



Report to the Secretary of State for Communities and Local Government

by John L Gray DipArch MSc
Registered Architect
an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ GTN 1371 8000

Date 9 December 2008

TOWN AND COUNTRY PLANNING ACT 1990

LONDON BOROUGH OF SOUTHWARK

APPLICATIONS

by

BEETHAM LANDMARK LONDON LIMITED

and

BLACKFRIARS LIMITED

Inquiry opened on 9 September 2008 and closed on 2 October 2008

1 & 20 Blackfriars Road, London SE1

File Refs. APP/A5840/V/08/1202839 & APP/A5840/V/08/1203024

CONTENTS

	Section	page
	Application details	2
1	Preliminary matters	3
2	The sites and their surroundings	4
3	Planning policy	8
4	Planning history	9
5	The proposals	9
6	The Case for Beetham Landmark London Limited	11
7	The Case for Blackfriars Limited	33
8	The Case for the London Borough of Southwark	51
9	The Case for Westminster City Council and The Royal Parks	63
10	The Case for the Waterloo Community Development Group	74
11	Written representations	82
12	Conditions and Obligations	84
13	Conclusions	86
14	Overall conclusion	105
15	Recommendations	108
	Annex A: Appearances	109
	Annex B: Documents	110
	Annex C: Descriptions of development and suggested conditions	121

File Ref. APP/A5840/V/08/1202839

1 Blackfriars Road – land bounded by Blackfriars Road, Stamford Street, Rennie Street and Upper Ground, London SE1

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 10 March 2008.
- The application is made by Beetham Landmark London Limited to the Council of the London Borough of Southwark.
- The application, ref. 06-AP-2117, is dated 30 October 2006.
- The development proposed is the 'erection of buildings of ground plus 5 storeys and ground plus 51 storeys comprising a hotel, residential, viewing deck and Class A uses with associated public open space, landscaping, car parking, servicing arrangements and associated works'.^A

Summary of Recommendation: that planning permission be granted subject to conditions.

File Ref. APP/A5840/V/08/1203024

20 Blackfriars Road – land bounded by Stamford Street, Blackfriars Road, Paris Garden and Colombo Street, London SE1.

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 1 May 2008.
- The application is made by Blackfriars Limited to the Council of the London Borough of Southwark.
- The application, ref. 07-AP-0301, is dated 7 February 2007.
- The development proposed is 'demolition of existing buildings and redevelopment for mixed use purposes comprising residential (Class C3), office (Class B1), retail (Class A) and Class D1 uses; creation of new open space; reconfigured vehicular and pedestrian access and works to the public highway; together with associated works including landscaping and the provision of parking, servicing and plant areas'.^B

Summary of Recommendation: that planning permission be granted subject to conditions.

^A This description is taken from the application form. A more comprehensive description, taken from the heading of the report to Planning Committee (CD11/4) and to be used if planning permission is granted, is given in Annex C, along with suggested conditions.

^B Similarly, this description is taken from the application form. A more comprehensive description, taken from LB Southwark's draft decision notice, reproduced in the Statement of Common Ground (CD/23/5/A, para. 1.7) and to be used if planning permission is granted, is given in Annex C, along with suggested conditions.

1 PRELIMINARY MATTERS

Call-in

- 1.1 There are two separate proposals, by different applicants – known simply as, and identified on the documents as, 1 Blackfriars Road and 20 Blackfriars Road. Each was called in for decision by the Secretary of State because she considered that ‘the proposal may conflict with national and regional policies on important matters’. The matters on which the Secretary of State particularly wishes to be informed are the same for both:
- a) the appropriateness of a very tall building in this location and the extent to which the proposal is in accordance with the English Heritage/CABE *Guidance on tall buildings* which recommends that tall buildings are properly planned as part of an exercise in place-making informed by a clear long-term vision, rather than in an *ad hoc*, reactive, piecemeal manner;
 - b) whether the proposal accords with her policies in *Planning Policy Statement 1: Delivering Sustainable Development* with regard to the promotion of high quality, inclusive design in terms of function and impact, and on whether the proposal takes the opportunities available for improving the character and quality of the area;
 - c) whether the proposal accords with her policies in *Planning Policy Statement 3: Housing*, particularly those on affordable housing and whether the proposals meet the housing requirements of the whole community, create mixed communities and a more sustainable pattern of development and promote good design;
 - d) whether the proposed development accords with the relevant provisions of Southwark Council’s Unitary Development Plan adopted in July 2007;
 - e) whether the proposed development accords with the relevant provisions of the London Plan – *Spatial Development Strategy for Greater London* (consolidated with alterations since 2004);
 - f) whether any permission should be subject to conditions and, if so, the form they should take; and
 - g) any other relevant material considerations.

Pre-inquiry meeting

- 1.2 I held a pre-inquiry meeting on 2 July 2008. My note following that pre-inquiry meeting^A was circulated to all main and rule 6 parties. It was also placed on the website for the inquiry, prepared by Graham Groom, Director of Persona Associates, who was appointed by the applicants as an independent Programme Officer before the pre-inquiry meeting.
- 1.3 At the pre-inquiry meeting, I indicated my view that the call-in matters could, broadly, be addressed under three main headings – design (in its many manifestations), housing and policy. That is recorded in my note following the pre-inquiry meeting and my report is structured along those lines, though I summarize my conclusions in terms of the call-in matters.

^A Document ID/2.

Inquiry

- 1.4 The inquiry opened on 9 September 2008. The evidence was concluded on the ninth day, 23 September (9-12, 16-19 and 23 September). I then adjourned until 2 October 2008, on which day conditions and obligations were considered and closing submissions made.
- 1.5 On opening, it appeared that, apart from site notices, there had been no public advertisement of the inquiry. Bearing in mind the representations to it when it was considering the applications, LB Southwark undertook non-statutory but comprehensive advertising^A which noted the likely last day of the inquiry and invited any representations by that date.
- 1.6 I am satisfied that publicity of the inquiry was satisfactory. In addition, the presence at the inquiry of the Waterloo Community Development Group, as a rule 6 party, suggests that no one who might have wished to make representations would have been unaware of the proceedings.

Site visits

- 1.7 I made an accompanied visit to St James's Park and Parliament Square on 17 September, immediately before hearing evidence from Westminster City Council and The Royal Parks. On 23 September, I walked both banks of the Thames between Southwark and Hungerford Bridges, including diversions into Middle Temple, Temple Gardens, Somerset House and on to Waterloo Bridge. I also visited the Roupell Street and Waterloo Conservation Areas, to the west of the application sites. On 24 September, I visited Stratford Station and two buildings in Kew Gardens by Wilkinson Eyre, architect for 20 Blackfriars Road. On 26 September, I visited Urbis, No. 1 Deansgate and the Beetham Tower, all in Manchester and all by Ian Simpson Architects, architect for 1 Blackfriars Road. In addition, I made unaccompanied inspections of the two application sites, their immediate surroundings and along the south bank of the Thames.

2 THE SITES AND THEIR SURROUNDINGS

- 2.1 The two application sites lie on the west side of Blackfriars Road, immediately north and south of Stamford Street and just to the south of Blackfriars Bridge.^B The sites and the surrounding area are both described in some detail in the Statement of Common Ground.^C

1 Blackfriars Road

- 2.2 The site area is given in the application as 0.77ha. It is bounded by roads on all four sides – Blackfriars Road to the east, Stamford Street to the south, Rennie Street to the west and Upper Ground to the north. The application boundary, taken to the centre-lines of the surrounding roads, is rectangular; the dimensions, taken from the backs of the footways, are about 90m from north to south and 55m from east to west.^D At the light-controlled junction of

^A Documents LBS/6, 6/A, 6/B and 6/C.

^B CD23/5/B – Appendix 1 is a site location plan.

^C CD23/5/A, pp. 6-7 (the sites) and pp. 8-26 (the surrounding area).

^D CD29/A, dwg. no. 7086/001/P4.

Stamford Street and Blackfriars Road, a left slip from the former to the latter eats into that rectangular shape. The site is cleared and hoarded.^A

Its immediate surroundings

- 2.3 Blackfriars Road and Stamford Street are busy roads.^B The former is a dual carriageway north of its junction with Stamford Street and Southwark Street. Upper Ground is one-way westwards; entry can only be from the south, which limits traffic; it has a pedestrian table crossing at its junction with Blackfriars Road. Rennie Street has more of a service function and appears to be little used. There is a light controlled crossing of Blackfriars Road just to the north of Upper Ground and one of Stamford Street just to the west of Rennie Street. Blackfriars Road slopes downwards from Blackfriars Bridge to the junction with Stamford Street; Upper Ground slopes down from Blackfriars Road.
- 2.4 All of the buildings in the vicinity of the application site, to the north of Stamford Street and Southwark Street, date from the latter part of the twentieth century.^C On the opposite side of Upper Ground is the three-storey Doggett public house, which has a beer garden facing the application site. To its west is the residential building known as River Court, a twentieth century development rising at its eastern end to 12 storeys above its riverside podium. Beyond that is Sea Containers House, also 12 storeys (originally) on either side of a 14-storey central element. Abutting it to the west is the Oxo Tower building, essentially an 8-storey building with its well-known landmark tower rising almost to the same height as Sea Containers House. Both River Court and Sea Containers House appear to have pre-cast panel construction; the former with considerable articulation in massing and the use of balconies, the latter rather more bulky and ponderous in its appearance.
- 2.5 On the west side of Rennie Street, the residential Rennie Court rises to ten storeys above a two-storey podium; it seems to be the same age as River Court and in the same architectural style, but it lacks the variation in massing and composition of its neighbour and is thus rather bulkier in its appearance. Beyond, to the west, is the King's Reach complex, the most prominent element of which is its 30-storey tower, some 110m high; the lower buildings around it include 6-storey buildings along the north side of Stamford Street.
- 2.6 On the opposite east side of Blackfriars Road is Ludgate House, variously eight, nine and ten storeys with smooth façades of banded glazing and cladding and curved northerly and southerly ends. Beyond it is the visual and physical barrier of the viaduct carrying the railway line from Blackfriars Station behind Ludgate House, across Southwark Street and then curving away to the east. Beyond that is the rather massive presence of Sampson House, up to eight storeys high, more a piece of urban sculpture than architecture.

20 Blackfriars Road

- 2.7 The site area is given in the application as 0.81ha. It is more or less level. It has frontages of about 60m to Blackfriars Road to the east and 124m to Paris Garden to the west. There is only a partial boundary to Stamford Street to the

^A CD2/15 has photographs taken within the site at p. 2.5.

^B Blackfriars Road is part of the A201; Stamford Street and Southwark Street are part of the A3200; CD2/17, 3.2, confirms that both are 'red routes' in the Transport for London Road Network (TLRN).

^C CD2/6 – the photographs on pp. 106-111, while including an image of the No. 1 proposal, give probably the best indication of the general form and density of development around the site.

north, of about 66m, nos. 1 and 3-7 Stamford Street being excluded from the application site. The southerly boundary is with the irregularly shaped Christ Church Garden.^A

- 2.8 A number of buildings stand on the site, commercial buildings of differing ages (late Victorian to late twentieth century) and varying conditions. Heights are three, four and five storeys. None is of any particular architectural merit or importance to the street scene. Wakefield House, on Stamford Street, is well set back from the road and has four trees in front of it, just behind the delineated footway. The buildings in Paris Garden stand at the back of the footway; so, effectively, do those on Blackfriars Road.^B

Its immediate surroundings

- 2.9 Nos. 1 and 3-7 Stamford Street, on the south side of Stamford Street, are excluded from the application site. Both are grade II listed buildings dating from about 1875. Both are ornate buildings, typical of their time. No. 1 has façades to Stamford Street and Blackfriars Road. It has three storeys plus a mansard attic, a banded (and painted) stone ground floor, brick upper storeys, an ornamented ground floor corner doorway, semi-circular-headed windows grouped generally in pairs or threes in the upper floors, a heavily modelled cornice and decorative dormers in the mansard above. Nos. 3-7 comprise the Mad Hatter Hotel, four storeys high (though of different heights to no. 1), a banded stone ground floor and brick upper storeys, windows with segmental and semi-circular heads arranged in three groups of three on each of the upper floors and further ornament provided by brick pilasters supporting stone cornices at third floor and eaves levels. It also has a modern extension to the rear, projecting into the application site.^C
- 2.10 Christ Church Garden lies immediately to the south of the site. Indeed, it also has part of the existing building on Paris Garden to its west. It is mainly laid to grass and has a number of visually important mature trees within it, accentuating the feeling of a 'green lung' within a dense urban area; many stand just inside the boundary with the application site.^D The Garden, along with the cul-de-sac part of Rennie Street within the application site, obviously offers pedestrians an alternative to Blackfriars Road as a route between Blackfriars Bridge and, primarily, Waterloo railway station. The church itself was built in 1959, is a fairly unpretentious red brick structure and cannot be said to exhibit any real architectural merit. The Garden's southerly boundary is with Colombo Street, which runs south-west from Blackfriars Road. A public house and a dwelling, noted on maps as the rectory, stand on the north side of the street; the public house appears to use the part of the Garden behind it as a beer garden.
- 2.11 The buildings opposite the application site in Paris Garden are modern, have four or five storeys over semi-basements, stand at or close to the back-of-footway and are of little architectural merit.
- 2.12 On the east side of Blackfriars Road, directly opposite the application site, is the vacant and hoarded site of the approved development known as 240

^A CD3/25/A, dwg. No. 409/100/P1.

^B CD3/10 – the existing buildings are assessed and illustrated on pp. 17-26.

^C CD3/10 – pp. 42-43 contain descriptions and photographs.

^D CD3/2 – sections 8.5 and 8.6 give probably the best impression of the Garden

Blackfriars Road.^A The absence of any building on the site detracts from the street scene and gives greater prominence to the railway viaduct beyond.

Blackfriars Road

- 2.13 Blackfriars Road runs from St George's Circus in the south to Blackfriars Bridge in the north, a distance of a little over 1km. It is a major route from the south into the City and Westminster. Whatever the urban design importance that that might imply, it is significantly diminished by the visual impact of the bridge, just north of its mid-point, which carries the railway line towards the south-east from Waterloo East station. Visually, it cuts Blackfriars Road into two. To its north, the buildings on either side of the wide thoroughfare vary considerably in age, style and architectural quality, and in their contribution to a street scene which lacks any coherent character. As well as 240 Blackfriars Road, planning permission has also been granted for redevelopment of Wedge House,^B immediately to the south of Colombo Street.

The Roupell Street and Waterloo Conservation Areas^C

- 2.14 The Roupell Street Conservation Area lies a short distance to the south-west of the application sites. It is an enclave of early nineteenth century housing, essentially comprising three terraced streets of modest houses running, approximately, east-west. On its southern edge is the nineteenth century railway viaduct running east from Waterloo East station. Various tall modern buildings – King's Reach Tower, the LWT Tower and the Shell Centre^D – can be seen from different parts of the Conservation Area.
- 2.15 The Waterloo Conservation Area abuts the Roupell Street Conservation Area to its north and has a more varied character. It, too, has nineteenth century workers' housing, in Aquinas Street, but it also includes the busy and much more mixed Stamford Street. Again, the existing tall buildings in the area are evident from various parts of the Conservation Area.

Other conservation areas and listed buildings

- 2.16 There are numerous other conservation areas in the vicinity of the application sites, on both banks of the Thames. All are described in the Statement of Common Ground.^E The descriptions include the Royal Parks Conservation Area, views from the Blue Bridge in St James's Park being the subject of objection. There is also the Westminster Abbey and Parliament Square Conservation Area, much of which is inscribed as a World Heritage Site and views of No. 20 from it being the subject of objection.

^A CD20/6.

^B CD20/7.

^C CD23/5/B, Appendix 3, nos. 29 and 28 respectively; CD21/3 and 21/2 are the Conservation Area Statements and contain photographs giving a flavour of their character.

^D CD23/5/B, Appendix 2, identifies tall structures in London; King's Reach Tower, the LWT tower and the Shell Centre are nos. 36, 3 and 2 respectively.

^E CD23/5/A, pp. 9-22; CD23/5/B, Appendix 3, has a plan identifying all conservation areas; CD21 contains Conservation Area Statements or Audits.

3 PLANNING POLICY

- 3.1 The Development Plan for the area comprises the *London Plan*, consolidated with alterations since 2004 and adopted in 2008,^A and the London Borough of Southwark's Unitary Development Plan (UDP), adopted in 2007 ('*The Southwark Plan*').^B The Statement of Common Ground^C identifies the policies in each which have a bearing on the proposals. It is a lengthy list. Rather than repeat it, I set out below those I consider have a particular bearing on the matters identified by the Secretary of State in calling in the applications.

The London Plan

- 3.2 In Chapter 3, the 3A policies deal with housing (3A.1, increasing the supply of housing; 3A.2, Borough housing targets; 3A.3, maximising the potential of sites) and affordable housing (3A.8, definition; 3A.9, targets; 3A.10, negotiating affordable housing). Policy 3B.9 addresses tourism and 3B.11 improving employment opportunities. The 3C policies deal with travel (3C.1 integrating transport with development; 3C.2 matching development to transport capacity; 3C.21, 3C.22 and 3C.23, walking, cycling and parking).
- 3.3 In Chapter 4, the 4A policies deal with climate change, its various aspects and the ways by which it may be addressed. The 4B policies were prominent in the inquiry (4B.1, design principles for a compact city; 4B.2, world-class architecture and design; 4B.3, the quality of the public realm; 4B.5, creating an inclusive environment; 4B.8, local context and communities; 4B.9, tall buildings – location; 4B.10, large-scale buildings; 4B.11, built heritage; 4B.14, World Heritage Sites; and 4B.16, 4B.17 and 4B.18 on view protection).
- 3.4 Policies 4B.16, 4B.17 and 4B.18 became operational in July 2007 on the publication of supplementary planning guidance, the *London View Management Framework* (LVMF),^D and withdrawal by the Secretary of State of the previous guidance on Strategic Views, in RPG3a. The particular view which prompted objections to the proposals is Townscape View 26, St James's Park to Horse Guards Road.
- 3.5 In Chapter 5, Policy 5D.2 deals with Opportunity Areas (OAs) in South East London, Policy 5G.2 with strategic priorities for the Central Activities Zone (CAZ) and Policy 5G.5 with local activities in the CAZ. The *Sub-Regional Development Framework* (SRDF) for Central London^E contains relevant supplementary planning guidance in this context.

The Southwark Plan

- 3.6 Section one of Part two contains a number of general policies – 1.3, preferred office locations; 1.7, development within town and local centres; and 1.11, arts, culture and tourism uses. Section three, entitled 'Clean and green', contains policies on environmental effects and sustainability (3.1-3.5 in particular) and on design and conservation (3.12-3.15, 3.18-22). Policy 3.20, on tall buildings, was the one most referred to at the inquiry. Section four deals with housing (4.2-4.5 in particular). Section five deals with sustainable transport. And, in Section seven, Policy 7.4 sets out criteria for development

^A CD8/1.

^B CD7/1.

^C CD23/5/A, pp. 45-49.

^D CD8/4.

^E CD8/5.

within the Bankside and Borough Action Area. Of various supplementary guidance documents, the revised draft Affordable Housing SPG (July 2008)^A probably has most bearing on the proposals.

National policy guidance

- 3.7 Although others come into play, the most relevant are: *Planning Policy Statement 1: Delivering Sustainable Development* (PPS1) and its supplement, *Planning and Climate Change*; *Planning Policy Statement 3: Housing* (PPS3); *Planning Policy Guidance Note 13: Transport* (PPG13) and *Planning Policy Guidance Note 15: Planning and the Historic Environment* (PPG15).
- 3.8 Also referred to at the inquiry were *By Design – Urban design in the planning system: towards better practice* (DETR/CABE, 2000) and *Guidance on tall buildings* by English Heritage and CABE, 2007 (referred to in this report as the EH/CABE Guidance).

4 PLANNING HISTORY

- 4.1 The planning histories are set out in the Statement of Common Ground.^B

1 Blackfriars Road

- 4.2 Planning permission was granted in 2002 for redevelopment to provide over 57,000sqm of office and retail space in buildings of 5, 7 and 19 storeys. The permission was technically implemented in November 2006.
- 4.3 An application to redevelop the site for mixed hotel, residential and retail uses totalling over 100,000sqm, with a podium, a low-rise building and a 69-storey tower, was submitted in July 2005 and withdrawn in May 2007.

20 Blackfriars Road

- 4.4 There is no history of planning proposals save in relation to the erection of the existing buildings on the site.

THE PROPOSALS

- 5.1 The proposals for 1 Blackfriars Road and 20 Blackfriars Road are separate schemes for different applicants. Both are fully described in the Statement of Common Ground, together with their chronologies.^C

1 Blackfriars Road

- 5.2 This is a mixed-use scheme comprising three buildings. A 52-storey tower in the north-east corner of the site contains a hotel and residential flats and, at its very top, a publicly accessible 'sky deck' with observation and function areas. A 6-storey building along the western boundary contains affordable housing. A single-storey podium over the whole of the site (from which rise the tower and residential buildings) contains hotel accommodation; its roof

^A CD7/11 (CD7/10 is an earlier draft).

^B CD23/5/A, pp.27-28.

^C CD23/5/A – the descriptions are at pp. 34-43, the chronologies at pp. 29-33.

provides a public plaza. The enclosing 'inhabited wall' would reduce the area of land taken up by the left slip at the crossroads junction. There would be four basement levels, the lower two containing parking and plant space, the upper two containing hotel back-of-house facilities and a ballroom. The height of the tower would be 170m above Ordnance Datum (AOD) – about 165m above ground level and 160m above the plaza level.

- 5.3 The hotel would have 261 rooms in the tower and, in addition to the basement ballroom, facilities such as a business centre, spa, wellness centre, gym, restaurants and bars, generally at ground level. There would be modest areas of retail and restaurant/café uses at ground and podium levels. There would be 96 residential units – 64 market flats in the tower and 32 affordable units in the 6-storey building.
- 5.4 Access to the public plaza would be from Stamford Street at the south-west corner of the site and from Upper Ground to the north. Access to the hotel would be from Blackfriars Road. Access to the flats in the tower would be from Blackfriars Road, at the north-eastern corner of the site; public access to the sky deck would be from the plaza. Access to the affordable housing would be from Rennie Street, to the west, as would service and parking access.

20 Blackfriars Road

- 5.5 All of the existing buildings would be demolished. The listed buildings at nos. 1 and 3-7 Stamford Street are outside the application site and would remain.
- 5.6 The proposals comprise a 42-storey residential tower towards the western side of the site, a 23-storey office tower on Blackfriars Road and two 4-storey residential buildings along the western boundary, abutting the base of the tower. Publicly accessible open space would be contained by the residential and office buildings and the existing buildings on Stamford Street and would link with the existing Christ Church Garden to the south. There would be modest areas of retail and community uses at ground level. Plant, servicing and car parking would be underground, with access from Paris Garden to the west (and including provision for nos. 3-7 Stamford Street).
- 5.7 The residential tower would rise to 148m AOD (just over 143m above ground level) and contain 167 market flats and, on the lower floors, 52 intermediate affordable flats. The low-rise buildings would contain 67 affordable (social rented) flats. The commercial tower would rise to 109m AOD (just over 104m above ground level) and provide over 25,000sqm gross of office floorspace.

6 THE CASE FOR BEETHAM LANDMARK LONDON LIMITED (1 BLACKFRIARS ROAD)

I give here the gist of the case for the applicant, drawn essentially from closing submissions and elaborated upon where necessary by reference to opening submissions, proofs of evidence, appendices and what was said at the inquiry itself.

