's Head Yard to BHS and continuing their journey as before. Even assuming that is likely (and it seems counter-intuitive), the actual level of benefit, if any, to those commuters compared to the existing position must be very limited indeed.

7.145 In relation to the weight to be attached to the public realm, the shortcomings of the public realm at ground floor level in terms of its quality, size, and function justifies the application of limited weight to this benefit. Further, whereas the Appellant sought to present the elevated public gardens that would be delivered by the schemes as an out of the ordinary public realm benefit, the provision of elevated public space is expected by both the LP and SP[216] for tall building proposals and there is therefore nothing unusual or exceptional about its provision in these schemes.

7.146 The Appellant attaches substantial weight to the delivery of zero carbon measures secured by condition. The LPA's view is that very limited (2018) and limited weight (2021) should attach to these sustainability measures.

7.147 When judging the overall sustainability credentials of the appeal proposals it is relevant to consider the wider context. The demolition of the existing building, which appears to be fully occupied, and its replacement with a wholly new building is an inherently resource intensive approach. There is very limited evidence of any serious consideration being given to alternative approaches which are less carbon intensive and more sympathetic to the site's context.

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[213] The relevant Space Syntax figure is reproduced in Allford PoE Fig 146 p. 41. It shows that in the morning peak, only 21% of the users of the Borough High St east entrance/exit go east along St Thomas St or into King's Head Yard

[214] INQ-24

[215] INQ-33

[216] CD-D-21 LP D9 and CD-E-01 SP P17

7.148 Further, neither scheme can fairly be characterised as an exemplar in terms of delivering sustainability benefits. Rather than providing detailed information as to compliance with a range of sustainability measures up front, demonstrating that these matters have been driving factors throughout the design process, both schemes defer compliance in respect of a number of measures to conditions, with the 2018 scheme deferring a greater number of matters than the 2021 scheme.

Whether the public benefits outweigh the harm within the heritage balance

7.149 The modest public benefits do not outweigh the significant harm to the BHSCA, Guy's Hospital, the St Thomas St LBs, Southwark Cathedral, the ToL WHS, St Paul's Cathedral and the considerable number of other heritage assets[217].

Whether the appeal proposals are in accordance with the development plan taken as a whole

7.150 It is common ground between the parties that relevant factors in considering whether the appeal proposals are in accordance with the development plan as a whole include the importance of the policies complied with or infringed, the extent of compliance or breach and the overall thrust of the development plan policies.

7.151 Reference has already been made to the strategy of the development plan to deliver good growth. The concept of good growth that is said to "*underpin*" the LP is defined as growth that is socially and economically inclusive and environmentally sustainable. In accordance with paragraphs 8 and 9 NPPF, the development plan seeks to achieve sustainable development in precisely the manner that national policy requires, through the delivery of the interdependent economic, social and environmental objectives, which are to be pursued in mutually supportive ways. It was accepted that the good growth concept is relevant to an understanding of the overall thrust of the development plan policies.

7.152 High quality design that is appropriate to its context and respect for, and the conservation and enhancement of, heritage assets are essential as component parts of delivering good growth and must be achieved alongside and in concert with the delivery of economic objectives. The development plan does not view these as objectives pulling in different directions. London's heritage is rightly viewed by the LP as of strategic importance to ensuring the city's success and it is clear that this strategic role should not be sacrificed when seeking to achieve economic growth. Further, a design-led approach to development and understanding what is valued about a specific place is seen by the LP as being of strategic importance to the delivery of sustainable development and growth. These strategic objectives and the interrelationship between delivering economic benefits and a high quality design that promotes and respects local distinctiveness and heritage permeate throughout the LP.

[217] Mr Glasgow PoE section 9

7.153 The same interrelated objectives also underpin the SP's approach, the spatial strategy for which is to continue with "*regeneration and preservation to create destinations, town centres and residential communities that preserve and enhance the history of places particularly historical buildings and open spaces.*"

7.154 Where a proposal gives rise to significant harms in relation to heritage and design matters, the strategy for good growth is undermined even where economic benefits are delivered, and it is appropriate to conclude that there has not been compliance with the development plan as a whole.

7.155 To deliver growth that is good, the growth must not just deliver economic benefits but must also deliver a high quality design that promotes and respects local distinctiveness and heritage. However, the Appellant considers that eroding the distinctiveness of an area and failing to preserve the historic character of London's unique places through development would be consistent with the broad thrust of the development plan. That position is untenable. The view was that the overall thrust of the development plan's strategy was to drive business growth and change. That is not what either part of the development plan actually says. Furthermore, this is fundamentally inconsistent with the remit of the good growth strategy (and the plain wording of that strategy articulated throughout the LP and SP), this misunderstanding of the overall thrust of the plan helps to explain the Appellant's distinctly unbalanced view of the relative importance of protecting the historic environment and promoting economic growth, and the way in which those two objectives are expected to be pursued.

7.156 The schemes conflict with development plan policies relating to tall buildings, design and architectural quality, the protection of WHSs and other heritage assets, strategic views, public realm and servicing. These policies are not only amongst the most important in the development plan, they are necessarily of central importance to any determination in this case. The schemes also conflict with the overall thrust of the development plan and its strategy of seeking to achieve good growth. The nature and extent of the conflict is substantial. As such, the proposal is in conflict with the development plan when considered as a whole.

Overall planning balance

7.157 In accordance with s. 38(6) of the PCPA 2004, the appeals must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.158 In this case both schemes conflict with the plan as a whole. The plan is agreed to be up to date, and there is common ground that this will tend to increase the weight that attaches to policy conflict.

7.159 The presumption in favour of refusal arising from the development plan is supported in this case by the strong statutory presumption in favour of refusal that arises because of the harm caused to designated heritage assets.

7.160 None of the other material considerations in this case would justify the grant of permission. The most important 'other material consideration' in this case is the harm that would be caused to interests of acknowledged importance, and which has given rise to the policy conflicts. Very substantial weight should be given to that negative factor in the planning balance. There are benefits of the schemes but the collective weight that they attract is relatively modest in comparison, and very far from capable of tipping the balance in favour of granting permission.

Conclusion

7.161 For the reasons summarised above, the section 78 appeals should be dismissed and planning permission refused for both schemes.

8 The Case for Historic England

8.1 HE does not routinely appear as a Rule 6 party at planning inquiries. This step is not taken lightly and is reserved for the most serious cases, where HE considers the heritage impacts of a scheme would be particularly harmful.

8.2 HE's advice on GPE's tall building proposals has remained utterly consistent, from the pre-application response right up to the Inquiry. Precisely the same concerns were raised about the effect of a tall building on this site, in terms of the heritage assets that would be harmed, the way the harm would arise, and how serious it would be in the pre-application response letter dated 9 July 2018.[218]

8.3 In line with HE's role as the Government's expert advisor on the historic environment, these submissions focus on heritage matters. HE does not advance a case on the weight to be given to non-heritage related public benefits and has not attempted to strike the overall planning balance as it is outside HE's specialist area of expertise. That said, having heard and reflected on the evidence of all parties, HE remains convinced that the proposed buildings would be very damaging to some of London's most special historic places. Bearing in mind the weight that must be accorded to the harm (given its extent and the importance of the assets), weighty public benefits will necessarily be needed to clearly and convincingly justify a grant of permission.

Matters of law and policy

Decision making framework

8.4 The starting point, and the most important consideration in any case where LBs and CAs are concerned, is the Planning (Listed Buildings and Conservation Areas) Act 1990 ('LBA 1990'). This contains four sections which are relevant to these appeals, s16, 66, 69 and 72.

[218] CD-C-04

8.5 It is well established that, in both s. 66 and s. 72, "preserving" means avoiding harm, and that any harm to a LB or its setting, or a CA, must be given "considerable importance and weight" and gives rise to a "strong presumption against granting planning permission".[219]

8.6 HE has not objected to the grant of LBC in these cases (considered in isolation), and supports the approach taken by the other main parties as to the prospect of granting standalone LBCs.

8.7 Two further points which flow from the statute, and which are relevant to points made later are emphasised:

a. Section 66 gives equal treatment to both a LB and its setting. It therefore follows that harm to the setting of a LB must be given considerable importance and weight and engages the same presumption as harm to the building itself. Any approach to assessment which has the effect of relegating setting to a secondary or less important consideration would be inconsistent with s. 66 and wrong in law.

b. Section 69 makes clear that the "character and appearance" of a CA which is to be preserved or enhanced is that which embodies or reflects the special architectural or historic interest which justified the designation.[220] The LBA 1990 is plainly not intended to protect aspects of character which do not sustain, or which detract from, that special interest. It is common ground that, when considering whether a building would preserve or enhance the character and appearance of the CA, the question is how it relates to the special interest of the CA – not how it fits with the character of the area in a general, or in a townscape sense.

8.8 The NPPF requires great weight to be given to the conservation[221] of designated heritage assets, and notes that the more important the asset, the greater the weight should be. Para 200(b) describes WHSs and Grade I and II* LBs as assets of the highest significance.

8.9 The Court of Appeal has described the NPPF as "*laying lay down an approach which corresponds with the duty in section 66(1*)".[222] The NPPF adopts a unified approach to all designated heritage assets, creating a single framework to cover the discharge of several different statutory provisions (and, in the case of WHSs, international obligations). As a result, NPPF goes further than the law requires in some cases. One example is that harm to a CA caused by development in its setting attracts great weight under the NPPF, whereas s.72 of the LBA 1990 does not refer to setting. Another example is the approach to heritage benefits, which is discussed later. It can sometimes be relevant to

[219] CD-H-04 - East Northamptonshire DC v SSCLG [2014] EWCA Civ 137 p. 8-9 paras 20, 22-24 and 28.
[220] CDF.05 see in particular paras 11, 17 and 34 (pages 5, 8 and 15; pdf 9, 12 and 19).
[221] See glossary p. 66: "Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance."
[222] CDH.13 Jones v Mordue [2015] EWCA Civ 1243 p.11, para 28. Although the Court was considering the original (2012) version of the NPPF, there has been no material change to the content of the paragraphs the Court was referring to.

make a distinction between the way policy is framed and the way the statutory duties are drafted.

Significance and setting

8.10 The concept of significance within the NPPF is equivalent to the special interest for which LBs and CAs are designated. The NPPF further confirms that (i) significance derives not only from a heritage asset's physical presence, but also from its setting,[223] and that (ii) the cultural value described within the SOUV for a WHS forms part of its significance.

8.11 The importance of considering how significance is experienced and appreciated is reflected in the PPG. This confirms that "environmental factors such as noise, dust, smell and vibration" and "our understanding of the historic relationship between places" can affect the way an asset is experienced in its setting.[224] Clearly such factors relate to experience and appreciation, not the special architectural or historic interest of a LB or CA. And they are regarded as relevant by the Government. Further support for this point can be found in various pieces of HE guidance.[225]

Approach to assessing harm

Edith Summerskill House v Tulip

8.12 These were both cases involving development in the settings of heritage assets. The decisions reveal two different approaches to determining the degree of LTSH caused by a proposed development taken by Inspectors (and endorsed by the Secretary of State).

8.13 In Edith Summerskill House, the Inspector sought to gauge the proportion or component of the significance of a listed church and a CA which could be attributed to their settings and would therefore be affected, in order to decide the extent of LTSH caused by the proposed tall building. Because the "overwhelming proportion" of the church's significance was "locked into its form and fabric", and impacts on significance would "only occur from a few places in the churchyard or cemetery", the Inspector found that the harm would be "very much at the lower end of the scale".[226] A similar approach was taken to the CA.

8.14 In the Tulip appeal the SoS endorsed the Inspector's approach that, when assessing harm, "the key point is not whether some aspects would be left untouched, but the importance of what would be affected, that is the setting, to its significance".[227]

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[223] See also references to setting in paras 194 and 195 NPPF
[224] CDD.11 para 013 (pdf 7)
[225] For example, CD-F-04 GPA 3 "The Setting of Heritage Assets": para 9, 19 (steps 2 and 3) and para 30, CD-F-07 HEAN 4 "Tall Buildings": para 5.3, 6th bullet and CD-F-05 HEAN 1 "Conservation Area Appraisal, Designation and Management": para 58.
[226] CDH.20 IR p. 78 (pdf 96) paras 12.50 – 12.54, endorsed by the SoS at DL p. 3 para 13
[227] CDH.10 IR p. 136 (pdf 150) para 14.2, endorsed by the SoS at DL p. 3 para 16

8.15 The difference between these two approaches is best encapsulated as a quantitative vs qualitative assessment of harm. Both HE and the Council's witnesses have taken a qualitative approach which most closely aligns with the Tulip decision. They sought to identify the aspects of significance which were particularly relevant (given the nature of development proposed), and then considered the extent to which those aspects would be affected. This is most easily illustrated by the assessments of the Tower of London WHS, where the attributes which were relevant were identified and then considered how far the proposals would affect those attributes. The Appellant's approach was harder to discern but seems to be more aligned with Edith Summerskill House than the Tulip.

8.16 HE's position is that, of these two approaches, that taken in the Tulip appeal is clearly to be preferred. It is a simpler, straightforward approach which looks at what is being affected and why it is important. It avoids a mechanical or mathematical exercise, which might otherwise be felt necessary in order to determine what 'proportion' of significance would be affected. The Tulip decision is recent and concerned the same WHS which is at issue in this case; it would seem to be appropriate to take consistent approach to assessing harm in this case.

8.17 Edith Summerskill House does not sit very comfortably with the equal treatment of LBs and their settings under s. 66 LBA 1990. The Inspector's view was that "unless the asset concerned derives a major proportion of its significance from its setting, then it is very difficult to see how an impact on its setting can advance a long way along the scale towards substantial harm". Since it is hard to imagine any LB which would derive a "major proportion" of its significance from its setting (bearing in mind the designation is for the special interest of the building itself), this approach appears to make findings of high levels of harm less likely in setting cases. On the face of it this would make such harm easier to justify. This point is illustrated by the Appellant's evidence that this decision at paragraph 12.50 was consistent with the "big difference" between direct effects (on the fabric of a LB) and indirect effects (from development in the setting). Yet there is no difference in how these effects are treated in s. 66.

8.18 For similar reasons, the Edith Summerskill House decision also sits uneasily with the PPG, which states that substantial harm "may arise from works to the asset or from development in its setting", and that "even minor works have the potential to cause substantial harm, depending on the nature of their impact on the asset and its setting."[228] The Government clearly recognises that development in the setting of a heritage asset can cause a high level of harm, whereas this would seem unlikely adopting the approach in Edith Summerskill House.

8.19 The legal position is clear. There is nothing in the LBA 1990 or the NPPF (or anywhere else) which mandates a single approach to determining the extent of

[228] CD-D.11 para 018

harm. This is left to the judgment and expertise of planning inspectors (or, in this case, the SoS). The approach you take to determining the degree of LTSH to any heritage asset in this case is a matter for the decision maker, provided it is a reasonable one. If a choice has to be made between the two approaches just discussed, then HE invites the decision maker to adopt the Tulip approach. However, there may be other approaches entirely which would be equally acceptable.

Substantial harm

8.20 Another topic which probably occupied more time than it warranted during the oral evidence was the definition of substantial harm. None of the heritage witnesses identified any substantial harm arising from either scheme, however, it would appear that the Appellant was seemingly trying set up an evidential basis for arguing that, because none of the identified harm is 'substantial', it should therefore be regarded as either "not serious" or as affecting some element of the heritage asset which is not "key" to its significance.

8.21 There is no prescribed "definition" or "test" for substantial harm. This has been explored in the London Historic Parks and Gardens case and the Bedford case.[229] The bottom line is found in the Bramshill judgment: "Whether there will be such "harm", and, if so, whether it will be "substantial", are matters of fact and planning judgment. The NPPF does not direct the decision-maker to adopt any specific approach to identifying "harm" or gauging its extent".[230] It is clear that substantial harm is intended to be a high test, leaving a very wide range of LTSH falling below the threshold.

8.22 It must always be remembered that LTSH still carries considerable importance and weight and does not amount to a less than substantial objection.[231] The fact harm is not 'substantial' within the meaning of the NPPF does not mean that it is not to be regarded as a serious matter.

The range of less than substantial harm

8.23 The PPG advises that the category of harm needs to be identified and then "within each category of harm … the extent of the harm may vary and should be clearly articulated".[232] It is settled law that there is no legal or policy obligation to place harm on a 'spectrum' or within a 'range' of LTSH. It is however an obvious way of following the advice in the PPG, and is something both HE and LBS have done with a view to identifying how serious the harm is considered to be.

8.24 The Appellant has not attempted to place harm within a range or spectrum in their assessment. That would not be objectionable if it was obvious how extensive the harm was considered to be. The written evidence and

[229] CD-H-07 p 12 para 52.
[230] CD-H.06 p22 para 74
[231] CD-H.04 p9 para 29
[232] CD-D-11 para 08

assessments do not go beyond identifying the harm – insofar as it is accepted – as "considerably less than substantial." There is limited explanation of exactly why and how this harm arises, and there is a further problem about the offsetting of harm against benefits which further muddies the waters.

Weight to be given to heritage benefits

8.25 There is a legal distinction to be made in this regard between CAs and LBs. In the case of CAs, s. 72 LBA 1990 requires special attention to be paid to conserving and enhancing the character and appearance of a CA. This puts enhancement (heritage benefits), on an equivalent statutory footing to preservation (avoiding harm). Given the approach taken by the Courts to s. 66 and s. 72, it is probably correct to say that enhancements to the character and appearance of a CA should carry great weight. So far as LBs are concerned, s. 66 requires special regard to be had to preservation, but there is no mention of enhancement. The considerable importance and weight that must be given to harm as a result of s. 66 does not necessarily apply to enhancement of a LB or its setting.

8.26 From a policy perspective no distinction is made between CAs and LBs and para 199 NPPF requires great weight to be given to conservation, which includes enhancing significance. HE therefore accepts that, as a matter of policy, interventions which are regarded as enhancing the significance of a LB should be given great weight.

8.27 That is not the end of the matter. The weight to be given to harm is not uniform. Even though all harm carries great weight, it is uncontentious that a low level of harm will carry less weight (and therefore be easier to outweigh with public benefits) than a high level of harm. The approach to benefits must logically be the same and a small amount of benefit should be accorded less weight that a large amount of benefit. It also logically follows that benefits to highly graded heritage assets will carry greater weight than benefits to less important heritage assets. It is therefore necessary to consider the level of benefit which will occur and the relative importance of the heritage asset which is receiving the benefit to reach a concluded view on weight.

Other overarching issues

Extent to which heritage has informed the design

8.28 The DAS contains a good amount of detail about the heritage assets within the site itself, and there is some discussion of the history of St Thomas Street and Kings Head Yard and the setting of the Kings Head PH. On the other hand, analysis of the character and appearance of the BHSCA is seriously lacking. The only explanation of how the schemes respond to the special architectural and historic character of the CA is in discussion of design references[233] and

[233] CD-A-06 p88

palette.[234] Consideration of how the form and scale of the building and the layout of spaces relates to the CA context is entirely lacking – although tellingly the 2018 DAS notes that the building should be "set back as far as possible from the High Street".[235]

8.29 Unsurprisingly (given the responses of consultees to the 2018 scheme) the 2021 DAS shows a greater level of awareness of the negative effects of a tall building on heritage assets. For example there is reference to heritage settings as constraints in 'height definition' leading to what is described (inaccurately) as a "*mid-rise tall building proposal*";[236] and an acknowledgement that attempts should be made to provide *"greater distance away from ... the rear of the listed Guy's Hospital*".[237] Notwithstanding this, analysis of the BHSCA is no more advanced in the 2021 DAS compared to the 2018 version, and although the CAA contains clear guidelines for development, there has been no analysis in either DAS (or elsewhere) of how the schemes perform against them.

8.30 Further doubt arises as to the relevance of heritage considerations to the overall design when one considers the following:

a. It is clear that the design has sought to respond and relate to the tall buildings at London Bridge Station. There was a conscious choice to develop a building with a form and appearance which responds to the collection existing tall buildings, rather than the BHSCA.

b. This design intention is clearly reflected in the earliest iterations of tall building design which were roughly ¾ the height of the Shard. It is a demonstration of GPE's intent to respond to the existing tall buildings, and their failure to pay any serious attention to the constraints imposed by the CA.

c. All design iterations were tested against the 7 key benchmark views[238] which produced the same adverse effects upon heritage assets. These effects flowed from the principle of a tall building in this location rather than any matters of detailed design. It is therefore unsurprising that the 2018 and 2021 TVIBHAs find the same level of adverse effect for both appeal schemes. At no point was it ever suggested that GPE should consider a different form of development by their own consultants.

8.31 The evidence has demonstrated that the buildings' designs have not been adequately informed by their heritage context; in particular the character and appearance of the BHSCA which forms the immediate context of the appeal site. GPE are clearly an experienced developer and have had heritage advice throughout the proposals, so it is unlikely that they have been unaware of the inherent tension between the schemes and their historic context. Rather they have treated this as something that will need to be accepted if redevelopment

[234] Ibid p71
[235] CD-A-12 p70
[236] CD-B-08 p 72
[237] CD-B-08 p73
[238] Agreed with LBS in 2005

is to occur and that LTSH is inevitable and effectively 'priced in' to any tall building development. GPE have been unwilling to consider the possibility that, despite the inclusion of the site within a very broad area where LBS expects tall buildings, it may not actually be suitable for such development.

Design quality

8.32 GPE have advanced the proposition that good quality design could (in principle) reduce the level of harm caused by a tall building. HE's position, is expressed through GPA 3 'The Setting of Heritage Assets' which states "*For some developments affecting setting, the design of a development may not be capable of sufficient adjustment to avoid or significantly reduce the harm, for example where impacts are caused by fundamental issues such as the proximity, location, scale, prominence or noisiness of a development. In other cases, good design may reduce or remove the harm, or provide enhancement*."[239]

8.33 The heritage harm identified in this case results from the principle of introducing a tall building in this location. The form and scale of this type of development produces specific types of effect which will not change whatever variation on design is chosen – as confirmed by the fact that none of the iterations tested produced any different results.

8.34 A related point which was explored in the evidence was the extent to which a building could properly be considered to represent good design if it did not appropriately respond to its context (historical or otherwise).

8.35 The approach taken by GPA of first reaching a conclusion on the inherent design quality of the building and carrying that forward into and informing the heritage assessment is not consistent with the National Design Guide.[240] This document is part of the PPG[241] and serves as recent confirmation that, so far as the Government is concerned, the relationship between a proposed building and its heritage context is fundamental to the question of whether it can be considered 'good' design. This same point is echoed in the approach of the Inspector in the Chiswick Curve decision.[242]

8.36 The failure of the schemes to respond appropriately to their historic context prevents them from being regarded as "well-designed". Regardless of the perceived architectural quality of the buildings 'in their own right', the evidence has demonstrated that any tall building proposal will cause an equivalent level of harm to heritage – including to a Grade I and II* LB.

[239] CD-F-04 p14 para 39
[240] CD-D-20 see p10 para 40, p11 para 41 2nd bullet and p11 para 43
[241] Ibid p2 para 3
[242] CD-H-16 p122 paras 12.8 and 12.9

8.37 The appeal site is undoubtedly a location which falls squarely within the HE Tall Buildings Guidance.[243] The existing qualities of the BHSCA are highly distinctive and the proposals would affect heritage assets of the highest significance. A tall building on this site will be too harmful, regardless of design. The appeal site is simply not an appropriate location for a tall building.

Treatment of existing tall buildings

8.38 There has been a heavy reliance by GPE in the existence of tall buildings at and near London Bridge Station to justify the adverse visual and heritage effects they accept would occur, including that the juxtaposition between tall buildings and low-level historic buildings were already a part of the character of the BHSCA. Similar themes are also apparent for Guy's Hospital and Southwark Cathedral. From a heritage perspective, there are two fundamental problems with this.

8.39 First, as per s72 of the PLBCAA 1990, and whatever the position is in terms of townscape, the existing tall buildings near London Bridge Station are not part of the special architectural and historic interest of the BHSCA, as summarised in the CAA.[244] Whilst the CAA dates from 2006 and thus predates the modern development around London Bridge, earlier incarnations of tall buildings at London Bridge station already existed at the time the CAA was published. With the exception of Shard Place, the tall buildings and resulting juxtapositions relied on – past and present – have been outside the CA boundary. The character and appearance of the CA itself has remained unaffected and the consistent range of building heights and scales within its boundary remains. Nothing has materially changed in this respect since 2006. The failure to appreciate the distinction between 'character' in a general sense and the 'character' which is relevant under s. 72 LBA 1990 is a glaring error and has led to the suggestion that the proposed schemes are essentially 'in keeping' with the character of this part of the CA – when in fact they would be fundamentally at odds with it.

8.40 Second, there is an assumption that existing tall buildings have a positive effect upon the character and appearance of the CA. Essentially the existing tall buildings have been treated as part of the baseline and there has been no attempt to consider whether they have a positive, negative or neutral effect on the significance of any of the assets. They are just 'there'.

8.41 This is all the more puzzling bearing in mind that whether the existing buildings on the appeal site contribute positively, negatively or neutrally to the character and appearance of the CA has been considered.[245] There has been no attempt to explain the difference of approach between existing buildings on site and existing buildings in the surrounding area. It cannot be justified.

[243] CD-F-07 p 6 para 3.2
[244] CD-E-06
[245] CD-A-18 p 70 section 6

8.42 HEAN 4 reinforces this point in the specific context of tall buildings, stating that the issue of cumulative impact needs to be considered to ensure that (among other things) "*where harm already exists, it is not compounded*".[246] In other words, existing harmful development should not be used to justify further harm which is what has happened here.

8.43 As accepted by the Appellant in cross-examination, Guy's Hospital Tower and the Shard are two examples of how the existing tall buildings have compromised the significance of heritage assets in the CA (and therefore harmed the CA itself). If the existing buildings are in fact harmful, then the introduction of "comparable" effects is plainly adding further cumulative harm. Cumulative harm itself has not been considered and this represents a major error in approach.

8.44 In respect of Shard Place, which has been seen as particularly significant because of its location at the edge of, but within, the boundary of the BHSCA. For the reasons already discussed, the fact that Shard Place is within the BHSCA boundary does not mean that it must be assumed to be consistent with the character and appearance of the CA. There needs to be an assessment of whether it makes a positive, negative or neutral contribution. The same goes for its effect on the settings of other heritage assets.

8.45 It is fair to say that the committee report is very 'light' on heritage matters and the analysis of heritage effects is lacking.[247] HE's position is that Shard Place has caused harm to the CA and to the setting of Guy's Hospital. Shard Place cannot be regarded as having preserved or enhanced the character and appearance of the CA. The tall modern building is fundamentally at odds with the special architectural and historic interest of the area, and particularly sub-area 4 – for essentially the same reasons as apply to the buildings proposed by GPE. The decision to permit Shard Place should not be regarded as a justification for further tall building development in the BHSCA.

Judgements about the 'quality' of the CA and settings of other heritage assets

8.46 A theme of the written and oral evidence by GPE is a focus on a notion of 'quality' or attractiveness as a relevant consideration when assessing heritage significance and therefore impact. The idea being that less attractive CAs or settings, or those otherwise considered to be of lower 'quality', are less sensitive to the introduction of new development.

8.47 First, the methodology of the built heritage assessment ('BHA') identifies that the assessment of sensitivity of an asset "may be moderated to take into account a judgement about its quality in the round".[248] That cannot be regarded as a legitimate approach.

[246] CD-F-07 p 35 para 6.5
[247] CD-H-15
[248] CD.A.12-2 p. 341 para 10.17

8.48 Second, along similar lines, when discussing Southwark Cathedral, reference was made to the fact that it was not within a "historic setting" and was not a place where one could "film a historic drama." The so called 'Dickens test' as set out in the Heritage Statement."[249] However, this has no basis whatsoever in any law, policy or guidance. The idea that less historically 'intact' places are less sensitive to new development is problematic in light of guidance on cumulative harm, as it can potentially create a situation where the more harm that occurs, the more further harm can be justified, and so on until there is little of heritage value remaining.

8.49 Third, by seeking to contrast the BHSCA with Bloomsbury as a more coherent CA, there has been an apparent 'ranking' or 'grading' of CAs. This has no basis in statute or policy and is not the result of any systematic analysis. This downgrading of CAs in this way risks relegating other important aspects of character and appearance as somehow less valuable or sensitive.

8.50 An example of how this has actually happened can be seen in the approach taken to Kings Head Yard and other historic yards off Borough High Street. Kings Head Yard has been described variously as an "unwelcome backwater", an "unsightly alley", having a "gritty quality" a "road to nowhere" and "a very, very difficult place to be", leading to arguments that the appeal schemes would relieve the "misery of the yards". Yet these yards are highly significant remnants of a medieval street pattern which is unique in London. GPA appear to place much greater weight on perceived visual quality and architectural design than other factors which may be relevant to the special interest of a heritage asset or the contribution made by its setting. The importance of these other factors is underestimated as a result.

8.51 Fourth, novel 'test' or 'tool' for assessing heritage effects through taking account of whether a particular view was one which a visitor would want to photograph has been presented. It suggests a confusion between pictorial quality or the attractiveness of a composition on one hand and the way the view relates to special interest of a heritage asset on the other. The ability to see a nicely composed view is not the same thing as the ability to understand an aspect of heritage significance or appreciate that significance.

8.52 This preoccupation with views and visual effects permeates the heritage assessment more generally as where adverse visual effects were found in the TVIA, those were to be read across to the adverse effects identified within the BHA. The assessment of heritage impact starts and ends with the assessment of visual effects. Again, the risk is that other aspects of significance which are affected may be missed or given insufficient attention in the assessment. The further danger of basing the heritage assessment so heavily on the analysis of views is that the assessment will then miss out any adverse effects which have not been expressly identified through the views analysis. An example of heritage harm not picked up in the visual assessment was on St Thomas Street, where the assessed visual effect went from 'adverse' (from London

[249] CD.A.18 p. 68 para 5.47

Bridge Street[250]) to 'beneficial' (from opposite Guy's Hospital[251]) within the width of Guy's forecourt and attempts to justify that conclusion were not credible.

Treatment of benefits in reaching conclusions on harm

8.53 The Court of Appeal has confirmed that the identification and assessment of benefits to be weighed against harm to a designated heritage asset is a matter for the decision maker. A sensible approach must be adopted but there is not one particular way in which this must be done.[252] It may be appropriate to apply an internal heritage balance, weighing harmful and beneficial heritage effects together to reach an overall 'net' view. In other cases it may be appropriate to identify all the harms on one side of the equation and balance them against all the benefits on the other side.

8.54 HE has not sought to undertake an internal heritage balance, save in the case of the listed terrace where there are accepted to be both positive and negative effects from development. We have identified the harms that would arise without at that stage considering beneficial effects.