Introduction

- 6.1 At Blackfriars Bridge, the meander of the Thames extends the reach of the south bank further north into the heart of the capital than anywhere else in central London. Yet the area does not look like a place at the heart of the world city; and the river remains a boundary of the most real kind. The proposals for No. 1, by themselves or in conjunction with those for No. 20, would transform the impression of this, one of the most central, yet least developed, parts of the capital.
- 6.2 The tower element of the proposal would add a 'lovely, light, elegant form' to the skyline at the most 'obvious site for a landmark building'. Not the words of anyone in the applicant's team – but those of James Eyre, an architect of international repute who has immersed himself in the area and its context in developing his proposals for No. 20. This building would be a thoroughly positive and welcome addition to the townscape. It would be cemented into its context by the innovative, organic lower rise buildings and a new public space.
- 6.3 The proposal contains much needed homes, affordable homes, an hotel and tourist attraction, and ancillary accommodation. These mixed land uses are entirely compatible with the site's location in the Central Activities Zone (CAZ). The main focus of objection to the proposal centres upon the impact of the tower upon one of the 26 views identified in the London View Management Framework (LVMF). Those objections are promoted only by The Royal Parks and Westminster City Council (WCC). When judged against the proper policy approach to impact on views from St James's Park, the proposal for No. 1 deserves to gain planning permission. It would add another distant skyline building of quality to that scene, a gentle reminder that the 21st century has its own architecture of quality and beauty to offer. It certainly would not dominate or overpower the short range view in any way.

Design Issues

***Architectural quality*^A**

- 6.4 Understanding the architectural quality of a design is essential in assessing the impact a building would have on the townscape and on the community within which it would sit. In this case, there is no significant suggestion that the proposals at No. 1 are anything other than the highest quality architecture.
- 6.5 Firstly, the proposals flow from, and are a clear and appropriate expression of, their context. The tower reflects its position on the most obvious landmark site in North Southwark, a site which, as a result of the meander in the Thames, has commanding views upstream and downstream and across the river. The site marks the bridgehead of the main north-south arterial route into the City and lies at the crossroads with the key east-west route on the

^A I do not believe that the gist given here can do justice to the effort put into the design of the development; for a clear exposition, see BE/1/A, Section 4 in particular.

south bank. It sits behind the Upper Ground buildings, which directly front the Thames – but is intimately related to the scale and movement associated with the river and its crossings. The monumental horizontality of the bridges across the river at this point calls for a vertical counterpoint, one capable also of reflecting the site's proximity to the heart of the capital, just across the bridge.

6.6 The elegant, sculptural shape of the tower is also driven by the site's context:

- its slim axis, shifted slightly away from north-south, is derived from the desire to address the bridge and the City in an elegant gesture;
- the tapering skirt at its base allows it to meet the ground lightly;
- the northern elevation is curved and bowed to reflect the position of the river at this point; and
- the whole shape is given dynamism and movement by the addition of tapering shoulders and a taut-sailed muscular shape; this kinetic feel is driven by the movement at and about the site, the ebb and flood of the river, the tidal certainty of the arrival and departure of City workers and the strength and importance of the river as a navigation at this point.

All these factors combine to produce an instinctively understandable building, a building of sculptural elegance and beauty.

6.7 At the base of the tower, the inhabited wall is of sufficient height and visual interest easily to 'hold the corner', while allowing the creation of active frontages at street level and the elevation of the public plaza, with its own active frontages, above the bustle of the streets. The entrance to the sky deck, at the top of the tower, would be from the plaza. The Gaudi-esque wall, around and supporting the plaza, would complement and not compete with the listed buildings adjacent – but would likely become as well known and appreciated a part of the development as the tower.

6.8 The Rennie Street building is strong and largely horizontal in emphasis. It would, along with the base of the tower and the inhabited wall, create a powerful three-part enclosure to the new public space.

6.9 Secondly, and concurrently, the form of the buildings follows their function. By their nature, residential and hotel uses require slim floor plates which allow for a tower of extreme elegance. The use of a central core gives the greatest number of residents and hotel guests the ability to enjoy the stunning views. The form of the tower, with no façade being more important than another, flows from the functional requirement to take full advantage of the pivotal location at the bend on the river and the views in all directions.

6.10 Thirdly, the detailed design and choice of materials is appropriate and would allow the building to be seen as a very high quality design. The tower would be a building within a building. The smooth, transparent, single-glazed, outer skin would give it a lightness of expression; the inner glazed and panelled skin would simultaneously give it depth, richness and complexity. The building reaches for the sky with subtlety and simplicity. At its top, the building becomes lighter and more ethereal as functional occupation gives way to a public viewing place. The design of the Rennie Street building ensures that each of the affordable units has an impressive winter garden and that the new public space below has a lively, animated, overlooked feel to it. That space would be a welcoming place as a result. The inhabited wall would, by its materials, represent a highly articulated and expressive mineral, organic foil to glass of the tower. It would be a structure of interest and intrigue in itself.

The architect

- 6.11 This quality of architecture and response to context is what one would expect from an architect of established ability. Ian Simpson is an architect with a proven track record and an international reputation. His most recent tall building, the Beetham Hilton Tower in Manchester, has been universally recognised as architecture of the highest quality, winning numerous awards.^A
- 6.12 This most recent success has built upon a corpus of work of high quality and contextual excellence. His reputation is an international one. He was one of the first of his generation to understand and to recognise the importance of promoting buildings which are sustainable. All of this knowledge and experience is reflected in his design for No. 1.

Design excellence and sustainability

- 6.13 Issues relating to sustainability belong under the heading 'architectural quality'. High claims for architectural quality run hollow if the building has not been designed in a way which enhances the life-chances of those that come after us. The sustainability credentials of the proposal have been described as exemplary by the local planning authority. That judgment is a correct one.
- 6.14 The proposal exceeds all relevant policy requirements in relation to energy conservation and efficiency, low carbon and renewable technologies. Moreover, it does so by organically incorporating these technologies as an integral part of the design process. The highlights of the approach are:^B
- energy conservation measures achieving a carbon dioxide (CO₂) reduction of 13.8%;
 - energy efficiency measures providing a CO₂ reduction of 8.8%;
 - a 22.6% cumulative reduction, more than required by building regulations;
 - a range of renewable technologies has been utilised, including photovoltaic panels on the tower façade, solar water heating and either biomass heating or CCHP using biogas; the inclusion of renewable technologies will reduce CO₂ emissions by a further 26%;
 - overall, the designs and the systems adopted allow for savings in the region of 3.1 million kg of CO₂ per annum.

The place of the building in London

- 6.15 The main impact of the tower would be from those places on and near the Thames which have clear views of this part of North Southwark.^C In all of these views, because of the quality of the building and its appropriateness to its context, there would be a significant enhancement.

^A BE/1/A, section 1.24, p. 17.

^B Summarised from CD2/28, reproduced as BE/3B, Appendix 1 (paras. 4.5, 5.4, 6.2.4 in particular).

^C *Inspector's note. References below are to CD2/21 and CD2/24. CD2/21 contains images showing No. 1 only, in rendered or wireline form. CD2/24 contains images with a much wider angle of view and includes both No. 1 and No. 20, plus, where visible, the Shards of Glass (site clearance under way), the Tate Modern extension (yet to be built), Bankside 123 (nearly complete), Bankside 4 and 5 (yet to be built), 240 Blackfriars Road (permitted but yet to be built) and the King's Reach tower extension (permitted but yet to be implemented). The images in CD2/24 are meant to be viewed at arm's length, when what is seen at the left and right of the image then corresponds to the human eye's peripheral vision. BE2/C, Vol. B, reproduces CD2/24.*

Southwark Bridge^A

- 6.16 From Southwark Bridge, only the tower would be visible. It would be seen as a clean sculptural presence, marking the curve in the Thames. Its inner and outer skins would be read, giving the building a human scale. It is not possible to argue that there would be harm to the settings of any listed buildings in this view. All of the views would be significantly enhanced.

The Millennium Footbridge and the Northern Embankment^B

- 6.17 These would afford the best views of the new quarter emerging on the South Bank. No. 1 sits on what is clearly the best and most appropriate landmark site. Being set back from the river, the tower would not rise directly from the river. It would be seen behind the riverside buildings in an appropriate and mannered way. The dialogue between Renzo Piano's Shards of Glass, the Tate Modern and Ian Simpson's tower would be exciting and wholly beneficial. Again, there would be no harm to any listed building or its setting.

St Paul's Golden Gallery^C

- 6.18 This view shows how effective is the rotation of the tower away from a north-south axis, allowing the building to 'speak' to the City and St Paul's. The human scale of the building would be clear, as would the overall quality of the architecture. The relationship of the tower to the engineering grandeur of the road and railway crossings is clearly apparent. The tower would in no way dominate or belittle the experience of the viewer in the Cathedral. The historic environment would be unharmed.

Blackfriars Bridge^D

- 6.19 It is from here that the sentinel qualities of the building would be at their most apparent. The slim elegance of the northern façade would be clearly read. But the movement off-axis also allows a glimpse of the shoulder as a secondary elevation and a hint of the kinetic feel of the building as a whole.
- 6.20 It is easy to forget how powerful the bridges are in the overall townscape. This feeling is enhanced by the stanchions for the incomplete railway bridge visible between the existing road and rail crossings. The tower responds to these powerful townscape forces with appropriate scale and height. There would be no harm to any listed buildings or their settings. Indeed, as a result of the orientation of the tower and the location of the plaza, previously hidden glimpses of the listed buildings in Stamford Street would be revealed.

Waterloo Bridge^E

- 6.21 From this bridge, one can be in no doubt that one is in the heart of London. The application site is a prominent one, right in the midst of that context. It is a site which is already about movement, and arrival. It is a site which will, if planning permission is granted consistent with policy, house one of London's best and most well known hotels and tourist attractions. It is a site which deserves an important place in the view.

^A CD2/21, Views 116a, b & c, pp. 80-85; CD2/24, View 316, pp. 14-15.

^B CD2/21, Views 117a & b, pp. 86-89; CD2/24, Views 317a & b, pp. 16-19.

^C CD2/21, View 118, pp. 90-91; CD2/24, View 318, pp. 20-21.

^D CD2/21, View 120, pp. 94-95; CD2/24, View 320, pp. 22-23.

^E CD2/21, Views 126a, b & c, pp. 106-111; CD2/24, Views 326a, b, c & d, pp. 26-32.

- 6.22 Again, the tower would stand sentinel at the bridgehead in the centre of the curve of the river – on a clearly appropriate landmark site. It would reflect that context and be appropriate for the uses to be housed there. Its sculptural form would be both clear and instinctively understood in terms of that context. There would be no harm to any listed building or its setting. The National Theatre sits solidly and strongly to the right of the view. Its presence, if affected at all, would be enhanced by a clearer focus to the middle-distance of the view. But there can be no real suggestion of harm.

Westminster City Council's and English Heritage's position in relation to these views

- 6.23 WCC's position is now clear;^A its case is limited to the contention that the proposal will have an adverse impact on the view from St James's Park.
- 6.24 English Heritage's position is difficult to track. It chose not to appear at the inquiry. It did not believe that the impact of the proposal on these or any other views was sufficient to warrant a call-in of the application. It was content to leave to the local planning authority the decision on whether or not to grant planning permission. It had objected to and sought the call-in of earlier different and taller schemes^B but considered the impacts of this proposal reduced in comparison. Nowhere does it seek to explain the nature of its residual concerns; it merely states as part of its consultation response that the building 'would have an impact on views from the [bridges]'.^C
- 6.25 Further, when considering whether the proposal met the criteria for tall buildings in the EH/CABE guidance, and when summarising its overall advice to the local planning authority, English Heritage relied only upon its reduced concerns about the building's impact from the bridge in St James's Park, not upon any wider harm to the views considered above.
- 6.26 This apparent recognition of the absence of significant harm to the river views seems entirely consistent with the position taken by WCC, which has formally withdrawn objections it had to the proposal in those views – leaving only the objection based on the impact of the tower in the view from St James's Park.^D
- 6.27 Now, in its written representations to the inquiry, English Heritage does not mention its earlier concerns about wider impact on the river views but concentrates upon alleged residual harm to the specific settings of the National Theatre, County Hall and the Royal Festival Hall. These allegations are simply not sustainable in the light of the evidence reviewed above.
- 6.28 The National Theatre stands well away from the site of No. 1. It is a sturdy presence. The ability to understand the building and its setting would not be harmed by the proposal. Glimpses only would be seen in some views of County Hall. The tower would be a distant townscape element of quality. The ability to see and understand County Hall as an overwhelmingly powerful civic building would be unharmed. Impact from the proposal would anyway be overshadowed by the closer and much more solid presence of the Shell Centre.^E It would be a distant townscape element of quality, adding interest and diversity, in relevant views of the Royal Festival Hall. It would not harm

^A CD12/11.

^B CD17/1.

^C CD17/2, p. 2.

^D CD12/11.

^E BE/2E, View 131a.

the ability to appreciate or understand the listed building, which anyway has the towers of the Barbican much more directly in its setting.^A

- 6.29 The only proper conclusion to be made about the wider townscape impact of the proposal is that it would constitute a significant enhancement.

Other more local views

- 6.30 It is significant that English Heritage does not object in relation to impact on the Waterloo and Roupell Street Conservation Areas.
- 6.31 Waterloo Community Development Group (WCDG), which produced separate but similar proofs for No. 1 and No. 20, takes a not dissimilar approach. Where there is a reference to Roupell Street and Aquinas Street in relation to No. 20, there is none in relation to No. 1. Some explanation of the approach may be revealed by the comment accepting the function performed by No.1 as a marker for the river in an area where orientation can be confusing.
- 6.32 That said, there would be no change to the views from the Roupell Street Conservation Area.^B No.1 simply would not be seen. From Aquinas Street, in the Waterloo Conservation Area, the view already includes the King's Reach tower; No. 1 would elegantly reassure and remind viewers of their location at the heart of the capital,^C a positive enhancement of the street scene.

The policy approach

The location of tall buildings

- 6.33 The tall building in this proposal is appropriately located in townscape terms. Policy on the location of tall buildings in the area confirms this. The issues raised by the Secretary of State on this matter give rise to two questions:
- Is there a sufficiency of policy to allow a decision maker properly to determine the application?
 - If there is, does the proposal accord with policy on the location of tall buildings?

Sufficiency of policy

- 6.34 The starting point is the statutory development plan – the London Plan and the Southwark Plan. Both give guidance on appropriate locations for tall buildings.
- 6.35 In the London Plan, Policy 4B.9 '*Tall buildings – location*' gives assistance on appropriate locations and circumstances for tall buildings. In particular, the Mayor will promote the development of tall buildings where they:
- create attractive landmarks enhancing London's character;
 - help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration; and
 - are acceptable in terms of design and their impact on their surroundings.
- 6.36 That is the strategic guidance. Southwark Plan Policy 3.20 also gives clear locational guidance. It provides that tall buildings may be appropriate on sites which have excellent accessibility to public transport facilities and which are located in the CAZ (particularly in Opportunity Areas) outside landmark viewing corridors.

^A BE/2E, View 130.

^B CD2/21, Views 148 and 150.

^C CD2/21, view 151.

- 6.37 More specific guidance is provided for buildings over 30m tall, which should:
- make a positive contribution to the landscape; and
 - be located at a point of landmark significance; and
 - be of the highest architectural standard; and
 - relate well to their surroundings, particularly at street level; and
 - contribute positively to the London skyline as a whole, consolidating a cluster within that skyline or providing a key focus within views.
- 6.38 The Southwark Plan policy was considered carefully by an independent Inspector. He was satisfied that the policy was consistent with national and strategic policy. He was also very aware of the clear advice on the plan-led approach contained in the EH/CABE guidance. The Inspector was, and Southwark is, clear that this policy is the appropriate vehicle by which to assess applications such as this. Of course, the tall buildings policy has to be read in conjunction with other plan policies on the protection of historic assets and other interests of acknowledged importance. But it was thought neither necessary nor appropriate to provide a more fine-grained policy or map-based advice than that contained in the Plan.
- 6.39 This development plan policy matrix would itself give adequate guidance to the local planning authority, and ultimately the Secretary of State, to allow proper consideration the proposals. It is inconceivable that a proposal which met all of the locational advice in this matrix could, notwithstanding, be described as *ad hoc* or unplanned. But the guidance goes further than this.
- 6.40 In particular, the EH/CABE guidance was drafted to allow decision makers to make appropriate judgments on applications for tall buildings as they arose, even in the absence of a plan-led position. When this comprehensive guidance is added to the policies in the development plan, there really can be no doubt that an appropriately mature policy nexus exists to allow the Secretary of State to form a proper judgment on the proposals before her.
- 6.41 Indeed, the level and extent of policy available here far outstrips that available elsewhere^A when neither the Secretary of State nor her Inspectors have had any difficulty at all in concluding on the acceptability of individual proposals.

The application of London Plan locational policy

The creation of an attractive landmark

- 6.42 Quite simply, the proposed tower clearly meets this criterion. In strategic terms, the site sits at the heart of the World City, on a bend of the Thames at Blackfriars Bridge. The proposal would be a sculptural landmark structure. It is beyond attractive. It is beautiful.

Coherent location for economic clusters and/or a catalyst for regeneration

- 6.43 The proposal meets both of these criteria, which are anyway stated to be in the alternative. The South Bank in the vicinity of the site already contains economic clusters of related activities. There is a concentration of visitor, cultural and tourist activity along the Thames. The London Eye, the South

^A CD19/3 and 19/4 – the Shards of Glass decision, DL17 and DL20, IR16.115;
 CD19/11 – the Cory's Wharf decision, DL53;
 CD19/9 and 19/10 – the Lots Road decision, IR19.56 and DL27 (the proposed towers would be acceptable if they satisfy the relevant London Plan policies).

Bank cultural complex, Gabriel's Wharf and the Oxo Tower all enliven the riverside to the west of the site; the Tate Modern and the Globe Theatre do so to the east. The application site is a coherent location at which to add to and consolidate this offer by way of a tall building. This clustering is specifically recognised in the London Plan, in which the South Bank/Bankside area is identified as a strategic cultural area.^A

- 6.44 In commercial terms, there already exists a cluster of office accommodation which would clearly be consistent in a synergetic way with, and benefit from, the provision of a high quality hotel. The site is again a coherent location to add to and consolidate these related economic activities.
- 6.45 The sites at No. 1 and No. 20 have historically been more closely related to the more downtrodden parts of the ward, where low levels of design and townscape quality match the levels of social deprivation and exclusion. The tower and its associated development would alter this perception for good. The hotel and sky deck would bring hundreds of jobs in a location which is entirely consistent with regenerative policy. The affordable housing would bring much needed intermediate accommodation to the location. And a new public space for London would draw people back from the busy Thames path into the hinterland, to share in the vibrancy of the open space, cafes and bars. The market housing would meet both local and strategic need for a wide range of scale, type and size of accommodation.
- 6.46 Proposals such as this clearly bring others in their wake and have a proper catalytic effect. It is no coincidence, for example, that both No. 1 and No. 20 are coming forward together, in full knowledge of each others progress. Neither is it a surprise that other proposals are coming forward in the wake of the expectation of change associated with these proposals.

Design and impact upon surroundings

- 6.47 The proposal would represent a significant and positive addition to the London skyline. This is not simply the position of the applicant. It is also that of CABE, which has always supported the tower element of the proposal.^B The only real suggestion that the tower would give rise to harm is made by those seeking to protect the view from the Blue Bridge in St James's Park.

The application of Southwark Plan locational policy

Excellent public transport accessibility

- 6.48 The site has the highest possible Public Transport Accessibility Level (PTAL), 6B, making it one of the most accessible locations in the capital. There can be no dispute that the criterion is met. Suggestions from WCDG that the site is somehow deficient because it is not a transport node are simply misplaced.^C The policy is clear as to what it expects – 'excellent accessibility to public transport facilities'^D – and that is what the site provides. It is rare that a location which is so obviously a site for a landmark building should also be associated with the highest possible PTAL.

^A CD8/1, para. 3.279.

^B CD16/5 and CD16/6.

^C CD7/1 – para. 318 reads: 'Tall buildings, if designed thoughtfully, can be an important component in raising population density around transport nodes, avoiding urban sprawl and contributing to an area's regeneration.' It is not contemplated that all development will take place at transport nodes.

^D CD7/1, Policy 3.20, para. 316.

Location in the Central Activities Zone (CAZ)

- 6.49 The site is now and always has been in the CAZ, unsurprisingly for a position so close to Blackfriars Bridge. It is not within a landmark viewing corridor. What is surprising is that CAZ designation has brought so very few World City advantages to the immediate area of the site. The criterion is met.
- 6.50 The parenthesised identification of Opportunity Areas (OAs) as being particularly (but thus not exclusively) suitable for tall buildings requires further consideration. Firstly, there is no requirement in the strategic or local plans that suitable sites for tall buildings must be within OAs. Secondly, properly read, the application site has been identified by the London Plan as lying within an OA, albeit one where the indicative boundary is to be refined by the DPD process.^A Thirdly, no logical reason has been offered as to why that indicative boundary^B should be refined to exclude the application site for No. 1 (or No. 20). Indeed, the identification of the site as within an OA is entirely consistent with other parts of the Plan and the long held ambition to have a contiguous Opportunity Zone along the River in this location.

Positive contribution to the landscape

- 6.51 For reasons already explained, the tower passes this requirement with ease. It is particularly relevant in the circumstances of North Southwark to note that, by itself or with No. 20, the proposal would make a very great difference to how the area would be perceived from many key positions in the CAZ.

Point of landmark significance

- 6.52 A point of landmark significance is defined in the Southwark Plan as a place 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.^C However one chooses to define a point of landmark significance, the application site more than meets that definition.
- 6.53 It sits at the confluence of the main north-south route into the City and the main east-west route along the south side of the Thames. There is a concentration of activity and movement associated with the cross roads, the route to the City, the public transport corridor and the nearby river walk. On a grander scale, because of its location in the middle of the gentle Thames meander, the site is the most suitable and visible focus of views in North Southwark. From London Bridge in the east to beyond Waterloo Bridge in the west, the tower at No. 1 would be a focus of views in a wholly beneficial way.

The highest architectural standard

- 6.54 For the reasons already set out, the proposal meets this requirement easily. The support of CABE is important. Not one objector takes serious issue with this proposition. Even those who express concerns with other aspects of the proposal concede that the tower is of the highest architectural quality.

Relationship to surroundings, particularly at street level

- 6.55 The proposal would bring a great deal to its surroundings. At street level, there is the provision of restaurant and café uses, the organic qualities of the

^A CD8/1, para. 5.174.

^B CD8/1, p. 353, Map 5G.1.

^C CD7/1 – the definition is at p. 150.

living wall, the route through the site to the sky deck and a new public space for London. The tilting off-axis of the tower enables a welcoming route into the new space which, contrary to the assertions of some, would be a lively, overlooked and pleasant place to pause.

Contribution to the London skyline as a whole

- 6.56 The proposal would achieve, at a stroke, a thorough-going alteration for the better of the site itself and a London-wide enhancement of the skyline. With or without No. 20, the tower at No. 1 would provide a clear focus within the key riverine views. There is no better-placed site to achieve this focus.
- 6.57 The proposal would also consolidate a cluster of tall buildings beginning to appear in the vicinity of the site but at present lacking definition and focus. The extended King's Reach tower, the LWT tower and the Tate Modern Tower would all benefit from the location of the proposed tower, which would create more of a family of buildings in the general location of the site. No. 20 would, of course, give further definition to this cluster, with the more singular form of No. 1 occupying the key and most prominent site on the bend of the river.

EH/CABE guidance

- 6.58 The third level of policy applicable to this proposal is the EH/CABE guidance on tall buildings.^A Each of the relevant criteria has been analysed carefully in the evidence.^B On any reasonable analysis, the application site is a paradigm site for a tall building of the type proposed.

Overall conclusion on policy

- 6.59 There is a clear sufficiency of policy at national, strategic and local level to allow a proper decision to be made on the application by the Secretary of State. Any proposal which accords in principle with the locational advice in that policy matrix cannot be said to be *ad hoc* and unplanned. When the matrix is applied to this proposal, the site can be seen to be a wholly appropriate one for a tall building, passing all of the tests of acceptability.
- 6.60 This is not just the conclusion of the applicants, the local planning authority and CABE. It is also the position, in general terms, of those who would object to the proposal because of its specific impact on views from St James's Park. WCC does not argue that the proposal fails to meet the relevant national, strategic and local policy tests for a tall building on the site; its concern is limited to the alleged harmful impact of the proposal in views from from St James' Park. The same is true of The Royal Parks - though the objection is framed a little wider. Thus, were the Secretary of State to conclude that the proposal is acceptable, applying the proper policy approach in terms of the views from St James's Park, then there can be no policy reason for refusal.

Views from the Blue Bridge in St James's Park

- 6.61 The view from the Blue Bridge in St James' Park is one of the 26 views identified as part of the London View Management Framework (LVMF) by the London Plan.^C Such views are to be managed in accordance with Policies 4B.17 and 4B.18 of the Plan. The former provides for the preparation of View

^A CD6/2.

^B BE/1, BE/2 and BE/3 – the evidence of Ian Simpson, Professor Robert Tavernor and Alan Simmonds.

^C CD8/1, Table 4B.1.

Management Plans, which are required to *'reflect the benefits of (each) view, helping to promote an appreciation of London at the strategic level and to identify landmark buildings and to recognise that it is not appropriate to protect every aspect of an existing view'*.^A

- 6.62 The purpose of the LVMF is to ensure a robust and consistent approach to development falling within any of the identified views. It was published in July 2007, after significant public and strategic stakeholder consultation. The Secretary of State was able not only to rescind the previous guidance on Strategic Views but also to agree that the LVMF as a whole, and Policies 4B.16, 4B.17 and 4B.18, could and should have full effect. In the circumstances, the LVMF should be given significant weight by the Secretary of State.

Specific guidance on the St James's Park view

- 6.63 The structure of the specific guidance for the St James's Park View reflects the structure of the guidance for all of the other identified views. In this particular view, the LVMF makes it clear that the juxtaposition of landscape and historic and important civic buildings, with the London Eye and the Shell Centre in the background, *'enables the viewer to appreciate that this is an historic parkland in an important city location'*.^B This is re-emphasised by the description that the *'group works together as a layering of architectural detailing against the skyline'*. The visual management guidance applicable to this specific view, carefully considered in the light of representations on behalf of WCC and The Royal Parks, is that:

- the *'background of the landmark in these views is managed in line with paragraphs 3.41-47'*;
- *'further development ... in the distant skyline background ... should be of appropriate scale and geometry not to overpower the existing built form or detract from night-time views'*;
- any *'tall building proposal in the distant background should be of exceptional design quality, in particular with regard to its roofline, materials, shape and silhouette'*; and, in overall summary of the approach,
- *'the design aims should ensure that the scale or appearance of the building should not dominate or over power the setting of the short range view'*.

- 6.64 Several critical conclusions flow from this:

- the guidance clearly contemplates the potential acceptability of further development, including tall buildings, in the distant skyline background of the view;
- there is no part of the view which is identified as sacrosanct or to be wholly protected from further development, geometrically or otherwise;
- any tall building proposal at No. 1 (or No. 20) would clearly form part of the *'distant skyline background'*,^C a specific concept designed with this view in mind only;
- the overall test to be applied by the decision maker is, therefore, whether the scale or appearance of the building would dominate or overpower the setting of the short range view;

^A CD8/1, Policy 4B.17, first bullet point.

^B CD8/4, para. 5, p. 230.

^C CD8/4, para. 8, p. 230.

- when formulating this test, the framers of the document (and the consultees, including English Heritage and the Secretary of State) would have had well in mind the statutory duties and policies relevant to listed buildings and conservation areas;^A it is inconceivable that the framers would produce (or the Secretary of State allow) a test for this important view which failed to reflect these statutory and policy requirements;
- thus, while the tests concerning the desirability of preserving the settings of listed buildings and the avoidance of harm to the character and/or appearance of the settings of the conservation area continue to apply, their application must respect the specific overall guidance on what the LVMF considers to be acceptable in the distant background of the view;
- the specific guidance in relation to the background of the 'landmark' is not relevant to the circumstances of this case; the only landmark^B within the view is the London Eye – and no objector contends that the proposal has any relevant impact on that landmark.

6.65 It is important to note that the Inspector,^C the Secretary of State^D and all parties to the Doon Street inquiry (including those challenging other aspects of the decision) accepted the appropriateness of this general approach to considering impact in this view. It is particularly instructive that the Secretary of State indicates in her decision that she is well aware of the relationship between the LVMF tests and her duty to consider whether the proposal would preserve or enhance the setting of the Royal Parks Conservation Area.^E

6.66 It is inconceivable that the Secretary of State would wish now to take a different approach here to that taken at Doon Street to the impact of buildings in the distant skyline background.

6.67 Indeed, there is a public interest in consistency of decision making. The Courts have held that decision makers and those advising them should only seek to depart from approaches adopted in previous cases if they are satisfied that there is good reason for so doing and if they are able to give cogent and complete reasons for such a departure. It is not sufficient to say that each case should be determined on its merits.^F Here, there is no good reason to depart from the very recent and agreed approach of English Heritage, WCC, the Inspector and Secretary of State to the impact of tall buildings in the distant skyline background of this view.

Application of the LVMF guidance

6.68 The effect of No. 1 cannot be described as dominating or overpowering the setting of the short range view from St James's Park. The top of the building would be seen as part of the '*layering of architectural detailing*' already

^A It should be noted that the statutory duty imposed by s.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply since the application site does not lie within a conservation area; the advice in paragraph 4.14 of PPG15 does apply.

^B CD8/4 refers to two types of landmarks – Strategically Important Landmarks (1.24) and 'other landmarks'. Strategically Important Landmarks are the Palace of Westminster, the Tower of London and St Paul's Cathedral (1.25). Other landmarks are identified in Appendix B (page A11), and include the London Eye.

^C CD24/2, paras. 15.20-15.29.

^D CD24/1, para. 17.

^E CD24/1, para. 23.

^F North Wiltshire DC v Secretary of State (1993) 65 P&CR 137 at p. 145 and Dunster Properties Limited v First Secretary of State [2007] 2 P&CR 26 at paras. 9 and 23.

identified as a feature of the existing view. It would enhance the view and allow for a greater strategic appreciation of the capital, consistent with Policy 4B.17 in the London Plan. It would be perceived, even at 2.2km away, as a building of quality. Its form would be an appropriate addition to the distant skyline in terms of *'roofline, materials, shape and silhouette'*. In explaining why it chose not to seek a call-in of the proposal, English Heritage commented that the roofscape of No. 1 *'would be more in keeping with the existing Whitehall roofscape'* and that *'the same points can be made about the DIFA tower (The Pinnacle)'*.^A

- 6.69 No. 1 would add to a series of consented buildings which will be apparent in the distant background,^B an important consideration when the decision maker must have regard to *'details of any committed schemes which have not yet been implemented but which could affect the designated view'*.^C That decision makers have been able to grant consent for the King's Reach tower extension, the Heron Tower extension and the Shards of Glass further establishes the acceptability of the layering of quality architecture in the distant background as part of the reality that the Park sits in an *'important city location'*.
- 6.70 Night-time views have been accurately rendered specifically to give an impression of how the lighting (including aviation lighting) will appear.^D The lighting associated with No. 1 (itself capable of being controlled by condition) is gentle and appropriate. It would add a distant constellation of quiet interest. Certainly, it would not be as noticeable as the bolder lighting associated with the already consented and implemented 'Pinnacle' proposal. There will be no detracting from the night-time views.
- 6.71 The Doon Street Inspector found that the scale and geometry of that building would appear *'overpowering within its context and in relation to other buildings and spaces'*.^E The 'geometry' was rectilinear and shaft-like; the 'scale' derived from exceeding *'by far the height of most buildings within its visual range', 'unmatched by any other structure ... except possibly the London Eye'*.^F The Secretary of State disagreed with this conclusion but, even on the Inspector's analysis, those concerns about Doon Street simply do not apply to No. 1 – its scale would not be of an order unmatched by any other building; it would sit as part of a layer with other consented city buildings; English Heritage has said that it would be more in keeping with the existing Whitehall roofscape; and it would be further away, and seen as lower, than Doon Street. It would not be seen to dominate or to overpower.

The case against the proposal

- 6.72 The reality of the position is that those who oppose the impact of this proposal at the inquiry do so because they do not accept the principle of any distant skyline development within this part of the view.^G Little weight should be given to judgments founded on a wholly different test to that in the LVMF.

^A CD24/7, para. 96.

^B The 'Pinnacle', 122 Leadenhall Street, the Heron Tower and the Shards of Glass.

^C CD8/4, para. 3.22.

^D BE2/C, View 111c, pp. 40-41.

^E CD24/2, para. 15.23.

^F CD24/2, para. 15.21.

^G CW/5, para. 103, maintains this position; Mr Ayton, responding to the Inspector's question, was honest enough to accept that this was his position.

Alleged singularity of impact

- 6.73 Based on the Environmental Statement representing the position if No. 1 alone were to be built, WCC's evidence was that harm arises as a result of the solitary intervention of the tower into the view.^A The Royal Parks also sought to rely on this concept of solitary impact.^B
- 6.74 These judgments are misplaced. The LVMF contemplates the potential for new tall buildings in the view. It does not require them to be associated with others; it simply requires them to be of quality and not to overpower the setting of the short range view. In any event, the prospect of No. 1 being the first, or only, distant skyline building is wholly artificial. It would be but one of a layer of distant skyline buildings of quality, helping to promote appreciation of London at a strategic level.

Reptonian illusion

- 6.75 The Royal Parks' position had a certain poetic charm but lacked any proper relationship with policy or fact. The theory advanced was that Duck Island allows the viewer to believe that the St James's Park lake runs on infinitely beyond it, allowing a suspension of belief that one is in the City at all. The absence of any buildings above Duck Island, in the centre of the view, was said to be crucial to the success of this landscape device, leading to the argument that there ought to be no intervention of buildings above this landscape. Whatever the theoretical and factual merits of this in landscape architecture terms,^C it is simply not the policy approach that has been found to be appropriate in the LVMF.^D
- 6.76 In any event, the need to protect the illusion of an infinite lake created by the island landscape is not a weighty material consideration. As a matter of fact, the viewer will see the important civic buildings close at hand and will know that this is a park in an important city location. It is fanciful to suppose that the viewer could contemplate a lake continuing behind Horse Guards simply because of the absence of buildings above the landscape. There is no illusion of infinity. Even if there were, it will be shattered by the emergence above the Duck Island landscape of the Pinnacle, 122 Leadenhall Street and, to a lesser degree, the Heron Tower. Once that occurs, the argument from first principles against any building above the island simply disappears.

Conclusion on the view from the Blue Bridge

- 6.77 No. 1 would enhance the distant skyline background of the view by adding to the layer of high quality city buildings which will already be apparent. It certainly would not overpower or dominate the setting of the short range view. Accordingly, the proposal would preserve and enhance the setting of the Royal Parks Conservation Area.

^A 'There are no other buildings there now' was what was said in evidence.

^B W/5, paras. 18-21.

^C BE/2D, paras. 3.6-3.10.

^D This approach was specifically considered and ruled out as an appropriate approach to the circumstances of this view. WCC and The Royal Parks sought specific geometric protection of the viewpoint. In particular, The Royal Parks argued that cones of protection should not allow any development above Duck Island. The approach was specifically rejected. No such blanket protection was thought appropriate to the circumstances of the view.

Wider impact on St James's Park

- 6.78 The case for The Royal Parks is drawn a little wider than that for WCC. However, if the Secretary of State is not persuaded that the effect on the view from the Blue Bridge would be unacceptable, then it is improbable that impacts in non-protected views could result in refusal. Neither WCC nor English Heritage suggests that the impact on the secondary views causes any concern. All of the views were advanced in opposition to the Doon Street tower, the Inspector concluding that there would be no conflict with policy or guidance.^A

Views across St James's Park from in front of Buckingham Palace^B

- 6.79 This view gives a wonderful impression of the relationship between the City of Westminster and the City of London and Southwark. 30 St Mary Axe is clearly visible, as is the King's Reach tower. The Pinnacle will become an important element in the view, as will 122 Leadenhall Street and 20 Fenchurch Street. In this context, No. 1 would be a remarkable and welcome addition, though it would be obscured if Doon Street were built.
- 6.80 The location at the parapet wall above St James's Park would give an even better view of the cluster of City and Southwark buildings. Again, No. 1 would be an impressive addition, though only to be seen if Doon Street is not built.

Views from the path alongside St James's Park lake^C

- 6.81 These views are part of a kinetic sequence. No. 1 would not always be visible. If the test appropriate to the protected view is of overpowering or dominating, then no sterner test ought to be applied to these unprotected views. Where No. 1 could be seen, however, it would create an enhancement by adding to the distant layering of high quality buildings.

Cumulative impact

Visual impact

- 6.82 Consultation between the applicants for No. 1 and No. 20 has resulted in a townscape solution to the development of the two sites which would be one of the most exciting architectural juxtapositions in London.
- 6.83 The evidence from the two architects made clear their joint recognition that the site of No. 1 is the more visible and singular, calling for a singular tower at the apex of the river views; in turn, this meant that the site of No. 20 could be graced by the no less elegant but quieter, complementary presence of two lower towers. As a townscape ensemble, the developments represent the best that British architecture can offer. The river prospects, for example from the Millennium Bridge and Blackfriars Bridge,^D would be truly spectacular.
- 6.84 In most of these views, the impact of the Doon Street tower is either positive, in that it adds to the clustering effect of the proposed towers, or neutral, in that it is too distant to have any meaningful effect.
- 6.85 In short, if the Secretary of State were to find No. 1 acceptable by itself, then there is nothing in these views which could suggest that that acceptability would be taken away by the grant of consent for and construction of No. 20.

^A CD24/2, para. 15.32.

^B BE/2E, View Reb1, pp. 72-73.

^C BE/2E, Views Reb2 and Reb3, pp. 74-77.

^D CD2/24, Views 317a, 317b and 320, pp. 17, 19 and 23.

- 6.86 From St James's Park, the combination of the developments cannot be said to breach the clear policy matrix discussed above or to be harmful in any meaningful way. In what would be the worst cumulative position from The Royal Parks' point of view, towards the north end of the Blue Bridge, No. 20 would sit above the Duck Island landscape, between the Foreign and Commonwealth Office and Horse Guards. If No. 1 and No. 20 were found individually acceptable on the distant background skyline, then it is highly unlikely that the combination (and including the various consented City buildings) could be found unacceptable.
- 6.87 That is the position without taking into account the Doon Street tower, on which, accordingly, no reliance need be placed. If, however, Doon Street is to be considered, then the Secretary of State's judgement that it would be an acceptable presence must, if there is to be consistency, lead to the same conclusion on No. 1. Moreover, the residual impact of No. 1 were Doon Street to be built would be so small as to be incapable of proper appreciation.^A
- 6.88 From the St James's Park Assessment Point, No. 20 would appear as a tiny sliver adjacent to the Foreign and Commonwealth Office. If No. 1 were found acceptable on its own merits from this location, it is wholly unlikely that the Secretary of State could then find it unacceptable with the addition to the view of the sliver of No. 20.

Development control matters

- 6.89 The development control aspects of cumulative impact have been carefully considered through the Environmental Statements.^B If the cumulative impact is acceptable, so too must be the more limited impact of No. 1 alone. Only the issues of wind and sunlight and daylight took any time at the inquiry.
- 6.90 WCDG raised three main points about microclimate – the source of the data, the reliability of predictions based upon wind tunnel models, and the results contained in the ES.^C
- 6.91 The data referred to by WCDG, obtained from readings on the LWT tower, are indicative of conditions at a high level and not at the 10m reference height used for the meteorological standard conditions. Moreover, the dataset is incomplete.^D The wind tunnel tests allow a scale model to be used to create a direct analogue representation of wind conditions.^E Post completion testing, including testing on tall buildings, has shown a good comparison.^F Lastly, the results which were criticised are predictions before mitigation is taken into account. That mitigation is minor, involving localised planting and recessing of entrances,^G and would allow desired conditions to be achieved at all locations.
- 6.92 It may be noted that the points relating to the source of the data and reliability of predictions based upon wind tunnel testing were raised by WCDG and other

^A A point accepted on behalf of WCC.

^B CD2/20 – the cumulative impact of all the schemes listed at Table 1.2 is considered in chapter 9 (including 9.2, Microclimate, and 9.3, Daylight and Sunlight).

^C W/1, para. 5.19.

^D BE3/D, para. 3.6.

^E BE3/D, Appendix 2, para. 4.3.

^F BE/7, paras. 3.4 and 4.1 in particular.

^G BE3/D, Appendix 2, para. 5.2.

objectors at the Doon Street inquiry.^A The Inspector accepted the objectors' arguments on many issues, but not those on microclimate.^B

- 6.93 WCDG raised a point about overshadowing of the riverside walk^C but withdrew it at the inquiry. It also raised a point about the sunlight and daylight enjoyed by residents of Rennie Court and River Court. That too was not pursued. WCDG would prefer to see the consented scheme built^D but, were that wish fulfilled, a greater number of adjoining residential units would experience conditions falling below BRE recommended standards for daylight than would be so if No. 1 alone was built, or if both No. 1 and No. 20 were built.^E

Housing

- 6.94 The proposal brings forward a significant number of housing units of a suitable mix on a site not otherwise allocated for housing. This windfall benefit is only reasonably and sustainably capable of being achieved as a result of including an hotel within the development mix. The consented office scheme provided no housing or affordable housing. This application proposal meets and exceeds the affordable housing policy targets for a site in this area. The proposed on-site and off-site provision makes a significantly greater contribution to the affordable housing needs of the Borough than would be achievable by the mechanical application of affordable housing policy on-site.

Housing on an office site

- 6.95 There is a pressing need for both market and affordable housing in London. Meeting that need is a central preoccupation of the London Plan, which seeks to maximise the potential of sites for housing.^F That objective is echoed in the Southwark Plan.^G The targets in the London Plan are minima. They were considered in the examination in public and found sound. The minimum target for Southwark is 1,630 dwellings a year.^H
- 6.96 The application site is within a preferred office location identified in the Southwark Plan.^I Its previous use was offices. The normal presumption is that development should not result in a net loss of office floorspace. There is no policy requirement, and no commercial sense, in combining housing with office development at this location. An office developer would wish to maximise the available space for office development, as demonstrated by the extant consent. An exception to the presumption may, however, be made where a proposal involves the provision of tourism facilities.^J The hotel and sky-deck proposal is thus compliant with policy, notwithstanding the absence of replacement office floorspace.
- 6.97 The economics associated with a synergistic provision of housing and hotel allow the application site, for the first time, to make a very significant contribution to meeting general and affordable housing need. Thus, without

^A CD24/2, paras. 11.41, 11.45 and 11.57.

^B CD24/2, para. 15.150.

^C W/1, para. 5.20.

^D W/1, para. 4.4.

^E BE/3/B, Appendix 6.

^F CD8/1, Policy 3A.3.

^G CD7/1, Policy 4.1.

^H CD8/1, Policy 3A.1 and Table 3A.1.

^I CD7/1, Policy 1.3.

^J CD7/1, para. 143(ii).

harming the aims and objectives of the preferred office location, the site also meets the housing imperative for London and Southwark.

Quantum of affordable housing

- 6.98 The proposal would bring forward 141 housing units in total, of which 77 would be affordable. There would be 96 units on-site, 64 for market housing and 32 for intermediate affordable housing. Off-site, but within the same Community Council area, the section 106 obligation would secure 45 socially rented units. LB Southwark and the applicant have identified a site where numbers in excess of this provision might be achieved.
- 6.99 The need for affordable housing in Southwark is pressing indeed. This is one of those London Boroughs where the year-on-year need for affordable housing outstrips the total housing target set by the London Plan – 1,900^A to 1,630.
- 6.100 The site is within the CAZ, where the Southwark Plan seeks that at least 40% of all new housing should be affordable.^B This is consistent with the overall Mayoral strategic target that 50% of all dwellings in London, from all sources, should be affordable. It has also been found to be consistent with meeting Southwark's needs in the context of many other local and strategic functions.
- 6.101 The proposal secures 55% affordable housing by unit number (51% by habitable rooms). This significantly exceeds the policy requirement. In short, LB Southwark has secured more housing for its community than would ordinarily be achieved by a mechanical application of policy on-site. A significant number of families which would otherwise be in housing need would have their needs met – a benefit of the proposal deserving utmost weight.
- 6.102 The support for this from the relevant authorities is unsurprising. It is clear that they are well aware of the significant human impact the overall provision would have. Indeed, the authorities were the key authors of the very solution now before the inquiry.^C

Off-site provision

- 6.103 PPS3 admits of off-site affordable housing provision, or a financial contribution in lieu of on-site provision, where that can be robustly justified. The London Plan also contemplates that.^D It does not set out definitive criteria but gives examples. The Housing SPG gives similar guidance.^E LB Southwark's draft Affordable Housing SPD sets out a sequential approach, with the intention of maximising provision.^F Its second stage is that affordable housing may be provided off-site if it is not possible to provide it on-site or if it is demonstrated that significant benefits will be gained by providing new units in a different location, such as to meet housing needs by creating more family housing.
- 6.104 Thus, all levels of policy recognise that off-site delivery of some elements of affordable housing may be appropriate in particular circumstances.
- 6.105 Here, there are good design reasons why it is appropriate to make off-site provision for the larger family units. The 2005 application proposed the

^A CD7/1, para. 394.

^B CD7/1, Policy 4.4.

^C CD11/2, paras. 95-96, and CD15/1, para. 28 of the report.

^D CD8/1, para. 3.57.

^E CD8/6, para. 18.17

^F CD7/11, para. 3.6.

affordable housing on-site only. That was thought unacceptable, due mainly to the inability to provide adequate private amenity and play space for the family accommodation. The Mayor suggested providing that accommodation off-site,^A in accordance with policy. In addition, CAGE was unconvinced that the design of the Rennie Street building was suitable for family housing.^B Concern was also expressed about the bulk of the low-rise elements of the proposal.

6.106 As a result, the applicant sought to amend the proposal, to lose bulk from the lower building and to consider off-site provision of the larger family housing. A mixed on-site/off-site solution was developed and a Three Dragons model established the maximum contribution that the on-site development could make to off-site provision. That sum was, and remains, £15.62 million, a sum examined by LB Southwark and the Greater London Authority (GLA). No one takes issue with that figure.^C

6.107 The reasons for the authorities' approach may be summarised as:

- an acceptance that it was not feasible or economic to place affordable units at the higher levels of the tower;
- the hotel with its reception and ballroom and meeting facilities needs to occupy the ground and lower floors;
- the service costs associated with high level lifting and building maintenance would be prohibitive for affordable users;
- the control sought by registered social landlords (RSLs) would require separate entrances and lifts, an unnecessary and profligate use of space;
- a need in design terms at this constrained location in the CAZ to reduce the bulk of development which could comfortably sit on the site – the 'removal' of the larger affordable family units from the lower level buildings being the most sustainable way of achieving this reduction;
- the relative inappropriateness of placing family accommodation on an island site on the junction of two of Southwark's busiest routes; the site clearly has a different context to No. 20 in this respect, a fact recognised by the authorities throughout the application process.

6.108 In addition, it is important to recognise that the on-site and off-site solution is hugely more productive than would be a wholly on-site policy-compliant solution. It delivers more social rented housing units than would have been possible with a wholly on-site solution.^D It allows the site to contribute towards meeting the strategic target that affordable housing should comprise 70% social rented and 30% intermediate provision, which a wholly on-site solution could not have achieved. It exceeds the CAZ requirement of 40% and also provides 88% more affordable housing than a wholly on-site solution. In the circumstances, the justification for providing some of the affordable housing off-site is overwhelming.

Mixed and balanced communities

6.109 An examination of the facts establishes that the provision of larger market units, significant numbers of intermediate affordable units and a large number

^A CD15/1, para. 28.

^B CD16/3.

^C CD15/2, para. 26; CD15/4, paras. 10/11/14; CD16/5; CD11/2, paras. 94-96.

^D BE/3/B, Appendix 4, para. 5.2.2 and para. 5.26 in the errata.

of family affordable units would, overall, make a wholly beneficial contribution to the mix and balance of the community in which the development is located.