8.55 However, GPA have reached conclusions about the effects on the BHSCA, the listed terrace, Southwark Cathedral and Guy's Hospital "in the round", by taking account of positive and negative effects[253] and there is not always a clear articulation of the precise benefits being taken into account. For example, it is stated that that the schemes would have "positive and negative aspects" on the setting of Southwark Cathedral[254], but the nature of these "positive aspects" (and how they might relate to the significance of the Cathedral or the ability to appreciate it) is nowhere explained. Combined with the failure to articulate where the assessed harm sits within the range of LTSH, this produces considerable uncertainty as to what level of harm has been identified, either before or after the perceived benefits have been 'netted off.'

8.56 There is a further issue regarding the nature of the benefits that are being taken into account in these "in the round" assessments as in the case of Guy's Hospital, harmful effects against "tangible long term benefits to the setting for the hospital", consisting of enhanced local connections and high quality public realm.[255] This purports to be an 'internal heritage balance', but it was conceded that these benefits did not relate either to the significance of the Grade II* LB or the ability to appreciate it. It follows that these were not 'heritage' benefits and therefore could not 'net off' any heritage harm in an internal balance. Similarly for the BHSCA, the assessment has gone well

[250] CD-A-12-1 p257 and CD-B-14-1 p231
[251] CD-A-12-1 p257 and CD-B-14-1 p237
[252] CD-H-06 p22-23 paras. 76 and 80
[253] Eg. Mr Stewart PoE paras 5.38, 5.47, 5.64, 5.68
[254] Ibid para 5.64
[255] Ibid para 5.68

beyond an internal heritage balance to conclude that the overall effect on the BHSCA is beneficial. Again, the approach to balancing benefits, together with the failure to identify the extent of any 'un-netted' harm, leaves the decision maker with no clear evidence as to the degree of LTSH to the CA.

Conclusions on law and policy and other overarching issues

8.57 The legal and policy context establishes the following as a correct approach to identifying and assessing the impacts of new development on heritage assets:

a. Identify the heritage assets potentially affected.
b. Gain a proper understanding of the significance of the heritage assets potentially affected, using available sources of information such as Conservation Area Appraisals and other studies as well as list descriptions and professional assessment. For CAs this means having a clear understanding of the special architectural and historic interest of the area, the character and appearance of which is sought to be protected by the designation.
c. Within the consideration of significance, consider (i) the setting of the heritage asset and how it contributes to significance, or how it allows that significance to be appreciated; and (ii) any issues of cumulative harm arising from the presence of development which is detracting from significance or the ability to appreciate it (this should have been identified through consideration of existing significance and setting).
d. Assess how the proposed development will affect the significance of the heritage asset – whether that is an effect on the fabric of the heritage asset, or on the relationship between the setting and the significance of the building. Whatever approach is adopted, it must not undermine the equivalent statutory protection given to LBs and their settings.
e. Harm needs to be identified as either substantial or LTSH, and the extent of harm within those categories should be clearly articulated. Identifying where the harm sits within a range or spectrum is one obvious way of doing this.
f. Any harm to a designated heritage asset must be given considerable importance and weight and creates a strong presumption against granting planning permission. The weight given to harm will increase depending on the importance of the asset and the extent of harm.
g. Heritage benefits should be given great weight; again the precise amount of weight depends on the importance of the asset being enhanced and the extent of the benefit.
h. In a case of LTSH, harm should be weighed against the public benefits of the proposal to determine whether it has been clearly and convincingly justified. This stage goes beyond consideration of purely heritage issues.

8.58 GPA's assessment of heritage effects is undermined by several serious errors which affect most stages of the assessment. This means that the conclusions on heritage effects must be regarded as fatally flawed. The assessment has not been robust and cannot be relied on to inform the determination of these appeals.

8.59 HE has a really thorough understanding of the BHSCA and heritage assets within it and what gives them their special interest and value. This makes our assessment reliable and credible. Our conclusions should be accepted.

Borough High Street Conservation Area

Significance

8.60 BHSCA has long been recognised as an area of special architectural and historic interest. It was designated in 1968, just one year after the Civic Amenities Act 1967 first introduced the CA designation and it has extraordinary 'time depth' of the area including the recent discovery of an incredible and largely intact Roman mosaic at the Landmark Court site on Southwark Street.

Urban Grain

8.61 This long history of occupation has resulted in an area with a very rich history, with each period of history building on the one before and leaving its mark. This has led to a CA with quite distinct character areas, representing different stages of its development. The High Street is one of the oldest roads in London and still forms the spine of the area and is its most powerful influence.[256] The distinctive medieval grain of the High Street and land adjacent still survives and is clearly legible. There is nothing else comparable in London.

8.62 GPE are dismissive of the yards and see them as an opportunity to deliver places and spaces for people to provide an important and delightful addition to pedestrian movement. But the yards are a remarkable survival. They illustrate the way the High Street developed from long and narrow burgage plots, where frontage buildings were serviced by the long plots behind.[257] The yards always had a backland and subservient character.

8.63 Kings Head Yard provides a good illustration of the different layers of history of the yards. The narrow enclosed space accessed through an opening in the High Street is a visual reminder of the burgage plots, which have informed the rhythm and scale of the High Street frontage buildings.[258] The Kings Head PH (Grade II listed) replaced one of the medieval coaching inns and thus provides a reminder of how the yards were used in their 'heyday' before the arrival of the railways. The façade of the former hop sample rooms illustrates a later layer of history, the Victorian repurposing of the yards for commercial activity. The yards may not be the most visually attractive places, but focussing unduly on that aspect misses the point about what makes them so significant. The CAA records that "the street forms and layout of the Conservation Area contribute fundamentally to its character",[259] and the yards are referenced several times within the appraisal of the CA's character and appearance.

[256] CD-E-06 p 15 para 2.21
[257] Ibid p16 para 2.24
[258] Ibid p 27 para 3.2.11.
[259] Ibid p15 para 2.2.1

8.64 It is acknowledged that the 1980s NCC development has not been particularly sympathetic, with facadism becoming very clear in certain views and the service yard in particular noted as detracting from the special character of the yard. Nevertheless, the 1980s development did respect the fundamental urban grain. The yard remains narrow and enclosed, with the hop sample rooms façade providing a complementary setting to the Grade II listed pub and serving as a reminder of the historical development of Kings Head Yard and the wider area, where the hop trade flourished during the Victorian period. The hop sample rooms façade is noted in the CAA as making a positive contribution to the character and appearance of the CA.

Form and scale of development: High Street

8.65 The CAA notes that, given the "eclectic mix of materials and details, reflecting its evolution over a long period" (contrasting with the "Georgian world" of Bloomsbury), the overall identity of the CA "is to do as much with scale and form as with materials and detail".[260] The CAA contains numerous references to the 3-4 storey scale of existing development on Borough High Street.[261] It conveys a clear message that this scale and form of development is important to the character and appearance of the CA, and is part of what makes it distinctive. This is shown to be true when one considers the dramatic difference in form and scale between the area within the CA boundary and the area immediately outside it, where s. 72 LBA 1990 does not apply.

8.66 The Shard, Shard Place, the News Building and Guy's Hospital Tower can all be seen to rise up well above the consistent 3-4 storey buildings of the High Street from various locations, albeit they are seen at an appreciable distance. These buildings create a conspicuous visual distraction and have harmed the character and appearance of the CA. Existing development in the backlands of the CA does not protrude above the High Street frontages. This point applies to the NCC office building as well – whilst it has a variety of negative features, it remains recessive in most views and does not disrupt the appreciation of the consistent scale of the High Street.

Form and scale of development: St Thomas Street

8.67 A consistent scale of approximately 4 storeys is also a key feature of the St Thomas Street sub-area of the BHSCA. This part of the CA is very different from the High Street. The CAA notes the "restrained quality and consistency" of its architecture and the "conservative, established tone".[262] St Thomas Street is much more of a 'set piece', with all of the buildings being associated with the development of St Thomas' Hospital to the north and then Guy's Hospital opposite, built to receive the 'incurables'. All of the buildings are based on classical principles and have a civic or domestic (and not commercial) character. There is uniformity of scale and massing, with the exception of the former St Thomas' church at 9A St Thomas Street which derives and retains significance from its prominence and landmark siting.

[260] Ibid p 22 para 3.1.6
[261] See e.g. pp. 25-26 paras 3.2.2, 3.2.4, 3.2.6
[262] CD-E-06 para 3.5.1

8.68 Keats House, on the south side of St Thomas Street, is identified in the CAA as an unlisted building which makes a positive contribution to the character and appearance of the CA.[263] It has a highly attractive and characterful appearance. Whilst only the frontage survived the 1980s development, this fact is not immediately obvious. It has always been attached to Conybeare House (the west wing of Guy's Hospital), reflecting its history as a building erected by Guy's Hospital to provide accommodation for medical staff.[264] Its location thus illustrates the historic association between these buildings.

8.69 The special qualities of this part of the CA as experienced from its eastern end, immediately after arrival at London Bridge station as one of the key points of arrival into the CA is emphasised. The visitor leaves a very modern high density character area and suddenly enters a completely different character area that is incredibly historic and very consistent in terms of scale of building.

8.70 From the west end of St Thomas Street the tall buildings at London Bridge station appear highly prominent. The extreme juxtaposition between them and the adjacent listed buildings is clearly harmful in heritage terms. They are alien to the special architectural and historic interest of the CA which underpins its designation, and they draw attention away from the restrained consistency of this part of the CA. They also deprive the Grade II* listed former church of its landmark status.

8.71 HE has no objection to the principle of redevelopment as the existing NCC building has harmed the character of the CA by introducing a building that bears no relation to its historic context, with very unsympathetic junctions with the historic buildings it incorporates. However, it is not all bad as it maintains the consistent building line on the south side of the street and it adheres to the scale and proportions of the surrounding historic buildings. Once again, the bulk of the office building behind remains recessive and does not disrupt the street scene.

Impacts

Kings Head Yard

8.72 It is common ground that the sense of enclosure provided by Kings Head Yard is of historical significance. It illustrates the unique urban grain of this area which is hugely important, even if the current presentation of the yard is not as attractive as it might be. Both appeal schemes would open out the narrow enclosed yard to provide public realm, turning Kings Head Yard into Kings Head Square. The loss of this narrow street pattern and sense of enclosure is clearly harmful. Although the 2021 scheme tries to do more to recognise the enclosed nature of the yard, it is not successful. The yard would still open directly into an area of open space, and the very large and imposing entrance

[263] Ibid p 49
[264] See extract from 'The Builder' in CD-A-19 p.5

to the proposed tall building detracts from the sense of narrowness and enclosure.

8.73 Whilst Kings Head Yard itself changed width and alignment at certain points over the years, it has never been experienced as part of a public square and has never led onto an area of public open space. There is no historical precedent for what GPE proposes to do.

8.74 The yards have not been the site of principal commercial buildings and activity, and the secondary and subservient nature is an important aspect of their character and appearance. The proposals would invert the hierarchy of the High Street and its yards by introducing a radically taller commercial building in the backlands, further damaging the special interest of Kings Head Yard.

8.75 The appeal schemes would also involve the demolition of the hop sample rooms façade. Given that this is accepted as an element which makes a positive contribution to the character and appearance of the CA, its loss should be regarded as causing LTSH in accordance with para 207 NPPF.

8.76 The appeal schemes would not enhance the setting of the Grade II listed Kings Head PH. The heritage statement concludes that "*the significance of this public house derives in large part from its location on Kings Head Yard*".[265] The yards were the location of the original coaching inns, and the position of the current pub within an enclosed yard is illustrative of that history. Opening out the yard to create Kings Head Square will undoubtedly make it easier to view the whole of the pub's façade,[266] but it will no longer be seen within a historically appropriate setting. This is another harmful effect.

High Street

8.77 The key impact on the High Street and its range of LBs would be the juxtaposition of a very tall modern building in the backland against the low level historic frontage buildings. The schemes would introduce a jarring and incongruous form of development into the heart of the CA. The proposed towers would be highly conspicuous and would appear to rise very close behind the historic buildings. This would affect the ability to appreciate the individual and collective architectural quality of the High Street buildings. The breathing space currently provided between the heart of the BHSCA and the tall buildings at London Bridge station would be lost, reducing the ability to appreciate the depth of the long narrow plots deriving from the medieval pattern of development.

8.78 The TVIA concludes that, seen from the War Memorial or the junction between Southwark Street and Stoney Street, the proposed buildings would produce major and adverse effects.[267] These adverse effects led to findings of harm in the BHA. It is therefore common ground that the juxtaposition that would be

[265] CD-A-18 p 135
[266] CD-A.06 p 119
[267] CDA.12-1 p.229 and p. 233; CDB.14-1 p. 203 and p. 207.

experienced on the High Street would harm the character and appearance of the BHSCA.

St Thomas Street

8.79 The same type of effect would occur in the St Thomas Street part of the BHSCA. The eye would be drawn away from the historic buildings and towards a large modern building which is designed to respond to the tall buildings at London Bridge station and is fundamentally at odds with the special architectural and historic interest of the CA. It is clear that the same type of harm will result from the relationship between the proposal and the historic buildings from other points along St Thomas Street (including from closer to the base of the building). At all times the viewer would be aware of the vast height of the proposed schemes towering over the restrained consistency of the Georgian architecture, even when they were not looking directly at it.

8.80 In views of St Thomas Street from the west the schemes would produce the same sort of effects, which would be exacerbated in the 2021 scheme by the increased proximity between the tall building and the listed terrace and the increased width of the northern elevation. From this perspective the cumulative impact of the appeal schemes together with the consented schemes to the east of London Bridge station would produce the appearance of a wall of tall modern development along St Thomas Street, eroding any sense of depth behind what would become a historic façade.

8.81 The proposal to relocate the frontage of Keats House is advanced not for the benefit of Keats House itself, but to allow access to the interior of the appeal site for servicing. The current preference is for façade relocation instead of dismantling and rebuilding, but both methods pose risks to the historic fabric. These risks are being taken purely because of the inherent difficulties in servicing a large development within a backland site. Although the DAS presented the separation of Keats House from Conybeare House as a benefit of the scheme,[268] once one appreciates that it was always attached to the hospital and that this relationship has historical associations it becomes obvious that the proposed intervention is harmful.

8.82 The 2021 scheme is more harmful so far as Keats House is concerned because of the introduction of a curve on the new eastern flank wall which would not be historically authentic. It is clear from the swept paths in the appendix to the Delivery, Servicing and Waste Management Plan[269] that the curve is needed to accommodate refuse vehicles and HGVs. The curved wall leading into the servicing entrance will make it blindingly obvious that the frontage of Keats house is merely a façade – something which is not obvious at present. It is extremely hard to see how the works to Keats House could be constituted as an improvement and an enhancement to the character and appearance of the building. The works are plainly harmful.

[268] CD-A-06 p50, CD-B-08 p48
[269] CD-B-07

CAA Guidelines

8.83 The CAA contains a series of guidelines in section 5, drawing on "those themes that are essential to the Conservation Area's historical character, which new development and improvement should pay heed to".[270] It is common ground that these guidelines should be a key consideration in the design development of any new building in the CA and that the overall message of the guidelines was that, whilst modern architecture is welcomed in the CA, it needs to respect the prevailing heights of the surrounding area and "*buildings should remain within the range of heights of the block of buildings in which they are sited.*"[271] It was conceded that the proposed tall buildings breached the CAA guidelines, that this was something that should be taken into account, and that the breaches are not acknowledged in any of GPE's documents.

Conclusions on harm to the BHSCA

8.84 There is little difference between the 2018 and 2021 schemes in terms of the degree of harm that would occur. In both cases it would be at the upper end of LTSH. Because of the various errors in the heritage assessment, you are left with no clear understanding of the extent of the accepted harm.

8.85 It was implied that if harm was only found to arise due to effects on certain views or in particular sub-areas, that might be characterised as being of a lower level in the context of the CA as a whole.

8.86 In response to this, first, the harms are widespread within the CA, arising within sub-areas 1 and 4 and within sub-area 2 as a continuation of the High Street character, even though the proposals would be seen at more of a distance, the same type of effects would occur. The proposals would also harm Southwark Cathedral (the key building in sub-area 3) and Guy's Hospital (the key building in sub-area 4) as LBs; this also constitutes harm to the character and appearance of the CA.

8.87 Second, in the case of Irving the planning officer had identified a harmful effect on the character and appearance of the CA but had sought to look at it in the context of the CA as a whole and found that the special character of the CA as a whole would be preserved. The Court found that this approach could not be supported: "If there is harm to the character and appearance of one part of the conservation area, the fact that the whole will still have a special character does not overcome the fact of that harm. It follows that the character and appearance will be harmed."[272] This is also consistent with the approach taken in the Tulip case, where the focus should be on what is affected rather than what is left untouched. In this case there may be parts of the CA where the proposed schemes would not be visible or, if visible, would not cause harm. That does not in any way diminish the harmful effects which would occur elsewhere.

[270] CD-E-06 p54 para 5.1.1
[271] CD-E-06 p57 para 5.2.7
[272] CD-H-19 p1388 paras 56-58

8.88 Third, it is instructive to consider the approach adopted to CA impacts in the Vinegar Yard decision.[273] Like the BHSCA, Bermondsey Street CA covers a large area and is split into four distinct sub-areas.[274] Notwithstanding the edge-of-CA location, the fact that the tall building itself will be outside the CA boundary, and that no impacts were identified to two of the four sub-areas, it was still concluded that there would be a moderate level of LTSH to the CA.[275] It is hard to see how the proposed buildings in this case, which occupy a much more central position within the BHSCA and affect all of the 4 sub-areas - including two of the most highly graded buildings - can reasonably be found to cause a lower level of harm than the Vinegar Yard scheme did to Bermondsey Street CA.

8.89 The BHSCA is not the right fabric on which to stitch the ambitious modern office designs of global businesses as another layer of history. It was designated in 1968 in recognition of the special architectural and historic interest which could be appreciated through its character and appearance at the point of designation. That does not mean that the CA is to be preserved in aspic. Modern development has and will continue to take place within the BHSCA boundary. Parliament has decreed that, when an area is designated as a CA, those who are responsible for managing development must give great weight to preserving and enhancing the special qualities which warranted its designation in the first place. If this is not done, then those special qualities will over time be lost. And as the NPPF reminds us, heritage assets are an irreplaceable resource. They should be conserved so that they can continue to be enjoyed and appreciated into the future.

The listed terrace

Development in the setting

8.90 The effects of inserting either of the proposed tall buildings within the backland behind the listed terrace have already been discussed in the context of the BHSCA. However there are additional effects on the terrace which derive from the close physical proximity of the towers and the way the relationship between the buildings has been addressed.

8.91 In the 2018 scheme the St Thomas Street elevation of the tall building has been curved to 'pull away' from the rear of the listed terrace and provide breathing space. The need to maintain the same level of floorspace in the 2021 scheme resulted in a wider building, which takes up much more space within the site. The relationship between the building and the terrace is significantly different as a result.

LBC Works

[273] CD-G-04
[274] Ibid see plan p 90
[275] Ibid p 93 paras 376-377

8.92 HE did not object to the LBC application and recognises that there are benefits arising from the interventions to the fabric of the listed terrace. The key interventions are as follows.

Rear elevations

8.93 The only historic fabric remaining on the rear elevations of the listed terrace is at number 14, and that is overclad with a 1980s skin. Therefore, the proposed works would not be revealing historic fabric.

8.94 HE disagree with the suggestion that revealing the rear elevations of the terrace would better reveal the heritage significance of the listed terrace because:

a. The significance of the terrace lies primarily in the elevation to St Thomas Street (in particular the fenestration, the consistent roof line and the use of yellowy buff London bricks), where it makes a strong contribution to the street scene;

b. Unlike the street frontage, the rear elevations were not designed to be seen as the terrace would have backed on to private land; and

c. The ability to appreciate any significance which would be considered to reside in the reconstructed rear elevations would be compromised in both schemes, but in different ways:

i. It is common ground that the provision of shopfronts in the 2018 scheme is not historically authentic. It has the effect of inverting the hierarchy of the terrace.

ii. In the 2021 scheme the rear elevations would be seen almost (but not quite) abutting the large columns supporting the tower, which would extend out over and above the rear building line and largely enclose the rear of the terrace within a poorly lit covered walkway.

Plan form

8.95 The reinstatement of plan form is recognised as beneficial, however this is limited bearing in mind that (i) as already mentioned, the significance of the LBs lies mainly in their street frontage and (ii) the restoration would not be scholarly in several respects.[276]

Passageway

[276] See plans at CD-A-060 – CD-A-062 (2018) and CD-B-090 – CD-B-092 (2021), which show that (i) in both schemes number 16 would remain open plan at ground floor level and (ii) on first and second floor level the reinstatement of the front and rear 'rooms' which is seen on the ground floor is abandoned in favour of an open plan form. In addition, the 'houses' share a reduced number of staircases, which provide access through openings in the party walls to office space and shared bathrooms.

8.96 There is no legal requirement to give 'great weight' to enhancements to the LB, although they would attract that weight as a matter of policy. Even with that great weight, overall the benefits are limited in extent, and therefore limited in terms of their ability to outweigh or justify the heritage harms these schemes would cause.

8.97 The reinstatement of the vaulted passage between numbers 8 and 10 St Thomas Street, which is shown on historic mapping, is agreed to be beneficial in heritage terms.

Overall impact

8.98 GPA conclude that the "overall impact" will be positive.[277] Whereas HE consider that the limited enhancements proposed would be negated by the harm caused by the wider proposals. In other words, the proposals have a harmful effect on the terrace overall. The decision maker is invited to accept that assessment is more realistic.

8.99 In both assessments the heritage benefits associated with the LBC works have been taken into account and go towards reducing the harm. There is a difference of opinion as to whether the result of the weighing exercise is net benefit or net harm. Whichever view you take, it will be important to remember when you get to the para 202 NPPF balance that this element of the claimed heritage benefits will have already been taken into account as part of an 'internal heritage balance' on the listed terrace. The same benefits ought not to be taken into account again as public benefits in the para 202 balance, as that would amount to double counting.

Guy's Hospital

Significance

8.100 Guy's Hospital is listed at Grade II*. It is a rare survival of a purpose-built institution associated with the emergence of healthcare provision in the 18th Century and, after St Barts, it is the most important Georgian hospital complex in London. It was one of first public healthcare facilities in capital and it is still largely in use today for the same purpose.

8.101 The LB derives a large part of its architectural significance from its formal composition, with the large forecourt leading into quiet courtyards in a sequence described in the CAA as quite exceptional.[278] There is a strong sense of symmetry and hierarchy. From within the forecourt the neoclassical architecture can be well appreciated, and the crowning pediments on each of the three building ranges provide focal points which are deliberately aligned

[277] Mr Stewart PoE p 32 para 5.47
[278] CD-E-06 p38 para 3.5.5

with the central statue of Sir Thomas Guy. The forecourt provides a real sense of calm and seclusion, which belies its location close to points of entry/exit to London Bridge station. This experience of arriving into the space and experiencing the ensemble of buildings is very important to an appreciation of the significance of the LB. It has recently been enhanced by the public realm improvements associated with the conversion of Boland House.

8.102 Tall buildings nearby have affected the ability to appreciate the architectural significance of the hospital, primarily by appearing above the roofline of the rebuilt east wing, although this is less apparent when entering the forecourt on axis. At present, important views of the original central and western ranges from the entrance gates and within the forecourt can still be seen against a clear sky, free from the distracting presence of modern development. This clear sky setting is important to an appreciation of the order, hierarchy and symmetry of the composition, it allows the architectural details to be understood without visual distraction.

8.103 Moving through the forecourt and the colonnade, you find the inner quads. These provided open spaces for the wellbeing of patients, but were at the same time enclosed to provide a secure environment. Whilst there is room for improvement in their presentation, the quads provide an even greater sense of seclusion from the modern world than the forecourt. Contrary to what the panorama photograph suggests,[279] the existing tall buildings nearby are only really apparent if you stand in the southwestern corner of the west quad. Elsewhere they do not intrude.

Impacts

Harm from development in setting

8.104 This is one of those situations where a picture is worth a thousand words. You only need to look at the assessed view towards the west range of Guy's Hospital as proposed[280] to understand the incredibly damaging effect of both the appeal proposals. These are such a stark images, they hardly require any explanation of how the harm arises. This is of course the case even without having an impression of the full height of the buildings from this position, due to the camera's field of view. The added sense of the full height of towers looming over you could only exacerbate their utterly dominating presence. The proposals would see the Grade II* LB flanked on three sides by tall buildings in close proximity. There is clear cumulative harm.

8.105 Again the effects of the two alternative proposals are similar despite their quite different designs. The increased width and greater solidity of the 2021 scheme makes it marginally more harmful here than the 2018 scheme. But both proposals would cause harm at the upper end of the range of LTSH. This is a serious degree of harm. It is harm to the setting of the LB, but also another source of harm to the CA.

[279] CD-A-12-1 p 244
[280] CD-A-12-1 p253, CD-B-14-1 p227

Light to the chapel

8.106 The west range of Guy's Hospital houses the hospital chapel, which is a place for quiet reflection and contemplation. Light coming through the three stained glass windows, which are mentioned in the list description,[281] makes an important contribution to the intangible qualities of the chapel.

8.107 GPE's evidence confirms a 43% (2018) or 46% (2021) loss of overall light levels inside the chapel, assessed using climate-based daylight modelling.[282] Alternative methods of assessment predict major reductions in vertical sky component and, for the 2021 scheme, major adverse impacts on daylight distribution.[283] However the effect is measured, it is clear that there will be an appreciable loss of light through the stained glass windows, which are an aspect of significance. This will cause harm to the intangible aspects of significance that relate to the communal value of the LB.

8.108 In the reports on this issue[284] it was concluded that a very low level of LTSH might be found, but only if two questionable assumptions were accepted. One such assumption was that "*in respect of stained glass windows generally the measure of acceptability of effect should be 'the more light the better.*"[285] It is submitted that this is indeed the thrust of HE's guidance on the point.

8.109 In addition, it is held that because chapel is so close to existing development, it would only be possible to add a single storey on top before breaching VSC guidelines. That may well be the case. This is of course an area in which there are numerous low level historic buildings, where the consistent scale is approximately 4 storeys, and where CAA guidelines seek to maintain the existing building heights. If these guidelines are followed and the character and appearance of the area is preserved so far as building form and scales are concerned, then there should not be any greater impact on light through the stained glass windows than exists at present.

8.110 The reduction in light to the stained glass windows is an additional element of LSTH to the significance of the Grade II* LB.

Southwark Cathedral

Significance

8.111 Southwark Cathedral is one of only three monastic churches to survive in London (alongside Westminster Abbey and St Bartholomew the Great). It is one of only four Grade I buildings in Southwark. It has been a religious landmark and focal point since medieval times. The large square tower with its

[281] CD-F-02-3 p2/5
[282] CD-A-47 appx B and CD-B-51 appx B
[283] Mr Goddard PoE appx 5 p16
[284] CD-A-47 and CD-B-51
[285] CD-A-47 p8 para 26

gothic finials was intended as a striking architectural and religious statement and a visual spectacle.

8.112 It is common ground that the Cathedral's status as a prominent historic landmark is an aspect of its special architectural interest,[286] and that views of the Cathedral from its setting where the tower is appreciated as a landmark contribute to the significance of the LB. Those locations include Montague Close to the north west[287] and the views from Minerva Square. In these views the silhouette of the imposing tower (and, in closer views, the detail of its impressive architecture) is seen unchallenged by visual distraction.

8.113 Existing tall buildings have harmed the contribution setting makes to the significance of the Cathedral as a prominent historic landmark. This is seen most obviously from locations where the Shard appears directly behind the Cathedral tower, causing harm in these views. The issue of cumulative harm is again in play here.

Impacts

8.114 It is common ground that the appeal proposals cause harm to the significance of the Cathedral where it appears directly behind the tower. However, the heritage assessment finds overall no heritage harm.[288] Concessions were however made during examination through the undermining of the commanding presence of the Cathedral.

8.115 The failure to properly understand the way setting contributes to the significance of the Cathedral, together with other errors of approach already discussed, has again led to an underestimation the extent of harm that would be caused by the appeal schemes. The harm would be at the upper end of the spectrum of less than substantial harm in the case of the 2018 scheme.

8.116 The 2021 scheme is lower and therefore less assertive and challenging in views, although still visually distracting. It would cause LTSH towards the middle of the range. The harm is to a Grade I listed building and so should be given very great weight. Again, it should be remembered that Southwark Cathedral is the key listed building in sub-area 3 of the BHSCA.

Tower of London World Heritage Site

Significance

8.117 The Tower of London World Heritage Site is of exceptional historic and architectural importance, both nationally and internationally. Within the Tower complex are a variety of designated heritage assets, including several listed buildings, a conservation area and a scheduled monument. However, the focus of HE's evidence has been the effect of the proposals on the OUV of the WHS.

[286] Heritage SoCG p 9 last bullet
[287] CD-A-12 p288
[288] CD-A-12-1 p293, CD-B-14-1 p 267

The tall building proposals would have broadly the same type of impact on the other heritage assets, such that a separate assessment was not felt necessary.

8.118 The WHSMP contains the SOUV and then goes on to introduce the 'attributes', which are "the features or relationships that express its OUV".[289] It states that the attributes will be "the focus of protection and management policies and institutional arrangements aimed at sustaining and, where appropriate, enhancing the property's OUV". In the UK these policies and arrangements are contained in the planning system.[290] The ability of the attributes to convey the OUV allows a judgment to be formed as to the 'authenticity' of the WHS. If attributes are weakened or eroded, this can compromise authenticity,[291] resulting in harm. An analysis of the WHS' attributes and the extent to which they are affected is therefore important to a robust assessment.

8.119 The exercise of identifying relevant attributes and considering the effect of proposals on them was adopted by the Inspector in the Tulip decision,[292] and is the approach followed here. Analysis of the attributes provides a structured and transparent framework for assessment, however this has not been carried out by GPE.