- 6.110 The proposal would help to meet the identified need for larger market units in a part of the Borough conspicuously lacking larger market units. The scale of the proposed units has always been well known.^A There is no suggestion that they are contrary to policy. Their generous proportions are one explanation for the ability of the proposal to provide an affordable housing solution which exceeds policy requirements. WCDG's unit size comparison^B is simplistic; it takes no account of practical arrangements, management issues, service charges or economic viability. It also closes its eyes to the significant off-site provision secured by obligation and ultimately within LB Southwark's control.
- 6.111 There is a pressing need for intermediate units. It is recognised at all levels of policy that those on middle incomes are in real need of appropriate housing. It is specifically mentioned in the Southwark Plan.^C There appears to be a particular dearth of intermediate units in the 'super output area' of the application site. The most recent figures showed that less than 1% of existing units were in shared ownership.^D Implementation of this proposal would increase to around 4.5% the proportion of intermediate housing units in an area where there is little or no opportunity to access that form of housing.
- 6.112 The proposal would thus help to address this local lack of balance at rates and values which are consistent with GLA policy on intermediate affordability. The WCDG suggestion that the units would be affordable only by those earning £60,000 are simply incorrect and misleading.^E The qualifying income levels for the on-site shared-ownership units are set in the planning obligation.^F
- 6.113 Finally, the most-needed affordable provision, family housing, would be met within the same Community Council area as the site, at a location over which LB Southwark has complete control. These units would, in reality, form part of the same community as the on-site provision.^G WCDG's suggestion that the site identified for the family housing in New Kent Road is inappropriate is inaccurate. It is based on the fact that the site is adjacent to an existing concentration of social housing at the Heygate Estate. However, that estate lies within the Elephant and Castle OA and is to be redeveloped with an appropriate public/private housing mix.^H

Support from the relevant authorities

- 6.114 The GLA and LB Southwark, responsible for formulating and applying housing policy in the area, both support the proposals. LB Lambeth withdrew its initial objections and has not suggested that the proposals will lead to an unbalanced community.^I Neither LB Southwark nor LB Lambeth have taken up the issue raised by WCDG. Significant weight should be given to the fact that the

^A CD15/2, para. 34, (for example) makes specific reference to the generously proportioned units.

^B W/11, para. 24.

^C CD7/1, para. 386.

^D BE/9.

^E CD7/11, para. 2.2 – the current qualifying income range for social rented housing is £0-£17,600; for intermediate housing, the range is £17,600 to £58,600.

^F BE/14/A – clause 1 includes the definition of Shared Ownership Housing Units.

^G Mr Dennis, in re-examination.

^H CD8/5, Annex 2, p. A12.

^I CD18/3, letters of 11 April and 13 December 2007.

previous Mayor considered and supported the affordable housing proposals (the current Mayor does not take a different position) and that LB Southwark regards them as complying with policy.^A

Other policy issues

6.115 The limited number of matters addressed in this section derives from the fact that many have been agreed between the applicant and LB Southwark. The full extent of that agreement is set out in the Statement of Common Ground.^B

Emerging policy and the position of the new Mayor

6.116 WCC drew attention to the changes to London planning policy contemplated by the new Mayor. It referred to an extract from the new Mayor's pre-election manifesto, *Building a Better London*,^C and *Planning for a Better London*,^D his 'direction of travel' document. Emerging policy is capable of being a material consideration but the weight to be given will depend upon the context. *Building a Better London* was not issued by Mr Johnson as Mayor and can be given little or no weight. The Secretary of State considered *Planning for a Better London* in the Doon Street decision and determined that it should be afforded very little weight.^E There is no reason for a different approach now.

6.117 The Deputy Mayor's letter to the inquiry is the subject of full written response on behalf of the applicants for No. 1 and No. 20.^F Care must be taken in relation to a document which, without transparent analysis or reasoning, seeks to turn on its head the longstanding and considered position of the Mayor and his professional officers. It is known that the new Deputy Mayor believes that the existing policy matrix relevant to this proposal ought to be changed; his stated position is that present policy, particularly that in relation to the view from St James Park, would not properly stand in the way of proposals such as this. That is why he seeks to change it. But, that existing policy matrix has been through several independent and public examinations and is to be given full weight as part of the adopted and published development plan. It is the clear and transparent application of that policy which has, until this latest intervention, led to the consistent support of the Mayor for these proposals.

Hotel for a World City

6.118 LB Southwark considers that the proposal accords with national, regional and local policies relating to hotels and land use.^G The basis for that is clear. Both the hotel and the sky deck would add quality products to London's tourism offer. The hotel would address the quantitative need for hotel rooms.^H

^A Mr Dennis, in evidence in chief.

^B CD23/5/A.

^C CW/1, Appendix 2.

^D CD8/20.

^E CD24/1, para. 8.

^F BE/10.

^G CD23/5/A, para. 7.40.

^H CD8/1, Policy 3B.9, seeks to enhance the quality of London's existing tourism offer and to create new products; Policy 3D.7 seeks 40,000 net additional hotel bedrooms in London by 2026. CD8/5 considers both quantitative and qualitative reasons to increase hotel accommodation in central London.

LBS/3, para. 4.3.17, notes that the Mayor's Hotel Demand Study indicates that around 2,800 additional hotel rooms will be needed in Southwark between 2006 and 2026.

- 6.119 In fact, the proposal goes further than merely meeting policy. The provision of a major landmark hotel would act as a marker to indicate that this part of Southwark is changing and regenerating.^A And it would provide a spur off the riverside walk to be enjoyed by those attracted by the marker and by the opportunity to view London from the sky deck, a visitor facility likely to encourage visitors to link their trips with visits to the many nearby tourist and cultural attractions on the South Bank.
- 6.120 There can be little doubt that the policy aim of promoting Southwark as a tourist destination and creating job opportunities^B would be achieved by the introduction of the high quality hotel and sky deck which, together with the retail facilities, are anticipated to create some 283 jobs.^C

Transportation

- 6.121 The site benefits from excellent public transport accessibility. Its proximity to four mainline railway stations (Blackfriars, Waterloo, Waterloo East and London Bridge), to London Underground services (at Blackfriars, Southwark, Waterloo and London Bridge) and also to many bus routes is reflected in a PTAL of 6B. The proposed development takes full advantage of that excellent level of accessibility, whilst also providing an appropriate level of car, motor cycle and cycle parking below ground level. It has been agreed that parking provision is in general accordance with the relevant policies and standards.^D
- 6.122 The proposal would also bring considerable improvement to the pedestrian environment, including works in Rennie Street, Blackfriars Road and Stamford Street to a total value of £2,336,000, plus a significant contribution to the Blackfriars Road boulevard scheme.^E

Conclusion

- 6.123 Ian Simpson's design for No. 1 Blackfriars Road would introduce a building of great beauty to London. It deserves the support of the Secretary of State.

^A Mr Dennis, in cross-examination by Mr Ball.

^B CD7/1, para. 194.

^C CD23/5/A, para. 7.39.

^D CD23/5/A, paras. 7.199, 7.204, and 7.205.

^E BE/3B, Appendix 5, para. 3.3.

7 THE CASE FOR BLACKFRIARS LIMITED (20 BLACKFRIARS ROAD)

I give here the gist of the case for the applicant, drawn essentially from closing submissions, elaborated upon where necessary by reference to opening submissions, proofs of evidence, appendices and what was said at the inquiry itself.

- 7.1 The proposals for 20 Blackfriars Road would enhance the skyline of London. They would provide high quality public realm. They would deliver mixed-use regeneration in a highly sustainable location. They would continue the renaissance of northern Southwark close to the South Bank of the Thames in a hugely positive manner.
- 7.2 The existing buildings on the site are of distinctly limited merit. Christ Church Garden next door is hardly a place to linger. This unprepossessing area is crying out for the high-quality design initiatives that are sought by national, strategic and local planning policy, not least so as to lift the spirits of the many thousands of people who walk by and through the site every day.

Design

Design quality

- 7.3 The proposals embody the understated integrity of their architect, James Eyre. He explained with quiet authority how his design would produce buildings and spaces of outstanding quality that would help bring a powerful new vitality and identity to the area. His evidence confirmed why he and his practice are held in such high international esteem.^A He has nothing to prove; his reputation is established and secure; the scheme exemplifies why he is so renowned. His work is, and this scheme would be, truly life-enhancing and memorable.
- 7.4 The two proposed tall buildings, an office tower with its main entrance on to Blackfriars Road and a taller residential tower set away from its traffic, would be bespoke buildings of their time and uniquely of their place. The faceted designs express conceptual ideas of buildings mediating between earth and sky and orientating their elements towards the landmarks and public spaces in the wider city, thus embodying a 'mental map' of the city within the buildings.
- 7.5 The residential facades produce intricate, folding, triangular planes which would create a prismatic effect, reflecting and absorbing light at varying angles and to varying degrees. Their form would create a strong sense of verticality and visual richness in views from all directions. Their detailed design has been 'tuned' by reference to the orientation of each facet and the solar heat and light that each would receive. A similar thing is done with the office tower. Differing treatments apply depending on the need to shade and ventilate. Variations to the glazing and mullions, coupled with the use of louvres and fins (and, on part of the office building, a perforated metal 'mesh'), emphasise the faceted design and optimise the environmental performance of the buildings.
- 7.6 The double-skin of all but the northern elevation on the residential tower would allow for the creation of semi-external winter gardens, offering amenable living areas and acting as an environmental 'buffer zone' to regulate solar gain, shading and ventilation. The design demonstrates the technical ingenuity and rigorous attention to detail, both hallmarks of Wilkinson Eyre's work.

^A BL3.

- 7.7 The forms and differing heights of the two towers would balance the composition of development on the site and avoid competition with the curvilinear form proposed for 1 Blackfriars Road. Their disposition creates a major opportunity to provide an exemplary public realm. The site would be accessible from four directions, carefully chosen to satisfy the desire lines of those walking north-south and the attractions of the South Bank, including the existing and proposed open spaces near the riverside.
- 7.8 Visitors would glimpse the public space from outside. Those walking through would experience a sequence of distinctive 'rooms', including a welcoming new central square enclosed by shops and cafes. The entrance from Stamford Street, where the slender blade of the residential tower would be framed by extensive green living walls, would be remarkable. A flow of vegetation from the walls to the square, and directly through to the mature planting of Christ Church Garden, would provide calm and relief from the heavily trafficked environment around.
- 7.9 The low-rise buildings, accommodating affordable housing, community and retail uses, are similarly well thought through. They would nestle the greater height of the towers into their local context, using a rich palette of materials and relating directly to the height, massing and proportions of the adjacent buildings. They would knit together three sides of the urban block, bringing life to the existing street pattern and opening into Christ Church Garden.
- 7.10 The sustainability credentials of the proposals are strong. The tailored façade design would reduce demand for energy to heat and cool internal spaces. An energy centre would transfer unwanted heat from the offices to the residential building, via the aquifer below the site, which would be used as a heat store. Supplemental energy would be provided by a CHP system; and solar hot water panels would provide around half the hot water demand for the affordable apartments. A number of active energy efficiency measures would be incorporated throughout the scheme, including high efficiency lighting and lifts. These measures would reduce carbon emissions 26% below the requirements of Part L of the Building Regulations. Some 18% of this 26% would be achieved through the use of renewable energy.^A
- 7.11 There is no significant dispute that the inherent design quality of the buildings and the spaces between them is of the highest quality.
- 7.12 WCDG has raised some methodological concerns relating to microclimate (wind), though it was conceded^B that they were not at the forefront of its case. They have been comprehensively dealt with by written response.^C In short, the application of the Lawson comfort criteria is justified and has been transparently applied in this case; the assessment takes into account the location of the site near the river; the use of wind tunnels is wholly appropriate to predict the movement of wind around buildings, as has been confirmed by full-scale study; the analysis explains that conditions on the site would be perfectly acceptable; and the evidence of existing conditions on the South Bank, as referred to by WCDG, is of no use in assessing this scheme.

^A BL/5/B, Appendix 3.

^B In cross-examination by Mr Katkowski.

^C BL/5/D.

- 7.13 Almost identical concerns were raised by WCDG at the Doon Street inquiry – and rejected by both the Inspector and the Secretary of State. There is no reason to take a different approach here.

Views of and across London

- 7.14 Thus, the objections that have been raised are based not on the quality of the design but on the effect of the residential tower from afar, in particular on views from the Blue Bridge in St James's Park and from Parliament Square.
- 7.15 As James Eyre explained, assessing the effect of the towers on key views was absolutely integral to the design process. They would be visible in a number of views across London in which heritage assets are also seen. The effect of the proposals in the vast majority of these views is wholly uncontroversial.
- 7.16 When viewed from vantage points on bridges crossing the Thames, the proposals, both on their own and in tandem with No. 1, would create an elegant sequence of forms along the South Bank. They would help to consolidate, and sit comfortably amongst, the relatively loose formation of existing tall buildings on this stretch of the river, including King's Reach, the LWT building and the Oxo Tower. The dramatic potential of the proposals to energise the area as a confident quarter of the world city is abundantly clear in the Hayes Davidson images from the Millennium Bridge, from Blackfriars Bridge and from further south on Blackfriars Road.^A

Impact on views from St James's Park

Policy approach

- 7.17 The London View Management Framework (LVMF)^B is central to the decision on whether the view of the proposals from St James's Park would be acceptable. It provides a detailed framework within which the visual effects of the proposals are to be assessed. It is rooted in development plan policy, which sets the scene for the management plans it contains. It was the subject of lengthy and extensive consultation. It should be accorded full weight.
- 7.18 The strategic policy from which it is derived assumes as a starting point that designated views will be perceived in the context of an evolving world city; management plans should seek to *'reflect the benefits of the view, helping to promote an appreciation of London'* and *'to recognise that it is not appropriate to protect every aspect of an existing view'*.^C The LVMF guidance is consistent with this approach. View No. 26 from the Blue Bridge is a Townscape View, where the buildings in the background allow *'the viewer to appreciate that this is an historic parkland in an important city location'*.^D The Shell Building and the London Eye, both modern structures, are specifically identified as sitting in the background to the view.^E There is a *'layering of architectural detailing against the skyline'* in the view.^F The existing view is therefore to be seen in the context of the city beyond, which has visibly changed over time.

^A CD31, Views 317a, 317b, 320 and 344 in particular; also Views 318 and 316; also CD3/30, View 243.

^B CD8/4.

^C CD8/1, pp. 258-9, Policies 4B.16 and 4B.17.

^D CD8/4, p. 230, para. 5.

^E CD8/4, p. 230, para. 5.

^F CD8/4, p. 230, para. 7.

- 7.19 This approach was recognised by the Inspector at the Doon Street inquiry; and the Secretary of State, in her decision, specifically took into account *'the presence of the city in the backdrop of the view and the fact that the Park is an important city location'*.^A
- 7.20 The visual management guidance^B refers to chapter 3 of the LVMF, before stating that it is important that the *'background of the landmark'* in the views is managed in line with the guidance in paragraphs 3.41-7. That is immaterial in this case, because the London Eye is the only defined landmark in the view and no-one alleges harm to that aspect of the view. The important passage follows, where the following specific guidance for this view, directly relevant to this case, is set out:
- 'If further development is proposed in the distant skyline background of this view, it should be of appropriate scale and geometry not to overpower the existing built form or detract from the night-time views. Any tall building in the distant background should be of exceptional design quality, in particular with regard to its roofline, materials, shape and silhouette. The design aims should ensure that the scale or appearance of the building should not dominate or overpower the setting of this short-range view.'*^C [emphasis added].
- 7.21 This guidance clearly anticipates the potential for further development to appear in the view, consistent with the approach taken elsewhere in the LVMF and in the parent policies of the London Plan. It also requires a particular approach when development is proposed in the distant background to the view. The aim is to ensure that it does not *'dominate'* or *'overpower'*.
- 7.22 The Inspector at the Doon Street inquiry adopted the LVMF test when assessing the effect of those proposals.^D The Secretary of State plainly did the same.^E This test is accepted to lie at the heart of the decision-making process in the cases of No. 1 and No. 20.^F It is common ground that No. 20 (and of course No. 1) would lie in the distant background.^G
- 7.23 WCC's and The Royal Parks' involvement during the preparation of the LVMF is revealing. Both objected to it in its draft form. They sought to ensure that further development in the view from the Blue Bridge should be prevented, in particular by requesting the establishment of a geometrically-defined protected vista. They failed in this endeavour. Contrary to the aspirations of both, the guidance clearly contemplates the potential for future schemes in the distant background to the view and identifies a qualitative test that must be applied to such proposals. The view from the bridge is not to be frozen in time.
- 7.24 Both witnesses candidly admitted that they would prefer that there should be no further development seen in this view.^H This approach was rejected and forms no part of the LVMF guidance. Personal preference, out of touch with the LVMF, has influenced the mindset brought to bear when assessing the impact of the proposals.

^A CD24/2, para. 15.14, and CD24/1, para. 17.

^B CD8/4, p. 230, para. 8.

^C CD8/4, p. 230, para. 8.

^D CD24/2, paras 15.20-28.

^E CD24/1, para. 17.

^F Agreed by Mr Ayton in cross-examination by both Mr Harris and Mr Katkowski.

^G Ditto.

^H *Inspector's note: Mr. Ayton explained in response to my own question that his 'ideal' would be that there should be no other buildings visible in the background from the bridge.*

Doon Street

- 7.25 English Heritage and WCC have lodged a challenge to the Doon Street decision.^A Only Ground 1 ('Impact on setting of Royal Parks Conservation Area')^B of the eight grounds has any bearing on the issues at this inquiry. The gist of their argument is that, based on the House of Lords authority of *South Lakeland v SSE*,^C where a proposal would '*cause harm to some degree, it will not preserve or enhance*' the Conservation Area (emphasis added). The point being made appears to be that any degree of harmful impact is incompatible with a conclusion that the character or appearance of the conservation area in question would be preserved.
- 7.26 The High Court will rule on this argument but, while not conceding that it is correct,^D there is a straightforward route open to the Inspector and/or the Secretary of State in relation to No. 20 which would be consistent with it.
- 7.27 Assuming for the sake of these submissions that the argument is correct, the starting point is to remember that the question which is posed is whether the proposals would cause any adverse effect on the character or appearance of the Conservation Area. In other words, the issue is not simply whether the residential tower, where one would see it from the bridge, would harm the view from the bridge; rather, it is whether any such harm to the view would, in turn, harm the character or appearance of the Conservation Area – the one does not necessarily follow from the other. 'Impact' in the sense of being able to see a building (or part of it), is not necessarily harmful; indeed, if the new is a worthy addition to the scene, then the impact may be seen as beneficial.
- 7.28 It is the applicant's case that the residential tower would not cause any harm to views from the bridge.^E Plainly, if the Inspector and/or the Secretary of State agree with this, then it would be safe to conclude that No. 20 would preserve the character and appearance of the Conservation Area – and the point raised by English Heritage and WCC in their challenge to the Doon Street decision would not arise.
- 7.29 If, on the other hand, it is concluded that the residential tower would cause some harm to views from the bridge,^F then the degree of harm would need to be weighed in the overall balance of assessing the pros and cons of the proposals. However, a conclusion that there would be some harm to the character or appearance of the Conservation Area should not weigh decisively in the balance. Also to be weighed are the advantages of the scheme.
- 7.30 Be all that as it may, the Doon Street planning permission, along with the reasoning in the decision letter of the Secretary of State, must be taken to be valid and lawful unless declared otherwise by the High Court. There is, in effect, a presumption of validity which can only be rebutted by a contrary ruling of the High Court.^G There is also the well-established principle that it is

^A On 29 September 2008; the inquiry closed on 2 October.

^B CD24/8, paras. 28–35.

^C [1992] 2 AC 141.

^D The passage at [1992] 2 AC 148F-H and the passage cross-referred to in [1991] 1 WLR 1322 at 1328G/H suggest that it is not.

^E Rather, it is that there would be enhancement.

^F CD17/6, para. 7.4.5.

^G See, for example, *R (Noble Organisation Ltd) v Thanet DC* [2006] JPL 60 at p. 77 paragraph [42].

in the public interest that planning decisions should be consistent with other relevant decisions, unless there is good reason for any divergence.

- 7.31 It follows, when assessing the effects of the proposal on views from the Blue Bridge, that the Inspector and the Secretary of State should follow the same approach as in the Doon Street decision.^A And, given that the Secretary of State has concluded that the Doon Street proposals would neither dominate nor overpower the view, it cannot possibly be concluded that No. 20 would do so. This is not, of course, to say that the acceptability of No. 20 is dependent upon the appearance of Doon Street in views from St James's Park.

The WCC objection

- 7.32 The scope of the objection (and that of The Royal Parks) must be seen in this context. The proposals will be seen as part of a kinetic experience, not simply from a single stopping point. In so far as single assessment points are taken into account, it is the chosen assessment point (LVMF View No. 26), selected as the optimum viewpoint, that should be given particular weight.
- 7.33 This cannot negate the statutory duty to pay special regard to the desirability of preserving or enhancing the character and appearance of the conservation area and the setting of listed buildings. However, given the explicit terms of the LVMF,^B weight should not be given to an adverse effect unless there would be domination and overpowering of the view. There cannot be a more onerous approach to views from elsewhere on the Blue Bridge, because to do so would lead to the bizarre situation that the view singled out for explicit protection as the optimum view from the Blue Bridge could be less well protected than views from the rest of the bridge.
- 7.34 WCC alleges no harm to views between the LVMF assessment point and the southern end of the bridge that could militate against a grant of permission. Moreover, it regards as 'minor' the impact of the proposals on the view from the LVMF assessment point.^C It is important to note that English Heritage, which led the opposition to the Doon Street proposals, accepts that the impact of No. 20 would be '*negligible*'.^D It contrasted No. 20 with Doon Street by explaining that No. 20 would be '*much lower and less bulky in the view*'.^E
- 7.35 In the LVMF view, only a slither of the residential tower would be discernible beyond the northern edge of the Foreign and Commonwealth Office. It would be barely noticeable, if at all.^F This is no accident. The design of the proposals was profoundly influenced by a full appreciation of the sensitivity of this view and the position of the application site in relation to it.^G
- 7.36 The specific considerations were that the residential tower would appear to the right of Duck Island, in close proximity to the Foreign and Commonwealth Office. The proposals took a form corresponding to the more rectilinear character of that building, as opposed to the spire-and-turret idiom of Horse Guards and Whitehall Court, to the left in the view. The height of the

^A This was common ground at the inquiry.

^B CD8/4, p. 230, para. 8.

^C Conceded by Mr Ayton in cross-examination.

^D CD17/6, p. 11, para. 7.4.5.

^E CD24/7, p. 38, para. 96.

^F CD2/28/A, p. 122, View 211f; CD2/28, p. 117, View 211b.

^G Explained in evidence by both Mr Eyre and Professor Tavernor.

residential tower was limited so that, to the extent that it could be seen, it would be read at a lower level than the northern pavilion of the Foreign and Commonwealth Office.^A The tower would be some 2.2km from the viewer. The use of glass would avoid any ambiguity between it and the Portland stone of the Foreign and Commonwealth Office and would serve to emphasise the considerable distance between the two buildings. No. 20 would, truly, be in the distant background of the view.

- 7.37 The minimal impact of the residential tower in the LVMF view is confirmed when the committed schemes that would appear in the skyline are also taken into account. The Pinnacle is consented and implemented. So too are 122 Leadenhall Street, the Heron Tower and the Shards of Glass. King's Reach is another commitment, as (now) is Doon Street. For the purposes of applying the guidance, all these should all be taken into account.^B
- 7.38 As the cumulative images demonstrate, with^C or without^D Doon Street, the 'gap' between the buildings on the left and right of the view, which WCC seeks to preserve, has already been allowed to change, significantly so. The layering of the background elements in the view has been permitted to evolve. The additional effect of No. 20 would be barely noticeable; if perceived at all, it would be an extremely minor part of the scene on which the eye would be unlikely to settle, all the more so if Doon Street is taken into account.
- 7.39 Thus, in the designated LVMF view, it cannot remotely be concluded that No. 20 would '*dominate*' or '*overpower*'.^E The scale, geometry, roofline, materials, shape and silhouette of the residential tower have all been deliberately designed, to an exceptional standard, to respect the Foreign and Commonwealth Office building and to protect the view.
- 7.40 If the Doon Street proposals on their own were acceptable to the Secretary of State in this view, then No. 20 should be as well; and the conclusion reached by the Inspector in the Doon Street inquiry that those proposals would be '*disturbingly prominent and oppressive in scale*'^F in views from the bridge could not possibly be applied to 20 Blackfriars Road.^G
- 7.41 All of this would remain true if No.1 were added to the view, whether or not the Doon Street proposals were taken into account. The eyes of the viewer would likely be drawn to the density and variety of the architecture on the left side of the view or the strong composition of the Foreign and Commonwealth Office, Shell Building and the London Eye on the right, with the Shards of Glass appearing there too. No. 1 and No. 20 would simply be elements in the distant background of the scene.
- 7.42 As it emerged, WCC's evidence rested essentially on views gained as one moves from the centre to the north of the bridge, when the residential tower would emerge from behind the northern pavilion of the Foreign and Commonwealth Office and stand on its own.^H The effect was considered to be

^A CD2/28, p. 30, para. 7.5.