8.120 Although in 2003 it was decided that the Shard would cause "no material harm to the setting of the Tower of London"[293], much has changed since then. It has since been accepted that the Shard did have an impact on the visual integrity of the WHS, and that planning policies had to be strengthened to "lessen the risk of inappropriate development with an adverse impact on the Tower's visual integrity".[294]

8.121 Notwithstanding the strengthening of policy, it is the case that tall buildings continue to be permitted in locations where they are visible from within the Inner Ward. The Vinegar Yard scheme is the most recent example of this. Again, this raises the issue of cumulative harm. The argument put forward that the 2018 scheme can be an enhancement is revealing. It indicates either a lack of understanding, or a willingness to disregard, the history of dialogue between the UK Government and ICOMOS and the resulting policy developments. It is also a position which is at odds with the recent Vinegar Yard decision, where it was found that the tall building in that scheme would negatively affect the attributes of landmark siting and concentric defences.[295]

Impacts

8.122 The 2018 scheme would be clearly visible above the roofline of the Queen's House in the Inner Ward, where it would exacerbate the visual distraction caused by the existing (and consented) tall buildings. It would further

[289] CD-F-09 p40 para 3.3.1
[290] CD-F-07 p52 para 4.1.1
[291] Ibid p40 para 3.3.2
[292] CD-H-10 p 141 para 14.25
[293] CD-H-17 para 16.86
[294] CD-F-15 p2 of appendix to letter
[295] CD-G-04 p89 para 358

undermine the sense of enclosure and separation felt in the Inner Ward and the protective function of the concentric defences. By appearing directly above the roofline, the tower in the 2018 scheme would affect the ability to appreciate the domestic scale architecture of the Queen's House, which is part of the surviving medieval remains. The tower would also be seen above the Waterloo Block when seen from the Royal Mint, further undermining the physical dominance of the White Tower from this view.

8.123 Because of its reduced height, the 2021 scheme would be less visible in views from the Inner Ward and would not be seen from the Royal Mint. A very low level of harm would be caused to the concentric defences and surviving medieval remains.

8.124 The Appellant's claim that the appeal proposals would cause "no harm" is unsustainable, given the content of the WHSMP and the approach taken in recent decisions including the Tulip and Vinegar Yard. Harm would occur. It would be towards the lower end of the range of LTSH in the case of the 2018 scheme, and at a very low level in the 2021 scheme. However, this harm is to a heritage asset of the highest possible significance and even a very low level of harm must therefore be given the greatest weight in the balance.

St Paul's Cathedral

8.125 Sir Christopher Wren's architectural masterpiece was designed to be seen and appreciated over considerable distances. It is listed at Grade I. It is iconic and remains a defining feature of London's built environment. Whilst the dome is the most recognisable feature, the architectural contrast and relationship between the dome and the west towers is highly important.

8.126 St Paul's has a very large setting which has been heavily influenced by modern development. The LVMF confirms that development behind the dome of St Pauls Cathedral currently compromises the ability to appreciate the landmark.[296]

8.127 It is not accepted that the construction of a tall building directly behind St Paul's Cathedral can be regarded as enhancing its setting. Either of the proposed towers would appear directly behind the north-western tower of St Paul's and would add to the sense of mass behind the Cathedral, as well as adding to the visual severance of the west towers from the dome. The 2018 scheme would break the horizon, which would further draw the eye away from St Paul's. Again, there is an obvious element of cumulative harm.

8.128 Rather than providing a clearer backdrop, it is HE's position that it is more difficult to see the outline of the north-western tower with the proposed building behind it than is the case in the existing view. Although the harm is of a low level, it is to one of the nation's most cherished and highly graded historic places and must therefore carry very great weight.

[296] CD-D-24-1 p55 para 117

Heritage benefits

8.129 As previously discussed, HE acknowledges a low level of benefit from the listed terrace works, but maintains that neither scheme would deliver heritage benefits to Keats House or the setting of the pub.

8.130 HE recognises that the site does present an opportunity for enhancement. However, the demolition of the 1980s building is just one aspect of the scheme; it is highly artificial to hive it off and assess the effects in isolation from the development as a whole. The benefits which are to be weighed in the para 202 NPPF balance must be those which would arise from the grant of planning permission. In this case, the grant of planning permission would authorise demolition of the NCC building and its replacement with a tall building. These two elements of development taken together (as they must be) would not be beneficial in heritage terms. GPE accepts that the tall building would cause LTSH to two highly graded LBs.

Implications of harm

Development plan policy

8.131 Findings of harm to the significance of heritage assets are relevant to the application of several policies of the London Plan and Southwark Plan, most notably D9 and P17 on tall buildings and HC1, HC2, P19 and P20 on heritage. HE has not expressed a view on overall compliance with these or other policies in the development plan, but notes that findings of harm which cannot be outweighed will inevitably lead to non-compliance with a range of relevant policies.

Statutory duties and NPPF

8.132 Neither ss. 66 or 72 of the PLBCA 1990 or chapter 16 of the NPPF compel a particular outcome where a proposal would cause harm to the significance of designated heritage assets. Legislation, policy, and guidance instead lay down a decision-making framework to ensure that any identified heritage harm is given the correct amount of importance and weight in the overall balance. HE has set out the fundamental features of this decision-making framework earlier.

8.133 As previously indicated, HE does not express a view as to how the overall balance should be struck in this case. However, it has been demonstrated that the appeal schemes would cause harm to designated heritage assets of the highest importance. In the case of Southwark Cathedral and Guy's Hospital (Grades I and II* respectively) the harm would be at a high level. The BHSCA would also be profoundly affected and the harm would again be at a high level.

8.134 GPE has consistently underestimated the harm that their proposals would cause. The harm would be very serious (albeit not 'substantial' within the meaning of the NPPF) and must be given very great weight indeed in the balance. Very weighty public benefits will be need to clearly and convincingly justify the high degree of harm caused.

Conclusions

8.135 The Courts have confirmed that, given HE's status as a statutory consultee and principal advisor to the Government on matters relating to the historic environment, its views should be given 'great' or 'considerable' weight by decision makers. Cogent and compelling reasons are needed before departing from HE's considered views.[297]

8.136 Here there are no such cogent or compelling reasons. HE has presented full and clear evidence on how the proposed schemes would harm five key designated heritage assets. Testing of the evidence has not undermined our assessment as to the nature and extent of that harm, which has remained consistent from his first formal response on GPE's proposals for this site. By contrast, GPE's conclusions of low or no harm have been shown to be unreliable, having been arrived at through an assessment process containing a series of errors of approach and understanding and there has been concessions made in oral evidence to this effect.

8.137 As stated in opening, between 2004-2017 HE only raised serious concerns in 7% of cases involving tall buildings in London. Participation in a public inquiry is even more unusual. The fact that HE has felt it necessary to attend the Inquiry underscores how serious the concerns are, and how harmful these proposals are considered to be.

8.138 Growth is inevitable and necessary, but it must be sustainable. Protection and enhancement of the historic environment is a key part of that. The historic environment should not be seen as a barrier to growth, but as a necessary component of growth that is genuinely sustainable: growth should not come at the expense of highly valued heritage. HE's guidance on tall buildings reflects these points.[298]

8.139 Whilst the appeal site is identified as within the very broad area in which tall buildings are expected in the Southwark Plan, the evidence has shown that a tall building simply cannot be accommodated on this site without causing a high level of harm to important heritage assets. The harm would occur because of the height of the proposed towers and their consequent visibility over a wide area and stark juxtaposition of scale locally. In other words it arises from the principle of this form of development in this location. Whilst any harm to heritage is in principle capable of justification, the harm to Grade I LBs and the WHS should be given the greatest possible weight and harm to Grade II* LBs and the CA should attract very substantial weight in the balance. It will only be capable of being outweighed by even more substantial public benefits. You will need to consider carefully whether you have seen evidence of such benefits to clearly and convincingly justify the grant of planning permission.

9 The Case for Interested Parties appearing at the Inquiry

[297] CD-H-18 p 21 para 52
[298] CD-F-07 p 4 para 2.3

Transport for London

The gist of the case is reproduced below, taken from their consultation response for the appeals.[299] This was further discussed in detail during the round table session on servicing, and in the obligations session. A further written update was also provided in respect of a TfL consultation on changes to Borough High Street, St Thomas Street and London Bridge.[300] Details of this are also summarised below.

9.1 Transport for London (TfL) is the integrated transport authority responsible for meeting Mayor of London's strategy and commitments on transport in London. TfL runs the day-to-day operation of much of the Capital's public transport network including London Underground (LU) services and manage London's main road network (TLRN).

9.2 TfLs interest in the planning applications subject to these appeals is as follows:

- Interface with LU infrastructure, most notably the London Bridge LU station entrance that is included in the applications, and potential impact on sub-surface railway assets.
- Impact on the TLRN, including upon pedestrians, cyclists, and bus operations, adjacent to the site, namely St Thomas Street and Borough High Street, for which TfL is the highway authority.
- Impact on TfL-controlled strategic transport capacity – buses, LU services, Santander Cycles cycle hire.
- Impact on projects which TfL is delivering in the area, notably that for St Thomas Street.
- Compliance with, and delivery of London Plan and Mayor's Transport Strategy policies related to transport.

9.3 TfL's landholdings and property interests and infrastructure are shown on the plan TfLD1.[301] This plan also shows the boundaries of the TLRN. We understand from the applicant's that TfL property does not lie within the red line, but directly adjacent to it.

9.4 The Inquiry was provided with GLA and TfL comments on the following planning applications: 18/AP/4039 and 21/AP/1361. These comments were submitted to Southwark Council as the Local Planning Authority and formed the basis of transport advice to the GLA and Mayor, reflected in the respective Mayor's decision letters.

9.5 If permission is granted for either application with an obligation to deliver the new entrance and other works to London Bridge LU station, then there will need to be a development agreement between the Appellant and TfL. The Appellant has been in contact with LU in this respect, to draft the heads of terms of the development agreement. An infrastructure protection agreement will also be required to safeguard operational assets.

[299] CD-C-24
[300] INQ-23
[301] CD-C-24 p10

9.6 A s278 agreement with TfL as highway authority will also be required for works to St Thomas Street and/or Borough High Street consequent upon the development. Therefore, TfL would wish to be party to a section 106 agreement to secure the obligations related to TfL assets and services.

9.7 Note these comments are limited to highways and transport as they relate to London Plan and Mayor's Transport Strategy policy, and in respect of our assets and landholdings, and form TfL's opinion only. TfL does not seek to address the overall planning balance.

Policy Context

9.8 The Mayor's Transport Strategy (MTS) 2018 and the adopted LP (2021) set out an overarching strategic policy that developments must contribute towards the delivery of high quality sustainable and accessible travel options for all Londoners. This includes reducing car-dominance, improving accessibility, improving safety (Vision Zero) and delivering Healthy Streets.

9.9 LP Policy T1 states that development should ensure that any impacts on London's transport networks and supporting infrastructure are mitigated.

9.10 Policy T2 states that development proposals should demonstrate how they will deliver improvements that support the ten Healthy Streets Indicators and reduce the dominance of vehicles on London's streets, whether stationary or moving.

9.11 Policy T4 states that mitigation, either through direct provision of public transport, walking and cycling facilities and highways improvements or through financial contributions, will be required to address adverse transport impacts that are identified with development proposals, and that they should not increase road danger.

9.12 Policy T7 states that development proposals should facilitate safe, clean, and efficient deliveries and servicing. Provision of adequate space for servicing, storage and deliveries should be made off-street, with on-street loading bays only used where this is not possible.

9.13 Paragraph 110 of the NPPF sets out a requirement for developments to facilitate access to high quality public transport and to address the needs of people with disabilities and reduced mobility in relation to all modes of transport.

9.14 Paragraph 111 states that development should be refused on highways grounds where there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.15 Paragraph 112 states that development should give priority to pedestrian and cycle movements, both within the scheme and neighbouring areas and facilitate access to high quality public transport.

9.16 Paragraph 112 also states that development should create places that are safe, secure, and attractive which minimise the scope for conflicts between pedestrians, cyclists, and vehicles, avoid unnecessary street clutter, and allow for the efficient delivery of goods.

Direct access to London Bridge London Underground Station

9.17 In both planning applications the applicant proposes to provide a new entrance into the existing entrance building to London Bridge LU station on Borough High Street. TfL owns the freehold of the station building and the tunnels and other infrastructure below, that at ticket hall level and the offices above as shown in TfLD1.

9.18 The proposal is to remove the south-east-facing façade at the ground floor level of the station building, so that the development can be accessed, stepfree, directly from the escalators and lift linking to the Borough High Street ticket hall/gateline area. Between the two buildings a public square, a new area of public realm, is proposed to be delivered as part of the developments.

9.19 TfL is supportive of this subject to all costs being covered by the Appellant and an agreement on commercial terms. As explained above, a development agreement with TfL will be required to deliver this entrance.

9.20 The new additional entrance would have the following public and development benefits:

- The new public realm/ground floor entrances in the development will be directly visible from the top of the escalators.
- The station entrance will be directly visible from the new public realm/ground floor entrances in the development.
- There will be a seamless, level transition from the top of the escalators to the public realm, and more direct, step-free access from the platforms to the entrance of the new development.
- The direct access will also reduce pedestrian movement on Borough High Street adjacent to the current station entrance (which will remain) and along St Thomas Street – these are areas of extremely high footfall where footways have been temporarily widened as part of the London Streetscape programme initiated during the pandemic to

facilitate social distancing (see photograph TfLP2 for current narrow footway adjacent to the LU entrance).

- Improved accessibility of a lift (step free) entrance of the LU network from a number of locations around New City Court and to the east, with reduced journey times.
- The travelling public will have more pleasant journeys to and from London Bridge station to the east of Borough High Street.
- The journey time between the station and the development and St Thomas Street more generally is reduced
- The additional entrance would be required to meet an acceptable Pedestrian Comfort Level (PCL) on footways surrounding the site, as concluded in the respective transport assessments.

9.21 Given these benefits, we consider the new entrance to be in line with the three requirements for planning obligations, in particular necessary for the development to mitigate its impact on the surrounding footways (London Plan policy T2 and T4), so it should be required to be delivered prior to first occupation of the development. A development agreement will be required to be entered into with TfL, prior to commencement.

Impact on the TLRN - 2018 scheme

9.22 The 2018 application proposes servicing from two directions. Light goods vehicles (LGVs) would use a vehicle lift accessed from White Hart Yard and Borough High Street. Heavy goods vehicles (HGVs), unable to access White Hart Yard, would utilise a loading bay on St Thomas Street, with goods trolleyed across and along the footway.

9.23 As the highway authority for Borough High Street and St Thomas Street, and in terms of Healthy Streets and Vision Zero policies, TfL has serious concerns over both these arrangements.

9.24 White Hart Yard is very narrow, and the access off Borough High Street is through a gap in the façade of the terrace. The buildings severely reduce the visibility splays for exiting vehicles, requiring drivers to 'nudge' their vehicles out onto the footway before they can see.

9.25 This stretch of Borough High Street is very busy with pedestrians and cyclists, hence the introduction of the London Streetspace scheme of widening the footway made under a Temporary (Covid) Traffic Regulation Order. TfL intends to reinforce this footway widening using an Experimental Traffic Regulation Order in the very near future, with barriers replaced by tarmac. The eventual goal is to secure via a Permanent Traffic Order.

9.26 It is acknowledged that some vehicles already use this access, but the development will introduce an additional 28 vehicle movements per day (with consolidation) which will increase the risk of collisions. The pedestrian amenity and safety of White Hart Yard itself will be reduced, and this is a pedestrian route to the Guy's Hospital complex, via Beak Alley.

9.27 The proposed arrangement for HGVs using an on-street servicing bay on St Thomas Street is also considered contrary to Policy T2 (Healthy Streets) and London Plan policy T7 (Delivery and Servicing) for the following reasons:

- Trolleying goods along (the bay may not be directly outside the service entrance) and across the footway will reduce pedestrian amenity and space, and create obstacles for visually and mobility impaired pedestrians.
- The loading bay could not be dedicated to one user, so may not be available at the time required. This scenario would result in unlawful waiting and potentially blocking on St Thomas Street and/or additional HGV movements in an area of London that has a very restricted road network for HGV 'U' turns and high cycle and pedestrian movement.
- The loading bay would be on the south side of St Thomas Street, which would reduce footway space and width; this is a location of temporary footway widening for social distancing as part of the London Streetspace plan, due to current narrow footway and high footfall. (see photograph TfLP7)
- The 2021 scheme shows that off-street servicing is possible for this site.
- The taxi rank will need to be relocated, putting further pressure on the kerbside in St Thomas Street.

9.28 Furthermore, as with Borough High Street, we are soon to reinforce this temporary London Streetspace scheme along the southern footway of St Thomas Street via an Experimental Traffic Regulation Order, allowing removal of the barriers and replacement with tarmac. The addition of a loading bay in the 2018 application (and potential relocation of the taxi rank) would reduce footway width in a crucial location and undermine this.

9.29 TfL also has a longer term proposal to deliver a 'Healthy Streets'-based scheme in St Thomas Street (subject to funding and consultation) that will introduce one-way working and a contraflow cycle track to allow two-way cycling; currently cyclists can only travel one-way (westbound). More should be known about the status of this project when there is a long term funding settlement from the government in place. Delivery of this long-term scheme would improve cycle access to and from the development. The cycle track would be on the south side of St Thomas Street, i.e. adjacent to the development, and a loading bay to support the latter and associated relocation of the taxi rank could preclude this project due to lack of width.

9.30 Alternatively, if space was made available by reducing footway width - contrary to the aims of the Healthy Streets scheme and the existing Streetspace scheme - then goods would have to be trolleyed across the cycle track as well as footway, creating an additional safety and amenity hazard.

9.31 At the time of the 2018 application, the Appellant undertook further studies, at the request of TfL and the Council, to see if off-street servicing could be achieved, and how service vehicle numbers could be reduced through consolidation. At the time, following conclusion of the studies and negotiations with the GLA, and reflected in the Stage 1 report for that application, TfL reluctantly agreed that there was not a viable alternative to on-street servicing. However, the submission of the 2021 planning application with

entirely off-street servicing demonstrates that there is a viable scheme for the redevelopment of this site, one that accords better with Healthy Streets, Vision Zero and London Plan (and local) servicing policy, and this is explored further below.

Impact on the TLRN – 2021 Scheme

9.32 The concerns about on-street servicing were communicated to the Appellant both before and after the 2018 application, and an alternative off-street arrangement urged, for example at a TfL pre-application meeting on 29 August 2018 (TfLD5). As mentioned above, the Appellant undertook further work on an off-street servicing arrangement but concluded negatively.

9.33 We were therefore pleased and surprised that the 2021 application included an off-street service area accessed via a new crossover on St Thomas Street. Although any new crossover on the TLRN is not ideal, it can be designed as 'fit for purpose' via a s278 agreement with TfL (unlike the exising White Hart Yard access which cannot be improved other than by demolition of buildings owned and occupied by third parties) and would allow for the development being entirely serviced off-street.

9.34 It would still however be important to impose restrictions on allowable times of access and numbers of daily service vehicle movements to reflect the high level of pedestrian movement on this footway and in the vicinity more generally. This is common with other large developments in busy areas, for example the approved Elephant and Castle shopping centre redevelopment (planning application reference 16/AP/4458).

Conclusion on servicing

9.35 For the reasons outlined in the previous section, we respectfully request that that the 2018 application is refused as we consider it is contrary to London Plan policies T1, T2, T4 and T7 and the NPPF, and that the 2021 proposal better accords with these policies. We would not object to the 2021 application appeal being allowed, subject to mitigation.

Other transport matters relating to both the 2018 and 2021 schemes

Trip generation

9.36 The site is very well served in capacity and connectivity terms by public transport and as such is suitable for high trip generating uses. It is considered that the additional trips can, in capacity terms and, subject to the LU station improvements and those to the TLRN, be accommodated on the public transport network. As such both applications comply with London Plan policy T4 and the NPPF in this respect. There will be additional demand for Santander Cycles cycle hire, which will require mitigation, and this is discussed further below.

Car parking

9.37 London Plan policy T6 requires that developments in locations such as this should be car-free with the exception of Blue Badge (BB) provision, so both applications accord with this. We consider any on-site BB car parking should be provided with electric vehicle charging and would encourage the provision of such facilities for any on street BB parking.

Cycle parking

9.38 The cycle parking for both applications accord with London Plan standards.

Pedestrian environment

9.39 Both proposals include the provision of a public square at the centre of the site, linked to the LU station as covered above. This would provide a new route through the site and is welcomed in terms of improving permeability and reducing footway crowding on the TLRN, as reflected in the pedestrian comfort assessment summarised in the respective transport assessments. If not to be adopted as public highway, 24/7 public access and suitable maintenance and management arrangements should be secured in any consent to ensure the full benefit of this space, in line with the Public London Charter.

Mitigation

9.40 In the event that either or both of the appeal/s is allowed, TfL requests that the mitigation in the appended table TfLM1[302] is secured, in accordance with London Plan policies T4 (mitigating transport impacts) and T9 (Funding transport infrastructure through planning). TfL is not seeking any contributions towards mitigating the impact of the development upon bus service capacity and infrastructure or that of LU trains, passenger provision and other infrastructure except for the new station entrance.

Summary

9.41 The proposed redevelopment of New City Court, when coupled with the requested mitigation above, would deliver substantial transport benefits as mitigation of the development. These include a new step-free entrance to the London Bridge LU station building on Borough High Street, Healthy Streets improvements to St Thomas Street and Borough High Street, additional Santander Cycles cycle hire capacity and a new public square and walking route, supporting strategic and national policy objectives to increase public transport accessibility and active travel.

9.42 The site is very well served by sustainable transport and is well suited to high density and taller development in this regard and the additional trips would not lead to an adverse impact on the strategic transport network, subject to the aforementioned mitigations.

[302] CD-F-24 p80-88

9.43 However, due to inadequate servicing arrangements, we respectfully request that the 2018 application is refused, due to conflicts with London Plan policies T1, T2, T4 and T7, Healthy Streets, Vision Zero and the NPPF.

9.44 Subject to the satisfactory completion of the s106 agreement and taking account of the site and development constraints, the 2021 application conforms with the relevant London Plan and MTS policies and aims.

Guy's and St Thomas' NHS Foundation Trust (GSTT)

Other than minor alterations, the statement is reproduced in full.[303]

Introduction

9.45 GSTT covers four of London's best known teaching hospitals, including Guy's Hospital which is located to the east of the appeal site. In addition, Francis House is located to the south of the appeal site on the opposite side of King's Head Yard. It is occupied by GSTT for administrative purposes and is about to be opened as a Covid vaccination centre.

9.46 Given the appeal site's proximity to Guy's Hospital, GSTT are an interested party at this inquiry who, whilst not objecting to the principle of the redevelopment of the New City Court site, wish to safeguard their operations, particularly through the construction phase and secure appropriate public benefit for the hospital from what is a significant and important development. We ask that the points raised here are taken into account by the Inspector and SoS in reaching a decision and through appropriate conditions to be attached to any consent.

Original representations by DAC Beechcroft

9.47 Representations were submitted by DAC Beechcroft on behalf of GSTT on 1 March 2019 to the 2018 Scheme in respect of the 2018 Scheme (application refs 18/AP/4039 and LBC18/AP/4040) to ensure that Guy's Hospital's operations are not unduly harmed by the construction of the development, in terms of noise, dust, vibration and traffic, as well as post construction benefits, through the relocation of the Florence Nightingale Museum.

Subsequent engagement between GSTT/KCL and the Appellant

9.48 Following the submitted representations by DAC Beechcroft, discussions took place between GSTT and the applicant, and this included further consideration of whether part of the site could accommodate the relocation of the Florence Nightingale Museum (FNM), currently located at St Thomas' Hospital, within the 'restored' Keats House building. A meeting also took place with the Council and local councillors to discuss this in July 2019. There was general support for the idea although it didn't result in any changes to the planning application.

[303] Full statement can be read at INQ-18

We understand that a decision from the Council in respect of the application wasn't forthcoming.

9.49 More recently during 2021, and in respect of the applications, discussions continued between GSTT/KCL and GPE regarding the enhanced affordable workspace (see letter dated 17 September 2021) demonstrating a willingness of both to work together, with Southwark Council, to support the idea of an Innovation District and to secure such affordable space for use by the University and/or hospital and related SMEs. Recent conversations between GSTT and GPE have also recognised that the space could be used to accommodate the FNM and that these conversations could continue post a planning decision.

9.50 We request that the Inspector and SoS considers securing this opportunity for enhanced affordable workspace within the planning balance when determining the appeals.

Construction and servicing

9.51 One of the most important issues for the Hospital, and it's proper and efficient functioning, bearing in mind the site's proximity, is the construction stage of the proposed development. Safe and accessible pedestrian, vehicular and disabled access for all users needs to be maintained at all times, to and from the Hospital and in the vicinity of the site. Safe access for cyclists should be considered as cycling is encouraged as a mode of transport to the hospital to promote sustainable transport and has become increasingly popular.

9.52 Furthermore, the construction works will also implicate the operations at Francis House. Francis House has a lease agreement in place to operate as an administrative centre, with the ground floor to be used as a vaccination centre for staff and members of the public.

9.53 Consideration is therefore required for clear and straightforward routes that are signposted for users to be able to navigate to and from GSTT's sites. To the east of the appeal site is Old Guy's House and courtyard. The wing on the west side incorporates a chapel in the middle of the block and on either side clinical administration. This includes consultations with patients via phone and other more routine calls with patients to diarise appointments. There is sleeping accommodation of approximately 50 beds on each floor (second and third) for doctors and nurses and for patient overnight stays before operations take place. Doctor and nurse accommodation can be utilised during the day or night depending on shift duties.

9.54 The decision to amend the proposals in the 2021 scheme, so that servicing post completion is to an off-street facility from St Thomas Street rather than Kings Head Yard is welcomed in principle subject to appropriate conditions to keep deliveries and other vehicle movements to a minimum.

9.55 In addition, the care provided at the Hospital is highly sensitive to external environmental conditions, including dust, noise, vibration and traffic. For example, the filters from the air handling units and filtration systems at Guy's

Hospital may likely need to be changed more often. Recognition of these impacts and mitigation through a suitable Construction Management Plan (CMP) secured by condition is vital.

9.56 Traffic management is an important factor in this area of St Thomas Street. Capacity on the local bus services are already a concern, with lengthy queues regularly occurring at the bus stops that serve the hospital, resulting in delays and congestion.

9.57 Capital House at 40-46 Weston Street was granted planning permission in 2020 for the erection of a 39-storey student accommodation-led building. A 27-storey office building at 60-68 St Thomas Street, known as Edge London Bridge was also granted in 2021. If New City Court is also granted, then there would potentially be three major developments being constructed simultaneously/at a similar time on St Thomas Street, increasing the likelihood of dust, noise, vibration and traffic in the area.

9.58 Therefore, we request that engagement with GSTT is required to ensure that there are no negative impacts on the Hospital's and Francis House's own arrangements and operations, and this can be secured through a condition in relation to the preparation of the Construction and Environmental Management Plan (CEMP).

Concluding remarks

9.59 In conclusion, GSTT is supportive of the principle of the redevelopment of the NCC site, but regard has to be had to the Hospital which is a particularly sensitive receptor and its operation and proper functioning needs to be fully taken into account as part of the consideration of the appeal.

9.60 We request that appropriately worded conditions are attached to the permission, if granted, to safeguard the safe and efficient operation of Guy's Hospital, and that the affordable workspace is delivered in a way that can benefit the local area as well as life sciences associated with the hospital and University.

10 Written Representations

There were a number of representations made in respect of each of the appeals. Many reiterate comments made at pre-application and application stage[304] and repeat points made by the main parties. A brief summary of the appeal representations are given below.

10.1 The **National Trust**[305] are freehold owner of the Grade I listed George Inn, which is around 60m from the appeal site. Built in 1676-7, the George Inn is the only surviving galleried inn in London and is of exceptional significance. Historically, Southwark was characterised by its many coaching inns. The

[304] See CD-C Correspondence for more details
[305] INQ-10

George Inn is the only one to survive, and moreover the building has maintained its continuity of purpose, still a popular PH today. It is also purported that William Shakespeare performed within the original Inn courtyard. Charles Dickens also often visited and it features in his novels.[306]

10.2 The development would cause substantial harm to The George Inn through having a material adverse impact upon its setting. The views from the inn's historic upstairs galleries towards the courtyard and beyond would be radically altered in an undesirable way. This overbearing and distracting development would intrude on the relationship between the galleries and courtyard as a sensitive space, harming the unique heritage experience.

10.3 The supposedly mitigating factors put forward are unconvincing. For example, on the development's appearance, the elevations acknowledged as being 'long', would tower over The George Inn. From The George Inn, the planting will be very far away and so small that it would, in fact, have virtually no effect on the appearance of the building, which it is implicitly acknowledged would benefit from softening. The visualisations of the development demonstrate the harm.[307] Given the substantial harm, the National Trust considers that planning permission should be refused for all the schemes.

10.4 **Teighmore Limited; LBQ Six Limited; The Place London Bridge Limited and LBQ Fielden Limited**[308] are the owners of various buildings at the Shard Quarter. Objections to the respective applications were made to LBS on a number of grounds. Having followed the Inquiry proceedings and having regard to the SOCG on servicing, the proposed servicing solutions in each case remain unacceptable for the reasons set out in the respective objection letters and are unsuitable and inappropriate solutions for the schemes of this size with the number of movements envisaged.

10.5 **ICOMOS**[309] gave a technical review of the proposals in terms of the ToLWHS. With regard to the 2018 application, it is noted that the height of the proposed tower means that it would be visible from within the Inner Ward of the Tower of London, above the roofline of the Grade I listed Queen's House. Moreover, as expressed by Historic England within their March 2019 comments, "whilst various tall buildings […] are visible, the proposed development would create a significant cumulative effect that would further encroach on the Tower of London", harming the setting of the Queen's House and the Outstanding Universal Value (OUV) of the World Heritage property. The cumulative impact of high-rise buildings on the OUV of this World Heritage property has been discussed in previous ICOMOS Technical Reviews and in Reactive Monitoring mission reports.

10.6 ICOMOS therefore considers that, given the direct visual impact of the proposed development, which goes against the preservation of the OUV of the

[306] Our Mutual Friend (1865) and Little Dorrit (1857)
[307] CD-A-12-1 & 12-2 (2018) and CD-B-14-1 & 14-2 (2021)
[308] INQ-14
[309] CD-F-22

World Heritage property, and the contribution that the planned tall building would make to cumulative impact, the proposed 2018 scheme would generate an unacceptable impact on OUV.

10.7 It is understood that the 2021 application, which was submitted by the same applicant, sought to address concerns regarding the first scheme raised by the local planning authority and others. The letter from the State Party notes that the applicant perceived these concerns "as relating principally to height". As such, the new proposals include a tower of reduced height which, as indicated in Historic England's 2021 comments, would "no longer be visually prominent" above the roofline of Queen's House in views from the Inner Ward of the Tower of London, only rising above it to a small extent.

10.8 However, ICOMOS notes that the scheme would nevertheless have considerable adverse impacts on assets of national importance and, overall, on the urban neighbourhood within which it is to be constructed.

10.9 The Advisory Body is concerned that the proposals appear not to have taken national and local policy into account, with both applications proposing a high-rise building in an area that is not designated for such development in the council's draft Local Plan. Furthermore, it is unfortunate that neither application was subject to a Heritage Impact Assessment (HIA) following the 2011 ICOMOS Guidance on HIAs for Cultural World Heritage Properties, although the 2021 New London Plan indicates that "development proposals with the potential to affect World Heritage Sites or their settings should be supported by Heritage Impact Assessments."

10.10 ICOMOS fully supports the concerns that Historic England has already expressed on the unacceptable impacts on OUV that the first scheme would generate. It therefore advises that the proposed 2018 scheme should not be approved. Although the Advisory Body agrees that the 2021 scheme reduces these impacts on OUV, the proposals would nevertheless have considerable adverse impacts on assets of national importance and, overall, on the urban neighbourhood within which it is to be constructed. Finally, ICOMOS shares Historic England's concerns regarding the lack of compliance with national and local policy, including with the Local Plan, which does not include New City Court as an area designated for high-rise buildings.

10.11 The **Victorian Society** maintained their objections to both schemes due to the harm cause to heritage assets including the BHSCA and King's Head PH. Concern is raised in respect of the heights of the schemes and the loss of urban form.

10.12 **SAVE** continues to object to both the 2018 and 2021 schemes in respect of impacts on heritage grounds including substantial and irreversible harm to the BHSCA, the listed Georgian terrace, Guy's Hospital main building, St Thomas Church and the Old King's Head PH. Concern about setting a precedent for tall buildings in the BHSCA is also raised.

10.13 The **Cathedrals Fabric Commission for England** (CFCE) object to both the 2018 and 2021 schemes in respect of the impacts on views of the Southwark

Cathedral and its tower, particularly from London Bridge, and its setting in the wider BHSCA; and (2) potential wind damage to the Cathedral.

10.14 **H Sun**, a local resident, expressed concerns in respect of the height of the development and its effects upon LB's and BHSCA. Loss of light, and generation of light pollution at night, wind tunnel effects and resource consumption were also raised. Concern about community sterilization, segregation and loss of vibrancy in the street life are also highlighted.

10.15 None of these parties appeared at the Inquiry. There were also other representations made, which are not replicated here for brevity. These include from the **London Fire Brigade, Environment Agency** and **Heathrow Airport**, where no objection was made, subject to conditions.

11 Conditions

11.1 Conditions for each application were discussed at the Inquiry, including with HE, TfL and GSTT, and finalised based on those discussions.[310] While there are a large number of conditions, the schemes are large and complex and efforts were made by the parties to rationalise these where possible.

11.2 Helpfully, there were no outstanding points of dispute between the parties in respect of the contents of the conditions.

11.3 Overall, the conditions are necessary, relevant to planning and to the development, enforceable, precise and reasonable in all other regards. Pre-commencement conditions were kept to a minimum, but where they exist, that is with the agreement of the Appellant. The conditions, where necessary, are drawn on below.

11.4 The conditions are set out in Annexes E & F for the 2018 scheme and Annexes G & H for the 2021 scheme. Should the SoS be minded to allow, it is recommended that they be imposed.

12 Planning Obligations

12.1 Two obligations have been submitted, one for each scheme.[311] The agreements contain obligations on the Owner (GPE St Thomas Street Ltd), TfL and the LPA. Associated Compliance Statements for each scheme were also submitted by the Council[312] which set out how the obligations would comply with the Community Infrastructure Levy Regulations 2010 (the Regulations).

12.2 In summary these cover: administration and monitoring charge; affordable retail (2018 scheme only); affordable workspace; archaeological monitoring and advice contribution; community use strategy (2018 scheme only); construction phase jobs and training; cycle docking station contribution; cycle

[310] INQ-35-1 (2018 scheme) and INQ-36-1 (2021 scheme).
[311] INQ-29.3 (2018 scheme) and INQ-29.4 (2021 scheme)
[312] INQ-30 and INQ-31

hire scheme contribution; employment and training in the end use of the development; energy: be seen monitoring; energy: carbon green fund contribution and compliance with an approved energy strategy; energy: connection to a future district CHP; healthy streets contribution; Legible London contribution; listed building management; local procurement; delivery, management and public access to the ground floor reception space, roof garden and public realm (2018 scheme); delivery, management and public access to the roof garden and public realm (2021 scheme), section 278 highways works (borough roads), section 278 highways works (TfL), servicing and deliveries, station works and underground protection, travel plan and wind mitigation post construction.

12.3 As with conditions, these were discussed during the Inquiry, amended and completed after the Inquiry closed. Again, there was no dispute between parties over the contents of the obligations.

12.4 Both obligations are extremely comprehensive. These meet the 3 tests in terms of being necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Following discussion, the obligations comply with the Regulations and the NPPF and can be given appropriate weight.

13 Inspector's Considerations

13.1 I set out my considerations below based upon the evidence before the Inquiry, the written representations and the visits to the site and wider area, using [x] to cross-refer to earlier paragraphs in this report.

Introduction

13.2 In the lead up to, and in opening the Inquiry, and mindful of what the SoS particularly wished to be informed about, I set out the main matters to be considered as the effect on designated heritage assets and the effect on the character and appearance of the area. Related to the latter, the written and oral evidence was focussed on townscape and design and the matters reflect this.

13.3 Accordingly, and combined with other matters raised, the main considerations in these appeals are:

i) The effects of the development and works upon the significance of heritage assets (all appeals);

ii) The effect of the development upon townscape character and appearance (appeals A and C);

iii) The effects upon highway safety with specific regard to servicing matters (appeal A);

The analysis will also consider other matters raised and the planning and heritage balance for all appeals.

13.4 Due to the nature of the main issues, there is considerable overlap between heritage and townscape/design. It should be noted that the evidence in the Design and Access Statements[313] and in the TVIBHA's, as well as the architect's presentation to the Inquiry and the schemes models were extensively referenced/used by all the parties for both of the topics.

13.5 This report is therefore structured with townscape character and appearance first, and then an assessment in respect of heritage. This is the most logical format in light of the significant overlap between the topics.

Townscape character and appearance

Introduction

13.6 There is a very strong policy presumption requiring high quality design evident throughout the SP and the LP. Significant weight is to be given to outstanding design which reflects local design policies and conversely, the NPPF is explicit that poor design should be refused. This is supported and underpinned by the detailed guidance in the PPG and the NDG. It is also firmly embedded into policy that the very process of building design should be an iterative one, which seeks active engagement with specific stakeholders as a scheme evolves. [3.23-3.27].

13.7 For tall buildings in particular, the policy emphasis on design is amplified, reflective of the potential effects in the immediate, local and city-wide area [3.28-3.32].

13.8 As clear from the DASs[314], as well as the proofs and presentations given at the Inquiry, the schemes have long been in the making and there is clear evidence of the evolution of the schemes. The proposed developments evolved into a specified quantum of floorspace, said to be due to viability and the need for optimisation. This has led to two very different schemes before the Inquiry. Indeed, the 2021 scheme represents a radical design rethink based on concerns raised by stakeholders in terms of effects of the 2018 scheme. The floorspace proposed also reflects the commercial realities of development.

13.9 That is not to say that the design process undertaken for the schemes has been perfect or exemplary. For example, the circumstances involved in not taking the 2021 scheme to CABE or any design review panel, represents a missed opportunity in my view, particularly given the level of ongoing concern from many key stakeholders.

13.10 In spite of the dispute at the Inquiry, I am also satisfied that both the witnesses[315] had the necessary credentials, qualifications and experience to give useful and detailed evidence on design.

[313] CD-A-06 (2018 scheme) and CD-B-08 & CD-B-43 (2021 scheme)
[314] CD-A-06 (2018 and CD-B-08 (2021)
[315] Simon Alford (Scheme Architect) and Elizabeth Adams (for the Council)

13.11 An assessment of design is generally based on basic, well-established principles. However, what constitutes good design is perhaps one of the most debated areas in planning – what represents beauty and delight to some is also considered a monstrosity to others. The development of The Shard is a case in point, as today this is still the focus of debate as to whether it is a positive influence on the London skyline or is negative.[316] The fundamental issue in play in these cases relates to differences of opinion and in judgement and parties were so far apart in their views on the success of the schemes in design terms, it is of no surprise it is now before myself to consider and the SoS to adjudicate.

Architectural design and quality

13.12 In both schemes, there is a distinct quality in the proposed architectural language and in the treatments of the façades. The materials used would also be high quality.[317]

13.13 Starting with the 2018 scheme, this would be a tall 37 storey tower block. Inspiration for the design has been taken from railway engineered structures and warehousing found in the wider area. I consider that the building would have an elegant composition. The distinct components would work well together with the elegant glazed curve to the outwards façade sandwiched between the external steel structural girders (the exoskeleton bridge) giving contrast and interest. The public garden and Hub space located roughly 1/3 and 2/3's up the tower respectively would also help to break up the vertical mass and give visual interest.

13.14 For different reasons, the 2021 scheme would also have an elegance in its design. Lower in height, the 27-storey building would adopt soft curves and 'V' shaped piers framing regular Chicago windows, reminiscent of 1930's architectural practices. It would have a visually pleasing façade.

Public realm

13.15 The need for developments to secure high quality public realm is also a firm policy requirement.[318] New City Court at present is accessible to the rear by a myriad of the yards, alleys and footpaths. As an experience, some of the areas are used for antisocial behaviour and the general environment is not one of a friendly and accessible space.

13.16 Both schemes would involve the creation of a new public realm area 'Kings Head Square.' This would open out the enclosed Kings Head Yard and would also involve the current London Underground station entrance being directly opened up into this space.

[316] As evidenced by the submissions made at the Inquiry between the main parties.
[317] For a detailed overview, I would commend sections 4 of each DAS to the SoS (CD-A-06 for the 2018 scheme and CD-B-08 for the 2021 scheme).
[318] LP Policies D5, D8, D9, and SD4 and SP Policies P13, P17.

13.17 In the 2018 scheme,[319] this space would be serviced by active frontages from the proposed retail units, as well as frontages to New Yard. Linkages would be created from Borough High Street and Kings Head Alley, through to St Thomas Street via the reinstated Georgian Passage and St Thomas Street Square and to Beak Alley. Thus a more pleasant environment would be created, assisted by the use of quality hard and soft landscaping.

13.18 Due to the larger floorplate required, the ground floor public realm for the 2021 scheme[320] would be less successful, the area of public realm in this location would be a covered gallery, and compromised in size. Kings Head Square would be more of a through route than an open area in which to linger. There would also be no active frontages here and due to servicing a loss of through connectivity to Beak Alley.

13.19 Due to the respective heights, both schemes would also mean that the light levels would be compromised to these public spaces, outside of the BRE guidelines.[321] Due to the over-sail of the 2021 scheme over the roofs of the listed terrace, this space would feel somewhat enclosed and gloomy, in spite of the height of the gallery and use of light materials. The loss of active frontages to the rear of the listed terrace would also augment this effect.

13.20 There would be relief, however, in both schemes through the creation of the garden areas. The 2018 scheme garden would be on the 5th and 6th floors and would give 'Mary Poppins' views of the Georgian and Victorian roofscape to St Thomas Street and Borough High Street and beyond. A roof garden would be created for the 2021 scheme with café, woodland and wildlife track offering high level 360degree views across the City. Office balconies and a terrace would also provide space for occupants of the building, although this would not be public.

13.21 As explained, the site is constrained in size and its location behind a number of buildings, which presents a challenge for public open space. Each scheme has attempted to address this in different ways. The upper floor public gardens would be a positive element of the schemes, however the success of the ground floor space is more limited due to size and light issues.

Context and character

13.22 I now turn to the wider considerations on townscape character. While the schemes themselves have many positive attributes, as outlined above, none of these can be judged in isolation. Context is key and the fundamental difference between parties is whether the proposed schemes would successfully integrate into the wider area or whether that juxtaposition would be a cause of harm.

[319] See Cd-A-06 DAS p116-121
[320] See CD-B-08 DAS p102-111
[321] See APP-3-B-5

13.23 In policy terms, the site is in the broad area identified in the SP for tall building developments. That is not a site-specific allocation, but the general principle of a tall building, subject to the policy criteria in SP Policy P17, is established here.

13.24 On landmark significance, this is a policy requirement of SP Policy P17 (2) (1) and is defined as where a number of important routes converge, where there is a concentration of activity which is or will be the focus of views from several directions. The site is located behind existing buildings fronting major routes. St Thomas Street is also not a local route; it is an important access point for The Shard, London Bridge Station, and Guy's Hospital and Kings College Campus. The site is not a focus of views currently, however in light of the presence of The Shard as a focus of views and I consider that the site would be the focus of views from several directions in the future. The site would thus meet this definition.

13.25 The Shard would also remain as the pinnacle, even with the 2018 scheme. The proposals would obscure The Shard in some specific views, but as one moves around the area, and in longer distance views, The Shard would continue to draw the eye as a significant landmark in the skyline.[322] The majority of the LVMF views would also be unaffected.[323]

13.26 From what I have seen, I consider that the appeal site is located in an area of transition between the more domestic scale buildings and traditional architecture along Borough High Street and St Thomas Street which then transforms into a more contemporary area created by the developments at the Shard Quarter and the cluster of tall buildings which has, and continues to, develop around that area [5.8-5.9].

13.27 Due to the proximity of the site near to the Shard cluster there is a logic to having a tall building in this location and both schemes would complement existing and consented schemes when viewed in mid-longer distance views.[324]

13.28 The height of the 2018 scheme would represent an increase in height in comparison to other adjacent developments, rather than a tapering to the right as you look south. In contrast, the 2021 scheme would be similar height to Shard Place and Colechurch House and would better fit the pattern of gradual reduction.[325]

13.29 However, the appeal site is somewhat constrained in size by the listed terrace along St Thomas Street and buildings along Borough High Street as well as Kings Head Yard and Guy's Chapel.

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[322] See VP 24, 25 & 57 in CD-A-12.1 and CD-A-57 for the 2018 scheme and VP 18, 19 & 54 in CD-B-14 and CD-B-58

[323] I come to an assessment of impacts from some LVMF views in respect of heritage assets, below.

[324] Ibid

[325] This is illustrated in each DAS but is most easily referenced at p 9-11 of INQ-17 looking south

13.30 As experienced in and around the local area the development would have somewhat of an abrupt effect and rather than an intermingling between the two areas. The transition along St Thomas Street towards the Shard cluster would be lost. The immediacy of the contrast would be striking and I consider it would be uncomfortable and would have a jarring effect in the townscape at St Thomas Street, Borough High Street and the surrounding area.

13.31 For the 2018 scheme this effect can be seen at VPs 42-44, 50-54[326] whereby the height of the tower juxtaposed against the lower-level townscape in the area would be stark.

13.32 For the 2021 scheme, such effects can be seen at VPs 33, and 35-36 and 42.[327] In particular this scheme would have a significant visual presence when viewed from pavement level due to the lower and broader design and the positioning on the site with the over-sail of the listed terrace as demonstrated in VP43-46.[328] The development would appear to have an extremely tight-fit behind the existing building in this context.

13.33 The 'cheek by jowl' character of this area is apparent but the careful balance of the contrast in the townscape from the current Shard cluster and the townscape of Borough High Street and St Thomas Street would be eroded by either of the schemes as presented.

Conclusion

13.34 My analysis has broken down both of the schemes into different elements and I have found there would be commendable attributes in architectural, and public realm terms with specific regard to the public access gardens. However, good design cannot exist in a vacuum, and in spite of the site being broadly acceptable in principle for tall buildings in policy terms, there would also be significant harms caused.

13.35 Such effects are due to the scale and massing of the scheme and the poor relationship that the developments would have in the local street and townscape. This is also reflected by some of the harms identified in the public realm, particularly in the 2021 scheme in terms of the size and light issues at ground floor level. Context is a key aspect of good design and in these cases both schemes would fail to respond positively to local character and townscape.

Heritage assets

Approach

13.36 The decision-making framework for the assessment of heritage assets is well established including the legal duties imposed by the PLBCAA 1990, the

[326] CD-A-12.1
[327] CD-B-14.1
[328] Ibid

corresponding approach in the NPPF and associated policy and other documents [3.15-3.22].

13.37 The TVIBHA's formed part of each ES produced for each scheme.[329] The EIA process follows a legislative framework in order to consider the potential environmental effects of developments. Specifically, assessed against a baseline, this looks at the potential beneficial and adverse significant effects of the developments during the works, and once the development is completed and operational. It does have somewhat of a mechanistic approach which looks at magnitude and sensitivity metrics to derive the significance of an effect.

13.38 This is not the same as the NPPF terminology of heritage significance and the assessment of harm in NPPF terms, which itself has been held to be consistent with the legislative requirements of the PLBCAA 1990 (see above). The stepped approach to the assessment of setting is identified in HE's GPA3 and this document also recognises the differences between EIA assessment procedures.[330]

13.39 The TVIBHA's do contain narrative and this is supplemented by analysis contained within the Appellant's proofs and the oral evidence given at the Inquiry which was couched in NPPF terms. It is thus considered that the general approach in the ES, when combined with the written and oral evidence is sufficient for the purposes of decision making, the results of which are further analysed below.

13.40 Similarly, in respect of the visualisations contained within the TVIBHA, in the main these are a helpful tool, but they are illustrative only. They cannot replicate the experience of visiting the area and heritage assets and assessing the impacts the developments would be likely to have. In any case, all parties used these visualisations to support points made in the various proofs of evidence and presentations.[331]

13.41 Drilling down further into matters of approach, the concepts of setting and significance and the level of harm are set out in the NPPF. These are carried through into LP and SP Policies and are supported by PPG and other guidance including HE GPA3. Any harm is to be given great weight, but it is helpful to calibrate it carefully in order to assist with the heritage balance. In applying the above, other Inspectors[332] have expressed their reasoning in different ways in similar cases in London. The Tulip decision was said to take a more qualitative approach in the assessment of the importance of the setting to significance, as opposed to the quantitive analysis taken in the Edith Summerskill House report which looked at a proportional approach.

[329] CD-A-12 (2018) and CD-B-14 (2021)
[330] CD-F-04 p8 (including ref to EIA in the green box)
[331] See INQ-07, INQ-08, INQ9.1 & 9.2, INQ16.1 & 16.2, INQ17.
[332] As endorsed by the SoS

13.42 There was also a not insignificant amount of case law relating to heritage before the Inquiry, much of it involving the assessment of setting against policy and legislative requirements and the calibration of harm. [6.60-6.73,7.37-7.39, 8.4-8.27]

13.43 This all serves to confirm the complexities of heritage cases and neither Inspector in the abovementioned cases can be said to be incorrect. The bottom line is that the assessment of significance, the contribution of setting to that, and the assessment of effects of harm on specific heritage assets are a matter of judgement for the decision maker having regard to the circumstances of the case. Use of clear language so that the reader can follow the approach and reasoning is, of course, key.

13.44 I also note that in coming to a positive conclusion in terms of the assessment of effects upon some of the heritage assets, the Appellant has sought to incorporate benefits such as relieving congestion, improvements to experience and public realm. [333] However, that assessment comes later in my decision, following my appraisal of the significance of the heritage assets and the effects of each scheme upon that significance.

13.45 In spite of any debated shortcomings in terms of approach, or use of specific terminology, in general I am content that the evidence presented, supplemented by my own thorough site inspections, is sufficient for me to a) understand the parties' respective positions and how that has been arrived at, b) come to a reasoned view, and c) recommend to the SoS to make the overall decisions on these appeals.

13.46 To that end, helpfully the parties have agreed a Heritage SOCG[334] which sets out the main affected assets [2.7], and agreement as to the special interest and significance of assets (with some specific key points of difference highlighted).[335] The main parties agree that the schemes would cause LSTH, as opposed to substantial harm.[336] That harm would not arise from any direct impacts on the fabric of heritage assets. Rather, any harm would be from the impact of the development on the significance derived from their settings. There is also broad agreement that the physical works to the listed terrace would be beneficial [7.75-7.76, 8.92, 8.95, 8.129].

13.47 The key difference between parties was the relevant degree of harm. The SOCG also usefully summarises the parties' respective positions in terms of the level of harm within the LTSH range at Table 1 (for the 2018 scheme) and Table 2 (for the 2021 scheme). This was the main focus of the dispute at the Inquiry. Different terminology was used to define the scale of LTSH by the parties. For ease of reference, I have used the following scale: high, moderate, low, very low and none for LTSH.

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[333] For example the BHSCA and Guy's Hospital in App-2-A Peter Stewart PoE
[334] SOCG-03
[335] It should be noted that there is a broad number of designated assets in the vicinity of the site. These have been identified and assessed by the TVIBHAs, however the Inquiry focussed on the main assets, as agreed between parties. I have followed a similar approach.
[336] I will deal with the concern from the National Trust over substantial harm, further below.

13.48 I now turn to my assessment of the effects upon the heritage assets. In light of the vast number of designated assets within and surrounding the site, there is a considerable degree of overlap. I begin with the BHSCA which contains a considerable number of listed buildings.

Borough High Street Conservation Area

13.49 First designated in 1968, BHSCA has a rich history which has evolved over a significant time period. Acting as a primary route from the south into the City, via London Bridge, the layout of the Borough was established in Roman times. The CA is divided into 4 sub-areas within the BSHCAA[337], including Borough High Street today with its predominantly 18th and 19th century commercial buildings developed on historic burgage plots with narrow frontages and long rears, yards and coaching inns. The Riverside sub-area, with its narrow streets, warehousing, Southwark Cathedral and the remains of Winchester Palace, intermingled with modern 20th century developments. St Thomas Street is also a defined sub-area with a distinct 18th Century classical character from properties along St Thomas Street and Guy's Hospital complex.

13.50 The importance of the CA is not disputed. Its history, complexity, diversity and very essence is difficult to summarise and capture in a report such as this and I commend the summery of significance at paragraphs 3.1-3.6 of the heritage SOCG to the SoS.[338] However, in short, the urban grain, and townscape quality of Borough High Street, including the distinguishable burgage plots and yards and the formality of the predominantly Georgian townscape along St Thomas Street form an intrinsic part of the significance of the CA. The CA is also influenced by modern developments, both within its boundary and adjacent to it (thus in its setting). That includes the Shard Quarter.

13.51 The appeal site is occupied by a modern 1980's development which largely respects the scale and the restrained quality and character of St Thomas Street and the CA. While its architecture and quality of design is somewhat poor, it is recessive in form and I consider that it has a generally neutral impact in terms of the BHSCA. The broad principle of the redevelopment of the site is accepted.

13.52 In terms of the assessment of impacts from the proposed schemes, this was the heritage asset with the most divergence between parties. The Appellant considering that there would be a positive effect and the Council and HE considering that there would be LTSH to a high level/towards the upper end of the range.

St Thomas Street

[337] CD-E-06
[338] Along with the evidence in the proofs, and the in BHSCAA (CD-E-06)

13.53 The relatively complete 18th and 19th century setting to St Thomas Street and its restrained qualities of its buildings are readily apparent and has a marked change from the character of BHS. The buildings here were all developed as part of St Thomas Hospital complex to house various staff members and while there is an architectural hierarchy to the buildings, there is coherence and balance to the north and south of the street. There is a gradual opening out along the street and to the north side, there is a steady increase in scale from the entrance of St Thomas Street towards the grander buildings at Keats House, Conybeare House and to the Guy's Hospital entrance with its formal gates and railings leading into a forecourt to the complex. The 26-storey Shard Place located at the end of the BHSCA boundary, marks a distinct change in the character and scale, with Guy's Hospital Tower, and the Shard beyond. Guy's Hospital complex itself also marks an entry point into the CA when leaving London Bridge Station.

13.54 Against these qualities, the proposed developments, as tall buildings, would be particularly incongruous and would significantly undermine the qualities of scale. This can be particularly seen at VP 50 and 51 for the 2018 scheme[339] where the tall building would loom behind the buildings. Although shorter, the effect would be similar for the 2021 scheme due to its solidity and bulk, and the overhang over the rear roof pitches of the listed terrace, as demonstrated at VP 42 and 43.[340]

13.55 The effect would be experienced as a 'bleeding in' to the CA of the modern skyscraper developments of the Shard Quarter as viewed along St Thomas Street and the sense of separation of the two which is currently achieved, would be lost.[341]

Borough High Street/Southwark Street

13.56 The incongruous presence of the developments would also be felt along Borough High Street and Southwark Street. Both schemes would loom over and distract from the 3-4 storey buildings and, as major through routes into the city, those effects would be visible to users of the highway from many vantage points along these important routes.[342]

13.57 In some specific points, the developments would be seen in the context with the Shard[343] and the 'bleeding in' effect of the cluster into the CA identified at St Thomas Street would be less distinguishable. Nonetheless, the stark juxtaposition and the immediacy of the proposed buildings behind the more human scale historic buildings would dominate in the views.

13.58 It is important to note here that while the main focus is around the streets and roads highlighted above, either of the proposals would be visible across the

[339] CD-A-12.1 p257 and 261
[340] CD-B-14.1 p 231 and 235
[341] See VP 45 in CD-A-12.1 for 2018 scheme and VP 45 in CD-B-14.1 for 2021 scheme
[342] See VP 42-44 for the 2018 scheme in CD-A-12.1 and VP 33-36 for the 2021 scheme in CD-B-14.1
[343] For example VP42 & 43 (2018) and VP 34 & 35 (2021)

majority of the CA and from within each of the identified character areas with the abovementioned impacts visible at different vantage points, to differing degrees. For example, Southwark Cathedral in the Riverside sub area (I discuss this specific asset in terms of LB effects, further below).

Kings Head Yard

13.59 I have assessed the creation of Kings Head Yard in terms of public realm, above. However, it is also necessary to consider this in terms of impacts upon the BHSCA.

13.60 Formally housing a galleried timber framed coaching inn, this area today contains the Kings Head PH and façade of former Victorian hop sample rooms, which was later incorporated into the New City Court development. Parts of this also appear to have been rebuilt following bomb damage sustained during the Second World War.[344]

13.61 The number of yards leading off BHS are an important part of the character of the CA and the townscape. The Kings Head Yard area is particularly important given the presence of the Kings Head PH as an active draw, allowing visitors to experience the repurposed burgage plots and the historic uses of these areas, away from the hustle and bustle of BHS. The framing of the yard by these buildings, and the scale and intimacy are important reminders of the evolution of the area from its medieval origins and its commercial importance. While parts of the yard are not particularly pleasant due to antisocial behaviour, that itself does not take away from its character.

13.62 The repurposing of Kings Head Yard to an open area of public realm through the removal of the hop sample rooms would erode the important character of the yard and the tight urban grain experienced here would be lost.

13.63 This erosion would be more greatly caused by the 2018 scheme which would incorporate a greater open area.[345] The enclosure would be regained by the 4-storey wedge, further along Kings Head Yard, but the overall experience walking through the archway from BHS into the enclosed yard would be lost at its most crucial point.

13.64 The sense of enclosure would be better retained in the 2021 scheme due to the smaller scale of public realm created in this area, in combination with the stepped access from the alley surface, up to the newly created square and the 4 -storey podium entrance.[346]

[344] There was some debate between the main parties as to the extent of the damage and rebuild. At the site visit, I saw that parts of the façade were clearly a reasonably faithful reconstruction and other parts appeared historic. In any case, its retention and the classical architecture through the incorporation of piers, pediments and pilasters curving around the alleyway are positive features.
[345] See visualisations at CD-A-06(DAS) p119 and 129
[346] See visualisations at CD-B-08 (DAS) p13 and 111

13.65 While I have found positives, in general townscape terms, my analysis here is that the sense of scale and intimacy from the yard would be lost, due to the scale of the proposed buildings in both schemes and through the opening up of the yard to create public realm.

Keats House

13.66 Dating from c1860, Keats House is an ornate red brick and stone Italianate façade, behind which New City Court is attached. To the untrained eye, this has the appearance of a complete historic building from St Thomas Street, and only when one looks closely can it be realised that it is a simple façade retention, due to the loss of the side return where the modern curved part of New City Court is attached. Accordingly, Keats House is a positive attribute to the character and appearance of the CA.

13.67 In both schemes, the façade is proposed to be relocated to create a standalone building to allow for servicing from St Thomas Street. In the 2018 scheme, this would be moved by c2.7m, extended to the rear, including the introduction of pitched roofs and a faithful rebuilding of the western side return with stonework stringcourse detailing, which would face the St Thomas Square public realm. It would be attached to the adjacent Conybeare House by a glass façade hidden by a perforated brick wall.

13.68 In the 2021 scheme, this would be moved c6m as a standalone building. It would have a single pitch roof. The building would be extended to the rear with the flank elevations incorporating stone banding. The eastern elevation, exposed for the first time, would have a shorter flank return which would then become curved to facilitate vehicular access between Keats and Conybeare Houses, into a rear service yard and loading bay area.

13.69 The retention of the façade in both schemes is to be welcomed. However, this building has already been somewhat compromised due to the loss of the whole building. The moving of this structure to facilitate servicing would further erode its historic character and its legibility in the streetscape.

13.70 That effect would be less obvious in the 2018 scheme given that there would be some attachment to Conybeare House, subject to appropriate detailing. The reinstatement of the western return, and the doubled pitched roof would also be positive. However, the 2021 scheme would highlight the building as a retained façade due to the separation and the curved eastern flank with would be incongruous to the 'squared' Georgian architectural form. Moreover, the gap created along St Thomas Street would further erode the rhythm and intact nature of the townscape. Overall there would be harm to the character and appearance of the BHSCA from the moving of Keats House, particularly from the 2021 scheme.

Conclusions

13.71 I have found adverse effects in terms of the scale and juxtaposition of the schemes on the character of the CA, through the transformation of Kings Head

Yard into Kings Head Square. There are also concerns in respect of Keats House, particularly for the 2021 scheme.

13.72 It was also put to me that architectural quality is a factor that can reduce heritage harm. This concept is nothing new, and indeed LP and SP policies require exemplarity architectural design, which undoubtably can assist in achieving successful intermingling of old and new for tall buildings. I have found that there are positive elements in terms of the design quality. However, I have already found overall harm in townscape character and appearance terms.

13.73 Both designs have sought to reflect some of the architectural character found in the CA, but the success of this is limited in light of the overriding impacts identified above.

13.74 Fairly, the Appellant has never shied away from the striking contrast in scale and character of the schemes in the context of the CA. This is apparent throughout the various proofs, the DASs and the TVIBHAs, and as there are references to adding drama and interest into the view and as conjunction of the historic and modern.

13.75 In such cases, a balance needs to be struck. As a general principle modern design and differences in scale and form can be accommodated in historic areas and be a positive and welcome addition. However, in these specific cases and in light of the adverse effects I have identified for each scheme, I am not persuaded that either scheme would represent a successful contrast. Instead, the drama and interest would be for the wrong reasons, for the reasons explained in more detail above.

13.76 Overall, both the 2018 and 2021 schemes would cause harm to BHSCA. In light of the harms to several of the key characteristics of the BHSCA, I consider that this would be at a high level within the LTSH scale.