^B CD8/4, p. 28, para. 3.22, third bullet point.

^C BL/4/D, p. 21, View 211b; and BL/4/E Views 311a-c.

^D CD3/30, p. 27, View 211b; CD 3/31, Views 311a-c.

^E Conceded in cross-examination by Mr Katkowski.

^F CD24/2, para. 15.21.

^G Also conceded in cross-examination by Mr Katkowski.

^H CD2/28/A, p. 121, View 211e and p. 119, View 211d.

dominant and overpowering.^A This is a gross exaggeration of the impact, founded on antipathy to the approach of the LVMF guidance.^B It is hugely significant that English Heritage, which led the opposition to the Doon Street proposals, regards the impact of No. 20 as minor.

- 7.43 The ability to perceive the city in the distant background is one of the lauded features of the views from the Blue Bridge.^C It is not just about the short-range view; seeing other buildings of different periods in the city beyond is part of the experience. In views from towards the north of the bridge, the Shell Building appears clearly to the left of the central pavilion of the Foreign and Commonwealth Office. The internationally recognised tourist attraction of the London Eye plays a dominant role in the view by framing the central pavilion of the Foreign and Commonwealth Office. In views from the northern part of the bridge, the prominent buildings would remain the Foreign and Commonwealth Office and the Shell Building, both contained within the arc of the London Eye. No. 20 would be seen to step down from the top of the northern pavilion of the Foreign and Commonwealth Office and would be differentiated from it by distance and materials. No. 20 would be another element in the view, neither dominant nor overpowering, just part of the layered evolution of the city that is taking place in the distant background.
- 7.44 This important point about the evolving layering of the distant background would remain true if No. 1 were added, with or without Doon Street.

The Royal Parks' objection

- 7.45 It was suggested that the part of the view above Duck Island should be preserved from built development, at least partly to maintain the Reptonian illusion of a lake continuing beyond. Again, the starting point for the objection was a misinterpretation of the guidance that is central to the assessment of development in views from the bridge, and also a failure to acknowledge the change that has already been permitted. It was suggested that there should be '*irrefutable evidence*' that proposals would enhance the view and even that '*no additions can enhance*'^D (the latter point echoing WCC's 'ideal' position that there should be no other buildings visible in the background from the bridge).
- 7.46 This approach is flatly contrary to the anticipation in the LVMF that there will, indeed, be further development in the distant background of the views from the bridge. It is plainly inconsistent with the approach taken in the Doon Street decision. If it were followed, it would render the published guidance completely otiose. It would also conflict with the statutory obligation to consider preservation or, not and, enhancement. The exaggerated and inaccurate description of an '*ugly juxtaposition*' between No. 20 and the northern pavilion of the Foreign and Commonwealth Office was founded on the misguided notion that the proposal fails to meet the 'test' of enhancement.
- 7.47 Taking the correct approach, it was conceded^E that No. 20 on its own (that is, without Doon Street) would not dominate or overpower either the LVMF view

^A CW/5, p. 17, para. 66, characterises the impact simply as 'arguably' greater than minor.

^B BE/11, produced jointly, includes an accurate image in response to the inaccurate one produced by Mr Ayton (CW/3) at the visit to the Blue Bridge during the course of the inquiry (which he regarded as the worst case impact of No. 20).

^C CD8/4, p. 230, paras. 5 and 7.

^D RP/1, p. 16, para. 4.13; p. 41, para. 9.17, and p. 47, para. 11.10.

^E In cross-examination by Mr Katkowski.

or the views from the northern part of the bridge. The objection related to the cumulative impact of No. 20 and Doon Street.^A It was acknowledged^B that the sequential views across the bridge are 'substantially protected by safeguarding the single [LVMF] viewpoint' and that, in these kinetic views, the Inspector and the Secretary of State should balance any effect that the proposals would have along the northern section of the bridge against the fact that they would have no impact at all (because No. 20 would not be seen) along the southern section of the bridge. Summer views were thought '*the more relevant*'.^C

- 7.48 However, if Doon Street is to be imagined as appearing in the existing view, the additional effect of the proposed residential tower cannot sensibly be said to tip the balance. It would be read as another distant layer in a view characterised as a combination of the powerful city and, at a closer distance, the green of the Park.^D That would apply equally if No. 1 were added. Again, English Heritage's view that the impact would be minor is a useful reality check on The Royal Parks' conclusions.
- 7.49 To argue that a Reptonian illusion might be preserved by the absence of development above Duck Island is to misunderstand Repton's approach (which did not seek '*near a metropolis anything like the perfect seclusion from mankind*'^E) and to fail to acknowledge that other permitted buildings, including the Pinnacle and King's Reach, will be visible over Duck Island, with or without Doon Street. It was explained^F that what is '*so wonderful*' about the views from the bridge is the combination of the green of the Park and the powerful city beyond, which rather makes the point that there is nothing wrong *per se* in being able to see not only the landscape of the Park, together with Horse Guards, Whitehall Court and the Foreign and Commonwealth Office, but also the wider city in the distant background beyond.
- 7.50 The effect on other views, on the lakeside walk in the Park, on the raised walk in Queen Victoria Memorial Gardens and outside the south forecourt gate of Buckingham Palace,^G was also relied upon. No one, however, supports the claim that harm is caused from these views such that permission should be refused. Neither WCC nor English Heritage deems them worthy of mention.^H
- 7.51 They are not designated views. They have no particular planning status. Even WCC's draft Metropolitan Views SPD identifies not one of these locations as worthy of any form of protection. Instead, the view which is designated is of Big Ben from the bottom of Constitution Hill,^I in which No. 20 would not appear. The attempt to demonstrate harm from these viewpoints included inaccurate representations of the proposed building and omitted the consented schemes that would be visible. In all cases, No. 20, with or without No. 1, would form part of a visually interesting collection of high quality distant buildings. Seeing modern buildings in these views cannot cause harm *per se*,

^A Explained in cross-examination.

^B In relation to RP/1, p. 42, para. 10.2.

^C RP/1, p. 22, para. 6.4.

^D Conceded in cross-examination by Mr Harris.

^E BL/4/C, p. 7, para. 3.8.

^F In cross-examination by Mr Harris.

^G RP/2, images RP2.16, 18 and 20.

^H CW/5, p.24, para. 86, describes them as an '*incidental*' part of the case.

^I CD12/7. p. 40, View 40.

unless one is reluctant to contemplate the ever-changing world city beyond. There is no cogent case against the proposals in relation to these views.

Impact on the Westminster World Heritage Site (WHS)^A

- 7.52 The chronology of WCC's objection^B revealed that the effect of the proposals on the Westminster WHS is by no means at the heart of its case. It is very much a secondary point.^C The failure to rely on any such objection in its Statement of Case, and the subsequent correspondence, underlined WCC's awareness of the lack of substance in this objection. Nor has English Heritage pursued this belated ground of objection with any greater enthusiasm.^D
- 7.53 The architectural, historical and cultural importance of the WHS is beyond dispute. However, the objection adopts an unrealistically absolutist stance which fundamentally fails to take into account the context in which the World Heritage Site is perceived and the nature of protection that applies to it.
- 7.54 The inclusion of a site in a World Heritage list '*highlight[s] the outstanding international importance of the site as a key material consideration in determining planning applications*'.^E The Southwark Plan states that permission should not be granted for development which fails to preserve or enhance the setting of a WHS or important views to or from it.^F The London Plan requires appropriate weight to be given to WHS Management Plans.^G In this case, two important points are to be drawn from the Management Plan.
- 7.55 Firstly, it acknowledges that the WHS '*is located within an urban setting of great diversity*'.^H It describes as a '*challenge*' the identification of a buffer zone, to allow the effect of proposals in a defined local setting to be assessed, because '*as a dynamic world city, it is inevitable that London and its skylines and panoramas will change in response to social and economic needs*'.^I The outside world is inevitably drawn into the WHS.^J If this is true of a local area that might be regarded as a buffer zone, it must be truer still of any wider area which might be regarded as forming the setting to the WHS.^K
- 7.56 Secondly, the overall objective of the Management Plan is to safeguard the Outstanding Universal Value for which the WHS was inscribed. The '*overarching significances*' of the WHS are as '*a place where sovereignty has been conferred and exercised continuously for nearly a thousand years*', in '*the development of parliamentary government and its transmission around the world*', as '*the place from which a significant part of the world was ruled in the 19th and first half of the 20th centuries*' and '*the outstanding architectural and artistic value of its buildings*', including the Abbey and the Palace of Westminster.^L In assessing whether any material and unacceptable harm would be caused to the WHS by the proposals, it must be recognised at the

^A In full, the 'Palace of Westminster and Westminster Abbey including St Margaret's Church'.

^B CD12/1, paras. 7 and 10, and CD12/11, confirmed in cross-examination by Mr Katkowski.

^C CW/5, p. 21, para. 83 – '*not the principal concern*' of WCC.

^D CD17/7.

^E CD4/9, PPG15, para. 2.22.

^F CD7/1, p. 54, Policy 3.18.

^G CD8/1, Policy 4B.14,

^H CD25/6, p. 65, para. 1.7.1.1.

^I CD25/6, pp. 121-2, para. 5.1.2.8.

^J CD21/13, para. 3.30.

^K Conceded by Mr Ayton in cross-examination by Mr Katkowski.

^L CD25/6, pp. 91-2, para. 2.3.2; see also para. 2.2.1; see also CD 21/13, p. 23, paras. 4.12-15.

outset that, as with St James' Park, views from it have not been, and should not be, frozen in time. The WHS itself is not immune to change.^A Nor can the evolution of the modern city beyond be ignored; it is an inevitable part of the wider context of the WHS.

- 7.57 It is also common ground that the primary task is to ask whether the proposed building would fail to preserve or enhance the ability to understand and appreciate that which makes the WHS worthy of its designation.^B The test is not simply whether one would see a new building; it is whether such a building would fail to preserve or enhance the ability of the visitor to understand the outstanding significance of the WHS.

The WCC objection

- 7.58 WCC contended in its written evidence that the proposals would harm the setting of the WHS (and listed buildings and conservation area) because they would offend a principle that any visual infilling of the gap between Big Ben and Portcullis House and any reduction in the amount of visible sky in views of Big Ben would be detrimental. That gap, it is said, makes a significant contribution because it allows the form and silhouette of Big Ben to be appreciated against the sky and signals the relationship between Westminster and the Thames.^C The position is flawed for a number of reasons.
- 7.59 Firstly, it fundamentally fails to acknowledge the context in which the WHS sits, inconsistent with the Management Plan, which rightly acknowledges that in views out from the WHS, London as a world city cannot be expected to stand still. And Parliament Square cannot be expected to be insulated from that change. It is therefore untenable to adopt as a starting point the notion that any change whatsoever to the amount of visible sky in views towards Big Ben would be unacceptable.
- 7.60 As one walks around Parliament Square, where the gap between Big Ben and Portcullis House is apparent, it is clear that existing buildings outside the WHS drift in and out of the view. County Hall is almost ever present but, depending on the viewpoint, Beckett House, St Thomas' Hospital, the Shell Building and the redevelopment on the Island Site all appear in the gap.^D The kinetic experience of walking around the Square is punctuated by buildings moving in and out of the view through the gap; from one or another position in Parliament Square, each of these buildings appears to 'attach' itself visually to the foot of Big Ben.^E
- 7.61 Secondly, the desire to prevent any new development in the gap conflicts with the proper test of establishing whether proposals would harm the ability to appreciate the outstanding universal value of the WHS. It is inconceivable that these proposals would inhibit, let alone prevent, visitors to the World Heritage Site from understanding its meaning and significance.
- 7.62 The residential tower would be seen in only a very limited number of views, from the south of the Square, and even then would move in and out of the

^A The most obvious example being Portcullis House, directly opposite Big Ben.

^B Agreed by Mr Ayton in cross-examination.

^C CW/1, p. 19, para. 51, and p. 55, para. 155.

^D BL/4/D, Appendix 1 – the images on pp. 67/69 show, contrary to CW/5, p. 22, para 85, that the Shell building stands much higher and much more markedly in the gap than would No. 20.

^E Agreed by Mr Ayton in cross-examination.

view as one walked from the Abbey towards the Palace of Westminster.^A At every stage, the presence of Big Ben in the view is so dominant and powerful that neither the existing development (in particular the Shell Building when viewed from the south of the Square) nor the proposals would compromise the appreciation of the outstanding universal value of the WHS.

- 7.63 The tower would either not be visible at all^B or, when visible, would appear in the distance (some 1.7km away) as an element in the view of the South Bank beyond.^C It would far less prominent than the Shell Building or the London Eye.^D The claim that the Shell Building would only appear '*along a very short length of pavement*'^E revealed the inconsistency in the approach, because the residential tower would also only be present along a very short length of pavement, and with far less effect. As it drifted in and out of the view, the effect of the tower could not reasonably be described as greater than the existing buildings which already move in and out of these and other views from the Square. Committed schemes would also be glimpsed in some of the views,^F with Doon Street appearing in views obtained closer to the Palace of Westminster.^G No. 20 would appear as part of the wider and evolving city in the background to the view.
- 7.64 In any view towards the gap where the proposals would appear, the eye of the viewer would be drawn to look upwards, where it would continue to perceive the overwhelming foreground feature of Big Ben and the power of the Palace of Westminster, together with the roofline of Portcullis House.
- 7.65 Moreover, the places from which the tower could be seen are not regarded, even by WCC, as amongst the more significant locations from which the value of the WHS can be appreciated. No view towards the gap between Big Ben and Portcullis House has been designated in the LVMF. In the designated views which take in the Houses of Parliament, the proposals would not enter into the scene deemed worthy of protection.^H When WCC objected to the draft LVMF, it sought an additional townscape view from Parliament Square to the Palace of Westminster, but one in which the proposals would not appear.^I
- 7.66 The Management Plan takes the trouble to identify '*important local views*'^J in the north-western and north-eastern corner of Parliament Square; the proposals would not be seen from there either.
- 7.67 The draft Metropolitan Views SPD seeks to identify views which demonstrate the outstanding qualities of Westminster's environment.^K It has generated a significant number of objections, including one from the Mayor, who does not regard it as being in conformity with the London Plan. WCC agrees that it can be given only minimal weight.^L Nonetheless, in the views from Parliament

^A BL/4/D, pp. 59-75.

^B BL/4/D, pp. 71, 73 and 75.

^C BL/4/D, pp.61-9.

^D BL/4/D, pp. 67, 69 and 71.

^E Claimed by Mr Ayton in cross-examination.

^F BL/4/D, pp. 65/67 (the Pinnacle) and p. 61 (122 Leadenhall Street).

^G BL/4/D, p. 71.

^H CD8/4, pp. 180/183, pp. 188/190, pp. 198/201, pp. 203/206-208.

^I Agreed by Mr Ayton in cross-examination by Mr Katkowski.

^J CD25/6, pp. 52-3.

^K CD12/7, p. 2.

^L Conceded by Mr Ayton in cross-examination by Mr Harris.

Square that the City Council has selected as important, the proposals simply would not be seen.^A

- 7.68 The Westminster Abbey and Parliament Square Conservation Area Audit (draft but soon to be adopted) goes on to describe 'local' views,^B which are clearly directed at the Palace of Westminster, in particular Big Ben. The proposals would not appear in the vast majority of those, which in any event are at the bottom of the hierarchy of strategic, then metropolitan and finally local views.
- 7.69 Thus, WCC's objection (belatedly supported by English Heritage) is based on a fundamentally misconceived approach to the management of the WHS. It calls for a wholly unjustified bar on any development being seen in the gap between Big Ben and Portcullis House. It fails to acknowledge that the proposals would have no material effect on the ability to understand what is significant about the WHS. It seriously overplays the effect that the proposals would have in views through the gap, as experienced kinetically from Parliament Square. And it fails to take into account the fact that, in the most valued views, the proposals would simply not appear. There is no cogent case against the proposals for No. 20 based on their effect on the ability to appreciate the outstanding universal value of the WHS.

Impact on the settings of listed buildings and conservation areas

- 7.70 WCC raises concerns about the effect of the proposals on views of County Hall from Parliament Square, on the basis that any addition to the skyline above the building would be unacceptable. If the same approach is taken as to views out of the WHS, then the objection must fall away for the same reasons.
- 7.71 County Hall's roof is a strong horizontal element in views out of Parliament Square and would continue to be read clearly against the sky. No. 20 would be a distant and differentiated element in the view. The high quality, faceted design of the proposals would create visual interest, which would add to views of County Hall. In many places, those views are already affected by existing developments, such as the Shell building, and also the proposals for the Island Site rising at the east end of Westminster Bridge.
- 7.72 The LVMF process established that the setting of County Hall would be substantially protected by way of a designated axial view from Victoria Embankment,^C in which the proposals would not be seen. That underscores the absence of any harm to the setting of this listed building. Again, this is not a ground of objection pressed by English Heritage.
- 7.73 WCDG raises concerns about the impact of the scheme on the Roupell Street Conservation Area. These are not shared by English Heritage, or by LB Lambeth, within whose administrative area the Conservation Area lies.
- 7.74 The Conservation Area is unusual in that it is an embedded enclave of nineteenth century workers' housing. Its pattern and grain gives a defined and robust character. However, as the Secretary of State found in her Doon Street decision, *'the presence of tall buildings in outward views from the conservation area is already a factor that determines its character and*

^A CD12/7, pp. 46-47, Views 37 and 38.

^B CD21/13, p. 57.

^C CD8/4, p. 192, River Prospect 20.

appearance and this is not necessarily detrimental.^A The brick terraces are not, therefore, read in isolation. Modern development is already a visible feature of the wider area. From views within the Conservation Area,^B the top parts of both towers of No. 20 would be visible, though only from the south sides of Roupell Street and Whittlesey Street. The outstanding architecture of the towers, in particular their distinctive facetting, would add a new level of urban quality to the scene. The area is not so sensitive to change that it would be unacceptably undermined by the appearance of the towers, which would provide an interesting modern context for the architecture and planning of an earlier era, as appears successfully all over London.

- 7.75 The same points may be made in relation to views from Aquinas Street, within the Waterloo Conservation Area.

Conclusion on design

- 7.76 As PPS1 requires, this is a high quality, inclusive design which grasps the opportunity to improve the character of the area and produces attractive and usable spaces.^C It would meet London and Southwark Plan aspirations for development that provides a mix of uses which maximises the potential of the site, through world-class architecture that meets the requirements of the LVMF, enhances the public realm, respects local context and is accessible and sustainable.^D It would comply with guidance in PPG15, and related development plan policy, on protecting the settings of listed buildings and preserving or enhancing conservation areas and their settings.^E It meets the design objectives of CABE,^F whose support should be given significant weight. These proposals are a considered and positive exercise in place making. They are of the highest architectural calibre. They deserve fulsome support.

Housing

- 7.77 The benefits of the proposed housing are significant and undisputed. No fewer than 286 homes would be provided. This would make a significant contribution to meeting the annual target of 1,630 additional homes in Southwark,^G which is to be seen in the context of a significant need for new housing in London generally and a policy requirement on boroughs not just to meet but to exceed their London Plan targets.
- 7.78 Of the 286 homes, 119 (42%) would be affordable,^H meeting the 40% target within the CAZ set by the Southwark Plan. A Three Dragons Toolkit appraisal has been undertaken and both LB Southwark and the Mayor are content that the maximum reasonable provision is being made.^I All of the affordable housing would be provided on site. Some 19% of the homes would be 3-bedroomed or more; nearly all of the 2-bedroomed apartments could accommodate four people.^J Thus, the proposals meet the requirements of

^A CD24/1, para. 21; see also BL/3/A, p. 77 and BL/4/A, p. 28, para. 3.51.

^B CD3/30, pp. 84-91, Views 248-251 (Roupell Street, Whittlesey Street and Aquinas Street).

^C CD4/1, paras. 13(iv) and 33.

^D CD8/1, pp. 245-53, Policies 4B.1, 4B.2, 4B.3, 4B.5 and 4B.10;

CD7/1, pp. 49-50, Policies 3.12, 3.13 and 3.18; also the protection sought by Policy 3.20.

^E CD8/1, pp. 254-255, Policies 4B.11 and 4B.12; and CD7/1, pp. 52-54, Policies 3.15-3.18.

^F CD6/1; see also the analysis in BL/4/A.

^G CD8/1, pp. 64-8, Policies 3A.1-3A.3.

^H 41% of habitable rooms (337 of 820).

^I CD11/6, paras. 129-135, and CD15/6, para. 20 of the report.

^J BL/5/B, Appendix 1, p. 7.

Southwark Plan policy that the majority of units should have two or more bedrooms and that more than 10% of schemes of five or more units should have three bedrooms. While the amount of 4-bedroomed affordable accommodation does not accord with the Mayor's Housing SPG, he is content with the level of provision given the density of the scheme^A and the high levels of larger units. On the basis of habitable rooms, the tenure split within the affordable housing would be 63:37 social rented : intermediate, not materially different to the target of 70:30.^B

- 7.79 The proposed housing would be of high-quality design.^C It would be located in a highly accessible location, on brownfield land and provided at a high density. Amenity and play space would be comfortably above the requirements of Southwark and London Plan SPG. The affordable housing would comply with Housing Corporation Design and Quality Standards. The scheme meets the requirements to provide 100% of accommodation to Lifetime Homes standards and for 10% of units to be wheelchair accessible.^D
- 7.80 The proposals would therefore meet the requirements of PPS3, providing a sufficient quantity and an appropriate mix of housing, in a suitable location and making efficient and effective use of land.

Other policy

Appropriate location for tall buildings

- 7.81 Call-in matter (a) asks whether the application site is an appropriate location for a tall building, having regard to the EH/CABE *Guidance on tall buildings*. That advocates a plan-led approach to identifying appropriate locations for tall buildings so as to avoid *ad hoc*, reactive decisions.^E The development plan framework in this case comprises, in particular, London Plan Policy 4B.9 and Southwark Plan Policy 3.20. The LVMF sets out detailed supplementary guidance on the protection of strategically important views. This meets the objectives of the EH/CABE Guidance, which holds out the London Plan framework as an exemplar of the proper approach to be followed.^F
- 7.82 Policy 4B.9 provides that the Mayor will work with Boroughs to identify suitable locations for tall buildings and identifies circumstances in which the Mayor will promote tall buildings. Other London Plan policies support the location of tall buildings on this site. It is within the CAZ, referred to in the policy as a potentially suitable location for tall buildings.
- 7.83 It is also within the indicative boundaries set out in the London Plan for the London Bridge/Bankside Opportunity Area (OA),^G designated by policy 5D.2. The supporting text states that parts of the OA may accommodate tall landmark mixed-use developments. It is clear from the indicative boundaries^H and the draft Central London Sub-Regional Development Framework (SRDF)^I that the South Central Area OAs are intended to be contiguous and that the

^A BL/5/B, Appendix 1, p. 14, paras. 5.10 and 5.11.

^B CD7/1, p. 66, para. 392(vi).

^C BL/5/B, Appendix 1, pp. 17-22.

^D CD8/1, p. 70, Policy 3A.5; and CD7/1, p. 66, para. 389.

^E CD6/2, p. 3, para. 2.5.

^F CD6/2, p. 2, para. 2.2.

^G BL/5/H.

^H CD8/1, p. 353, Map 5G.1.

^I CD8/5, pp. A8-9.

site falls within the indicative boundary. In so far as the (new) Mayor has belatedly suggested that the site falls outside any OA, his own Plan demonstrates the opposite. The boundaries are to be refined by the Boroughs (they have already been defined in the Plan) and the clear evidence from LB Southwark is that the site will fall within that refined boundary. It will therefore fall within an area anticipated as a suitable location for tall buildings.

- 7.84 Southwark Plan Policy 3.20 gives clear guidance on establishing whether a location is appropriate for a tall building. It should be within the CAZ (particularly in an OA), it should have excellent accessibility to public transport, it should lie outside landmark viewing corridors and it should be at a point of landmark significance^A (defined as where a number of important routes converge, where there is a concentration of activity and which is or will be the focus of views from several directions).^B The site satisfies all those criteria.^C It need not be, as WCDG suggests, at a public transport node.^D
- 7.85 These criteria can be used to map appropriate locations for tall buildings within Southwark.^E The policy framework provided by the London Plan, the LVMF and the Southwark Plan provides a plan-led approach to the identification of areas that can appropriately accommodate tall buildings.
- 7.86 It is also relevant to take into account the views of the authors of the EH/CABE Guidance. CABE has offered its support for the proposals. English Heritage, though claiming initially that the plan-led approach had not been followed, now accepts that the requirements of the Guidance are met. So too does WCC.^F Even so, it is important to bear in mind that the Guidance does not require planning permission to be refused where no locational policy is in place. It explicitly sets out criteria to be applied to all proposals,^G even where the appropriate policies are not in place, plainly recognising that permission can be granted if the criteria are met, which is the case here.^H
- 7.87 It is also clear that the Secretary of State is prepared to grant planning permission in cases where the development plan does not set out the locations where the development of tall buildings is appropriate.^I Whilst a plan-led approach is preferable, the absence of a locational policy does not prevent the grant of permission in appropriate cases.
- 7.88 Policy 4B.9 states that the Mayor will promote tall buildings where they create attractive landmarks, help to provide a coherent location for economic clusters and/or act as a catalyst for regeneration – and where they are acceptable in terms of their impact on their surroundings. Contrary to the letter from the Deputy Mayor, these aspirations are met by the scheme. The proposals would create an attractive landmark, near the important thoroughfares of the River,

^A CD7/1, p. 55.

^B CD7/1, Glossary, p. 150.

^C Including having a PTAL of part 6A and part 6B, almost as high as it could be.

^D CD7/1, p. 55, para. 316, refers to 'excellent links between the building(s) and public transport services'; the only reference to a 'node' is in para. 318 (page 56) which mentions a 'transport node' (not a 'public transport node').

^E LBS/1/A, Appendix 2.

^F Conceded by Mr Ayton in cross-examination by Mr Corner, notwithstanding contrary suggestions in his proof of evidence.

^G CD6/2, pp. 5-6, section 4.

^H BL/4/A.

^I BL/5/A, pp. 43-9; CD19/11, as referred to in BL/5/A, p. 45, para. 12.8.

Blackfriars Road and Stamford Street; they would help to signal the passing between Southwark on the south side of the river and the City on the north.

- 7.89 The site is located in a wider area that has begun to enjoy an economic renaissance, aided substantially by the opening of the Tate Modern and the Millennium Bridge. Even so, the location of the site within an OA demonstrates that more has yet to be achieved. The proposal would continue the process that has begun and would help to energise the regeneration of this stretch of the Thames and its hinterland, which has been comparatively neglected to date. Its presence on the main route into and out of the Borough would confirm the emergence of northern Southwark as important element of the world city of London.
- 7.90 The proposal would have an acceptable effect on its surroundings. The enhancements to the public realm would be significant. It has been designed to the highest standard. It would make a positive contribution to the landscape and relate well to its surroundings, particularly at street level. It would contribute positively to the London skyline, consolidating the relatively loose cluster of existing tall buildings (including King's Reach and the LWT tower) and would provide a key focus within views.
- 7.91 In short, no party alleges a failure to meet any of the requirements of London Plan Policy 4B.9 or Southwark Plan Policy 3.20. No party objects to the principle of tall buildings in north Southwark, or on this site.^A The points raised by the new Mayor are not supported by any real analysis and ignore the clear and contrary evidence before the inquiry. If it is concluded that the effect of the proposals on townscape views is acceptable, it can also safely be concluded that the site is an appropriate location for the proposed tall buildings, under both strategic and local policy.

English Heritage/CABE guidance

- 7.92 The proposal fully meets the evaluation criteria set out in the Guidance.^B Its relationship to its context, including the effect on the WHS and other heritage assets, has been rigorously considered. Its sustainability credentials are strong^C and its relationship to public transport infrastructure is excellent.^D Its architectural quality is outstanding. Its design is credible, produced by architects of the highest calibre. Its contribution to the quality of public spaces in the area would be significant. Its effects on the local environment would be acceptable. The Guidance seeks tall buildings of the highest quality. These accomplished proposals more than meet the high standards sought.

Land uses

- 7.93 The proposed housing meets policy objectives. The office uses are entirely acceptable, given the location of the site within the CAZ and in a Preferred Office Location.^E The Class A uses, being in a district centre, comply with policy.^F

^A Subject only to the issue of the effect on certain views.

^B CD6/2, pp. 5-6, section 4.

^C BL/5/B, Appendices 3 and 4.

^D BL/5/B, Appendix 2.

^E CD8/1, Policies 3B.1 and 3B.2; see also Policies 5D.1 and 5D.2 and the policies in Section G; CD7/1, Policy 1.3;

CD23/5/A, paras 7.211-212.

^F CD7/1, Policy 1.7; and CD23/5/A, para. 7.255.

Transport

- 7.94 The accessibility of the site by non-car modes is excellent. The section 106 obligation provides for substantial contributions towards environmental improvements on routes near the site. The impact of the proposals on the transport networks has been assessed and found to be acceptable.^A

Conclusions

- 7.95 The proposal for 20 Blackfriars Road has been designed by an architect of the highest calibre. It is of the highest architectural quality. It would enhance the skyline of London and energise the regeneration that has begun in north Southwark. It would cause no harm to important views of and across London. Even if the conclusion were that minor harm would be caused to any such view, as English Heritage argues, that would be substantially outweighed by the planning benefits held in prospect by the scheme – significant levels of high quality residential and office accommodation, community facilities, substantial new areas of open space and significant contributions towards environmental enhancements and education and training, amongst other things. When the overall planning balance is struck, the arguments in favour of the scheme are decisive.
- 7.96 The responses to the call-in matters are these.
- Tall buildings are appropriate in this location and these proposals accord with the EH/CABE Guidance. They have been properly planned as part of an exercise in place-making, informed by a clear long-term vision for the area.
 - The proposals meet the objectives of PPS1, promoting high quality and inclusive design and making the most of the opportunities available for improving the character and quality of the area.
 - They also accord with PPS3, including the provisions relating to affordable housing. They would make a significant contribution to the quantum of housing provision in the Borough. They would provide a mix of accommodation that would help to meet the needs of the whole community, in a highly sustainable location.
 - They would be consistent with the relevant provisions of the London and Southwark Plans.
 - Appropriate conditions and obligations have been discussed at the inquiry.
- 7.97 The view walking across the Millennium Bridge from St Paul's^B encapsulates what stands to be gained by permitting these proposals. The scene is depicted beautifully in the Hayes Davidson images – with the Shards of Glass to the left at London Bridge, the Tate Modern directly ahead and the truly memorable and uplifting sight of James Eyre's designs for No. 20, together with the distinctive shape of Ian Simpson's tower at No. 1, balancing and enhancing the composition at Blackfriars Bridge. There is no sound reason for turning away these proposals – but there are many good and significant reasons for allowing them to proceed. Planning permission should be recommended and granted.

^A CD8/1, Policies 3C.1 and 3C.21-3C.23;
 CD7/1, Policies 5.1-5.3 and 5.6;
 CD23/5/A, paras, 7.434 and 10.6.

^B CD3/31, Views 317a and 317b, pp. 16-19.

8 THE CASE FOR THE LONDON BOROUGH OF SOUTHWARK

I give here the gist of the case for the local planning authority, drawn essentially from closing and elaborated upon where necessary by reference to opening submissions, proofs of evidence, appendices and what was said at the inquiry itself.

- 8.1 Both applications were carefully considered by the Council, on the basis of full and fair reports by its officers. The Council resolved to grant planning permission on both applications. The position has not changed as a result of the evidence to the inquiry. Both applications should be permitted.

Design

Plan-led approach to the location of tall buildings

- 8.2 The location of both application sites is appropriate for a tall building. The proposals for both are entirely in accord with the plan-led approach advocated in the EH/CABE Guidance.^A The development plan framework comprises the London Plan and the Southwark Plan, in particular Policies 4B.9 and 3.20.^B
- 8.3 However, even if there were no clear policy framework for tall buildings, that should not necessarily lead to the refusal of these proposals. The Guidance deals first with the plan-led approach and then goes on to provide criteria for evaluation of specific proposals. It specifically states that these may apply even where appropriate policies are not in place. Whether, in any particular case, proposals should or should not be permitted will depend on whether the evaluation criteria are complied with. In this case, they are.
- 8.4 Moreover, it is clear from appeal and call-in decisions that the Secretary of State is prepared to grant planning permission for tall buildings even where there is no locational policy framework in place.^C The Secretary of State's view is plain; a plan-led approach is best but the lack of the right policy framework does not preclude planning permission being granted for an appropriate proposal.^D In his report on the Shards of Glass, the Inspector expressed the view that, on the basis of the evidence to the inquiry, there was enough material to allow the merits of the proposal to be comprehensively tested.^E The same is true of the proposals before this inquiry.
- 8.5 In short, even if the policy framework was not compliant with the Guidance, it would still be right to permit these proposals if they are acceptable on their merits, as the Council believes they are. However, the Council's primary submission is that an appropriate policy framework is in place.

London Plan and supplementary guidance

- 8.6 Policy 4B.9 contains a criteria-based approach. It also states that the Mayor will work with the Boroughs to identify appropriate locations for tall buildings. That is entirely in accord with the approach of the Guidance. The policy states that such locations may include parts of the Central Activities Zone (CAZ) and some Opportunity Areas (OAs). Policy 2A.5 provides that, as part of the process of producing Sub-Regional Implementation Frameworks, strategic

^A CD6/2.

^B CD8/1, p. 252, and CD7/1, p. 55.

^C CD19/11, referred to in BL/5/A at para. 12.8.

^D CD19/3 and CD19/4, the Shards of Glass, and CD19/7 and CD19/8, Potters Fields.

^E CD19/4, para. 16.115.

partners should work with the Mayor to implement spatial planning frameworks for OAs. The objective is that OAs can contribute to the London Plan strategy in order to deliver, amongst other things, good design and, where appropriate, tall buildings.

- 8.7 There is substantial support in the Mayor's policies for the appropriateness of tall buildings at the location of these two applications. Both sites are within the CAZ. Both are within the indicative boundaries for the London Bridge/Bankside OA.^A It is plainly intended that the South Central Area OAs should be contiguous, that the London Bridge/Bankside OA should border the Waterloo OA.^B The Mayor's view that the location is an appropriate one for tall buildings is further shown by an examination of the Waterloo OA Planning Framework.^C

The Southwark Plan

- 8.8 Policy 3.20 gives clear locational guidance, as well as setting out criteria for assessment of proposals. In particular, sites should:
- be within the CAZ (particularly in OAs);
 - have excellent accessibility to public transport facilities;
 - be outside landmark viewing corridors; and
 - be at a point of landmark significance.
- A point of landmark significance is defined^D as where a number of important routes converge, where there is a concentration of activity and which is or will be the focus of views from several directions.
- 8.9 The first three criteria apply to proposals for buildings significantly taller than their surroundings or which have a significant impact on the skyline; the fourth applies, in addition, to any building over 30m tall. It is possible to use the criteria to map appropriate locations for tall buildings within Southwark.^E There are few locations where all of the criteria are met. Accordingly, the Southwark Plan does, as the Guidance seeks, take a plan-led approach to the identification of areas suitable for tall buildings – and those which are shown to be appropriate for tall buildings include the application sites.

Evolution of the Southwark Plan

- 8.10 The emphasis on a plan-led approach in the current edition of the EH/CABE Guidance (published in 2007) was also present in the previous edition, published in 2003.^F The text is substantially similar. The 2003 Guidance was in place during the evolution of the Southwark Plan. It is referred to in the Southwark Plan^G and was specifically taken into account by the Inspector at the inquiry into objections to the Plan.

^A CD8/1, Policy 5D.2, designates the OAs, one of which is London Bridge/Bankside. Para. 5.108 states that parts of this OA may accommodate tall, landmark, mixed-use developments. The indicative OA boundaries are shown on map 5G.1, p. 353.

^B CD8/5, p. A8 (3rd para. in the 3rd box).

^C CD14/4, p.107. Figure 46 shows locations where the Mayor will promote tall buildings. One of those is 'Bankside', marked 7 on figure 46. The Bankside area as there shown appears to include the application sites. At the very least, it covers land in close proximity and no one suggests any cogent reason for excluding the application sites from that area.

^D CD7/1, p. 150.

^E LBS/1/A; the series of maps, culminating in composite map 5, show areas where all of the criteria are met.

^F LBS7.

^G CD7/1, para. 319.

- 8.11 Indeed, matters arising from the Guidance formed one of the main issues identified by him in the section of his report dealing with tall buildings.^A Nothing in his report suggests that he considered Deposit Draft Policy 3.20 to be out of accord with the Guidance. There was no objection to that effect from either of the authors of the Guidance. The GLA did object, on the grounds that the policy did not '*reflect the two pronged approach of the London Plan Policy ... on location and ... on design*'.^B The Inspector disagreed, specifically holding that the policy was clearly intended to specify the locations where tall buildings may be permitted.^C Thus, he expressly stated that, in his view, the policy was locational. He made recommendations for amendments to Policy 3.20, which he must have considered were in accordance with the Guidance.

Written representations from English Heritage

- 8.12 Confirmation that the Southwark Plan follows the approach of the Guidance is provided by English Heritage in its written representations to the inquiry. It states that its initial response '*did not recognise that a tall buildings policy that covered North Southwark had been adopted in the Unitary Development Plan in July 2007*' and that '*Whilst we consider that the policy adopted has sought to take the plan-led approach advocated by the EH/CABE guidance, we do not think the policy itself strikes the right balance between the sometimes competing planning considerations. In particular, the impacts on the historic environment and the statutory provisions and national and regional policy that protect against them have not been given appropriate weight*'.^D
- 8.13 Thus, English Heritage does, at least, recognise that the Southwark Plan takes the plan-led approach advocated by the Guidance. Its criticism that the content of the policy takes insufficient account of heritage issues is easily met. One must read the Southwark Plan as a whole. Its policies seek to ensure that the historic environment is protected.^E

The Council's draft supplementary planning guidance (SPG)

- 8.14 Because the development plan takes the plan-led approach advocated by the Guidance, it is unnecessary for the Council to produce SPG specifically relating to tall buildings. It did produce, in November 2005, draft SPG which showed the area of the application sites as being appropriate for tall buildings. The Council's Executive did not approve the draft for consultation, considering that the OAs at London Bridge and Elephant and Castle should be identified as the only locations suitable for tall buildings.
- 8.15 In June 2006, however, members approved the final version of Policy 3.20 in the knowledge, as advised by officers, that it was designed to allow for tall buildings in '*a small area of the CAZ in the north-west corner of the Borough*', as well as at London Bridge and Elephant and Castle.^F Thus, in approving the policy, members were aware that it gave locational guidance and pointed towards the area of the application sites as being suitable for tall buildings.

^A CD7/2, p. 326.

^B CD7/1, para. 2.3.205.

^C CD7/1, para. 2.3.205.

^D CD17/6, paras. 5.2 and 6.2.

^E CD7/1. Policies 3.15 and 3.18 refer specifically to the protection of historic parks and world heritage sites as well as conservation areas and listed buildings.

^F CD7/4, p. 1, para. 6.

- 8.16 In November 2007, the Council decided not to carry out further work on SPG, because the policy on tall buildings in the Southwark Plan *'now sets out a more detailed set of criteria for the consideration of such development'*.^A

Summary

- 8.17 Overall, the development plan does follow the EH/CABE Guidance in providing a plan-led approach to the identification of areas appropriate for tall buildings. And WCC expressly concedes the point.^B

Application of the locational criteria

- 8.18 The next question is whether the application sites are properly identified as appropriate locations for tall buildings in accord with the relevant policies. A consideration of Policy 3.20 shows plainly that they are entirely appropriate.
- 8.19 Firstly, both are in the CAZ. Secondly, both are within the indicative boundaries of the London Bridge/Bankside OA, and it is plain from the Waterloo Opportunity Area Planning Framework that the Mayor considers them appropriate for tall buildings. Even so, it is important to bear in mind that Policy 3.20 does not require sites to be in OAs; it says only *'particularly'* in OAs. Thirdly, there is no dispute that both have excellent accessibility to public transport. Fourthly, both are outside landmark viewing corridors. Finally, both are at a point of landmark significance.^C

Overall

- 8.20 The development plan does follow the Guidance in adopting a plan-led approach to the identification of appropriate sites for tall buildings. Following the development plan policies, the application sites should be identified as appropriate for tall buildings. However, even if the development plan did not adopt the plan-led approach, that would not mean it was necessary to refuse planning permission; the Guidance provides criteria for the assessment of individual proposals and, if they are satisfied, permission may be granted. The Secretary of State's previous decisions take that approach.
- 8.21 These matters have been considered at length because they are relevant to the Secretary of State's first call-in issue on both applications. In reality, however, there is no dispute about the suitability of the sites for tall buildings.^D Therefore, even if the Secretary of State concluded that the development plan does not follow a plan-led approach to the identification of appropriate locations for tall buildings, it would be wrong to refuse permission on that ground alone – because all accept that the sites are appropriate. Dispute centres on the details of the proposals.

Are the proposals acceptable in design terms?

- 8.22 The Council's case is that each of the proposals complies with all relevant design policy – not only PPS1 but also the EH/CABE Guidance and the design policies of the London and Southwark Plans.

^A LBS1/A, Appendix 1, para. 9.

^B Conceded by Mr Ayton in cross-examination by Mr Corner, contrary to the case in CW/1, para. 169.

^C LBS/1, paras. 6.2.28, 30, 31-32. The sites are at the crossing of two important routes in the TLRN, the A3200 Stamford Street and the A201 Blackfriars Road. They are at a point of concentration of activity. And tall buildings on the sites would clearly be the focus of views in several directions.

^D Accepted by Mr Ayton in cross-examination by Mr Harris and Mr Corner and by Mr Ball in cross-examination by Mr Corner (and see W/1 and W/2, both at para. 4.4).

- 8.23 The tower proposed for No. 1 is a tall building of exceptional architectural quality. Its delicately sculptured form would be a new and distinctive addition to the London skyline and would make a positive contribution to the south bank. The two towers at No. 20 display exceptional architectural quality of materials, space and form and a complexity borne out of their relationship with their surroundings. Their forms would work together as sculptural additions to the London skyline, in the way they would both accentuate the space around them and also because of how they would relate to each other in the round. In the terms of paragraph 4.4 of the EH/CABE Guidance, each of the schemes is in an appropriate location and of excellent design quality in its own right. Each would enhance the qualities of its immediate location and wider setting.
- 8.24 In reaching this conclusion, the Council has taken full account of the effect of the proposals on the settings of conservation areas, listed buildings, the World Heritage Site (WHS) at Parliament Square and important views, including those from the grade I listed St James's Park. The Council's opinion is shared by CABE, which is most important support.
- 8.25 WCC and The Royal Parks object on grounds which are limited in scope. The Royal Parks' objections relate to the impact of the scheme from St James's Park. WCC shares that objection and adds another concerning the impact of the proposals for No. 20 on the WHS.
- 8.26 English Heritage objects to the impact of No. 1 on views from the Blue Bridge in St James's Park.^A It says that No. 20 would have a '*negligible*' effect from the LVMF viewing point, a '*minor*' impact on views from the bridge generally and that the overall impact of the proposal is not as acute as that of the Doon Street tower. In relation to the WHS, it says that No. 20 would '*not cause insignificant harm*' but that the impact would be less than the current proposals for the Elizabeth House site, beside Waterloo station. WCDG objects on the ground of impact on areas closer to the application site, such as the Roupell Street Conservation Area, an objection not shared by English Heritage.

St James's Park

- 8.27 The London Plan and the LVMF make specific and detailed provision for assessment of the effect of development proposals on important views.^B They do not say that there must be no change. They say that, while management plans should seek to reflect the benefits of the views, helping to promote an appreciation of London at the strategic level, such plans should '*recognise that it is not appropriate to protect every aspect of an existing view*'.
- 8.28 The LVMF is entitled to substantial weight. It was the subject of consultation, with English Heritage as well as the London Boroughs. It also had the careful consideration of the Secretary of State, who was able to rescind the previous guidance, in RPG3a, and adopt the LVMF in its place. She must have been satisfied that the LVMF was acceptable and, in particular, that it complied with national policy guidance, including that relating to heritage.
- 8.29 The LVMF makes specific and detailed provision for assessing the impact of proposals in views from the Blue Bridge in St James's Park. The point being

^A CD17/6 and CD17/7.

^B CD8/1. Policies 4B.16, 4B.17 and 4B.18 set the overall policy context and introduce the LVMF. Policy 4B.17 sets out the intention to provide appropriate protection for important views.

made is one of context.^A The LVMF recognises that the parkland is enjoyed not in isolation but appreciated in the context of the city as a whole. That must mean that new development cannot be unacceptable simply because it brings, or adds to, consciousness of the city beyond the Park.

- 8.30 Rather than any single building in the view commanding a focus, the whole group works together as '*a layering of architectural detail against the skyline*', in recognition that, from the bridge, one sees various buildings of different styles, at varying distances. The visual management guidance makes a general reference to Qualitative Visual Assessment and a specific one to managing the '*background of the landmark*'; but the latter is plainly not relevant in this case, because, as defined, the only landmark in the view is the London Eye – and there is no complaint about the effect of either of the proposals on the Eye. Most relevant is the following passage:

'If further development is proposed in the distant skyline of this view, it should be of appropriate scale and geometry not to overpower the existing built form or detract from the night time views. Any tall building proposal in the distant background should be of exceptional design quality, in particular with regard to its roofline, materials, shape and silhouette. The design aims should ensure that the scale or appearance of the building should not dominate or overpower the setting of this short range view.'

- 8.31 In applying this guidance, it is important to take account of any '*committed schemes which have not yet been implemented, but which could affect the designated view*'.^B This cannot mean that one should take account only of schemes that have already started. Such an interpretation would give no meaning to the words 'which have not yet been implemented'. One must take into account schemes that have been granted planning permission. Among the consents relevant to the view from the bridge are those for the Pinnacle, the Shards of Glass, 122 Leadenhall Street and King's Reach. In fact, demolition has taken place on the sites of the Pinnacle and Leadenhall Street and those schemes are in the course of being developed.
- 8.32 This approach^C accords with the approach of the Inspector at Doon Street.^D The Secretary of State endorsed his approach, while disagreeing with his conclusions on the particular issue.^E Although WCC and English Heritage have now issued a High Court challenge to the Doon Street decision, this aspect of that case^F is not one of the grounds of challenge.
- 8.33 Nothing in that approach to assessment detracts from the statutory duties in relation to conservation areas and the settings of listed buildings. The desirability of preserving or enhancing the character or appearance of conservation areas, and also the settings of listed buildings, must be taken

^A CD8/4, Townscape View 26, pp. 228-231. The visual management guidance is in para. 8 but it is important to take account the previous paragraphs. In particular, para. 5 points out that the juxtaposition of the landscape elements in the fore and middle ground, the important civic buildings, and the London Eye and the Shell Centre in the background 'enable the viewer to appreciate that this is an historic parkland in an important city location'.

^B CD8/4, p. 28, para. 3.22.

^C Applying the guidance in CD8/4 in the latter part of para. 8, p.230.

^D CD24/2, paras. 15.11 and 15.12.

^E CD24/1, para. 17.

^F Assessing proposals visible from the St James's Park bridge by reference to the guidance in CD8/4 in the latter part of para. 8, p.230.

into account. However, consideration of those matters should be informed by the LVMF, which must have been formulated having taken into account heritage and conservation matters.