4-8 and 12-16 St Thomas Street

13.77 These are a group of grade II listed buildings which were built in 1819 specifically for St Thomas's Hospital, which was sited across the road, as living accommodation for surgeons and physicians. As a terrace, they have a coherent architectural character through the use of London buff brick, fenestration and consistent roof line, and a clear presence in the street with railings and stepped accesses bridging across the visible basement level.

13.78 An extremely thorough study of these buildings has been undertaken and is commended to the SoS.[347] This analyses the evolution of the site and alterations to the historic fabric which have taken place, through desk-top study and intrusive site investigations. This demonstrates the listed buildings have largely been rebuilt behind the main façade to St Thomas Street. The rear façade to no.14 is the only survival to the rear, but this was overclad in

[347] See section 2 and Appendix in CD-A-21 B (2018 scheme) and CD-B-20 (2021 scheme)

the 1980s redevelopment. Roofs have been rebuilt and altered and the original slates replaced with asbestos tiles. Internally, there are no remaining fireplaces or chimney breasts and the floorplans have been heavily altered so that the buildings have been combined into one premises. There are, however, historic staircases at Nos 4, 8 and 14.

13.79 While the architectural significance has therefore been compromised, the listed terrace still has special architectural interest, primarily in terms of the façade facing St Thomas Street and its historic significance is also important.

13.80 As discussed in my analysis on the BHSCA, the refined composition of St Thomas Street, distinguishable as a relatively complete example of late 18th/early 19th century streetscape is an important attribute. The shared setting of St Thomas Street, which includes a number of other grade II and I* listed buildings, thus forms part of its special interest, as indeed the terrace itself contributes to the BHSCA and compliments the setting of the other listed buildings.

13.81 As previously explained, there was broad agreement that the physical works to the listed terrace would be beneficial. I agree with that stance. Sensitive reinstatement of the plan-form and repairs would also be achieved by both schemes. Use of appropriate materials would also be beneficial, for example the replacement of asbestos rooftiles with slate. The works would also restore the rears of the buildings and the floorplans and the historic passageway between Nos 8 & 10 (which were merged during the 1930s).

13.82 I accept that the concern raised by HE regarding the introduction of shopfronts to the rear of the terrace in the 2018 (in order to face onto Kings Head Square) would give a prominence to the rear which would never have been the case historically. However, given the extensive changes to the buildings, and given that the access to the terrace via the front doors would be reinstated thus enlivening the terrace (and CA),[348] I do not consider the addition of these units would represent a harmful inversion of the hierarchy, nor would it take away from the significance of the listed terrace as a whole.

13.83 Appeals B and D for listed building consent made under the PLBCAA1990 specifically relate to the works for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest. In this regard, I am satisfied that there would be no harm arising from either scheme and that the special interest of the listed building would be preserved, and indeed enhanced.

13.84 However, I consider that there would be harm to significance through the effect of the development upon the setting of this terrace arising from both schemes.

13.85 The visual coherence of the terrace would be significantly eroded by the proposed schemes, particular in light of its proximity to these assets and scale.

[348] The doorways remain but are not in use at present.

The jump in mass between the terrace and each of the schemes would have no regard for the scale and restrained formality of these buildings, which are appreciable in their largely original setting. Both schemes would have an overpowering influence, diminishing the visual presence of the terrace and its appreciation, causing harm.

13.86 That effect would be particularly apparent in the 2021 scheme where the proposed building would fill the whole space behind the terrace, overhanging the rear roofs of the buildings.

13.87 Such impacts caused by both schemes would be experienced when in proximity of the terrace, and when looking along St Thomas Street (as previously discussed in the context of the BHSCA).

13.88 Overall the works to the listed buildings would be beneficial, and a heritage benefit. However, there would be clear harm to their settings, and thereby their significance. In light of my analysis, I consider that to be a moderate level in the LTSH scale.

Other Listed Buildings along St Thomas Street

13.89 St Thomas Street includes a great number of other heritage assets including Bunch of Grapes PH (II), 9 (II*), 9a (II*), 11-13 (II*) ,15 (II).

13.90 The PH is annexed to the listed terrace, discussed above. Again, it was built in 1819 as two houses for St Thomas hospital workers and has similar architectural restraint in terms of its materials and detailing. The Victorian commercial frontage was inserted when the building was converted for use as a PH and is a good example of its kind. It forms a clear group with the listed terrace.

13.91 St Thomas Church at no 9a is located on the other side of St Thomas Street, on the site of the original St Thomas Hospital which was associated with the priory. It is a former parish Church built in the Queen Anne style with a square 4-storey tower. Collectively, Nos 9-15 form a fine brick terrace set back in the street, with a forecourt and railings to the boundary with the pavement. No 9 forms the former Treasurers House and is a grand 3-storey property with 7 bays. It is more distinguished in architectural detail, being larger and grander than nos 11-15 and the buildings opposite, while still retaining architectural restraint as found elsewhere. It is also built in a Queen Anne style. Nos 11-13 were also built for the hospital as houses for the receiver and minister and No 15 as the house of the Apothecary to the hospital. All are polite in architectural terms and illustrate the social hierarchy of the time as well as the evolution of the hospital and having a functional relationship. Individually, all these assets have architectural and historic interest, as identified above.

13.92 In all of the above assets, the settings effectively 'nest' with each other. The significance derived from setting, is as I have explained above for the listed

terrace. In that regard, the impacts of each of the schemes would also be similar in terms of the towering juxtaposition and harm to the composition of the 18th/19th assets. In the case of No 9a, the scale and proximity of both of the proposed schemes would compete for attention in the skyline with the Church Tower, distracting from this as a focal point.

13.93 Overall, I again find there would be a moderate level of LTSH to these assets, consistent with my findings to the listed terrace. This would be the same for both the 2018 and 202 schemes.

Guy's Hospital

13.94 Founded in 1721, Guy's Hospital is located on the former burial ground of St Thomas Hospital and was developed by Thomas Guy, Governor and benefactor of St Thomas Hospital who purchased the land for the treatment of 'incurables.' It is II* listed and today forms part of the Kings College London's medical and science campus, under the custodianship of the NHS.

13.95 The first part of the complex comprised two symmetrical four-sided ranges of wards with arcaded courtyards separated by a central range. It was designed to be airy and spacious yet form a secure environment for its long-term patients. The forecourt to St Thomas Street was created by the development of ranges, with the east wing built in 1738-41 and the west wing in 1774-7. The original range was also re-faced at that time and although different architects were involved in the development of the wings, the composition was clearly designed to be unified with pedimented classical designs.

13.96 The west wing (Conybeare House) includes what is today the only surviving 18th century hospital chapel in England. This incorporates 3 stained glass windows which are directly adjacent to the appeal site. The east wing was heavily damaged during WW2 but was faithfully reconstructed during the 1960s.

13.97 To the centre is a statue of Thomas Guy, aligned with the pediments to the surrounding buildings, and to St Thomas Street are elaborate iron gates and piers and railings. These are both listed in their own right.

13.98 The complex is a rare survival of a purpose-built institution associated with the emergence of healthcare provision in the 18th century. All of the above gives it significant historic and architectural interest.

13.99 The sequence of spaces in the forecourt and courtyards are all an intrinsic part of the design ethos of the site and thus significance is derived from that setting. The forecourt at St Thomas Street acts as a controlled entry point into the calmer, more secluded courtyards beyond.

13.100 The dominating effect I have found from both schemes in relation to the BSHCA and the listed buildings along St Thomas Street is also stark here. The developments would be located behind the west wing. The proximity and juxtaposition would also be particularly incongruous as the flank elevations of the developments would be located behind its central pediment, but at a

slight offset and angle. This is illustrated in VP 49 of the TVIBHA[349] for the 2018 scheme where the exoskeleton is offset from the top of the pediment and the curved front and flat rear are offset from the chimneys.

13.101 Similarly, the offset and the parallelogram form of the 2021 scheme would have a very uncomfortable relationship with the pediment and would be discordant and distracting as clearly seen in VP41.[350]

13.102 The proximity and scale would also have a looming impact from within the western quadrangle area, again in both schemes.[351]

13.103 Again, the point is made by the Appellant that visual competition or distraction is not always necessarily adverse and that the assessment must be rooted in whether that effect would cause harm to the significance. As with other assets, including the BHSCA, the contrast between old and new, in the forms as proposed, would clearly have a discordant effect which would erode the qualities identified. In light of the significance drawn upon by Guy's Hospital from its setting, that impact is harmful to significance.

13.104 Guy's Hospital already has a number of tall buildings surrounding it, in light of its proximity to the Shard Quarter. This has been established for a number of years, following the arrival of the railways and through 20th century additions, including the Guy's Hospital tower and the (now demolished) Fielden House. The effects of the current tall developments are apparent from within the forecourt, when looking east, and from the quadrangles. The vastness of the Shard is particularly apparent and as a whole the juxtaposition and scale of these tall buildings has an uncomfortable relationship with Guy's Hospital, harming its setting. I consider that the proposed schemes would have a greater effect given their proximity to the west wing and the interaction with the pediment.

13.105 Moreover, the area behind the western wing remains unaffected by tall developments due to the historic scale of the townscape behind it remaining intact. This area gives some relief when in the forecourt which would be eroded by both schemes which would have a flanking and tunnelling cumulative effect.

13.106 As a place of worship, quiet contemplation and reflection, the Chapel interior is not a brightly lit space, but the ambience, particularly from the light cast through the stained-glass windows, is important and it is an inherent design intention which forms part of the significance of the Chapel. Given that both schemes would be positioned immediately adjacent to these windows, there would be a significant loss of light (43% and 46% reduction respectively).[352] This would curtail the light qualities inside the Chapel, filtered through the

[349] CD-A-12.1 p255
[350] CD-B014.1 p229
[351] See TVBHA VP 47 (2018) and 39 (2021)
[352] CD-A-38 and CD-B-47

stained-glass windows and the experience this brings, causing harm to significance.

13.107 In light of the nature and grading of these assets, and the combination of harms to setting behind Conybeare House and the west inner quadrangle, plus the impact upon the Chapel and the ability to appreciate it, both schemes would cause a high level of LTSH.

Kings Head Public House

13.108 This is a grade II listed building, dating from 1881 and built in a Tudor Revival style but with a 16th century bust of King Henry VII fixed to the centre of the upper floor. It represents a good and typical example of Victorian architecture. It also replaced an earlier timber framed building.

13.109 The significance of this asset derives in a large part from its location on Kings Head Yard, characteristic of the distinctive urban grain of BHS. I saw at my visit that the open space afforded by the yard was in active use by customers of the PH.

13.110 Consistent with my findings on this area for the BHSCA, the loss of enclosure gained from the yard through the creation of Kings Head Square would cause harm to its significance. Again the scale and intimacy as a building in a back alley would be lost due to the scale of the proposed buildings. The harm would be at the low end of the LTSH scale for both schemes.

The George Inn

13.111 Built after the Southwark fire in 1676, The George Inn is a fine example of a 3 storey brick and galleried timber framed building. It is a unique survival in the area and in London, albeit its north wing and centre were demolished in the 19th century. It has historic associations with Guy's Hospital, Great Northern Railway and is now in the stewardship of the National Trust. It also has literary associations, including with Shakespeare and Dickens. Its historic and architectural interest is reflected in its grade I listed status.

13.112 Its setting comprises a courtyard area, although today it is contained by late 20th century office developments (akin to the scale and design of the 1980s extensions at New City Court) which detracts from that setting. Guy's Tower, the Shard, and Shard Place are also visible behind this building. This area is lively, used as a beer garden allowing visitors to experience a historic semblance of an ancient, backland coaching inn. Visitors are able to also view this area from the galleries of the building. While the setting has been affected, the courtyard area still positively contributes to significance.

13.113 The schemes would both be prominent above the roofline of the modern office building, as demonstrated by VP 46 (2018) and VP 38 (2021).[353] In

[353] CD-A-12.1 and CD-B-14.1

combination with the other tall buildings, the developments would dominate and distract from the backland yard character.

13.114 I accept that best views of The George are at close range, looking away from the direction of the appeal site within the courtyard, but setting is more than simple views. In any case, views out from the galleries are also important and would be further eroded by the proposed developments. In addition, the experience of accessing the PH from BHS with the building to the right, and the courtyard area in front would also be altered and the looming presence of the developments in this area would be very apparent.

13.115 In this regard, there would be harm to significance. The harm would not be substantial, as that is a high test and the developments could not be said to seriously affect a key element of the special interest of the building. I consider the harm to be less than substantial, to the low end of the scale.

Southwark Cathedral

13.116 Originally founded in the 12th century as the Priory of St. Mary Overie, this grade I listed building is a gothic church, rebuilt between 1220 and 1420, following a fire. Following dissolution, it became a parish Church until 1905 when it became the St. Saviour and St. Mary Overie, serving the new diocese of Southwark and preserving both its former names.

13.117 It has had several phases of development including the square tower dating from 14th century and extended in the later 14th and 15th centuries. The pinnacles were added in the 19th Century when the church was restored. It has a gothic architectural character.

13.118 In terms of setting, that is encapsulated by the description contained within the BHSCAA.[354] This states that "*the significance of the Cathedral in its wider historical context is not to be underestimated as it is an extant relict of medieval townscape, set within the everchanging environment of its modern setting. Once dominant over small lanes and buildings packed around it, it is now crowded by modern structures - the office buildings, railway viaduct and London Bridge approach that surround it*."

13.119 The surroundings of the Cathedral are crowded but its immediate setting allows viewers to appreciate its architecture against a clear sky. The Shard does encroach into this at various points as one travels around the building and care would be needed when photographing the asset in order to ensure that the tower could be seen in its full glory against that clear sky. In spite of an urbanised setting, this asset is also visually prominent in some wider views, including from London Bridge across Montague Square. The tower and pinnacles in particular are also distinguishable from several parts in the wider area and in this regard, the building has a landmark quality, as a reminder of the growth of ancient Southwark.

[354] CD-E-06 para 3.4.3

13.120 All parties agreed that there would be LTSH from the proposed schemes, although the level of that is disputed. Turning now to my analysis, the scale and juxtaposition of both schemes would be experienced in several view points around the Cathedral and kinetically, moving around it.

13.121 In the sequence of six views at VP56 for the 2018 scheme to the north, the proposed tower would be seen as an isolated structure, away from the tall buildings of the Shard Quarter which form a group in these visualisations. In this context it would be incongruous and intrusive into the backdrop of the tower. The effect would be similar for the 2021 scheme, as demonstrated in VP 48-53. For both, the impressive presence of the Cathedral would be undermined.

13.122 In views from London Bridge, the left side of this is characterised by tall buildings at The Shard, whereas the righthand side is distinctly lower, with the tower and pinnacles acting as a focus and a clue to the historic nature of the area. This would be eroded slightly with the introduction of the schemes roughly located in line with the end of London Bridge. The 2018 scheme[355] would give a greater sense of space but due to its width and mass, the 2021 scheme would reduce that to a greater degree.[356]

13.123 In terms of local concern raised about wind damage to the Cathedral [10.13], there is no evidence before me that this would occur here.

13.124 Overall, my conclusions depart from the opinions of each party on this asset but based on the above analysis and in light of the setting and contribution that makes to significance, I consider that both schemes would cause a moderate level of LTSH.

Tower of London World Heritage Site

13.125 This WHS contains multiple highly graded designated heritage assets within it, including the White Tower (Grade I) and the Inner Curtain Wall (Grade I), which includes the Queens House, a scheduled monument and CA. The nature of the impacts for all these assets would be the same and therefore while I draw specific attention to certain assets, my analysis is set out in terms of the impact upon the WHS, in order to avoid repetition.

13.126 As set out in the heritage SOCG, the ToL is an internationally famous monument and one of England's most iconic structures. William the Conqueror built the White Tower as a demonstration of Norman power, siting it strategically on the River Thames to act as both fortress and gateway to the capital: it is the most complete example of an 11th century fortress palace remaining in Europe. A rare survival of a continuously developing ensemble of royal buildings, from the 11th to 16th centuries, the Tower of London has become one of the symbols of royalty. It also fostered the development of several of England's major State institutions, incorporating

[355] CD-A-12.1 VP24
[356] CD-B-14.1 VP18

such fundamental roles as the nation's defence, its recordkeeping and its coinage. It has been the setting for key historical events in European history, including the execution of three English queens.

13.127 Of the seven attributes that express the outstanding universal value (OUV) of the ToL, those attributes of its significance which rely on its setting are key in the determination of these appeals. These relate to the physical location as appreciated through visibility and symbolic attributes which rely on how the ToL relates to its setting. To summarise these are; internationally famous monument, landmark siting, symbol of Norman power, the concentric defences (around the White Tower), and physical dominance (of the White Tower).

13.128 Specifically, the landmark White Tower is the focus of the Inner Ward, dominating an intimate space, framed, particularly to the north, east and west, by historic buildings of diverse materials and styles. There is a mixed character of military fortress, civic buildings and residential domestic buildings dating from 16-18th Century, reflective of the long and complex history of the Tower. Areas around the White Tower are a mix of cobbled streets and paved areas, and lawned spaces including The Green. Movement through the ToL from the public entrance gives a sense of separation as one journeys through the concentric defences into the sanctuary afforded by the inner ward. A clear sky and sense of breakaway from the City, with the dominance of the White Tower is evocative and a fundamental part of the attributes of OUV.

13.129 The relationship of the ToL with the River Thames is important. Views from the Inner Ward, over and between its enclosing buildings and walls, illustrate the relationship of the Tower to the evolving modern cityscape beyond. Particularly from the northern parts of the Inner Ward, there are extensive prospects over the Thames to the south bank.

13.130 The OUV of the WHS and special interest of the buildings are vulnerable to development in their setting distracting from its dominance and by undermining the symbolic expression of power and landmark attributes, as well as the enclosure and intimacy created in the inner ward.

13.131 Such vulnerabilities were recognised back in 2011/2012 by a joint UNESCO-ICOMOS mission with specific regard to development in South London stating that the visual integrity and OUV would be destroyed/severely compromised by additional tall buildings visible above the buildings in the Tower complex [6.90, 10.5].

13.132 The SoS decision for the Shard[357] concluded that there would be no harm to the WHS, however, following its construction, the Management Plan for the WHS, along with other policy documents[358] all recognise a harmful effect.

[357] CD-H-17
[358] See CD-F-09, CD-F-10

Development Plan policy[359] has also evolved and been strengthened in response to the potential for such effects, although nowhere does it seek to limit the height where developments would be visible above the ToL buildings as suggested by the World Heritage Committee.[360]

13.133 The 2018 scheme would be visible from various vantage points from the ToL, including above the inner curtain wall and roofline of the Queens House, when viewed from within the inner ward.[361] That would be seen as part of the cluster of tall buildings which has developed around the Shard, and continues to develop with the approval of other schemes, as yet not built out [5.8-5.9]. From the inner ward, the White Tower would continue to dominate, but the development would result in a further loss of open sky and loss to the sense of separation from the ToL and the City beyond. It would also provide a stark contrast between the domestic buildings here and visually distract.

13.134 The lower level of the 2021 scheme would be less visible from the Inner Ward, nonetheless, it would appear over the roofline of the Queens House and would contribute to a further urbanisation of the skyline.

13.135 Views of the ToL complex are gained from the Royal Mint and here the Shard dominates behind the White Tower. A very small part of the proposed 2018 scheme would be visible in this view[362], however, I do not consider that this would be a visual distraction, merely a minor accretion into the backdrop, visible only from certain fixed parts in front of this Grade II* listed building. Due to its lower height the 2021 scheme would not be visible from here.

13.136 Overall, I consider that the development would cause LTSH to the ToL WHS. This would be at the low end of the scale for the 2018 scheme and would be very low in the 2021 scheme. As the ToL also contains other designated assets, the schemes would also be detrimental to the setting and thereby the significance of the LBs and the CA.

St Paul's Cathedral

13.137 Designed by Wren and dating from 1675-1710, this Grade I listed cathedral is in a classical style, built out of Portland stone. Located and designed to be visually dominant, it has a distinctive dome and elegant Baroque west towers. It is a remarkable heritage asset, and it is impossible to capture its significance in a few lines in this report. The Heritage SOCG sets this out in more detail[363] and I agree with that analysis.

13.138 As one of London's most historic landmarks, it has an extensive setting. The iconic silhouette created by the combination of the dome and towers is

[359] LP Policy HC2 and SP Policy P24
[360] CD-F-17
[361] CD-A-57 VP 27
[362] Ibid VP29
[363] Paras 3.20-3.24

recognised and is incorporated into a great many protected views as set out in the LVMF. Setting is clearly an integral part of its significance.

13.139 Of the LVMF views, views 2A.1: Parliament Hill: the summit and view 3A.1: Kenwood: the viewing gazebo. I visited these on a clear day with good visibility. In both views, the Cathedral is visible in the foreground with tall buildings behind it, including the Shard, Shard Place and Guy's Tower and other buildings in the townscape of South London.

13.140 In respect of the view from Kenwood, both schemes would appear to the right of the western towers of the Cathedral.[364] The LVMF is clear that the form and materials of development in the background of St Paul's Cathedral should preserve or enhance the clarity with which the silhouette of the Cathedral can be distinguished from its background.

13.141 While I do not consider there to be an enhancement through the creation of a clearer backdrop as claimed by the Appellant, I do not consider that either scheme would cause harm. It is clear from the visualisations that, although the schemes would be visible, they would sit comfortably in this backdrop as part of the townscape south of the river. The materials used would allow for each scheme to be visually distinct against the Portland stone of the western towers.

13.142 Guy's Tower already appears in the backdrop in between the dome and the western towers and the addition of another tower, in the form of either of the scheme designs, would not result in any visual severing of these two elements. They would remain clearly legible as a composition, and I consider that the Cathedral would retain its silhouette.

13.143 I draw similar conclusions in respect of the view from Parliament Hill. The developments would appear to the right of the Cathedral, beyond the silhouette. The 2018 scheme would break the horizon, but that in itself would not reduce the ability to appreciate the landmark quality of this asset, particularly given its positioning to the side.

13.144 Overall there would be no harm to the significance of St Paul's Cathedral, as derived from its setting.

Other heritage assets

13.145 Located in the middle of a busy intersection of BHS, Marshalsea Road, Gt Dover Street and Tabard Street the *Church of St George the Martyr* (Grade II*) a Queen Anne church dating from 1734-6 with a Portland stone tower and polygonal spire. Given its island location, it enjoys a relatively open setting in the urban context of BHS. Both schemes would be visible as one moved around the area however, in its open setting, the tower would remain

[364] CD-A-12.1 and CD-B-14.1 - VP 5 for each scheme. Note also the Telepoto VP at 5.1 which is helpful in providing a closer up version of the view.

a focal point and landmark, with the developments appearing further removed. I therefore find no harm to this asset.

13.146 *The Monument* (Grade I and scheduled monument) and *St Magnus the Martyr* (Grade I) are designated for their age, rarity and architectural design. Both assets were designed by Wren as part of the redevelopment of the city after the Great Fire in 1666 and were positioned and designed to be seen as part of the London skyline. The setting evolved through 19th century developments in the city and post war redevelopment. These assets are seen together along Gracechurch Street and this is recognised in the Protected views SPD.[365] Both schemes would be located in an area of clear sky behind the tower of St Magnus and between the space between that and the Monument.[366] The 2018 would be clearly visible behind the tower, whereas the 2021 scheme, at its lower level would be less prominent, peaking above the roofline, but leaving the spire visible in the skyline.

13.147 However, the views down Gracechurch Street are narrow or slotted and form a single aspect of assets which have a broad setting in the city scape. Any harm here would thus be very low in terms of the 2018 scheme and there would be no harm from the 2021 scheme.

13.148 Similarly, the *Bank CA*, within which the above assets sit, would not be harmed. Covering a large area in the commercial heart of London and the redevelopment after the Great Fire, and today contains a huge variety of building types. The schemes would be visible from the CA at certain vantage points, but that would not compromise the appreciation and understanding of the buildings and their relationship in this CA.

Conclusions on heritage

13.149 Based on an understanding of the significance of the above assets, and the contribution that setting makes to that, I have found LTSH of varying degrees to a number of assets.

13.150 For ease, I have summarised my overall findings below:

Heritage Assets	**Level of LTSH**	
	2018 Scheme	**2021 Scheme**
Borough High Street CA	High	High
4-8 &12-16 St Thomas Street	Moderate	Moderate
Bunch of Grapes Public House, 9, A, 11, 13 & 15 St Thomas Street	Moderate	Moderate
Guy's Hospital	High	High
Kings Head PH	Low	Low
The George Inn	Low	Low

[365] CD-E-17
[366] CD-A-12.1 VP 23 and CD-B-14.1 VP 17

Southwark Cathedral	Moderate	Moderate
Tower of London WHS	Low	Very Low
St Paul's Cathedral	No harm	No harm
Church of St George the Martyr	No harm	No harm
The Monument and Church of St Magnus the Martyr	Very Low	No harm
Bank CA	No harm	No harm
Tower CA	Low	Very Low

13.151 Such harmful effects to the BHSCA and the various listed buildings and their settings attract considerable importance and weight under the PLBCAA1990. There is no formal statutory protection for WHSs, however there is the statutory underpinning of the development plans and the relevant policies which give high level of protection to the WHS, as well as the policy emphasis in the NPPF. For this and other types of asset, great weight is given to any harm, and the more important the asset, the greater the weight should be. WHSs are included as assets of the highest significance.

13.152 The NPPF requires a balancing exercise where LTSH to significance has been identified. This balance is also encapsulated in the various policies of the LP and SP. I will go on to consider whether this harm is outweighed by public benefits in due course.

Servicing

13.153 A detailed Servicing SOCG sets out the arrangements for both schemes.[367] Objections were made by TfL only in respect of the 2018 serving proposals, as the 2021 scheme incorporates off street service arrangements. The Council did not cite this as a reason for refusal, but consider that it should factor in as a harm into the planning balance.

13.154 Effective servicing proposals for developments are necessary as part of ensuring efficient and safe use of the local highway network and for environmental and amenity reasons.

13.155 The New City Court development is currently served by loading bays on St Thomas Street. Due to social distancing requirements arising from the Covid-19 pandemic, an emergency scheme along St Thomas Street is in place which widens the footpath into the road. It is not clear how New City Court is currently serviced given that this has removed existing parking, loading and taxi bays along this stretch of St Thomas Street through this scheme. No one was able to clarify this at the Inquiry. During the Inquiry, TfL launched a further consultation whereby further temporary works are proposed giving greater pedestrian access.[368] This would affect the proposed loading bay area. A decision would be made in 2023 as to whether to make any such scheme permanent.

[367] SOCG-02
[368] INQ23

13.156 The proposed arrangements are summarised in section 2 of the servicing SOCG, but in brief, a basement service area would be incorporated in the 2018 development and would be accessed by light goods vehicles (LGVs) via BHS, White Hart Yard and Kings Head Yard. Heavy goods vehicles (HGVs) including refuse collections would use a relocated on-street loading bay adjacent to Keats House at St Thomas Street. A goods lift would be provided within Keats House to basement level. Waste and deliveries would be restricted to off-peak times to avoid conflicts with the local highway network and a consolidation strategy would be in place to limit the number of deliveries. These would be secured by planning obligation.

13.157 The use of a loading bay at St Thomas Street by HGVs would conflict with pedestrian movements in this area between BHS and London Bridge. I saw that the area is busy with pedestrian, cycling and vehicular activities. However, it would be mitigated in part by the consolidation strategy.

13.158 The continued use of the narrow yard areas for LGVs would also cause conflict with other road users, due to the narrow nature of these rear routes. Vehicles use these at present, however such movements would also be subject to a cap. The predominant use of White Hart Yard and a prohibition on the use of the entrance of Kings Head Yard via BHS would also help reduce conflicts.[369]

13.159 It is clear that the design of the development was not able to incorporate full on-site servicing for the building. The fact that Keats House façade is to be moved to facilitate access is indicative in itself as to the challenge of incorporating servicing into the site, as a radical intervention.

13.160 The 2021 scheme is a wholesale redesign which would secure on-site servicing and would be acceptable. However, each scheme must be judged on its own merits and I do not consider that the 2021 scheme can be used to 'infect' previous conclusions made in relation to the 2018 scheme in the way suggested by TfL.

13.161 In terms of the 2018 scheme, I am satisfied that this has been fully tested and that there would be no alternative within the design parameters and constraints of that specific scheme. If the scheme design could have incorporated it, it would. That is not to say that the strategy does not have drawbacks, as it clearly does, however I am satisfied that the 2018 proposal would secure the best possible strategy that it is able to do.

13.162 Finally, TfL are clearly analysing future options for this area, as well as along BHS as part of Healthy Streets and Vision Zero. The impacts on current service arrangements are ambiguous. Any future TfL scheme would need to take account of servicing for New City Court at present, the 2018 scheme and the 2021 scheme. That would not be insurmountable and would not preclude the acceptability of the servicing strategy for the 2018 scheme specifically.

[369] Kings Head Yard would only be accessed from the other side, via White Hart Yard

13.163 Overall, each scheme would accord with LP Policies T2, and T7 and SP Policy P50.

Other matters

13.164 The Planning SOCG[370] sets out a number of areas of agreement in terms of other planning matters at 9.4-9.39. This includes of the acceptability of both of the schemes in terms of transport, noise, basement extension, flood risk, drainage and water, contamination, microclimate, fire safety and security, solar glare, air quality, telecommunications and TV/radio reception and aviation safety. Based on my review of the relevant written evidence, and subject to control by condition and/or obligation, I consider these matters to be acceptable.

13.165 The SOCG summarises the reductions in daylight and sunlight to Orchard Lisle House and Iris Brook House which are student accommodation blocks at the adjacent university hospital site.[371] The cumulative impact of harm from this development, with other tall building schemes has also been raised as a concern by GSTT [9.58]. The evidence[372] clearly demonstrates an adverse effect to a small number of units to varying degrees (ranging from minor-major). The weight to be given to that harm is debated.

13.166 I ascribe limited weight to the harm, between the Council's moderate weighting and the Appellant's very very little weighting. The living conditions of the students would be adversely affected however, the number of overall units which would be affected would be minimal. No detailed evidence was presented in terms of the cumulative impacts from other schemes with specific regard to the units at Orchard Lisle and Iris Brook Houses, but those other schemes as referenced are located at a greater distance from the site, to the east and would be unlikely to affect these specific blocks.

13.167 On energy and sustainability, the credentials of the proposed buildings have also been fully considered as part of the architectural design and would be BREEAM outstanding, subject to condition. The Council accepted during the Inquiry that it was acceptable for the listed terrace to achieve the 'very good' standard, as proposed to outstanding. I consider that is appropriate and the works would strike a balance in achieving sustainability targets, while preserving the integrity of the heritage asset. Other matters such as wind and solar gain have been assessed and would meet the necessary standards.

13.168 For the 2018 scheme, policy compliance for a reduction of the 40% minimum for carbon emissions can be secured by condition.