- 8.34 None of the additional documents referred to by WCC^A constitutes policy. The letter from the new Deputy Mayor^B says that 'Planning for a better London' sets out the form that policy is likely to take. But no document on any potential change of policy has even been issued for consultation. Little weight can be given to the document, as confirmed by the Secretary of State in the Doon Street decision.^C
- 8.35 Having in mind the approach set out above, the Council's case^D is that each proposal is acceptable individually and both are acceptable together. Each is of appropriate scale and geometry not to overpower the existing built form or detract from night time views. Each is of exceptional design quality. The scale or appearance of the proposals, individually and cumulatively, would not dominate or overpower the setting of the view. They are both superb buildings and would enhance, not detract from, the views from St James' Park.
- 8.36 There are six other points to be made.
- 8.37 Firstly, account must be taken not only of the views of WCC and The Royal Parks but also of other consultees. English Heritage objects to both proposals. However, it considers the impact of No. 20 as at worst '*minor*', from St James's Park generally, and, from the specific LVMF viewpoint, '*negligible*'.^E Further, although it considers the impact of No. 1 more serious, its concerns were not great enough for it to press for either application to be called in, or for it to decide to appear at the inquiry. CABE supports both proposals – and it is important to emphasise that CABE's representations take express account of the fact that the proposals will be seen from St James's Park.^F
- 8.38 Secondly, The Royal Parks does not argue that there should be no change to the skyline as seen from St James's Park. The London Eye and the Shards of Glass are welcomed and it explicitly accepts that '*it is possible to imagine well chosen buildings being added*' to the group of buildings to the right of Duck Island.^G Indeed, it acknowledges that the proposal for No. 20 could be argued to be an addition to this distinctive group.^H Evidently, therefore, even the objectors accept that the skyline of the view must be allowed to change, and that the view can accommodate new proposals of exceptional design quality.
- 8.39 Thirdly, however, The Royal Parks argues that a different approach should be taken to views over the 'middle' of the view, between the building groups left and right. It suggests that there should be no building visible in this part of the view, in order to preserve the '*Reptonian illusion of a continuous lake which is created by the concealment of the termination of water*'.^I Quite apart

^A The deliberations of a House of Commons Select Committee several years ago, a document issued by the new Mayor before his election and his 'direction of travel' document issued shortly after election.

^B CD15/9.

^C CD24/1, para. 8.

^D LBS/2, section 4.

^E CD17/6 and CD17/7.

^F CD16/5 and CD16/9.

^G RP/1, para. 9.11.

^H RP/1, para. 11.7.

^I RP/1, para. 9.14(1).

from that being an incorrect reference,^A planning permissions already granted mean that it will be obvious, even if the Blackfriars Road proposals are refused, that the city continues behind Duck Island. Even if the Doon Street consent is ignored, other permitted buildings, such as the Pinnacle and King's Reach, will be visible over Duck Island, in summer as well as winter.^B

- 8.40 Fourthly, for permission to be refused for either application because of the impact on the views from St James's Park would be incompatible with the Secretary of State's decision on Doon Street. That development would have a greater impact than either proposal, as was acknowledged at the Doon Street inquiry by English Heritage, The Royal Parks and WCC.^C
- 8.41 Fifthly, if the Doon Street proposal is constructed, there cannot be any reasonable objection to No 1. As the images show, it would be almost entirely concealed by Doon Street. WCC accepted this;^D but the Royal Parks did not.
- 8.42 Finally, the fact that the proposals would be seen from locations in St James's Park other than the bridge, and from land in the vicinity of Buckingham Palace, does not detract from the case in favour of both. To begin with, the images put forward in The Royal Parks' evidence^E were highly misleading. Moreover, in all of these views, none of which is the subject of protection within the LVMF, modern city buildings are already an important, and acceptable, feature.

The World Heritage Site

- 8.43 No. 20 would have no adverse impact. It cannot realistically be suggested that it could. In so far as it would be visible at all, it would be no more than an incidental addition in the distant background. While harm in relation to the WHS was mentioned in WCC's Rule 6 statement,^F it was not one of its principal objections and appeared not to be a continuing objection in its subsequent letter of clarification.^G This was said at the inquiry to have been a mistake – but perhaps it indicates the lack of substance in the objection.
- 8.44 The correct approach in assessing the impact of a development on views from the WHS must be to consider whether the ability to understand and appreciate its importance would be preserved or enhanced.^H It is also important to recognise that the WHS itself is not immune to change.^I The Westminster Abbey and Parliament Square Conservation Area Audit draws attention to '*evidence of evolution within the area*'.^J And the WHS Management Plan acknowledges that '*it is inevitable that London and its skylines and panoramas will change in response to social and economic needs*'.^K In these circumstances, the test cannot be whether one would see a new building but whether that building would fail to preserve or enhance the outstanding significance of the WHS.

^A BE/2D, paras. 3.6 *et seq.*

^B For example, CD2/24, Views 311a and 311d.

^C BE/3/C, paras. 3.6-3.8.

^D Conceded by Mr Ayton in cross-examination by Mr Harris.

^E RP/2. Views RP2.16, RP2.18, and RP2.20.

^F CD12/1.

^G CD12/11

^H Accepted by Mr Ayton in cross-examination by Mr Katkowski.

^I Similarly accepted by Mr Ayton also in cross-examination by Mr Katkowski.

^J CD21/13, para. 3.30, p. 17.

^K CD25/6, para. 5.1.2.8, p. 122.

- 8.45 That could not possibly be said of the proposals for No. 20, which would be invisible from the vast majority of points within the WHS. It would be seen from a position close to St Margaret's Church, WCC saying that to see it in the gap between Big Ben and Portcullis House would be harmful. However, it is already a feature of that gap that buildings can be seen within it. They vary according to where one is standing – but they include the Shell Centre, Beckett House, St Thomas's Hospital, and the new Frogmore development on the Island Site to the south of Westminster Bridge, as well as County Hall. Thus, the evolving, dynamic city is already a feature of views through the gap. It cannot be said that to see No. 20 as well would mean that the viewer would cease to be able to appreciate the significance of the WHS.
- 8.46 In any event, the only viewpoint from which no. 20 would be seen, itself restricted to a few metres of pavement, is not a strategic view in the LVMF, was not proposed to the Mayor by WCC for inclusion as such^A and was not even put forward by WCC for consideration as an important view in its own Metropolitan Views Draft SPD.^B It appears that the viewpoint is, or is close to, local viewpoint 16, which has recently been added to the latest version of the Conservation Area Audit.^C As a 'local view', it occupies the lowest place in the hierarchy of views. Further, the audit says that '*views and the special qualities of existing views can evolve and be enhanced ...*'.^D
- 8.47 Finally, it was suggested^D that, in so far as No. 20 would appear above its roofline, that would be detrimental to views of and the setting of County Hall. This cannot be right. County Hall is already seen, from many viewpoints, with taller buildings behind it.^E Moreover, No. 20 would not have any effect on any of the strategic views in the LVMF in which County Hall features.

Other views

- 8.48 No objection was raised by WCC, The Royal Parks or English Heritage to the effect of either proposal in views other than from St James's Park and the World Heritage Site. WCDG, however, asserted that the proposals would have an adverse impact on conservation areas closer to the application sites.
- 8.49 The proposals would be visible in some views – for example, from Roupell Street and Whittlesey Street in the Roupell Street Conservation Area and Aquinas Street in the Waterloo Conservation Area. The Council has taken full account of these views.^F The exceptional architectural quality of the proposals would ensure that these views are enhanced. They would also reinforce the qualities of the conservation areas through the contrast between old and new. Being able to see tall buildings is already a feature of the area. In the Doon Street case, objectors argued that the proposals would have an adverse impact on the setting of the Roupell Street Conservation Area but the Secretary of State disagreed, noting that '*the presence of tall buildings in outward views from the conservation area is already a factor that determines its character and appearance and ... is not necessarily detrimental*'.^G

^A Acknowledged by Mr Ayton in cross-examination by Mr Katkowski.

^B CD12/7.

^C CD21/13.

^D CW/1, para. 50, p. 19.

^E Accepted by Mr Ayton in cross-examination by Mr Katkowski.

^F LBS/2, paras. 5.18 and 5.37.

^G CD24/1, para. 21.

- 8.50 Although the Doon Street decision has now been challenged in the High Court by WCC and English Heritage, there is no challenge to the Secretary of State's conclusions in that case in relation to the Roupell Street Conservation Area.

Overall summary on design

- 8.51 Each of the application sites is an appropriate location for a tall building and in accord with the aim of the EH/CABE Guidance. Both proposals achieve the highest standards of architectural and urban design required of this prominent and important location. The designs are appropriate when considered in the context of their surroundings. They would make a beneficial contribution to important strategic and local views and also to the character and appearance of all relevant conservation areas. In their design and their impacts, these are both schemes of exceptional quality.

Housing

- 8.52 Both schemes are acceptable in terms of housing policy. Both provide a substantial and welcome amount of housing, private and affordable. No. 1 provides 96 housing units on-site, including 32 affordable, and at least 40 units off-site.^A No. 20 provides 286 units, 41% affordable.
- 8.53 Both proposals, by providing new housing, assist in the fulfilment of important policy aims. In particular, the Mayor's policy is to maximise the amount of new housing in London, both private and affordable, and all London Boroughs are asked not only to meet but to exceed the targets set in the London Plan.^B
- 8.54 The proposed dwelling mix for No. 20 meets the Council's requirements. The mix of the proposed on-site housing for No. 1 would also meet the Council's requirements.^C It would be for the Council to ensure that the off-site affordable housing complied; however, the intention is that a substantial amount of family accommodation would be provided to assist in achieving an appropriate dwelling mix.
- 8.55 The Council's policy is that 40% of housing in the CAZ should be affordable.^D Both proposals comply with that. For No. 1, part would be off-site. That is entirely justified. It is not practical to provide more affordable housing on-site than presently proposed;^E it cannot be provided in the tower because of the excessive costs involved while increased provision along Rennie Street would be likely to have adverse effects for existing residents there. In the circumstances, off-site provision is acceptable and the Council, with the applicant, is seeking sites within the same Community Council area. A site off New Kent Road has been identified and is expected to allow for a greater amount of affordable housing than policy requires (up to 77 units, almost 53% of total provision and some 88% more than if all the provision were on site).^F
- 8.56 The maximum amount of affordable housing was sought from both proposals.^G Both applicants submitted financial assessments to justify the amount proposed. The Council accepts that each would provide the maximum viable

^A LB Southwark has assumed the provision will amount to 40; the applicants' calculations assume 45.

^B CD8/1, Policies 3A.1 and 3A.2.

^C LBS/3, para. 3.9.6, p. 39.

^D CD7/1, Policy 4.4(ii).

^E LBS/3, para. 4.2.27, p. 57, further explained by Mr Dennis in evidence in chief.

^F BE/3/B, Appendix 4, para. 5.2.4.

^G LBS/3, para. 4.2.25, p. 56.

amount. That is also accepted by the Mayor.^A Despite the very belated change of mind in relation to the design aspects of the proposals,^B the Mayor's support for the housing aspects of the proposals, including the affordable housing provision, has not changed.

Policy

- 8.57 Both proposals comply with all relevant policy advice relating to design and tall buildings. They comply with national policy advice in PPS1 promoting high quality design^C and in PPG15 on the settings of listed buildings and the character, appearance and settings of conservation areas. Both accord with London Plan Policies 4B.2, 4B.8 and 4B.16-4B.18. Policy 4B.9 is a promotional policy but its criteria are met by both proposals. Individually or cumulatively, the expectation is that they would create high quality space for working, visiting, and living, a sense of place and focal points for the public to enjoy.
- 8.58 WCDG argues that the proposals would not bring regenerative benefits for the community as a whole.^D That criticism is not justified. The proposals are inclusive and would benefit the community. It is a benefit for the community as a whole to have new development on presently undeveloped land. That would bring people to live, work and visit the area, to its benefit. And the new public realm in both schemes would be a benefit to the whole community.
- 8.59 Both proposals comply with the Southwark Plan, in particular Policy 3.20. Both are of the highest architectural standard, would make a positive contribution to the landscape, would relate well to their surroundings, particularly at street level, and would contribute positively to the London skyline, consolidating a cluster within that skyline and providing a key focus within views.
- 8.60 The criteria in the EH/CABE Guidance are fully met. The proposals' relationship to their context, including the historic context, has been carefully considered, as has their effect on the WHS. They are entirely consistent with the requirements of sustainable development and have an excellent relationship to public transport infrastructure. The architectural quality of the designs is of the first rank. Both embody a sustainable approach to design and construction, using location and siting that are consistent with sustainability objectives, coupled with passive design measures and sustainable construction materials and techniques. Both designs are wholly credible in that they have been produced with the greatest care and attention to detail. Both make a highly positive contribution to public space and facilities. The effect on the local environment, including microclimate and overshadowing, has been fully considered in both. WCDG, while maintaining an objection to microclimate, did not pursue the objection about overshadowing the riverside walkway.^E Both schemes would increase the permeability of the area, linking in with each other as well as the permitted scheme at King's Reach. Each scheme would, on any view, afford a well-designed environment.
- 8.61 Accordingly, the requirements of all policies, including the EH/CABE Guidance, are met. The Secretary of State's first call-in matter asks about the *'appropriateness of a very tall building'* on the application sites. The Guidance

^A CD15/4 in relation to No. 1, CD15/7 in relation to No. 20.

^B CD15/9.

^C CD4/1 (PPS1), paras. 13.33-34.

^D W/10.

^E W/1, para. 5.20.

speaks only about 'tall' buildings; there is no provision for a separate category of 'very tall'. Providing that a location is identified as being appropriate for a tall building, the acceptability of an individual proposal is to be determined in accordance with development plan policies and the criteria for evaluation in the Guidance. The proposals for No. 1 and No. 20 are amply justified in terms of those policies and criteria.

Land uses

- 8.62 All of the land uses in the two proposals are in accordance with policy. The site of No. 20 is within the CAZ and thus a preferred office location.^A The Class A uses in both proposals comply with policy.^B The hotel use for No. 1 accords with policy because the site is at a highly accessible location^C within the CAZ.^D

Obligations

- 8.63 Agreement has been reached on the contributions to be made by each scheme secured by planning obligations.^E They comply with local and national policy. WCDG fears that the contributions would not be used, where appropriate, within Lambeth. Those fears are without justification. There has been substantial liaison between the two Councils^F and LB Lambeth must surely be satisfied that the funds will be used appropriately, because it does not now object to either scheme.

Conclusions

- 8.64 Tall buildings are appropriate in this location and these proposals, which can be described as very tall buildings, accord with the EH/CABE Guidance. This is a case where tall buildings have been properly planned as part of an exercise in place-making, informed by a clear long-term vision.
- 8.65 The proposals accord with all of the policies in PPS1. Both will promote high quality and inclusive design, making the most of the opportunities available for improving the character and quality of the area.
- 8.66 Both proposals accord with PPS3, including the provisions relating to affordable housing. They would help to meet the housing requirements of the whole community, as well as creating mixed communities, in highly sustainable and well designed developments.
- 8.67 Both proposals accord with the relevant provisions of the Southwark Plan and the London Plan.
- 8.68 Conditions have been discussed and agreed with both applicants.
- 8.69 Finally, each of these schemes is a masterwork by one of this country's leading architects. Each fully deserves the grant of planning permission.

^A CD7/1, Policy 1.3.

^B CD7/1, Policy 1.7.

^C CD7/1, Policy 1.12.

^D CD8/1, Policy 3D.7.

^E BE/14/A and BL/2/E.

^F Confirmed by Mr Dennis in evidence in chief.

9 THE CASE FOR WESTMINSTER CITY COUNCIL AND THE ROYAL PARKS

I give here the gist of the case for the two objectors, drawn essentially from closing submissions and elaborated upon where necessary by reference to opening submissions, proofs of evidence, appendices and what was said at the inquiry itself.

- 9.1 There are many great things that make London the World City that it is. It is a hub for transactions within the world economy and it seeks to be a leader in the ever-growing and competitive European market. It is a capital city able to attract global business in a way simply not possible elsewhere in the UK.
- 9.2 The London Plan recognises that the same can be said about significant elements of London's roles in government, tourism, culture and learning.^A Just as there is always a great deal at stake for the future of London as a capital city for business, there are equally important matters at stake for London's distinctive history. It has grown as a relatively low-density, open city compared to other world cities and most European capitals,^B leaving a legacy of unique spatial characteristics.
- 9.3 In so doing, London's extraordinary historic assets have been allowed to breathe and have played a significant role in enabling London to set itself apart from other cities in the UK. Within the centre of London, the historic buildings, spaces and townscape of Westminster, including St James' Park, are the true jewel in the capital's crown. When people visit London as their experience of the UK, they visit Westminster. Photographs taken to record their experience of London are most likely to be of views and buildings within Westminster.
- 9.4 Westminster's character makes the most important contribution to London's status as a world city in heritage terms. There is a wealth of refined detail upon which to base such a conclusion. It is this unique contribution which Westminster City Council (WCC) and The Royal Parks, by their objections, seek to protect for future generations of visitors and residents alike. The contribution can be found in the townscape, the numerous designated conservation areas and the special architectural character of the Grade I, II* and II listed buildings prevalent throughout the area. The City of Westminster has a generally settled character which is sensitive to the impact of tall buildings; existing examples such as the Knightsbridge Barracks, Millbank Tower and the Park Lane Hilton Hotel demonstrate that quite clearly.
- 9.5 Although there are numerous views at a local level which WCC's own UDP seeks to protect, its and The Royal Parks' objections concern a strategic view which has been very highly and consistently valued throughout its long history. It is, by definition, acknowledged to be of great significance, one of London and the UK's greatest heritage assets. The quintessentially picturesque composition of the view goes to the very heart of the objection.
- 9.6 WCC and The Royal Parks have no hostility to contemporary architecture – but very tall buildings must always be acceptable within their wider context. Indeed, London Plan Policy 4B.1^C itself provides strategic design principles for a compact city and includes as one of those principles '*respect [for] local context, history, built heritage, character and communities*'.

^A CD8/1, para. 1.11.

^B CD8/1, para. 1.27.

^C CD8/1, p. 245.

The appropriateness of a tall building in this location

- 9.7 WCC and the Royal Parks have some residual concerns over the genesis of Southwark Plan Policy 3.20. It has not been based upon a detailed urban design study, as recommended by the EH/CABE Guidance^A and London Plan Policy 4B.9. The importance of such studies is that they identify locations where tall buildings would and would not be appropriate. WCC's own study and tall building policy enables developers and residents to have a high degree of certainty as to where there are areas that are appropriate, sensitive or inappropriate to tall buildings, rather than just relying upon a criteria-based policy applied case-by-case.
- 9.8 Either way, that is of limited concern, as is the question of whether the application sites will or will not fall within an Opportunity Area (OA) when those boundaries are finalised.

Whether the proposals accord with policy

- 9.9 Whilst not a main part of their objections, the claims made for each tower's architectural excellence should not pass without some comment on certain aspects of detail.
- 9.10 In terms of approach to design quality, WCC and The Royal Parks are clear that the quality of the design of the building is to be taken into account when determining whether either would cause harm to heritage assets and the extent of any such harm. The quality of the design does not fall to be considered separately after an assessment of harm has taken place, such that it may be put forward as a stand-alone point in favour of the building, or even as outweighing any harm identified.
- 9.11 It was recognised in the context of the Shards of Glass inquiry that it is entirely possible that world-class architecture could be inappropriate if it were in the wrong location.^B In this case, in contrast to the Shards, the City of London itself does not yet appear in the strategic view from the Blue Bridge in St James's Park and is only likely to emerge as a limited addition to the view. The successful city is not, and will not be, plain to the eye, so the proposed towers of these applications would be an unwelcome addition. The City of London will not be able to save the day if it is concluded that these proposed towers cause harm to heritage assets of national and international importance.

1 Blackfriars Road

- 9.12 The proportions of the tower have developed over time. The scale and overall geometry are said to create a sculptural form. Whatever architectural judgment is reached upon the design aspirations and the ultimate form of the tower when viewed in its entirety, it would not, as a matter of fact, be possible to experience that concept from the bridge in St James' Park.
- 9.13 Whilst it is said that the tower's external skin would continue to 'flutter' to the sky deck, the observer from the bridge would only experience an extract of that design intention. It would be an element of 21st century architecture seen entirely out of its local context. At a detailed level, the appearance of the tower would be reliant upon the quality of the materials proposed, to be controlled by condition. Even so, the intention is that the panels of the inner

^A CD6/2, para 2.7.

^B CD19/4, p. 133, para. 16.123, agreed with by the Secretary of State in CD19/3, para. 22.

skin – some translucent, some opaque – are intended to create the impression that the elevations are constantly changing. The south faces of the tower would change more frequently with the operation of the adaptive solar blinds. There would be internal screens and/or sliding doors which could be open or closed as residents enjoy their gardens in the sky, together, of course, with the paraphernalia of residential occupation.

- 9.14 Thus, should the detail of the higher storeys of the tower be visible from the bridge, its appearance would have the potential to provide a stark contrast to the current composition of the view. The detail of the top of the tower might or might not be readily discernible at over 2km distant.^A Either way, the snapshot available from the bridge would not be seen as a sculpture, as originally conceived.
- 9.15 The visual material offers a prediction of where in the view each new building would appear. It only really assists the viewer on site to judge what would be the position of each new building in the view. There is no real dispute between the parties that allowance must be made for differing weather conditions, times of day and so forth. Therefore, whilst the visual material can also give an impression of how the new buildings would appear by seeking to take into account the materials proposed, there must be an appreciation that, in reality, things are capable of looking entirely different. For example, the higher residential storeys of the Beetham Hilton Tower in Manchester, as built, indicate the sort of effect which might occur at the higher storeys of No.1,^B in certain conditions. The residential units would be capable of appearing quite dark, regardless of the façade design.
- 9.16 In summary, the concept of a tall, elegant tower would not be evident from the Park. Rather, there would be an extract of the highest levels of the building, which would have all the characteristics of the double-skin façade and which would serve only to provide a stark architectural contrast with the current composition of the view. The quality of the design concept in itself would not be capable of avoiding such an unwelcome interruption.

20 Blackfriars Road

- 9.17 Similar issues arise with No. 20. For example, the slender form of the tower when viewed from the north could not be appreciated from the Park. Again, there would simply be an extract of the highest element of the tower, specifically the top of the western façade, approximately 50m wide, which would become ever more visible as one proceeded north across the bridge.
- 9.18 The visible element of the faceted façade would add an element of verticality which would catch the light very differently from any materials which form part of the current composition of the view. The highest part of the tower would announce itself to the observer through the facets of the surface planes.
- 9.19 Whilst it might be said that, in certain positions along the bridge, the tower's physical presence could be described only as modest, that would not, in reality, equate to a minor addition with a merely subtle difference in character. The faceted articulation of the western façade would be read even at a distance and would again introduce a stark architectural contrast with the

^A Mr Simpson doubted it; Professor Tavernor thought some aspects might be.

^B BE/1/A, p. 17, top right photograph.

current composition of the view. The quality of the design concept in itself would not be capable of avoiding such an unwelcome interruption.

Townscape View 26 – St James's Park to Horse Guards Road

- 9.20 St James's Park came into being when water meadows were drained to provide Henry VIII with an area for outdoor recreation and sport. Following alteration by Charles II, it was remodelled by Nash in 1827-1828 and it is '*Nash's layout that survives largely intact*'.^A The inner park remains substantially intact today and is maintained to an extremely high standard.^B
- 9.21 The bridge across the lake is a popular place from which to appreciate views through the Park.^C The view has been consistently and very highly valued for many years in its present form. Its protection has received support from the International Federation of Landscape Architects.^D An improvement has been recently made (1993) by removing trees at the eastern end of the lake, thereby revealing the collection of fine buildings at Horse Guards and beyond.
- 9.22 The view is, by definition, of strategic importance – being Townscape View 26 in the London View Management Framework (LVMF). The Park is acknowledged as an historic landscape of importance, included in Grade I in English Heritage's register of Parks and Gardens of Special Interest.^E The lake and Duck Island form part of Nash's remodelled design. Importantly, the view also forms the setting of a concentration of Grade 1 and II* listed buildings, including the Foreign and Commonwealth Office and Horse Guards.^F
- 9.23 The key elements of the view and its characteristics are largely agreed by all. They accord broadly with the description of the view and its qualities set out in the LVMF, namely:
- trees on either side of the lake enclose the view and provide the landscaped setting of this part of St James's Park;
 - landscape still dominates the view;
 - the buildings which appear in the skyline above the landscaped park, because of the vegetation on Duck Island, are split into two groups – or at least there is a punctuation between the layers of architectural detail which appears there;
 - to the left of the view there is Horse Guards and Whitehall Court, with their complex, upper parts most prominent;
 - to the right is the Foreign and Commonwealth Office, encircled by the London Eye, with the Shell Tower just visible.
- 9.24 There is also the low-lying and horizontal character of the background to the lake, reflecting the settled character of Westminster.^G And there is the consistent use of Portland stone in the predominantly civic buildings in the view. The Shell Tower and the London Eye (which is of different geometry) are seen at the margins of the view.^H

^A CD8/4, View 26, p. 228.