13.169 In respect of the local concern relating to financial segregation, community sterilization and loss of vibrancy [10.14], the area is designated as a CAZ and an opportunity area. The public realm, accessibility through the site and

[370] SOCG-01
[371] At 9.12
[372] APP-3-B-5

provision of affordable floorspace, retail, food offerings would all help to preserve these.

Benefits

13.170 Paragraph 202 of the NPPF requires the weighing of LTSH against the public benefits of the proposals. Such benefits can include heritage benefits, and wider benefits, which are also material to the planning balance. The benefits were debated at the Inquiry for each scheme, albeit different weighting terminology was used by each witness. Helpfully, the Council and Appellant have produced a table setting out the weight to be attached to each benefit, and a calibration of the terminology used to describe this.[373]

13.171 For the avoidance of doubt, in ascribing weight to the benefits I have used the following scale: very limited, limited, moderate, significant and substantial. This provides the best fit with the 5-point scale of weighting of each party.

13.172 As a general point on benefits, much of the debate over the weight to be assigned related to if something that is a policy requirement could be also considered as a benefit. The function of development plan policy is to avoid a specific and tangible harm. However, many policies are also proactive in their requirements, striving for better. Typically, this underpinned by evidence and the reasoning for which is usually set out in the supporting text. It is my view that where something is policy compliant, that would not automatically mean that it could not be judged as a significant benefit. I come to this for specific benefits, below.

Heritage

13.173 Beginning with heritage, there was broad agreement that great weight should be given not only to harm to heritage assets, but to benefits, as per paragraph 199 of the NPPF. In light of this, I consider the restoration and improvement to the Grade II listed Georgian terrace at St Thomas Street, to be a clear benefit of both of the schemes which attracts **significant** weight.

13.174 While the Appellant cites other heritage benefits[374] I have found harm in respect of the relocation/reconstruction of Keats House and the setting of the Kings Head PH. Those harms would be balanced against the benefits in my heritage balance later.

13.175 I have also found the impact of the existing buildings at New City Court to be neutral in terms of the BHSCAA, and thus their removal would not be a specific benefit of the scheme but nor would it be a harm.

Employment Floorspace

[373] INQ-32
[374] APP-3-A-0 para 9.35

13.176 The 2018 scheme would result in an uplift of 7.2% of Southwark's new additional office floorspace target as set out in the SP. The 2021 scheme would result in an 7.7% uplift. The concept of good growth underpins the LP and the SP and both seek to balance growth with other considerations in identifying strategic targets in the plan.

13.177 Office developments on allocated sites are clearly coming forward in order to meet these targets, however the SP does allow for windfall development, and I am mindful that the site is within the CAZ and the reasons which underpins the identification of this. In this regard, I consider the benefit to be **significant** for each scheme as opposed to moderate, as suggested by the Council.

13.178 The provision of around 10% affordable workspace is a clear benefit for each scheme. While no specific occupier can be guaranteed, there is clear interest from Kings College London and GSTT[375] and SP policy seeks to harness their presence in the locality. Overall I give this **significant** weight for each scheme.

13.179 Specifically for the 2018 scheme, affordable retail floorspace is offered. This is a proactive offer, particularly given the current challenges faced by retail properties. However, as a small part of the scheme at 181sqm, this attracts **limited** weight. The proposed hub space in the 2018 scheme would not be limited to use by occupants of the offices themselves. This is a creative area occupying two floors of the building. I consider that this would be a benefit of this scheme in its own right and to which I attach **moderate** weight

13.180 Other retail/food and drink/leisure floorspace would also compliment the office floorspace within the buildings and I give this **moderate** weight for both the schemes, as a stand-alone benefit.

Jobs

13.181 Each scheme would create jobs at the construction and operational stages, the latter being around 2000 for the 2018 scheme and 3000 for the 2021 scheme. That would make a sizable contribution to the LP and SP target of providing 10,000 jobs in the Opportunity Area [3.12].

13.182 The Council has attributed moderate weight only as a result of the ES scoping which states that the jobs are unlikely to be materially significant in the context of the wider London area. However, the ES scoping has an entirely separate purpose from a detailed analysis of public benefits undertaken as part of a planning/heritage balance. I am also required to judge each scheme on their own merits. An exercise in comparing the figures created in nearby developments takes me nowhere and cannot reasonably be used to downgrade the weight given here.

[375] Heard in oral evidence and see also INQ-18

13.183 Overall, the contribution of jobs at these levels must be ascribed **significant** weight. The NPPF also recognises such at paragraph 61.

Sustainable transport

13.184 The sites proximity to one of the access points to London Bridge London Underground Station has been fully exploited in the schemes design and would be secured by the planning obligation. This element of the schemes would help to address pedestrian comfort, but it would do more than simply mitigate. There would be a number of combined benefits which have been aptly captured by TfL [9.20].

13.185 The Council consider that there is no evidence to support the need for change or enhancement to this access, however, to not have incorporated this into a scheme design would have been a significant missed opportunity.

13.186 Doubts have also been raised about how many visitors would realistically use this. However, even if the Council were correct in their conservatism relating to movement patterns,[376] this would still provide a significant opportunity to enhance connectivity in an area where there is known to be significant pedestrian congestion.

13.187 Finally, concern is raised regarding its implementation and the need for a Development Agreement with TfL [7.129]. While a range of agreements are needed for the delivery of this benefit, given TfL's support and the details in the obligations, I see no reason why this would be a barrier or a prohibitive factor. I therefore attribute **substantial** weight to this benefit.

13.188 Other highway works and associated transport and accessibility improvements would be secured for pedestrians and cyclists. There is no dispute between parties as to the **moderate** weight to be attached and I concur with that assessment for both schemes.

Public Realm

13.189 I have assessed the public realm offer as part of my deliberations in the scheme design, above, concluding that the success of the ground floor space is limited due to size and light issues [13.21]. The 2018 scheme would be more generous with active retail frontages and retain connectivity with the rear yard network. The 2021 scheme would provide smaller and more gloomy area with more limited access to the yards and lack of active frontages to the rear of the listed Terrace. Both schemes would, however, reinstate the route through the listed terrace to St Thomas Street. I thus consider that the 2018 should be afforded **limited** wight as a benefit and for the 2021 scheme this would be **very limited**.

[376] INQ-33

13.190 Both schemes would provide a free-to-access public garden. This is a policy requirement of LP policy D9 for tall buildings. However, I consider the offers to be highly imaginative design response to that policy requirement.

13.191 Specifically for the 2018 scheme, this would be at 5th and 6th floor level, giving a unique experience of a 'Mary Poppins' views across the historic townscape. I know of no other schemes in London which have designed in such a space in this way. The rooftop garden to the 2021 scheme would be more conventional in its location, but the scheme design has still strived to give a different offer with a café, woodland and wildlife track and accessible 360degree views. There is also no such free offer elsewhere in the locality.

13.192 These are commendable elements of the schemes and should thus be afforded **significant** weight – greater even than that claimed by the Appellant.

Sustainability

13.193 SP Policy P70 seeks to secure a minimum of 40% of carbon saving reductions. The policy bar as been set high as part of recognition of clime change impacts, the Council's declaration of a climate emergency and the ambition to be a net zero borough by 2050. The schemes would incorporate a number of zero carbon measures to deliver onsite regulated carbon emissions and also targeting the policy compliant BREEAM outstanding level for the office buildings.

13.194 A high policy bar is set and therefore neither scheme can be said to attract significant weight as a benefit in this regard. The 2018 scheme would meet this target, but only as secured by condition for a revised energy strategy. The weight to this is thus **very limited**. The 2021 scheme would achieve over and above that figure at 49% and thus I consider this would be a **limited** benefit.

Other benefits

13.195 Many of the above would be secured by planning obligation, and thus the agreement would not be a benefit in its own right. However Mayoral and Southwark CIL contributions from the developments would go towards strategic infrastructure projects across the Borough and other major projects such as Crossrail 2. Accordingly, I attach **moderate** weight to this as a benefit.

Planning and heritage balance

13.196 London is its heritage. It is a fundamental part of its intrinsic character. It is world renowned. However, its 21st Century developments also form a significant part of its character and are also world renowned; The Shard is one such development. Even if there is debate around the design quality of the modern developments, they are now part of the city and cannot be ignored.

13.197 Here are two schemes before the SoS, which due to the location of the appeal site, fall squarely in between old and new.

13.198 Both schemes have much to commend them. However, the extent of the harm caused to a number of designated heritage assets is significant. Plus there would be harm related to a number of aspects of the design and because of this, the schemes cannot be said to be exceptional, or exemplary. The heritage harm is set within the range of LTSH, however considerable weight is to be given to that harm. I am particularly mindful that the harm relates to a wide number of assets within Southwark and across London, including those of the highest significance.

13.199 Set against these, both schemes would bring about a great number of real benefits, heritage and public, which should be given moderate to substantial weight and collectively as a package, would be substantial.

13.200 In the balance, while I do not underestimate the benefits of the schemes, it is clear to me that the heritage harm and harm to townscape character and design are not outweighed by the public benefits, including heritage benefits.

13.201 The relevant development plan policies are set out above. As a general point, the LP and SP policies seek to pursue the individual strands of economic, social and environmental objectives of sustainable development in a mutually beneficial way. Therefore, in supporting significant economic growth, they do so by requiring the achievement of good design and the protection of heritage assets to be achieved alongside that growth. That is the good growth concept [3.3-3.14].

13.202 That being said, the policy matrix is a complex one and policies do pull in different directions. As matters of judgement, there is scope for different interpretations to be placed on fundamental elements of policy.

13.203 I have found harm from both schemes to a number of heritage assets including the BHSCA, 4-8 & 12-16 St Thomas Street, Bunch of Grapes Public House, 9, A, 11, 13 & 15 St Thomas Street, Guy's Hospital, Southwark Cathedral, the ToLWHS, the George Inn, Kings Head PH, The Monument and Church of St Magnus the Martyr (2018 scheme only) and Tower CA (2018 only). The schemes would thus be in conflict with dedicated heritage policies - LP HC1 and HC2, and SP Policies P19, P20 and P24.

13.204 I have also found harm in respect of townscape character and appearance. I consider that while there are some commendable elements, as in architectural terms the designs are interesting and are of a good quality, these are undermined by identified shortfalls in public realm, and scale and massing of the schemes and its contextual relationship with its surroundings. The design cannot therefore be said to be exemplar and I find conflict with dedicated design policies at LP Policy D3 and SP Policies P13 and P14.

13.205 Each scheme would clearly have in-principle support from the raft of LP and SP policies which seek to promote office developments in the CAZ, the Opportunity Area, and Town Centre designation. However, there would also

be clear conflict with many of the same policies seeking good design and protection of the historic environment and crucially, those which seek the respect and integration with the local and historic context.

13.206 Specifically, LP policies GG2, SD1, SD4, SD6, D9 and SP policies ST1, ST2, AV11 and P17 all seek to secure economic growth, office developments, and development of tall buildings while providing criteria for positive placemaking and in respect of context.

13.207 In particular, some criteria in SP Policy AV11, relating to the principle of development, improving accessibility with the tube, the retention of the Shard as a landmark, and harnessing the expertise and infrastructure from Kings College London and Guy's Hospital would be met. However, both schemes would conflict with other criteria of SP Policy AV11 in terms of the creation of inspiring new architecture, quality public realm, building on the fabric of local alleyways and yards and enhancing the sense of place. Overall, I find conflict with that policy.

13.208 Similarly, criteria within SP Policy P17 requiring the location of a tall building at a point of landmark significance, not harming strategic views, avoiding harmful environmental impacts would be met. However, requirements relating to a proportionate height and scale for the site, responding positively to local character and town scape, conserving or enhancing the significance of heritage assets would not be met. Again, overall I find conflict with that policy.

13.209 The same conclusions are also drawn in respect of LP Policies GG2, SD1, SD4, SD6, D9 and SP Policies ST1, ST2.

13.210 Accordingly, when reading the development plan as a whole, I consider that Appeal A (2018 scheme) and Appeal C (2021 Scheme) would be in conflict to it. None of the material considerations would indicate that a positive decision should be reached in each instance.

13.211 However, in spite of these findings, and as previously explained, there would be no reason to refuse listed building consent for each scheme (Appeal B and Appeal D). This appears odd, but the direct physical works subject to this specific type of consent would not be harmful and as such there would be no justifiable reason to restrict consent. Without securing the associated planning permission, it is acknowledged that these schemes would not be likely to be brought forward in any case.

14 Recommendations

14.1 For the reasons set out above, I conclude that appeals A and C should be dismissed and planning permission should not be granted for the proposals.

14.2 Should the Secretary of State reach a different conclusion, then planning permission should be granted subject to the conditions in Annexes D & E for the 2018 scheme and Annexes F & G for the 2021 Scheme and the associated planning obligations.

14.3 I also conclude that appeals B and D should be allowed, and listed building consent granted for the works, subject to conditions.

C Searson
INSPECTOR

ANNEX A: APPEARANCES

FOR LONDON BOROUGH OF SOUTHWARK:

Hereward Phillpot KC and Caroline Daly of Counsel (Francis Taylor Building) instructed by Doreen Forrester-Brown, Director of Law and Governance, LBS

They called:

Dr Nigel Barker-Mills BA(Hons), PDH, DIP CONS AA, IHBC, FSA	Barker-Mills Conservation
Elizabeth Adams AADIP, RIBA, ARB	Director, Adams & Sutherland Ltd
Michael Glasgow BA(Hons), MPLAN, MRTPI	Principal Strategic Planner, Atkins (Planning)

Additional participants at the Conditions and Obligations Round Table Session:

Margaret Foley	Senior Planning Lawyer
Sophie Chapman	Solicitor

FOR THE APPELLANT, GPE (ST THOMAS STREET) LIMITED:

Christopher Katkowski KC and Alan Evans of Counsel (Kings Chambers) instructed by Town Legal LLP

They called:

Simon Alford BA, Dip Arch, RIBA, ARB	Executive Director, AHMM
Peter Stewart MA (Cantab), Dip Arch, RIBA	Board Director, The Townscape Consultancy
Chris Goddard BA (Hons) BPL, MRTPI, MRICS	Board Director, DP9

Additional participant at the Servicing Round Table Session:

Russell Vaughan	Director, Transport Planning Practice

Additional participants at the Conditions and Obligations Round Table Session:

Louise Samuel	Partner, Town Legal LLP
Haydn Thomas	Associate Director, AHMM
David Shiels	Director, DP9

FOR HISTORIC ENGLAND (RULE 6 PARTY):

Emma Dring of Counsel (Cornerstone Barristers) instructed by Beth Harries, Solicitor

She called:

Alasdair Young MA MSc	Inspector of Historic Buildings and Areas

FOR TRANSPORT FOR LONDON (NON- RULE 6):

Participants at the Servicing Round Table Session:

Andrew Hiley	Principal Planner (Spatial Planning)
John Birch	Principal Network Sponsor (Southwark Area)
Steen Smedegaard LARTPI	Principal Lawyer (Property and Planning)

Additional participants at the Conditions and Obligations Round Table Session:

Anne Crane	Area Manager (Spatial Planning)
Matthew White	Partner, Herbert Smith Freehills LLP

INTERESTED PERSON:

Philip Villars MRTPI	Director PMV Planning on behalf of Guy's and St Thomas' NHS Foundation Trust

ANNEX B: CORE DOCUMENTS

Core Documents can be accessed at:

https://gateleyhamer-pi.com/en-gb/new-city-court/inquiry-documents/core-documents/

For ease of reference, these have been split into the following sections:

CD-A	Application Documents – 2018 Scheme
CD-B	Application Documents – 2021 Scheme
CD-C	Correspondence
CD-D	National and Regional Planning Policy and Guidance
CD-E	Council and Other Local Planning Policy and Documents
CD-F	Heritage Policy and Documents
CD-G	Greater London Authority Documents
CD-H	Legislation and Case Law/Appeal Decisions
CD-I	Statements of Case
CD-J	S106 Agreements
CD-K	Miscellaneous

Proofs of Evidence and the agreed SOCG can be accessed at:
https://gateleyhamer-pi.com/en-gb/new-city-court/inquiry-documents/proofs-evidence/

ANNEX C: INQUIRY DOCUMENTS

These can be accessed at:
https://gateleyhamer-pi.com/en-gb/new-city-court/inquiry-documents/documents-submitted-during-inquiry/

INQ-01	Opening Statement on behalf of the London Borough of Southwark
INQ-02	Opening Statement on behalf of Historic England
INQ-03	Opening Statement on behalf on the Appellant
INQ-04	Letter of Objection sent to the Planning Inspectorate - Haijun Sun

INQ-05	APP response to SJ Platts Statement on behalf of LSB
INQ-06	Wind Note Produced by Wirth in response to the objection received from the Cathedrals Fabric Commission
INQ-07	Simon Allford - Overview Presentation
INQ-08	Appellant overlay of 2018 Scheme
INQ-09.1	Presentation of Images to Evidence in Chief of Elizabeth Adams
INQ-09.2	Figure Reference Table to Image Presentation
INQ-10	National Trust Written Statement, New City Court proposal on George Inn
INQ-11	LBS Note on Building Consent Application
INQ-12	Listed Building Consent BREEAM Upgrades to Existing Fabric
INQ-13	Letter from JLL clarifying position raised in Chris Goddard's Evidence dated 26.07.22
INQ-14	Letter dated 27 July 2022 from RPS on behalf of owners of various buildings at the Shard Quarter
INQ-15	Plan showing boundaries of the Bankside, Borough and London Bridge Opportunity Area
INQ-16.1	Alasdair Young Presentation to Inquiry on behalf of Historic England
INQ-16.2	Associated Reference Sheet to INQ-16.1
INQ-17	Simon Allford Presentation of Evidence in Chief
INQ-18	Statement by WSP on behalf of Guy’s and St Thomas' Trust
INQ-19	EIP07 Representations to Proposed Submission Version (DP9s letter)
INQ-20	Pages from AV010 PSV CS London Bridge
INQ-21	Servicing Review Route
INQ-22	Existing Road Markings and Signage July 2022
INQ-23	TfL consultation on changes to Borough High Street, St Thomas Street and London Bridge
INQ-24	Pedestrian Movement Space Syntax Analysis referred to by Simon Allford
INQ-25	New City Court Development Guy's Hospital Occupation
INQ-26	Statement following Cross Examination of Peter Stewart
INQ-27	TPP Note in response to TfL Consultation (INQ 23)
INQ-28	Details of Site Visit on 05.08.22.
INQ-29.1	S106 dated 08.08.22 between LBS and Applicant (Clean)
INQ-29.2	S106 tracked changes from 05.08.22 to 08.08.22
INQ-29.3	Completed S 106 (18.AP.4039) - 08.09.22
INQ-29.4	Completed S 106 (21.AP.1361) - 08.09.22
INQ-30	Updated CIL Compliance Statement (2018 Scheme)
INQ-31	Updated CIL Compliance Statement (2021 Scheme)
INQ-32	Public Benefits Comparison Schedule
INQ-33	Note on Pedestrian Interactions with the Proposed New Station Access
INQ-34	Conybeare House Planning Note 10.08.22
INQ-35.1	Agreed Conditions as at 10.08.22 (2018 Scheme)
INQ-35.2	Conditions tracked changes from 04.08.22 to 10.08.22 (2018 Scheme)
INQ-36.1	Agreed Conditions as at 10.08.22 (2021 Scheme)
INQ-36.2	Conditions tracked changes from 04.08.22 to 10.08.22 (2021 Scheme)
INQ-37	Closing Statement on behalf of the London Borough of Southwark
INQ-38	Closing Statement on behalf of Historic England
INQ-39	Closing Statement on behalf of the Appellant

ANNEXE D: LIST OF SUGGESTED CONDITIONS 2018 PLANNING SCHEME (APPEAL A)

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

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

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

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

14032_X_(00)_P120M Tower TN03 GA Plans - Level GM P01
14032_X_(00)_P121 Tower TN03 GA Plans - Level 01 P01
14032_X_(00)_P122 Tower TN03 GA Plans - Level 02 P01
14032_X_(00)_P123 Tower TN03 GA Plans - Level 03 P01
14032_X_(00)_P124 Tower TN03 GA Plans - Level 04 P01
14032_X_(00)_P125 Tower TN03 GA Plans - Level 05 P01
14032_X_(00)_P126 Tower TN03 GA Plans - Level 06 P01
14032_X_(00)_P127 Tower TN03 GA Plans - Level 07 P01
14032_X_(00)_P128 Tower TN03 GA Plans - Level 08 P01
14032_X_(00)_P129 Tower TN03 GA Plans - Level 09 P01
14032_X_(00)_P130 Tower TN03 GA Plans - Level 10 P01
14032_X_(00)_P131 Tower TN03 GA Plans - Level 11 P01
14032_X_(00)_P132 Tower TN03 GA Plans - Level 12 P01
14032_X_(00)_P133 Tower TN03 GA Plans - Level 13 P01
14032_X_(00)_P134 Tower TN03 GA Plans - Level 14 P01
14032_X_(00)_P135 Tower TN03 GA Plans - Level 15 P01
14032_X_(00)_P136 Tower TN03 GA Plans - Level 16 P01
14032_X_(00)_P137 Tower TN03 GA Plans - Level 17 P01
14032_X_(00)_P138 Tower TN03 GA Plans - Level 18 P01
14032_X_(00)_P139 Tower TN03 GA Plans - Level 19 P01
14032_X_(00)_P140 Tower TN03 GA Plans - Level 20 P01
14032_X_(00)_P141 Tower TN03 GA Plans - Level 21 P01
14032_X_(00)_P142 Tower TN03 GA Plans - Level 22 P01
14032_X_(00)_P143 Tower TN03 GA Plans - Level 23 P01
14032_X_(00)_P144 Tower TN03 GA Plans - Level 24 P01
14032_X_(00)_P145 Tower TN03 GA Plans - Level 25 P01
14032_X_(00)_P146 Tower TN03 GA Plans - Level 26 P01
14032_X_(00)_P147 Tower TN03 GA Plans - Level 27 P01
14032_X_(00)_P148 Tower TN03 GA Plans - Level 28 P01
14032_X_(00)_P149 Tower TN03 GA Plans - Level 29 P01
14032_X_(00)_P150 Tower TN03 GA Plans - Level 30 P01
14032_X_(00)_P151 Tower TN03 GA Plans - Level 31 P01
14032_X_(00)_P152 Tower TN03 GA Plans - Level 32 P01
14032_X_(00)_P153 Tower TN03 GA Plans - Level 33 P01
14032_X_(00)_P154 Tower TN03 GA Plans - Level 34 P02
14032_X_(00)_P155 Tower TN03 GA Plans - Level 35 P02
14032_X_(00)_P156 Tower TN03 GA Plans - Level 36 P02
14032_X_(00)_P201 North Elevation Proposed P01
14032_X_(00)_P202 South Elevation Proposed P01
14032_X_(00)_P203 East Elevation Proposed P01
14032_X_(00)_P204 West Elevation Proposed P01
14032_X_(00)_P301 Section AA Proposed P01
14032_X_(00)_P302 Section BB Proposed P01
14032_X_(12)_P119 Demolition Scope of Existing Level LG Plan P01
14032_X_(12)_P120 Demolition Scope of Existing Level 00 Plan P01
14032_X_(12)_P121 Demolition Scope of Existing Level 01 Plan P01
14032_X_(12)_P122 Demolition Scope of Existing Level 02 Plan P01
14032_X_(12)_P123 Demolition Scope of Existing Level 03 Plan P01
14032_X_(12)_P124 Demolition Scope of Existing Level 04 Plan P01
14032_X_(12)_P125 Demolition Scope of Existing Lower Roof Plan P01
14032_X_(12)_P126 Demolition Scope of Existing Upper Roof Plan P01
14032_X_(12)_P201 Demolition Scope of Existing Elevation 01 P01
14032_X_(12)_P202 Demolition Scope of Existing Elevation 02 P01
14032_X_(12)_P203 Demolition Scope of Existing Elevation 03 P01
14032_X_(12)_P205 Demolition Scope of Existing Elevation 05 P01
14032_X_(12)_P206 Demolition Scope of Existing Elevation 06 P01
14032_X_(12)_P207 Demolition Scope of Existing Elevation 07 P01

14032_X_(12)_P301 Demolition Scope of Existing Section A-A P01
14032_X_(12)_P302 Demolition Scope of Existing Section B-B P01
14032_X_(12)_P303 Demolition Scope of Existing Section C-C P01
14032_X_(12)_P304 Demolition Scope of Existing Section D-D P01
14032_X_(12)_P305 Demolition Scope of Existing Section E-E P01
14032_X_(00) P401 Ventilation air intake Bunch of Grapes Party Wall P01
14032 (K) 0916 Tower TN03 – Future Tenant Lift GA Plans – Level 34 P01

Reason: For the avoidance of doubt.

3. The quantum of built floorspace for the development shall be as specified below. The uses within the tower building hereby permitted are limited to the following maximum floor areas and at the identified floor levels:
   - Office (Class B1) – basement to level 33 – 45,682sqm GEA
   - Retail (Class A1) – basement and ground – 136sqm GEA
   - Retail (Class A3) – ground, mezzanine, level 05 and level 06 – 948sqm GEA
   - Raised garden (Class D2) – ground, lift shaft and level 05 – 851sqm GEA
   - Gym (Class D2) – basement and ground – 640sqm GEA
   - Business hub (Class B1/D2) – levels 21 and 22 – 734sqm GEA
   - Ancillary plant and servicing space at basement and ground levels, and roof levels 34 to 36.

   The uses within the Keats House building hereby approved are limited to the following maximum floor areas and at the identified floor levels:
   - Retail (Class A3) – ground and mezzanine – 252sqm GEA
   - Office (Class B1) – ground to level 02 – 480sqm GEA

   The uses within the Georgian terrace hereby approved are limited to the following maximum floor areas and at the identified floor levels:
   - Retail (Class A1) – lower ground and ground– 729sqm GEA
   - Office (Class B1) – ground to level 03 – 1,204sqm GEA

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

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

Pre-commencement conditions (site wide)

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

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

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

Reason: To ensure each element of the approved development is delivered prior to the occupation of the tower building with its associated basement servicing and cycle parking facilities to prevent a gap in the streetscene, by requiring the reprovision of Keats House and ensuring the replacement walls and roof are constructed to the listed buildings to protect their historic fabric.

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

    Demolition works shall not begin until a Demolition Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The Plan shall detail a scheme for protecting nearby residents and commercial occupiers (including without limitation Guy's and St Thomas' Hospital) from noise, dust and other environmental effects, a site waste management plan to detail how waste will be reused, recycled and/or disposed of and managed (the burning of waste on the site at any time is specifically precluded). The scheme shall be based on the

Southwark's Code of Construction Practice, the Mayoral Control of Dust and Emissions during Construction and Demolition SPG and the Mayor of London's emissions standards for NRMM (or any subsequent, replacement code of practice) and arrangements for liaison and monitoring set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the demolition process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority.

The demolition shall not be carried out otherwise than in accordance with the approved Demolition Logistics Plan and approved Demolition Environmental Management Plan. The approved Plans shall be implemented as approved and periodically reviewed following audits of its implementation. Results of these audits will be made available to the Local Planning Authority and Transport for London upon request. The approved Plans shall be retained for the duration of the demolition and site clearance of the development.

Reason: To ensure that demolition works do not have an adverse impact on public safety, transport network or neighbour amenity by securing the mitigation identified in the Environmental Statement.

6. Prior to the commencement of the development (excluding demolition, site clearance and/or site investigations), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London and Guy's and St Thomas' Hospital). The CEMP shall include (but not be limited to) details relating to:
    a. any ground works (including decontamination)
    b. scheme for security fencing / hoardings, depicting a readily visible 24-hour contact number for queries or emergencies
    c. construction and access to the site
    d. hours of operation
    e. predicted levels of, means to control / minimise the impact of, and monitoring of noise, odour dust, vibration and smoke
    f. a scheme for protecting nearby residents and commercial occupiers (including without limitation Guy's and St Thomas' Hospital) and pedestrians and cyclists from noise, dust and other environmental effects during construction
    g. road cleaning including wheel washing
    h. suitable pollution prevention measures for the safe storage of fuels, oils and chemicals and the control of sediment laden site discharge to protect water quality including into the Thames during the construction phase
    i. details of vibro-compaction machinery and a method statement
    j. a site waste management plan to detail how waste will be reused, recycled and/or disposed of and managed (the burning of waste on the site at any time is specifically precluded)
    k. any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority and Transport for London), in order to identify and address potential cumulative environmental effects during the construction phase.

    The CEMP shall be based on Southwark's Code of Construction Practice, GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during

Demolition and Construction' SPG and the Mayor of London's emissions standards for NRMM (or any subsequent replacement code of practice) and arrangements for liaison and monitoring set out therein. The detailed design and method statements (AIP) for any proposed foundations and basements structures (temporary and/or permanent) retaining the highway shall demonstrate accordance with CG 300 'Technical Approval of Highway Structures'. A staged scheme of protective works may be submitted in respect of individual stages of the construction process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London).

The development shall not be carried out other than in accordance with the approved CEMP. The CEMP shall be retained and complied with for the duration of the groundworks and construction process for the development.

Reason: In the interests of public safety, to protect the amenities of neighbouring premises and the transport network, to promote waste reduction, and to protect the structural integrity of the pavements and roadways. These details are required prior to construction in order that the impact on amenities is minimised from the time that the construction starts.

7. No construction works (excluding demolition, site clearance and site investigations) shall commence until a Construction Logistics Plan(s) (CLP) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The CLP shall include details of:
    a. the management of all freight vehicle movements to and from the site during construction of the development;
    b. loading and unloading of plant and materials including vehicle turning areas;
    c. storage of plant and materials;
    d. sourcing of materials;
    e. programme of works (including measures for traffic management and cyclist and pedestrian comfort and safety);
    f. provision of boundary hoarding, behind any visibility zones of construction traffic routing;
    g. hours of operation;
    h. means to prevent deposition of mud on the highway;
    i. location and height of crane(s) and scaffolding, including crane aircraft safety lighting;
    j. any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites including without limitation Guy's and St Thomas' Hospital (through the Local Planning Authority and Transport for London), in order to identify and address potential cumulative highway effects during the demolition and construction phase.

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

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

The development shall be constructed in accordance with the relevant approved CLP. The CLP shall be implemented as approved and periodically reviewed following audits of its implementation.

Results of these audits will be made available to the Local Planning Authority and Transport for London upon request. The CLP shall be retained for the duration of the construction process for the development.

Reason: To ensure the development does not raise highway safety or aircraft safety matters by securing the mitigation identified in the Environmental Statement.

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

   Reason: To prevent a partial implementation that would leave a gap in the streetscene, to require the reprovision of Keats House and ensuring the replacement walls and roof are constructed to the listed buildings to protect their historic fabric and to maintain the character and appearance of the BHSCA.

9.

   A. Prior to the commencement of any demolition, Method Statement(s) for the protection of the elements of the Georgian terrace that are to be retained, for the protection of the Keats House façades to be retained, and for the protection of the Conybeare House façade during the Keats House removal shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the Transport for London road network).

   B. Prior to the commencement of any construction (excluding demolition, site clearance and site investigations), Method Statement(s) for the protection of the elements of the Georgian terrace that are to be retained, for the protection of the Keats House façades to be relocated, and for the protection of the Conybeare House façade after the Keats House removal shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the Transport for London road network).

   The Method Statement(s) submitted under (A) and (B) of this condition shall detail how these heritage assets are to be protected and supported during the works, and include the design of any internal and external scaffolding and any temporary roof (including details of all fixings into historic fabric and protection at building interfaces). The works shall not be undertaken otherwise than in accordance with the approved Method Statements.

   Reason: In order to ensure the special historic qualities of the listed buildings and Keats House façades are protected.

10.

A. Prior to the commencement of development (excluding demolition works above ground level, site clearance and site investigations) a written scheme of investigation (WSI) for those parts of the site which have archaeological interest shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall be prepared and implemented by a suitably qualified professionally accredited archaeological practice.

B. For land that is included within the WSI, no below ground demolition/ development/ excavation shall take place other than in accordance with the approved WSI which shall include:
   i. The programme and methodology of site investigation and recording; and
   ii. The programme for post-excavation assessment.

C. The archaeological works shall be undertaken in accordance with the approved details.

D. Prior to commencement of the development (excluding demolition above ground level, site clearance and site investigation works) a Public Engagement Programme shall be submitted to and approved by the Local Planning Authority. The Public Engagement Programme shall set out:
   i. How the archaeology fieldwork areas will be hoarded to provide opportunities for passers-by to safely view the excavations;
   ii. Drawings (artwork, design, text and materials, including their location and a full specification of the construction) for the public interpretation and presentation display celebrating the historic setting of the site, to be located on suitably visible public parts of the temporary site hoarding;
   iii. Details of at least one event, such as a heritage trail, that will be held during the fieldwork phase (as a minimum this should state the date/time, duration, individuals involved and advance promotional measures for the event, and provide an outline of the content of the event).

E. Prior to the commencement of the archaeology fieldwork, the hoarding shall be installed in full accordance with the approved details referred to in parts D.i) and D.ii) of this condition, and the hoarding shall remain as such and in place throughout the archaeology fieldwork phase. During the archaeology fieldwork, the event (referred to in part D.iii) shall be carried out.

Reason: In order that the details of the programme of works for the archaeological mitigation (as identified in the Environmental Statement) are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site.

11. Prior to the commencement of development (excluding above ground level demolition, site clearance and site investigation works), a Basement Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority.

The Basement Impact Assessment shall be based upon the topics considered in the submitted Basement Impact Assessment by AKT II dated October 2018, be

informed by the site specific geotechnical and fabric investigations undertaken. It shall include groundwater mitigation measures to protect the underlying aquifer and to minimise the risk of ground water flooding, and details of the underpinning of foundations of the buildings within and adjoining the site as required.

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

Reason: To minimise the potential for the development to contribute to changes in groundwater conditions, the risk to the underlying aquifer and groundwater flooding in accordance with the Environmental Statement mitigation.

12. Prior to the commencement of development (excluding site investigation works), detailed design and method statements shall be submitted to and approved in writing by the Local Planning Authority (in consultation with London Underground Limited) which:
    - provide demolition and construction details of all structures, details of all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent) for each stage of the development;
    - accommodate the location of the existing London Underground structures and tunnels;
    - accommodate ground movement arising from the construction thereof;
    - and mitigate the effects of noise and vibration arising from the adjoining operations within the structures and tunnels.

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

    Reason: To ensure that the development does not impact on existing London Underground transport infrastructure.

13. No piling or any other foundation designs using penetrative methods shall take place until a piling method statement has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water, and the Environment Agency). The method statement must include details of:
    a. the depth and type of piling to be undertaken
    b. the methodology by which such piling will be carried out, including monitoring systems
    c. measures to prevent and minimise the potential for damage to subsurface water infrastructure, demonstrating there is no resultant unacceptable risk to groundwater
    d. measures to prevent and minimise potential damage to listed buildings within and adjoining the site (including without limitation Guy's and St Thomas' Hospital)
    e. the programme for the works Any piling must be undertaken in accordance with the terms of the approved piling method statement.

    Reason: To ensure that the development does not harm groundwater resources or heritage assets in accordance with the Environmental Statement mitigation.

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

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

    Reason: The site is located over a Secondary Aquifer and it is understood that the site may be affected by historic contamination.

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

    Reason: To minimise the potential for the development to add to surface water flooding, as identified in the Environmental Statement.

16. Prior to the commencement of development (with the exception of demolition works, site clearance, site investigations, excavation and piling), details of the proposed hostile vehicle mitigation within the site boundary adjacent to St Thomas Street between the Georgian terrace and Keats House and along the site boundary with Kings Head Yard are to be submitted to and approved in writing by the Local Planning Authority.

    No hostile vehicle mitigation measures shall be installed within the public highway on St Thomas Street or Borough High Street.

The specification of the accredited vehicle security barriers shall be informed by a vehicle dynamics assessment by a suitably qualified specialist listed on the Register of Security Engineers and Specialists and shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Metropolitan Police). The development shall then be implemented in accordance with the approved details and maintained thereafter.

Reason: In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention.

17. Prior to the commencement of development (with the exception of demolition works, site clearance and site investigations), a Blast Mitigation Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the entrance to London Bridge underground station and the Metropolitan Police).

    The development shall incorporate such measures as are necessary within the site to mitigate the blast impact, details of which shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the entrance to London Bridge underground station and the Metropolitan Police) before any construction works thereby affected are begun.

    The development shall be implemented in accordance with the approved details and shall be retained in place for the life of the building unless otherwise agreed in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the entrance to London Bridge underground station).

    Reason: In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention.

18. Prior to the commencement of development (with the exception of demolition works, site clearance, site investigation works, excavation and piling), detailed plans shall be submitted to and approved in writing by the Local Planning Authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development.

    The development shall be carried out in accordance with these plans.

    Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.

19. Prior to the commencement of development (except demolition, site clearance and site investigations), a fire statement prepared by an independent qualified assessor shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any interaction with evacuation procedures or routes at London Bridge underground station).

    The fire statement will set out how the buildings will each function in terms of the building's construction, means of escape, features that reduce the risk to life,

access to the premises by fire service personnel and equipment, and how provision will be made to enable fire appliances to gain access to the buildings and shall demonstrate that a minimum of at least one lift per core (or more subject to capacity assessments) within the tower building and Keats House will be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the buildings.

The development shall not proceed other than in accordance with the approved details.

Reason: To ensure fire safety considerations are incorporated into the design and layout of the proposed development.

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

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

    Reason: To maximise the reduction in greenhouse gas emissions and to minimise peak and annual energy demand.

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

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

Reason: To promote resource conservation, waste reduction, material re-use, recycling and reduction in material being sent to landfill.

22. Prior to the commencement of development (excluding demolition works, site clearance, site investigations, excavation and piling), landscaping details shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to areas adjacent to the new entrance to London Bridge underground station or the Transport for London road network). The details shall include:

    i. Detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials and edge details) and including the roof terraces.
    ii. The proposed tree planting, tree pit cross sections, soil volumes, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period, and programme for the timing of the planting.
    iii. The measures shall be set out in an updated urban greening factor calculation to achieve a score of at least 0.3.
    iv. Details of the water fountain(s) to be provided for free public use.
    v. Details of bird nesting boxes/bricks. No fewer than four nesting boxes/bricks shall be provided (two with unobstructed entrances for swifts, and two for starlings placed at least 3m apart to reduce aggression in starling pairs) and the details shall include the exact location, specification and design of the habitats.

    The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works (or as approved for the tree planting) and prior to first occupation of the development.

    Any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced by specimens of the same size and species in the first suitable planting season. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season, unless the Local Planning Authority gives its written consent to any variation.

    Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance recommendations for maintenance of soft landscape.

    The bird boxes/bricks shall be installed within the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting boxes/bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such

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

Reason: To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity and contributes towards creation of habitats. Tree planting and landscaping are necessary to mitigate the anticipated wind conditions detailed in the Environmental Statement, and need to be in place prior to first occupation of the development.

23.

A. Prior to the commencement of development (excluding demolition, site clearance, site investigations, excavation and piling), details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles, and staff facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the type of cycle stands, the provision for larger accessible cycles, along with the shower facilities, the cycle lift access, and cycle ramp. Unless otherwise approved in writing by the Local Planning Authority, changing facilities and showers, including no fewer than 70 showers and 447 lockers, shall be provided for staff in accordance with the drawings hereby approved.
B. Prior to construction works above the ground floor slab of the tower building, and notwithstanding the cycle parking indicated on the approved ground floor drawings, details (1:50 scale drawings) of the cycle parking facilities to be provided for visitors shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in 21 4153-2316-3452, v. 2 relation to any such facilities to be provided on the Transport for London road network). The details shall show the type of cycle stands, their locations (so as not to block pedestrian routes), provision for larger accessible cycles, and arrangement for accessing any visitor parking proposed within the basement of the tower building.

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

Reason: To ensure sustainable travel choice.

Above grade conditions (site wide)

24. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development, in accordance with the principles and objectives of Secured by Design Commercial 2015 (or any replacements thereof). Details of these measures shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to areas in the vicinity of the new entrance to London Bridge underground station and the Metropolitan Police) prior to commencement of construction above the ground floor slab of the tower building and shall be implemented in accordance with the approved details prior to occupation of the relevant element.

Reason: In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention.

25. Before any work after installation of the 15th floor slab of the tower building begins, a landscape management plan, including longterm design objectives, management responsibilities and maintenance schedules (for all landscaped areas, trees, biodiverse roof, terrace planting, ecological features and water fountain(s)), shall be submitted to and approved in writing by the Local Planning Authority.

    The management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

    Reason: To ensure the management of the public realm and to secure opportunities for the enhancement of the nature conservation value of the site. It is also a mandatory criterion of BREEAM (LE5).

Prior to occupation conditions (site wide)

26. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy (approved pursuant to condition 15) and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency).

    The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

    It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the Local Planning Authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

    Reason: To ensure that the development does not pose any further risk to human health or the water environment.

27. No development shall be occupied until documentary evidence has been submitted to and approved in writing by the Local Planning Authority that Thames Water has provided confirmation that either:
    1. all water network upgrades required to accommodate the additional flows to serve the development have been completed;
       Or:
    2. a development and infrastructure phasing plan has been agreed with Thames Water to allow the development to be occupied.

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

    Reason: To ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

28. Prior to the occupation of the development, a flood risk management plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the entrance to London Bridge underground station).

    The plan shall confirm that the site will be registered for the flood warning system, and how the site's facilities management would deploy the temporary flood protection measures in the event of an expected flood.

    The site shall be operated in accordance with the approved flood risk management plan.

    Reason: To reduce the flood risk for future occupiers.

Compliance conditions (site wide)

29. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment of enactment of those Orders), and notwithstanding the uses within Class E, the development shall be used only for the following purposes:
    i. the office floorspace hereby approved shall be used for Use Class B1 office purposes only;
    ii. the leisure floorspace hereby approved shall be used for Use Class D2 gym purposes only;
    iii. the retail floorspace in the Georgian terrace building shall be used for Use Class A1 retail purposes only;
    iv. the retail floorspace in the Keats House building shall be used for Use Class A3 restaurant or café purposes only;
    v. the retail floorspace in the tower building at basement level and at ground level 122sqm shall be used for Use Class A1 retail purposes only, and at ground level (110sqm), the first, fifth and sixth floor levels be used for Use Class A3 restaurant or café purposes only;
    vi. the raised garden (and its associated ground floor entrance and lift access) shall be used for Use Class D2 public garden use only;
    vii. the business hub floorspace at levels 21 and 22 of the tower hereby approved shall be used for Class B1 and/or Class D2 use as an auditorium and ancillary facilities only; - the ancillary floorspace within the basement and at roof levels shall be used for ancillary purposes to the above listed uses only;
    unless otherwise agreed by way of a formal application for planning permission.

    Reason: In order to ensure that the site provides the proposed office, retail, leisure and combined office and community space for this site within the Central Activities Zone, Opportunity Area and town centre in line with the submitted application, its Environmental Statement and its assessment.

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

    Reason: To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the development and the area in general.

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

    The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

    Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

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

    Reason: To prevent the pollution of groundwater.

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

    Reason: To ensure the development is designed safely in reference to flood risk.

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

    Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance.

35. Other than for maintenance purposes, repair purposes or means of escape, the terraces and balconies of the tower building (excluding the terrace associated with the public garden) hereby approved shall not be used outside of the following hours: 07:00 - 22:00 on Mondays to Fridays and 10:00 – 17:00 on Saturdays.

    Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance.

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

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

37. No retail unit in the Georgian terrace shall be merged, combined or consolidated with any other retail unit to form a larger retail unit, without having first obtained express written consent from the Local Planning Authority.

    A retail unit is defined as one which has been displayed on the lower ground and ground floor plans hereby approved.

    Reason: To ensure the provision of small retail units as proposed by the application.

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

    Reason: In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building, the visual amenity of the area and LVMF view.

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

    Reason: In order to ensure that no additional telecommunications plant or equipment is placed on the roof of the building in the interest of the appearance and design of the building, the visual amenity of the area and LVMF view.

Other trigger conditions (site wide)

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

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

    Reason: In order that the archaeological interests of the site are secured.

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

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

and operated in accordance with the approval given and shall be permanently maintained thereafter.

Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance.

42. Details of the lighting (including: design; power and position of luminaries; light intensity contours) of external areas and security surveillance equipment shall be submitted to and approved by the Local Planning Authority prior to the installation of any such equipment.

Prior to the external lighting being commissioned for use, a validation report to confirm the lighting levels are in accordance with the approved details shall be submitted to the Local Planning Authority for approval in writing.

The development shall not be carried out or operated otherwise than in accordance with any such approval given. Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance Note 1 for the reduction of obtrusive light (2020).

Reason: In the interest of the security of the development, the visual amenity of the area, the amenity and privacy of adjoining occupiers, and their protection from light nuisance.

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

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

Before the first occupation of the tower building or Keats House hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards have been met for that building.

Reason: To ensure the tower proposal achieves the exemplary sustainability standards included in the proposed scheme.

Tower building specific conditions

44. Prior to the commencement of the tower building (except for demolition, site clearance, site investigations, excavation and piling), details of:
    a. the specification of the construction to mitigate the noise and vibration from the gym use of the basement level to the rest of the tower building and neighbouring properties;

b. the mechanical ventilation for the basement gym, including the associated extraction point(s); and
c. details of the step free access between ground level and the basement gym level, shall be submitted to and approved in writing by the Local Planning Authority.

The works shall be undertaken in accordance with the approved details prior to first occupation of the gym.

Reason: To ensure the proposed basement use does not raise amenity issues for the other occupiers of the tower building and neighbouring properties. The stair and lifts are shown "to be confirmed" on the submitted drawings, so the condition is necessary to ensure the facilities are accessible.

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

Reason: In order that the Local Planning Authority may be satisfied as to the design, details and to minimise solar glare from the façades.

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

a. 1:200 contextual drawings of the tower's elevations showing the locations of the relevant features listed in part b); and

b. 1:10 or 1:5 scale elevation, plans and cross-sections of:
    1. the frame of the eastern and western elevations,
    2. windows,
    3. doors,
    4. terrace screens,
    5. roof level building maintenance unit,
    6. the façade corner housing the public garden lift,
    7. rear service yard entrance,
    8. louvres,
    9. roof plant screening,
    10. level 05 and 06 raised garden façade,
    11. level 21 and 22 business hub façade, and
    12. the rooftop plant and building maintenance unit at levels 34, 35 and 36.

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

Reason: In order that the Local Planning Authority may be satisfied as to the design and to allow consideration of any changes to the roof top plant as part of the energy strategy revision.

47. Before any above grade construction work for the tower building hereby authorised begins, details of the biodiverse (green/brown) roof at level 35 shall be submitted to and approved in writing by the Local Planning Authority.

The biodiverse roof shall be:

- biodiversity based with extensive substrate base (depth 80-150mm); and
- planted/seeded with an agreed mix of species within the first planting season following the practical completion of the building works (focused on wildflower planting, and no more than a maximum of 25% sedum coverage).

The biodiverse roof shall be implemented in accordance with the approved details prior to first occupation, and shall be maintained as such thereafter. A post completion assessment will be required to confirm the roof has been constructed to the agreed specification.

The biodiverse roof shall not be used as an amenity or sitting out space of any kind whatsoever and shall only be used in the case of essential maintenance or repair, or escape in case of emergency.

Reason: To ensure the development contributes towards creation of habitats and valuable areas for biodiversity.

48. Sample section façade visual "mock ups" as representative bays of the tower building's façade(s) constructed to 1:1 scale shall be presented on site and approved in writing by the Local Planning Authority before any construction work above grade of the approved tower building.

The visual "mock ups" shall be constructed in the proposed materials and finishes and shall include:

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

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

Reason: In order to secure high standards of design.

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

Reason: In order to ensure that any adverse impacts of the development on reception of properties in the area is identified and resolved satisfactorily.

50. Before any above grade work for the tower building begins, details of the wind mitigation measures shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London to the extent

measures are required to mitigate wind conditions within the entrance to London Bridge underground station or on the Transport for London road network).

Such wind mitigation measures shall include: tree planting within the ground floor public realm; screening to the southern edge of the hub terraces and balconies (to be 2.5 above finished terrace floor level); screening across the southern edge of the level 5 terrace (1.5m wide and angled); restricted access to the edge of the level 3 terrace (e.g. by means of a handrail).

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

Reason: So that the Local Planning Authority may be satisfied with the mitigation for wind conditions detailed in the Environmental Statement which needs to be in place prior to first occupation.

51. Prior to the commencement of any works above grade of the approved tower building, full particulars and details of a scheme for the extraction and venting of odours, fats and particulate matter from the cooking activities of the commercial kitchen(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

    Reason: In the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building.

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

    Reason: To ensure adequate provision for wheelchair accessible parking spaces and convenient access.

Keats House specific conditions

53. No demolition of Keats House shall commence until a Façade Relocation Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the Transport for London road network).

    The Façade Relocation Plan shall detail the methodology and specification for how the historic façades are to be moved over, repaired and restored, or how they are to be dismantled, reconstructed, repaired and restored. If the façades are to be dismantled high level recording of the existing facades is to be included, as well as the specification for how the structure will be dismantled, stored, and

reassembled in its restored and repaired state shall be included in the Façade Relocation Plan.

The works to Keats House shall be carried out only accordance with the approved Façade Relocation Plan.

Reason: To retain the historic fabric of the Keats House heritage asset, to ensure its reprovision and restoration as a key feature of the streetscene which adds to the character of the BHSCA, and to protect the historic fabric of Conybeare House

54. Prior to the commencement of any works above grade for the Keats House building (except demolition, site clearance, site investigations and works to secure, protect and relocate the retained façade), full particulars and details of a scheme for the extraction and venting of odours, fats and particulate matter from the cooking activities of the commercial kitchen(s) shall be submitted to and approved by the Local Planning Authority.

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

    Reason: To ensure that the development will not cause amenity impacts such as odour, fume or noise nuisance.

55. Prior to the commencement of any works for Keats House above grade (excluding demolition, site clearance, site investigations and works to secure, protect and relocate the retained façade), the following details shall be submitted to and approved in writing by the Local Planning Authority:
    a. samples of all facing materials including the roof, parapets, brick, window frames and doors
    b. 1sqm sample panel of brickwork, mortar and pointing for the western and southern elevations.
    c. 1sqm sample panel of feature brickwork to the northern elevation (above the servicing entrance) and southern elevation.
    d. Samples of the brick, stone and other materials for the external repairs to the relocated historic façades.

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

    Reason: In order that the Local Planning Authority may be satisfied as to the design and details, and how they relate to the historic façades.

56. Prior to the commencement of any works for Keats House (except for demolition, site clearance, site investigations and works to secure, protect and relocate the retained façade), the following details shall be submitted to and approved in writing by the Local Planning Authority:
    a. 1:10 and 1:20 scale details of all fenestration;
    b. 1:10 and 1:20 scale details of all doors including the service entrance door; and
    c. 1:10 and 1:20 scale details of the parapet to the new elevations.

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

Reason: In order that the Local Planning Authority may be satisfied as to the design and details, and how they relate to the historic façades.

Georgian Terrace specific conditions

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

    Before the first occupation of the Georgian terrace building hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards have been met.

    Reason: To ensure the proposal achieves the exemplary sustainability standards included in the proposed scheme

ANNEXE E: LIST OF SUGGESTED CONDITIONS 2018 LISTED BUILDING CONSENT (APPEAL B)

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

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

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

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

   Reason: In order to ensure that the proposed works are in the interest of the special architectural or historic qualities of the listed building.

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

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

   Reason: In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building.

4. Prior to the commencement of any external works to the Georgian terrace (excluding demolition, site clearance and site investigations), the following details shall be submitted to and approved in writing by the Local Planning Authority:
   a. 1sqm sample panel of brickwork, mortar and pointing for the approved extensions.
   b. Samples of the brick, slate and other materials for the external repairs.

c. Samples of the material of the gates and passageway surfaces between nos. 8 and 10 St Thomas Street.

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

Reason: In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building.

5. Prior to commencement of works to the Georgian terrace one or more construction contract(s) for those works (under which one of the parties is obliged to carry out and complete works to the Georgian terrace for which listed building consent has been granted) shall be entered into and evidence of the construction contract shall be submitted to the Local Planning Authority for approval in writing.

   In addition to the above, prior to commencement of any external demolition works to the Georgian terrace evidence of a suitable planning permission being in place for the external demolition works and redevelopment of the site shall be submitted to the Local Planning Authority for approval in writing.

   Reason: To prevent a partial implementation of the works, to ensure the replacement walls, roof and windows are installed to the listed buildings to protect their historic fabric and to maintain the character and appearance of the BHSCA.

6. Unless agreed pursuant to a condition on this permission, the approved window openings to the Georgian terrace building hereby approved shall be clear glass and shall not be painted, covered or otherwise obscured or obstructed without prior written consent of the Local Planning Authority.

   Reason: In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building.

7. Prior to the commencement of the works, a Listed Building Consent Application Management Plan setting out the policies and guidance for ongoing maintenance, repair and minor alterations to the listed buildings on the Site shall be submitted to and approved in writing by the Local Planning Authority. The Listed Building Consent Application Management Plan shall be prepared by an accredited conservation architect (as approved by the Local Planning Authority) and shall include (but not be limited to):
   i. the listed status of the site including the details of the special architectural and historical interest of the site;
   ii. the details of the works to the listed buildings on the site;
   iii. key objectives and actions in the refurbishment of the listed buildings on the site;
   iv. fixtures of significance; and
   v. policies for maintenance, repair and minor alterations including what work requires listed building consent or planning permission other than that already granted.

   The works shall not be carried out other than in accordance with the approved Listed Building Consent Application Management Plan for the duration that the listed buildings remain occupied.

ANNEXE F: LIST OF SUGGESTED CONDITIONS 2021 PLANNING SCHEME (APPEAL C)

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

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

2. The development shall be carried out in accordance with the following approved plans:
   20065_G_(00)_P119 Georgian Townhouses Proposed Lower Ground Floor Plan P02
   20065_G_(00)_P120 Georgian Townhouses Proposed Ground Floor Plan P01
   20065_G_(00)_P121 Georgian Townhouses Proposed First Floor Plan P01
   20065_G_(00)_P122 Georgian Townhouses Proposed Second Floor Plan P01
   20065_G_(00)_P123 Georgian Townhouses Proposed Third Floor Plan P01
   20065_G_(00)_P125 Georgian Townhouses Proposed Roof Floor Plan P01
   20065_G_(00)_P201 Georgian Townhouses Proposed North Elevation P01
   20065_G_(00)_P202 Georgian Townhouses Proposed East Elevation P01
   20065_G_(00)_P203 Georgian Townhouses Proposed South Elevation P01
   20065_G_(00)_P301 Georgian Townhouses Proposed Section A-A P01
   20065_G_(00)_P302 Georgian Townhouses Proposed Section B-B P01
   20065_G_(00)_P304 Georgian Townhouses Proposed Section DD - no.16 P02
   20065_G_(00)_P305 Georgian Townhouses Proposed Section EE - no.14 P02
   20065_G_(00)_P306 Georgian Townhouses Proposed Section FF - no.10 P02
   20065_G_(00)_P307 Georgian Townhouses Proposed Section GG - no.4 P02
   20065_G_(00)_P308 Georgian Townhouses Proposed Section HH - no.4 P02
   20065_G_(00)_P309 Georgian Townhouses Proposed Section JJ - no.12 P02
   20065_G_(00)_P401 Georgian Townhouses Proposed Vault P01
   20065_G_(12)_P119 Georgian Townhouses Lower Ground Floor Demolition Plan P01
   20065_G_(12)_P120 Georgian Townhouses Ground Floor Demolition Plan P01
   20065_G_(12)_P121 Georgian Townhouses First Floor Demolition Plan P01
   20065_G_(12)_P122 Georgian Townhouses Second Floor Demolition Plan P01
   20065_G_(12)_P123 Georgian Townhouses Third Floor Demolition Plan P01
   20065_G_(12)_P125 Georgian Townhouses Roof Floor Demolition Plan P01
   20065_G_(12)_P201 Georgian Townhouses North Elevation Demolition P01
   20065_G_(12)_P202 Georgian Townhouses East Elevation Demolition P01
   20065_G_(12)_P203 Georgian Townhouses South Elevation Demolition P01
   20065_G_(12)_P401 Georgian Townhouses Vaults Demolition P01
   20065_X_(00)_P118 Tower Plans - Level B2 P02
   20065_X_(00)_P119 Tower Plans - Level B1 P02
   20065_X_(00)_P120 Tower Plans - Level G P02
   20065_X_(00)_P120M Tower Plans - Level GM P02
   20065_X_(00)_P121 Tower Plans - Level 01 P02
   20065_X_(00)_P122 Tower Plans - Level 02 P02
   20065_X_(00)_P123 Tower Plans - Level 03 P02
   20065_X_(00)_P124 Tower Plans - Levels 04-09 P02
   20065_X_(00)_P130 Tower Plans - Levels 10-13 P02
   20065_X_(00)_P134 Tower Plans - Level 14 P02
   20065_X_(00)_P135 Tower Plans - Level 15 P02
   20065_X_(00)_P136 Tower Plans - Level 16 P02
   20065_X_(00)_P137 Tower Plans - Levels 17-22 P02
   20065_X_(00)_P143 Tower Plans - Level 23 P02
   20065_X_(00)_P144 Tower Plans - Level 24 P03
   20065_X_(00)_P145 Tower Plans - Level 25 P03

20065_X_(00)_P146 Tower Plans - Level 26 (Roof) P03
20065_X_(00)_P201 North Elevation Proposed P02
20065_X_(00)_P202 South Elevation Proposed P02
20065_X_(00)_P203 East Elevation Proposed P02
20065_X_(00)_P204 West Elevation Proposed P02
20065_X_(00)_P205 LUL Tube Station Proposed Plan and Elevation P02
20065_X_(00)_P301 Section AA Proposed P02
20065_X_(00)_P302 Section BB Proposed P02
20065_X_(12)_P119 Demolition Scope of Existing Level LG Plan P01
20065_X_(12)_P120 Demolition Scope of Existing Level 00 Plan P01
20065_X_(12)_P121 Demolition Scope of Existing Level 01 Plan P01
20065_X_(12)_P122 Demolition Scope of Existing Level 02 Plan P01
20065_X_(12)_P123 Demolition Scope of Existing Level 03 Plan P01
20065_X_(12)_P124 Demolition Scope of Existing Level 04 Plan P01
20065_X_(12)_P125 Demolition Scope of Existing Lower Roof Plan P01
20065_X_(12)_P126 Demolition Scope of Existing Upper Roof Plan P01
20065_X_(12)_P201 Demolition Scope of Existing Elevation 01 P01
20065_X_(12)_P202 Demolition Scope of Existing Elevation 02 P01
20065_X_(12)_P203 Demolition Scope of Existing Elevation 03 P01
20065_X_(12)_P205 Demolition Scope of Existing Elevation 05 P01
20065_X_(12)_P206 Demolition Scope of Existing Elevation 06 P01
20065_X_(12)_P207 Demolition Scope of Existing Elevation 07 P01
20065_X_(12)_P301 Demolition Scope of Existing Section A-A P01
20065_X_(12)_P302 Demolition Scope of Existing Section B-B P01
20065_X_(12)_P303 Demolition Scope of Existing Section C-C P01
20065_X_(12)_P304 Demolition Scope of Existing Section D-D P01
20065_X_(12)_P305 Demolition Scope of Existing Section E-E P01
166-NCC2-GA01 General Arrangement Ground Floor 01
166-NCC2-GA02 General Arrangement Level 03 Terrace, Balconies and Level 01 Green Roof 01
166-NCC2-GA03 General Arrangement Level 24 Terrace 01
166-NCC2-GA04 General Arrangement Level 26 Terrace 01
166-NCC2-GS01 General Sections Ground Floor 01
166-NCC2-GS02 General Sections Level 03 & Balconies 01

Reason: For the avoidance of doubt.

3. The quantum of built floorspace for the development shall be as specified below. The uses within the tower building hereby permitted are limited to the following maximum floor areas and at the identified floor levels:
   - Office (Class E(g)(i)) – basement to level 23 – 49,139sqm GEA
   - Retail (Class E(a)) or office (Class E(g)(i) – ground and mezzanine – 358sqm GEA
   - Restaurant and café (Class E(b)) – level 24 – 450sqm GEA
   - Ancillary plant and servicing space at basement and ground levels, and roof levels 24 to 26.

   The uses within the Keats House building hereby approved are limited to the following maximum floor areas and at the identified floor levels:
   - Office (Class E(g)(i)) – lower ground to level 02 – 487sqm GEA

   The uses within the Georgian terrace hereby approved are limited to the following maximum floor areas and at the identified floor levels:
   - Office (Class E(g)(i)) – lower ground to level 02 – 1,847sqm GEA

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

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

Pre-commencement conditions (site wide)

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

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

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

   Reason: To ensure each element of the approved development is delivered prior to the occupation of the tower building with its associated basement servicing and cycle parking facilities to prevent a gap in the streetscene, by requiring the reprovision of Keats House and ensuring the replacement walls and roof are constructed to the listed buildings to protect their historic fabric.

5. Demolition works shall not begin until a Demolition Logistics Plan to manage all freight vehicle movements to and from the site during demolition of the existing building(s) has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London and Guy's and St Thomas' Hospital). The Demolition Logistics Plan shall include:
   a. the management of all freight vehicle movements to and from the site during demolition of the existing buildings;
   b. loading and unloading of plant and materials including vehicle turning areas;
   c. storage of plant and materials;
   d. programme of works (including measures for traffic management and cyclist and pedestrian comfort and safety);
   e. provision of boundary hoarding, behind any visibility zones of construction traffic routing;
   f. hours of operation;
   g. means to prevent deposition of mud on the highway;
   h. location and height of any crane(s) and scaffolding;

i. any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority and Transport for London), in order to identify and address potential cumulative highway effects during the demolition phase.
j. relevant measures from the Mayor of London's Construction Logistics Plan Guidance (2017), and specifically address the comfort and safety of vulnerable road users through compliance with the Construction Logistics and Cyclist Safety (CLOCS) Standard for Construction Logistics, Managing Work Related Road Risk;
k. as a minimum, all haulage contractors should be FORS Silver (or equivalent) registered and use the highest rated Direct Vision Standard lorries as possible.

Demolition works shall not begin until a Demolition Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London). The Plan shall detail a scheme for protecting nearby residents and commercial occupiers (including without limitation Guy's and St Thomas' Hospital) from noise, dust and other environmental effects, a site waste management plan to detail how waste will be reused, recycled and/or disposed of and managed (the burning of waste on the site at any time is specifically precluded). The scheme shall be based on the Southwark's Code of Construction Practice, the Mayoral Control of Dust and Emissions during Construction and Demolition SPG and the Mayor of London's emissions standards for NRMM (or any subsequent, replacement code of practice) and arrangements for liaison and monitoring set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the demolition process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority.

The demolition shall not be carried out otherwise than in accordance with the approved Demolition Logistics Plan and approved Demolition Environmental Management Plan. The approved Plans shall be implemented as approved and periodically reviewed following audits of its implementation. Results of these audits will be made available to the Local Planning Authority and Transport for London upon request. The approved Plans shall be retained for the duration of the demolition and site clearance of the development.

Reason: To ensure that demolition works do not have an adverse impact on public safety, transport network or neighbour amenity by securing the mitigation identified in the Environmental Statement.

6. Prior to the commencement of the development (excluding demolition, site clearance and/or site investigations), a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London and Guy's and St Thomas' Hospital). The CEMP shall include (but not be limited to) details relating to:
   a. any ground works (including decontamination)
   b. scheme for security fencing / hoardings, depicting a readily visible 24-hour contact number for queries or emergencies
   c. construction and access to the site
   d. hours of operation

e. predicted levels of, means to control / minimise the impact of, and monitoring of noise, odour dust, vibration and smoke
f. a scheme for protecting nearby residents and commercial occupiers (including without limitation Guy's and St Thomas' Hospital) and pedestrians and cyclists from noise, dust and other environmental effects during construction
g. road cleaning including wheel washing
h. suitable pollution prevention measures for the safe storage of fuels, oils and chemicals and the control of sediment laden site discharge to protect water quality including into the Thames during the construction phase
i. details of vibro-compaction machinery and a method statement
j. a site waste management plan to detail how waste will be reused, recycled and/or disposed of and managed (the burning of waste on the site at any time is specifically precluded)
k. any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites (through the Local Planning Authority and Transport for London), in order to identify and address potential cumulative environmental effects during the construction phase.

The CEMP shall be based on Southwark's Code of Construction Practice, GLA's Supplementary Planning Guidance 'Control of Dust and Emissions during Demolition and Construction' SPG and the Mayor of London's emissions standards for NRMM (or any subsequent replacement code of practice) and arrangements for liaison and monitoring set out therein. The detailed design and method statements (AIP) for any proposed foundations and basements structures (temporary and/or permanent) retaining the highway shall demonstrate accordance with CG 300 'Technical Approval of Highway Structures'. A staged scheme of protective works may be submitted in respect of individual stages of the construction process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London).

The development shall not be carried out other than in accordance with the approved CEMP. The CEMP shall be retained and complied with for the duration of the groundworks and construction process for the development.

Reason: In the interests of public safety, to protect the amenities of neighbouring premises and the transport network, to promote waste reduction, and to protect the structural integrity of the pavements and roadways. These details are required prior to construction in order that the impact on amenities is minimised from the time that the construction starts.

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

e. programme of works (including measures for traffic management and cyclist and pedestrian comfort and safety);
f. provision of boundary hoarding, behind any visibility zones of construction traffic routing;
g. hours of operation;
h. means to prevent deposition of mud on the highway;
i. location and height of crane(s) and scaffolding, including crane aircraft safety lighting;
j. any other matters relevant to this particular site including liaising with developers and construction teams of neighbouring sites including without limitation Guy's and St Thomas' Hospital (through the Local Planning Authority and Transport for London), in order to identify and address potential cumulative highway effects during the demolition and construction phase.

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

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

The development shall be constructed in accordance with the relevant approved CLP. The CLP shall be implemented as approved and periodically reviewed following audits of its implementation.

Results of these audits will be made available to the Local Planning Authority and Transport for London upon request. The CLP shall be retained for the duration of the construction process for the development.

Reason: To ensure the development does not raise highway safety or aircraft safety matters by securing the mitigation identified in the Environmental Statement.

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

   Reason: To prevent a partial implementation that would leave a gap in the streetscene, to require the reprovision of Keats House and ensuring the replacement walls and roof are constructed to the listed buildings to protect their historic fabric and to maintain the character and appearance of the BHSCA.

9.
   A. Prior to the commencement of any demolition, Method Statement(s) for the protection of the elements of the Georgian terrace that are to be retained, for the protection of the Keats House façades to be retained, and for the protection of the Conybeare House façade during the Keats House removal shall be submitted to and approved in writing by the Local Planning

Authority (in consultation with Transport for London in relation to any impact on the Transport for London road network).

B. Prior to the commencement of any construction (excluding demolition, site clearance and site investigations), Method Statement(s) for the protection of the elements of the Georgian terrace that are to be retained, for the protection of the Keats House façades to be relocated, and for the protection of the Conybeare House façade after the Keats House removal shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the Transport for London road network).

The Method Statement(s) submitted under (A) and (B) of this condition shall detail how these heritage assets are to be protected and supported during the works, and include the design of any internal and external scaffolding and any temporary roof (including details of all fixings into historic fabric and protection at building interfaces). The works shall not be undertaken otherwise than in accordance with the approved Method Statements.

Reason: In order to ensure the special historic qualities of the listed buildings and Keats House façades are protected.

10.

A. Prior to the commencement of development (excluding demolition works above ground level, site clearance and site investigations) a written scheme of investigation (WSI) for those parts of the site which have archaeological interest shall be submitted to and approved in writing by the Local Planning Authority. The WSI shall be prepared and implemented by a suitably qualified professionally accredited archaeological practice.

B. For land that is included within the WSI, no below ground demolition/ development/ excavation shall take place other than in accordance with the approved WSI which shall include:
   i. The programme and methodology of site investigation and recording; and
   ii. The programme for post-excavation assessment.

C. The archaeological works shall be undertaken in accordance with the approved details.

D. Prior to commencement of the development (excluding demolition above ground level, site clearance and site investigation works) a Public Engagement Programme shall be submitted to and approved by the Local Planning Authority. The Public Engagement Programme shall set out:
   iv. How the archaeology fieldwork areas will be hoarded to provide opportunities for passers-by to safely view the excavations;
   v. Drawings (artwork, design, text and materials, including their location and a full specification of the construction) for the public interpretation and presentation display celebrating the historic setting of the site, to be located on suitably visible public parts of the temporary site hoarding;
   vi. Details of at least one event, such as a heritage trail, that will be held during the fieldwork phase (as a minimum this should state the date/time, duration, individuals involved and advance promotional

measures for the event, and provide an outline of the content of the event).

E. Prior to the commencement of the archaeology fieldwork, the hoarding shall be installed in full accordance with the approved details referred to in parts D.i) and D.ii) of this condition, and the hoarding shall remain as such and in place throughout the archaeology fieldwork phase. During the archaeology fieldwork, the event (referred to in part D.iii) shall be carried out.

Reason: In order that the details of the programme of works for the archaeological mitigation (as identified in the Environmental Statement) are suitable with regard to the impacts of the proposed development and the nature and extent of archaeological remains on site.

11. Prior to the commencement of development (excluding above ground level demolition, site clearance and site investigation works), a Basement Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority.

The Basement Impact Assessment shall be based upon the topics considered in the submitted Basement Impact Assessment by AKT II dated July 2021, be informed by the site specific geotechnical and fabric investigations undertaken. It shall include groundwater mitigation measures to protect the underlying aquifer and to minimise the risk of ground water flooding, and details of the underpinning of foundations of the buildings within and adjoining the site as required.

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

Reason: To minimise the potential for the site to contribute to changes in groundwater conditions, the risk to the underlying aquifer and groundwater flooding in accordance with the Environmental Statement mitigation.

12. Prior to the commencement of development (excluding site investigation works), detailed design and method statements shall be submitted to and approved in writing by the Local Planning Authority (in consultation with London Underground Limited) which:

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

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

Reason: To ensure that the development does not impact on existing London Underground transport infrastructure.

13. No piling or any other foundation designs using penetrative methods shall take place until a piling method statement has been submitted to and approved in writing by the Local Planning Authority (in consultation with Thames Water, and the Environment Agency). The method statement must include details of:
    a. the depth and type of piling to be undertaken
    b. the methodology by which such piling will be carried out, including monitoring systems
    c. measures to prevent and minimise the potential for damage to subsurface water infrastructure, demonstrating there is no resultant unacceptable risk to groundwater
    d. measures to prevent and minimise potential damage to listed buildings within and adjoining the site (including without limitation Guy's and St Thomas' Hospital)
    e. the programme for the works Any piling must be undertaken in accordance with the terms of the approved piling method statement.

    Reason: To ensure that the development does not harm groundwater resources or heritage assets.

14. Prior to the commencement of development (excluding above ground level demolition and site clearance) the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency):
    1) A site investigation scheme, based on the Preliminary Environmental Risk Assessment' (PERA) by Waterman (WIE11375-103-R-3.1.4-RJM dated April 2021) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
    2) The results of the site investigation and detailed risk assessment referred to in (1) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
    3) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (2) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

    Reason: The site is located over a Secondary Aquifer and it is understood that the site may be affected by historic contamination.

15. Prior to the commencement of development (excluding demolition, site clearance and site investigations), details of the proposed surface water drainage system incorporating Sustainable Drainage Systems (SuDS) shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the entrance to London Bridge underground station or the Transport for London road network), including detailed

design, size and location of attenuation units and details of flow control measures. The strategy should achieve rates limited to the greenfield rate (unless otherwise agreed by the Local Planning Authority) and a reduction in surface water runoff rates during the 1% Annual Exceedance Probability (AEP) event plus climate change allowance. The applicant must demonstrate that the site is safe in the event of blockage/failure of the system, including consideration of exceedance flows, and set out the maintenance responsibilities of the site owner. The site drainage must be constructed in accordance with the approved details.

Reason: To minimise the potential for the development to add to surface water flooding, as identified in the Environmental Statement.

16. Prior to the commencement of development (with the exception of demolition works, site clearance, site investigations, excavation and piling), details of the proposed hostile vehicle mitigation within the site boundary adjacent to St Thomas Street between the Georgian terrace and Keats House and along the site boundary with Kings Head Yard are to be submitted to and approved in writing by the Local Planning Authority.

    No hostile vehicle mitigation measures shall be installed within the public highway on St Thomas Street or Borough High Street.

    The specification of the accredited vehicle security barriers shall be informed by a vehicle dynamics assessment by a suitably qualified specialist listed on the Register of Security Engineers and Specialists and shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Metropolitan Police). The development shall then be implemented in accordance with the approved details and maintained thereafter.

    Reason: In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention.

17. Prior to the commencement of development (with the exception of demolition works, site clearance and site investigations), a Blast Mitigation Impact Assessment shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the entrance to London Bridge underground station and the Metropolitan Police).

    The development shall incorporate such measures as are necessary within the site to mitigate the blast impact, details of which shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the entrance to London Bridge underground station and the Metropolitan Police) before any construction works thereby affected are begun.

    The development shall be implemented in accordance with the approved details and shall be retained in place for the life of the building unless otherwise agreed in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the entrance to London Bridge underground station).

Reason: In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention.

18. Prior to the commencement of development (with the exception of demolition works, site clearance, site investigation works, excavation and piling), detailed plans shall be submitted to and approved in writing by the Local Planning Authority demonstrating the provision of sufficient ducting space for full fibre connectivity infrastructure within the development.

    The development shall be carried out in accordance with these plans.

    Reason: To provide high quality digital connectivity infrastructure to contribute to London's global competitiveness.

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

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

    Reason: To maximise the reduction in greenhouse gas emissions and to minimise peak and annual energy demand.

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

    No later than three months following substantial completion of the development hereby consented, a Post Completion Circular Economy Report setting out the predicted and actual performance against all numerical targets in the relevant

Planning Stage Circular Economy Statement shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To promote resource conservation, waste reduction, material re-use, recycling and reduction in material being sent to landfill.

21. Prior to the commencement of development (excluding demolition works, site clearance, site investigations, excavation and piling), landscaping details shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to areas adjacent to the new entrance to London Bridge underground station or the Transport for London road network). The details shall include:
    i. Detailed drawings of a hard and soft landscaping scheme showing the treatment of all parts of the site not covered by buildings (including cross sections, surfacing materials and edge details) and including the roof terraces.
    ii. The proposed tree planting, tree pit cross sections, soil volumes, planting and maintenance specifications, use of guards or other protective measures and confirmation of location, species, sizes, nursery stock type, supplier and defect period, and programme for the timing of the planting.
    iii. The measures shall be set out in an updated urban greening factor calculation to achieve a score of at least 0.3.
    iv. Details of the water fountain(s) to be provided for free public use.
    v. Details of bird nesting boxes/bricks. No fewer than four nesting boxes/bricks shall be provided (two with unobstructed entrances for swifts, and two for starlings placed at least 3m apart to reduce aggression in starling pairs) and the details shall include the exact location, specification and design of the habitats.

    The landscaping shall not be carried out otherwise than in accordance with any such approval given and shall be retained for the duration of the use. The planting, seeding and/or turfing shall be carried out in the first planting season following completion of building works (or as approved for the tree planting) and prior to first occupation of the development.

    Any trees or shrubs that is found to be dead, dying, severely damaged or diseased within five years of the completion of the building works OR five years of the carrying out of the landscaping scheme (whichever is later), shall be replaced by specimens of the same size and species in the first suitable planting season. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place in the first suitable planting season, unless the Local Planning Authority gives its written consent to any variation.

    Planting shall comply to BS: 4428 Code of practice for general landscaping operations, BS: 5837 (2012) Trees in relation to demolition, design and construction and BS 7370-4:1993 Grounds maintenance recommendations for maintenance of soft landscape.

The bird boxes/bricks shall be installed within the development prior to the first occupation of the building to which they form part or the first use of the space in which they are contained. The nesting boxes/bricks shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter. A post completion assessment confirming the nest/roost features have been installed to the agreed specification shall be submitted to the Local Planning Authority within three months of first occupation of the building of which they form part.

Reason: To ensure the proposed development will preserve and enhance the visual amenities of the locality and is designed for the maximum benefit of local biodiversity and contributes towards creation of habitats. Tree planting and landscaping are necessary to mitigate the anticipated wind conditions detailed in the Environmental Statement, and need to be in place prior to first occupation of the development.

22.

A. Prior to the commencement of development (excluding demolition, site clearance, site investigations, excavation and piling), details (1:50 scale drawings) of the facilities to be provided for the secure and covered storage of cycles, and staff facilities shall be submitted to and approved in writing by the Local Planning Authority. The details shall show the type of cycle stands, the provision for larger accessible cycles, along with the shower facilities, the cycle lift access, and cycle ramp. Unless otherwise approved in writing by the Local Planning Authority, changing facilities and showers, including no fewer than 70 showers and 447 lockers, shall be provided for staff in accordance with the drawings hereby approved.

B. Prior to construction works above the ground floor slab of the tower building, and notwithstanding the cycle parking indicated on the approved ground floor drawings, details (1:50 scale drawings) of the cycle parking facilities to be provided for visitors shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in 21 4153-2316-3452, v. 2 relation to any such facilities to be provided on the Transport for London road network). The details shall show the type of cycle stands, their locations (so as not to block pedestrian routes), provision for larger accessible cycles, and arrangement for accessing any visitor parking proposed within the basement of the tower building.

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

Reason: To ensure sustainable travel choice.

23. Prior to commencement of the development (except demolition, site clearance, site investigations and works to secure, protect and relocate the retained façade), details shall be submitted to and approved in writing by the Local Planning Authority demonstrating that a minimum of at least one lift per core (or more subject to capacity assessments) in a) the tower building and b) Keats House will be a suitably sized fire evacuation lift suitable to be used to evacuate people who

require level access from the building. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

Reason: In the interests of fire safety and inclusive design.

Above grade conditions (site wide)

24. The development hereby permitted shall incorporate security measures to minimise the risk of crime and to meet the specific security needs of the development, in accordance with the principles and objectives of Secured by Design Commercial 2015 (or any replacements thereof). Details of these measures shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to areas in the vicinity of the new entrance to London Bridge underground station and the Metropolitan Police) prior to commencement of construction above the ground floor slab of the tower building and shall be implemented in accordance with the approved details prior to occupation of the relevant element.

    Reason: In pursuance of the Local Planning Authority's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions and to improve community safety and crime prevention.

25. Before any work after installation of the 15th floor slab of the tower building begins, a landscape management plan, including longterm design objectives, management responsibilities and maintenance schedules (for all landscaped areas, trees, biodiverse roof, terrace planting, ecological features and water fountain(s)), shall be submitted to and approved in writing by the Local Planning Authority.

    The management plan shall be carried out as approved and any subsequent variations shall be agreed in writing by the Local Planning Authority.

    Reason: To ensure the management of the public realm and to secure opportunities for the enhancement of the nature conservation value of the site. It is also a mandatory criterion of BREEAM (LE5).

Prior to occupation conditions (site wide)

26. Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy (approved pursuant to condition 15) and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Environment Agency).

    The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

    It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the Local Planning Authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: To ensure that the development does not pose any further risk to human health or the water environment.

27. No development shall be occupied until documentary evidence has been submitted to and approved in writing by the Local Planning Authority that Thames Water has provided confirmation that either:
    1. all water network upgrades required to accommodate the additional flows to serve the development have been completed;
       Or:
    2. a development and infrastructure phasing plan has been agreed with Thames Water to allow the development to be occupied.

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

    Reason: To ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

28. Prior to the occupation of the development, a flood risk management plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the entrance to London Bridge underground station).

    The plan shall confirm that the site will be registered for the flood warning system, and how the site's facilities management would deploy the temporary flood protection measures in the event of an expected flood.

    The site shall be operated in accordance with the approved flood risk management plan.

    Reason: To reduce the flood risk for future occupiers.

Compliance conditions (site wide)

29. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 and any associated provisions of the Town and Country Planning General Permitted Development Order (including any future amendment of enactment of those Orders), and notwithstanding the uses within Class E, the development shall be used only for the following purposes:
    i. the office floorspace hereby approved shall be used for Use Class E(g) (i) office purposes only;
    ii. the flexible office/retail floorspace at ground and mezzanine levels of the tower building shall be used for Use Class E(g)(i) office or E(a) retail purposes only;
    iii. the restaurant floorspace in the tower building at levels 24 and 25 shall be used for Use Class E(b) restaurant and café purposes only;
    iv. the public rooftop garden (and its associated ground floor entrance and lift access) shall be used as a public garden only;
    v. the ancillary floorspace within the basement and at roof levels shall be used for ancillary purposes to the above listed uses only;

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

    Reason: In order to ensure that the site provides the proposed office, retail, leisure and combined office and community space for this site within the Central

Activities Zone, Opportunity Area and town centre in line with the submitted application, its Environmental Statement and its assessment.

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

    Reason: To ensure that the refuse will be appropriately stored within the site thereby protecting the amenity of the development and the area in general.

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

    The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

    Reason: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site.

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

    Reason: To prevent the pollution of groundwater.

33. The development hereby permitted shall be carried out in accordance with the recommendations of the approved New City Court Flood Risk Assessment 09/07/2021, unless a revised flood risk assessment is submitted to and approved in writing by the Local Planning Authority prior to the relevant works being carried out.

    Reason: To ensure the development is designed safely in reference to flood risk.

34. The retail, café, and restaurant uses of the development hereby permitted shall not be open to customers or visitors between the hours of 23:00 on one day and 07:00 on the following day.

    Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance.

35. Other than for maintenance purposes, repair purposes or means of escape, the terraces and balconies of the tower building (excluding the terrace associated with the public garden) hereby approved shall not be used outside of the following hours: 07:00 - 22:00 on Mondays to Fridays and 10:00 – 17:00 on Saturdays.

    Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance.

36. Unless agreed pursuant to condition 46 of this permission, the approved window openings to the tower building, Keats House building and Georgian terrace building hereby approved shall be clear glass and shall not be painted, covered or otherwise obscured or obstructed without prior written consent of the Local Planning Authority.

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

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

    Reason: In order to ensure that no additional plant is placed on the roof of the building in the interest of the appearance and design of the building, the visual amenity of the area and LVMF view.

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

    Reason: In order to ensure that no additional telecommunications plant or equipment is placed on the roof of the building in the interest of the appearance and design of the building, the visual amenity of the area and LVMF view.

39. The development hereby permitted shall be carried out in accordance with the Fire Statement by CBDSP dated April 2021, unless a revised fire statement is submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any interaction with evacuation procedures or routes at London Bridge underground station) prior to the relevant works being carried out.

    Reason: In order to ensure that the fire safety of the proposed development has been duly considered

Other trigger conditions (site wide)

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

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

    Reason: In order that the archaeological interests of the site are secured.

41. The Rated sound level from any plant, together with any associated ducting shall not exceed the Background sound level (LA90 15min) at the nearest noise

sensitive premises. Furthermore, the Specific plant sound level shall be 10dB(A) or more below the background sound level in this location. For the purposes of this condition the Background, Rating and Specific Sound levels shall be calculated fully in accordance with the methodology of BS 4142:2014.

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

Reason: To ensure that occupiers of neighbouring premises do not suffer a loss of amenity by reason of noise nuisance.

42. Details of the lighting (including: design; power and position of luminaries; light intensity contours) of external areas and security surveillance equipment shall be submitted to and approved by the Local Planning Authority prior to the installation of any such equipment.

Prior to the external lighting being commissioned for use, a validation report to confirm the lighting levels are in accordance with the approved details shall be submitted to the Local Planning Authority for approval in writing.

The development shall not be carried out or operated otherwise than in accordance with any such approval given. Any external lighting system installed at the development shall comply with the Institute of Lighting Professionals (ILE) Guidance Note 1 for the reduction of obtrusive light (2020).

Reason: In the interest of the security of the development, the visual amenity of the area, the amenity and privacy of adjoining occupiers, and their protection from light nuisance.

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

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

Before the first occupation of the tower building or Keats House hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards have been met for that building.

Reason: To ensure the tower proposal achieves the exemplary sustainability standards included in the proposed scheme.

Tower building specific conditions

44. Prior to the commencement of any construction works above grade for the tower building, details of how the windows in the south-western corner of the tower (facing to the south, south-west and west) at mezzanine, first, second and third floors of the tower building are to be designed with obscured glazing, screens or some other means to maintain the privacy of the neighbouring residential properties, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these details and maintained as such in perpetuity.

    Reason: In the interest of neighbour amenity.

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

    Reason: In order that the Local Planning Authority may be satisfied as to the design, details and to minimise solar glare from the façades.

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

    a. 1:200 contextual drawings of the tower's elevations showing the locations of the relevant features listed in part b); and

    b. 1:10 or 1:5 scale elevation, plans and cross-sections of:
        1. windows,
        2. doors,
        3. terrace screens and balustrades,
        4. louvres,
        5. roof plant screening,
        6. roof garden level restaurant façade,
        7. roof garden level pavilion,
        8. roof plant screening,
        9. circular pavilion to level 24,
        10. colonnade columns, fenestration and doors, and
        11. the rooftop plant and building maintenance unit.

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

    Reason: In order that the Local Planning Authority may be satisfied as to the design and to allow consideration of any changes to the roof top plant as part of the energy strategy revision.

47. Sample section façade visual "mock ups" as representative bays of the tower building's façade(s) constructed to 1:1 scale shall be presented on site and approved in writing by the Local Planning Authority before any construction work above grade of the approved tower building. The visual "mock ups" shall be constructed in the proposed materials and finishes and shall include a representative bay of the tower building approximately 7m wide by 5m high

showing the floors and typical window. The development shall not be carried out otherwise than in accordance with any such approval given.

Reason: In order to secure high standards of design.

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

    Reason: In order to ensure that any adverse impacts of the development on reception of properties in the area is identified and resolved satisfactorily.

49. Before any above grade work for the tower building begins, details of the wind mitigation measures shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London to the extent measures are required to mitigate wind conditions within the entrance to London Bridge underground station or on the Transport for London road network). Such wind mitigation measures shall include: tree planting within the ground floor public realm; raised landscaping; porous screening attached to the tower. The development shall be constructed in accordance with the approved wind mitigation measures prior to first occupation of the tower building, and the mitigation measures retained as such.

    Reason: So that the Local Planning Authority may be satisfied with the mitigation for wind conditions detailed in the Environmental Statement which needs to be in place prior to first occupation.

50. Prior to the commencement of any works above grade of the approved tower building, full particulars and details of a scheme for the extraction and venting of odours, fats and particulate matter from the cooking activities of the commercial kitchen(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

    Reason: In the interests of amenity will not cause amenity impacts such as odour, fume or noise nuisance and will not detract from the appearance of the building.

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

Reason: To ensure adequate provision for wheelchair accessible parking spaces and convenient access.

Keats House specific conditions

52. No demolition of Keats House shall commence until a Façade Relocation Plan has been submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London in relation to any impact on the Transport for London road network).

    The Façade Relocation Plan shall detail the methodology and specification for how the historic façades are to be moved over, repaired and restored, or how they are to be dismantled, reconstructed, repaired and restored. If the façades are to be dismantled high level recording of the existing facades is to be included, as well as the specification for how the structure will be dismantled, stored, and reassembled in its restored and repaired state shall be included in the Façade Relocation Plan.

    The works to Keats House shall be carried out only accordance with the approved Façade Relocation Plan.

    Reason: To retain the historic fabric of the Keats House heritage asset, to ensure its reprovision and restoration as a key feature of the streetscene.

53. Prior to the commencement of any works for Keats House above grade (excluding demolition, site clearance, site investigations and works to secure, protect and relocate the retained façade), the following details shall be submitted to and approved in writing by the Local Planning Authority:
    a. samples of all facing materials including the roof, parapets, brick, window frames and doors
    b. 1sqm sample panel of brickwork, mortar and pointing for the western and southern elevations.
    c. Samples of the brick, stone and other materials for the external repairs to the relocated historic façades.

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

    Reason: In order that the Local Planning Authority may be satisfied as to the design and details, and how they relate to the historic façades.

54. Prior to the commencement of any works for Keats House (except for demolition, site clearance, site investigations and works to secure, protect and relocate the retained façade), the following details shall be submitted to and approved in writing by the Local Planning Authority:
    a. 1:10 and 1:20 scale details of all fenestration;
    b. 1:10 and 1:20 scale details of all doors;
    c. 1:10 and 1:20 scale details of the parapet to the new elevations; and
    d. 1:20 and 1:50 scale details of the servicing yard entrance and associated gate/barrier.

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

Reason: In order that the Local Planning Authority may be satisfied as to the design and details, and how they relate to the historic façades.

Georgian Terrace specific conditions

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

    Before the first occupation of the Georgian terrace building hereby permitted, a certified Post Construction Review (or other verification process agreed with the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority, confirming that the agreed standards have been met.

    Reason: To ensure the proposal achieves the exemplary sustainability standards included in the proposed scheme

ANNEXE G: LIST OF SUGGESTED CONDITIONS 2021 LISTED BUILDING CONSENT (APPEAL D)

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

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

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

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

   Reason: In order to ensure that the proposed works are in the interest of the special architectural or historic qualities of the listed building.

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

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

   Reason: In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building.

4. Prior to the commencement of any external works to the Georgian terrace (excluding demolition, site clearance and site investigations), the following details shall be submitted to and approved in writing by the Local Planning Authority:
   a. 1sqm sample panel of brickwork, mortar and pointing for the approved extensions.
   b. Samples of the brick, slate and other materials for the external repairs.

c. Samples of the material of the gates and passageway surfaces between nos. 8 and 10 St Thomas Street.

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

Reason: In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building.

5. Prior to commencement of works to the Georgian terrace one or more construction contract(s) for those works (under which one of the parties is obliged to carry out and complete works to the Georgian terrace for which listed building consent has been granted) shall be entered into and evidence of the construction contract shall be submitted to the Local Planning Authority for approval in writing.

   In addition to the above, prior to commencement of any external demolition works to the Georgian terrace evidence of a suitable planning permission being in place for the external demolition works and redevelopment of the site shall be submitted to the Local Planning Authority for approval in writing.

   Reason: To prevent a partial implementation of the works, to ensure the replacement walls, roof and windows are installed to the listed buildings to protect their historic fabric and to maintain the character and appearance of the BHSCA.

6. Unless agreed pursuant to a condition on this permission, the approved window openings to the Georgian terrace building hereby approved shall be clear glass and shall not be painted, covered or otherwise obscured or obstructed without prior written consent of the Local Planning Authority.

   Reason: In order to ensure that the design and details are in the interest of the special architectural or historic qualities of the listed building.

7. Prior to the commencement of the works, a Listed Building Consent Application Management Plan setting out the policies and guidance for ongoing maintenance, repair and minor alterations to the listed buildings on the Site shall be submitted to and approved in writing by the Local Planning Authority. The Listed Building Consent Application Management Plan shall be prepared by an accredited conservation architect (as approved by the Local Planning Authority) and shall include (but not be limited to):
   i. the listed status of the site including the details of the special architectural and historical interest of the site;
   ii. the details of the works to the listed buildings on the site;
   iii. key objectives and actions in the refurbishment of the listed buildings on the site;
   iv. fixtures of significance; and
   v. policies for maintenance, repair and minor alterations including what work requires listed building consent or planning permission other than that already granted.

   The works shall not be carried out other than in accordance with the approved Listed Building Consent Application Management Plan for the duration that the listed buildings remain occupied.

Department for Levelling Up, Housing & Communities

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand,London,WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.