^B RP/1, section 7, sets out a comprehensive history of St James' Park.

^C Approximately 3-4 million visitors a year.

^D TP/1.

^E RP/3, p. 5.

^F CW/1, Appendix 1, p. 67 *et seq.*

^G Which Professor Tavenor agreed could be broadly described as of 6-8 storeys in height.

^H CD8/4, p. 230, para. 7.

Townscape View 26 – Policy

- 9.25 London Plan Policy 4B.9 states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, where they help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 also refers to the opportunity for Boroughs to identify defined areas of specific character that could be sensitive to tall buildings and clearly explain, if they do so, what aspects of local character could be affected and why.
- 9.26 The applicants agreed that, when assessing any impact on sensitive areas of Westminster, one would have to revert to the Westminster UDP and other resources relevant to Westminster in order to gain an insight into the likely impacts in WCC's area. Those resources include the settings of listed buildings, the character assessments of Conservation Areas (including the Royal Parks Conservation Area^A) and the World Heritage Site (WHS) Management Plan.^B That information simply isn't found elsewhere.
- 9.27 Moreover, Policy 4B.10, on the design and impact of large-scale buildings, as well as referring to the LVMF, sits within the same section of the London Plan as, and is immediately followed by, policies on built heritage and conservation – those policies, 4B.11, 4B.12 and 4B.14 appear even before the policies on view management contained in 4B.16 and 4B.17. This important balance between development and heritage is recognised at the outset in the LVMF – *'For London to remain a competitive world city, it must respond to the drivers of growth and continue to develop in a dynamic, organic manner without inappropriate restraints. At the same time, London is valued because of its first class heritage and historic landmarks that are cherished by Londoners and visitors to this great city.'*^C

Townscape View 26 - LVMF

- 9.28 Chapter 2 of the LVMF, in setting out the relationship with the London Plan, refers to Townscape Views first of all at para 2.17. Advice is provided that *'All new development should contribute to enhancing the skyline of London and be of high quality and execution.'* That refers to all townscape views. It also advises that the background to townscape views is susceptible to change and development pressure and that, for this reason, careful consideration should be given to any new developments that might affect these views, so to ensure that the skyline is, where possible, enhanced.
- 9.29 The section on the view itself refers back to all the points set out in Chapter 3, on Qualitative Visual Management. It says that:
- *'Development proposals in the background of designated views, whether London Panoramas, River Prospects, Townscape or Linear Views, should seek to preserve or enhance the setting of Strategically Important Landmarks, or other important townscape elements that contribute to the special characteristics of the view';* and that
 - *'Those seeking to develop in the background of Townscape and Linear Views should first consider the very specific circumstances of each of these*

^A CD21/9.

^B CD25/6.

^C CD 8/4, Foreword, para. 1.

views. Background development in some views is managed through the implementation of a Protected Vista. Where it is not, or where development proposals fall inside the landmark background assessment area of a Protected Vista, development should contribute positively to the composition of the townscape ensemble or any landmarks in the foreground.'

- 9.30 Neither applicant is able to recognise the possibility of any harm to any views, conservation areas or other heritage assets, save for one view from Temple Gardens.^A It is difficult for the City Council and The Royal Parks to understand the basis for such overwhelming conclusions in one direction. Either way, the LVMF provides for a series of further judgments to be made in light of the relevant parts of the guidance in Chapter 3. Further development proposed in the distant background of the view should be of appropriate scale and geometry not to overpower the existing built form or detract from night-time views; it should also be of exceptional design quality, in particular with regard to its roofline, materials, shape, and silhouette; the design aims should ensure that the scale or appearance of the building should not dominate or overpower the setting of this short range view.
- 9.31 None of the consented schemes in the City of London^B is referred to in the LVMF in terms of the description of View 26 or its composition. The LVMF was published in July 2007, well after the buildings concerned had received consent. Evidently, they do not, as a matter of policy, reflect '*the benefits of the view*', which management plans should seek to do.^C
- 9.32 Moreover, the LVMF is simply supplementary planning guidance; a material consideration but no more. It is not a tool to mediate all competing planning objectives in London in relation to development which would affect the designated views.^D It cannot replace the statutory duties in the Planning (Listed Buildings and Conservation Areas) Act 1990 or the advice in PPG15.

Impact of No. 1

- 9.33 Unlike the London Eye and the Shell Tower, No.1 would not be at the margins of the view but would be a significant participant in it. An abstract element of the highest storeys of the tower would rise directly above an important part of the current composition of trees and landscape, namely Duck Island. It would not only change the view but would command its own focus whereas, at present, no single building has such status.
- 9.34 The tower would be the only building above Duck Island in the view from the centre of the bridge; it would float there, dislocated from its conceptual form. It would take on various degrees of solidity, depending on conditions and time of day. It would not relate to either Horse Guards and Whitehall Court to the left or the Foreign and Commonwealth Office to the right. It would not be a subtle addition. It would be a major intrusion into the landscaped gap between the two groups of buildings and it would draw the viewer's attention away from the important features of the view.

^A RP/5, View 222 (seen in CD3/28).

^B Including the 'Pinnacle', the 'Heron Tower' extension, 110 Bishopsgate, 122 Leadenhall (the 'Cheesegrater') and, near the application sites, the King's Reach Tower extension.

^C CD8/1, Policy 4B.17.

^D CD8/4, 'Summary', p. viii, first para.

Impact of No. 20

- 9.35 From the centre of the bridge, the extent to which the tower would be visible is limited – but its rectilinear form would not echo the texture and materials of the north-west corner of the Foreign and Commonwealth Office, with which it would be immediately juxtaposed. This would harm the architectural detail and Italianate opulence of that building. More of its façade would be visible in winter, when its (admittedly sophisticated) crystalline character would introduce differing reflections, competing for attention with the more vertical form of the Foreign and Commonwealth Office.
- 9.36 In the kinetic experience, moving towards the north of the bridge, No. 20 would emerge from behind the Foreign and Commonwealth Office, finally ‘detaching’ itself from that building and forming a horizontal addition to the view, disrupting the rhythm between the two groups of historic buildings and the dominating landscape. Its west-facing façade would become a legible and disturbing addition, and very intrusive.

Cumulative impact of Nos. 1 and 20

- 9.37 Taken together, the parts of the towers which would be visible would appear on the skyline in a currently important part of the composition. Their presence would be highlighted by the interaction between the differing geometrical concepts – No. 1 attempting to retain some of its sculptural form despite being adrift from its conceived totality and No. 20 with its faceted surface planes foreshortened. The differing rooflines, materials and silhouettes would exacerbate the intrusion. They would be examples of the harmful detraction from the composition of the view, and from the essence of the characteristics, that the LVMF and other heritage planning policy are trying to avoid.

Conclusions on impact on Townscape View 26

- 9.38 Perhaps, in the strict terms of the particular section in the LVMF, the tower at No. 1 would not necessarily ‘overpower’ or ‘dominate’.^A But, as is made clear elsewhere in the document,^B the significance of visual effects should be assessed against the criteria in Policies 4B.16 and 4B.17, as well as relevant urban design policies and heritage/conservation policies. It is also not possible for the LVMF to give guidance on every aspect of visual assessment; indeed, it recognises this when it refers to a number of broad factors which should be part of any assessment of the effects of proposals on designated views. Many are carried through into the specific management guidance but others indicate the need for a broader approach – for example, the effect on the skyline and the visual relationship of the proposal to its setting and surroundings.
- 9.39 WCC and The Royal Parks consider that No. 1 would have an unacceptable effect on the composition of the view. Its visual relationship to the setting and surroundings of the view would be harmful. As remarked in the City Council’s closing submissions to the Doon Street Inquiry,^C there is no watering down of the statutory tests in relation to listed buildings or of national policy guidance in PPG15. London Plan policy recognises the need to take into account heritage assets and the part they play in the unique mix of uses which makes central London such an attractive and successful capital city.

^A CD8/4, p.230, para. 8.

^B CD8/4, Chapter 3 (on Qualitative Visual Assessment).

^C CD24/5.

- 9.40 It is also correct that, from the centre of the bridge, the juxtaposition of No. 20 with the Foreign and Commonwealth Office could not be considered to 'overpower' or 'dominate' the view; nor would the harm be as acute as from the Doon Street Tower, as noted by English Heritage in its representations.^A However, as the viewer moves north across the bridge, so the harm as No. 20 emerges from behind the Foreign and Commonwealth Office would be arguably greater than just 'minor'. Given its form and materials, the building would distract the eye from the more important features in the view.
- 9.41 On the basis of the individual conclusion on each scheme, the two together would have an unacceptably harmful impact on the view which would be significant rather than minor.

Doon Street and other consented schemes

- 9.42 The Secretary of State's decision on Doon Street is now the subject of a statutory challenge on a number of grounds by English Heritage and WCC. The first ground challenges the lawfulness of the Secretary of State's conclusions regarding the impact of the Doon Street tower on the setting of the Royal Parks Conservation Area. The setting of the Conservation Area includes views into and out of the area, such as the view towards Horse Guards from the bridge across the lake. English Heritage and the City Council do not accept the Secretary of State's conclusions on the acceptability of the harm identified in the context of the Doon Street proposals.
- 9.43 Unless and until it is quashed, the Secretary of State's decision remains a material consideration. However, there is at least a likelihood that the decision may not survive. It is thus unclear when in the future the Doon Street tower might be built. It is certainly unclear whether it would appear within the view from St James's Park before or after No. 1 or No. 20. In any event, the Secretary of State's decision and her conclusions, as they stand, do not imply that there should now be no barrier to repeated consents for tall buildings which would appear in the skyline of the view.
- 9.44 The Doon Street Tower would be slightly taller than No. 1 and would, in effect, obscure it. While the viewer would see a small part of No. 1 beyond Doon Street, the City Council concedes that it would be difficult to argue that harm would occur from No. 1 in that context. The Royal Parks, however, drew attention to the special emphasis given by the Secretary of State to the high quality of the design of the Doon Street tower.^B The introduction of No. 1 would be detrimental to the perceived outline of the building and affect the integrity of the design by appearing as an inappropriate addition to its left side, both in the designated view and from the northern end of the bridge.
- 9.45 No. 20 would stand in the important gap between the Doon Street tower and the Foreign and Commonwealth Office. That gap comprises the vegetation on Duck Island, above the eastern end of the lake, with an uninterrupted skyline. It would also become more dominant from towards the north of the bridge, as part of the kinetic experience of the view.
- 9.46 The other consented schemes would have only a limited impact on the view. In view management terms, they could be accepted. There is no blanket hostility or objection in principle to any twenty-first century tall buildings which

^A CD17/6.

^B CD24/1, para. 17.

might become visible in the view. The 'Pinnacle' would have less of an impact than No. 1, given its distance away and the fact that the form of its upper, and most prominent, parts would echo the minarets of Whitehall Court. The 'Cheesegrater' might become more noticeable in winter but would not be as intrusive as No. 1. The Shards of Glass would be at the very margins of the view to the right. Even the King's Reach tower extension, though unfortunate, would only appear above Duck Island to a limited degree.

- 9.47 Thus, the Doon Street tower and the other consented schemes do not set a precedent for consideration of the proposals for Nos. 1 and 20. The danger, if the need for consistency of approach by the Secretary of State to tall building proposals in the view were equated to a fixed framework, is that the skyline would quickly become filled with buildings – a process which would be started by Nos. 1 and 20.

Impact on the World Heritage Site (WHS)

- 9.48 Both the London Plan and the City Council's own UDP seek to protect the character and appearance and setting of the WHS.^A It is remarkable that, despite its context at the heart of central government, its setting has not been compromised to an even greater degree. Inclusion of a site in the World Heritage list is a key material consideration.^B
- 9.49 The WHS Management Plan^C identifies the key features, characteristics and elements of the area and gives clear details of what it is that requires sensitive management. It records that the setting and symbolism of the Site could be damaged by inappropriate nearby intrusions.^D Appreciation of the elements which give the WHS its universal outstanding value are central to development control decisions if its significance is not to be undermined. Without such appreciation, large-scale development beyond its boundaries might pose risks to that value.^E
- 9.50 While not the principal concern of WCC, No. 20 would have an impact on a key characteristic of the WHS – the setting of St Stephen's Tower (Big Ben), which dominates views from the west and south-west of Parliament Square. Big Ben is a grade I listed building of exceptional architectural interest, internationally recognised as a symbol of the UK, London, Parliament and democracy. No. 20 would appear within the clear gap between Portcullis House and Big Ben, a gap that enables the viewer to determine the relationship between the Palace of Westminster and the River Thames.
- 9.51 Other buildings are visible across the Thames in views across Parliament Square – but they are not of the same scale as No. 20. County Hall is seen at a low level within the gap; St Thomas's Hospital, the Frogmore Development on the Island Site and Beckett House do not compete with the form and silhouette of Big Ben from the west and south-west of Parliament Square, where it is appreciated against open sky.
- 9.52 The WHS has many local views of equal importance, noted in the Conservation Area Audit of the Westminster Abbey and Parliament Square Conservation

^A CD8/1, p. 255, Policy 4B.14; and CD12/5, p. 551, Policy DES16.

^B CD4/9 (PPG15), para. 2.22.

^C CD25/6.

^D CD25/6, para. 3.1.3.1.

^E CD25/6, para. 3.1.3.2.

Area.^A The view of concern is Local View 16;^B it is sensitive and important, regardless of the fact that it is not a strategic view and not included as a view of metropolitan importance in the City Council's draft Development Plan Document.^C Further infilling of the gap between Portcullis House and Big Ben would harm the setting of a nationally important listed building. It would be a stark example of the damage which can be caused if the pressure which is feared to be exerted upon the symbolic fabric of the WHS is allowed to go unchecked, thereby eroding the setting and views.

Impact on views from within the Royal Parks Conservation Area

- 9.53 While incidental to the main concerns of The Royal Parks, there are three locations within the Conservation Area from where the proposals would be visible.^D The photographs and the visualisations imposed upon them are intended only as an aide-memoir; it is accepted that the precise position of the proposed towers may not be exact. The intention is simply to demonstrate that there would be a marked change in scale between the built development presently seen and what would be seen if the proposals were built.
- 9.54 From outside Buckingham Palace, the 'Gherkin' is visible, as are the upper storeys of the King's Reach and LWT towers, but the proposals for Nos. 1 and 20 would introduce buildings of a wholly unacceptable and intrusive scale. From the Queen Victoria Memorial Gardens, the City of London is off to the left of the view; if the consented schemes in the City are built, the addition of the proposals at No. 1 and No. 20 would result in built development across the entire skyline, with No. 1 and No. 20 being the most prominent.

Other matters

- 9.55 The new Mayor's pre-election planning manifesto pledges have been collated and developed into a document intended to characterise his 'direction of travel' on planning policy matters.^E The clear intention is to redress the balance between local context and historic views and the promotion of tall buildings, as currently set out in London Plan Policy 4B.9. Work has already started on revision of the LVMF.^F It is therefore unsurprising that the new Deputy Mayor has now withdrawn the previous broad acceptance of the proposals, in strategic planning terms, by the GLA. Quite simply, his letter makes it clear that the proposals would not accord with strategic policy, nor would they accord with the new policy objectives of the Mayor.

Conclusions

- 9.56 As remarked at the Doon Street Inquiry,^G the main issues between the applicants and WCC and The Royal Parks should not be seen as a battle of ideologies – historicist against modern architecture. Inevitably, a balance will have to be struck between the harm identified and any community benefits.

^A CD21/13, p. 57.

^B CD21/13, p. 55.

^C CD12/7.

^D RP/2; photographs RP2.15 & RP2.16 are from outside the south forecourt of Buckingham Palace; photographs RP2.17 & RP2.18 are from the north lakeside walk, near the west end of the lake; photographs RP2.19 & RP2.20 are from Queen Victoria memorial gardens, the raised walk beside the south-east balustrade.

^E CD8/20, 'Planning for a better London', July 2008.

^F CD8/20, p. 36.

^G CD24/5, para. 103.

- 9.57 But there are certain views and heritage assets whose value cannot be properly preserved by new built form. That is the case with the view across the lake in St James's Park towards Horse Guards. When the balance is assessed, it should fall firmly on the side of preserving the value of this key heritage asset, which itself makes a vital and acknowledged contribution to London – past, present and future.
- 9.58 While there have been changes to the view over time, they could be said to have been remarkably few. The City of London has stayed remarkably distant, given that the Park is in the heart of central London. Past changes, such as they are (the London Eye, for example), have been absorbed while preserving the setting of listed buildings and maintaining the '*almost idyllic*'^A composition of the view. What is important is that, to date, no changes have taken place to damage the setting to such a degree that further changes cannot make things materially worse.
- 9.59 The view from St James's Park is acknowledged to be of great significance and importance. It is a beautiful, picturesque view and one of the UK's finest heritage assets. The impacts of the proposals would be significant rather than minor and harmful rather than beneficial.
- 9.60 Planning permission should be refused for both applications.

^A CD24/2, para. 15.29, p. 102.

10 THE CASE FOR THE WATERLOO COMMUNITY DEVELOPMENT GROUP

I give here the gist of the case for the objector, drawn essentially from closing submissions and elaborated upon where necessary by reference to opening submissions, proofs of evidence, appendices and what was said at the inquiry itself.

1 Blackfriars Road

- 10.1 The proposal would cause irreparable harm to London's most popular leisure and cultural quarter at the South Bank and Waterloo, to the historic assets within it, and to the amenity of its residents and visitors. It may well also cause irreparable harm to historic assets beyond this area, on the north side of the river, but that is not within WCDG's remit. The modest benefits the development would bring to the community and to London cannot justify the grant of planning permission in the face of the harm it would cause.
- 10.2 The attractions of the South Bank and Bankside are essential components in London's appeal. The Millennium celebrations were focused here; it is where the Mayor of London's annual festival is hosted. The harm to the area would be bound to undermine London's appeal and status as a world city.
- 10.3 High quality of design is a prerequisite for any proposal for a tall building but is not itself sufficient to warrant permission. In terms of materials, servicing, maintenance, and the way the different uses are separated, the proposed design is often ingenuous and of high quality. But it simply ignores the physical and social context.
- 10.4 The Inspector at the Shards of Glass inquiry made a clear distinction between design quality and location relative to heritage assets. A design could be of high quality but in the wrong location. Design cannot be so easily separated from its context. The applicant's evidence puts considerable emphasis on context^A and talked of an aspiration to '*stitch the city back together*'. (The evidence for No. 20 also referred to the need to respond to the specificity of each site.^B) That is the correct approach. However, the design for No. 1 comprehensively fails to achieve an appropriate relationship with its context. Its sarcophagus-like shape is not unpleasant – but it relates to nothing local, or even in London. It simply exacerbates the oddness achieved by its exceptional height. At best, the shape would place it among the burgeoning pantheon of odd-shaped buildings proposed for London's skyline, contributing to the '*Dubai zoo*' effect.^C
- 10.5 The applicant's argument is that the site demands a tall building as a landmark to respond to the context of the Blackfriars bridgehead. But many of the buildings at bridgeheads along the Thames in central London work successfully without being landmarks.^D And, of course, landmarks do not need to be tall. County Hall, the Royal Festival Hall, the National Theatre and Unilever House all provide landmark buildings at bridgeheads without being tall. In fact, Big Ben stands alone as a tall landmark on a bridgehead site in central London.
- 10.6 Height is a central feature of the design. The architect said that, through his initial design process, he '*came to the view that a tall building was appropriate*'

^A BE/1/A, for example, paras. 1.3, 1.3.1, 2.6.1, 2.8.1-2.8.10.6

^B BL/3/A, paras. 2.2.1 and 4.3-4.5.

^C A phrase used by Mr Eyre in evidence in chief for No. 20.

^D W/9.

and that the '*height evolved through the form of the design itself*'.^A However, the evidence suggests the contrary – that the design evolved in response to a predetermined ambition to build very high. The site was acquired with an extant permission for a bulky building 85m high. The task was to try to cram much more on to the site.^B The result was the first design – a 220m high tower and a bulky plinth building, which even CABA decried as overdevelopment. In response, much of the bulk was removed from the plinth but the extraordinary height remained, albeit reduced by 40m (18%). Despite a further 10m reduction, the focus of the design has remained steadfastly tall.

- 10.7 Is there a context of tall buildings? There are three tall buildings along the south bank of the Thames between Westminster and London Bridge – the Shell Centre (109m), Kent House (the LWT Tower) (85m), and the King's Reach tower (110m). Their scattered nature emphasises their lonely bleakness. For Waterloo residents, these buildings scar the area and block access to the amenity of the riverside. Were the Doon Street permission to be implemented, it would add to this unhappy effect. No. 1 Blackfriars would simply extend that experience eastward along the Thames.
- 10.8 If the proposal were part of a cluster, replication of this lonely bleakness could be avoided, as the London Plan prescribes.^C The application is thus fortunate to be joined with the proposals for No. 20. Together with the extant permission for King's Reach, these four towers could form a cluster. But is this a coherent location for a cluster of tall buildings?^D at London South Central are focused on major transport interchanges and coherent retail and economic centres – London Bridge, Waterloo, Vauxhall, and Elephant & Castle. These are places of significance for Londoners, worthy of marking. The logic of the townscape is to see bigger developments at centres of activity, lower buildings between. The southern end of Blackfriars Bridge does not have this significance as a coherent centre of activity; there is no transport interchange, only a handful of buses, and no retail centre. This is not a place of significance for Londoners; a cluster of tall buildings would be at odds with any reading of the city.
- 10.9 The context at ground level is that this is a very popular area for pedestrian perambulations. Yet the proposed development at No. 1 would provide no clear or desirable pedestrian routes. Instead, it proposes flights of stairs to a plaza invisible from the street. It is a commonplace long evidenced on the South Bank that this is anathema to most pedestrians passing through.
- 10.10 What of pedestrians who might walk around the development rather than up and down through it? While it is heartening to hear that the entrance to the tower could be a small gallery, only this and the 'concession café' on Stamford Street would provide genuine active frontage for those pedestrians. Even at those points, the development at ground level would be impermeable to those not residing in the hotel or the residential accommodation, because it is given over to the purposes of a highly exclusive hotel. Most of the frontage would be servicing, entrances, stairs and the like.^E The design turns its back on the

^A Mr Simpson, in his evidence in chief.

^B BE/1/A, para. 3.4.2.5, the final sentence.

^C CD8/1, Policy 4B.9.

^D CD8/1, paras. 5.108, 5.110, 5.140, 5.141.

^E W/1, paras. 5.32-33.

streets around it. From various angles, it would simply offer a curtain wall.^A It was called an 'inhabited wall' – but neither its habitation nor the odd holes proposed to be punched through it take away from the fact that it is a wall. And the effect, apart from one small section on the southern flank, is that people inside and outside the central plaza would be invisible to each other, even from the top deck of a bus.^B This defensible wall, together with the tower, resembles more a medieval fortress, with its palisade and central yard.

- 10.11 In short, the proposal has as much relationship to its context as it might have to the context of any other site on to which it could be parachuted. If context is so critical a part of the design, the failure properly to address it undermines the claim to the highest design quality made on its behalf. The design for No. 20 offers an instructive contrast, promising to work extremely well at ground level (provided the microclimate holds up).

1 and 20 Blackfriars Road – effect on Conservation Areas

- 10.12 The applicants' stern optimism should be treated with care. Every single intrusion of any element of the three towers is said to improve whatever view of London one is looking at. WCDG's evidence^C provides a much more realistic assessment of the impact of these intrusions, on Roupell Street in particular but also Aquinas Street and elsewhere. The images^D are clear as to the extent of the impact. The proposals will be out of scale and proportion, dominating and overbearing. They fail to meet the requirements of PPG15 or local policy. This failing must be weighed against them in the balance of judgement.

Microclimate

- 10.13 There should be great concern about the microclimate these very tall buildings may produce. Experience in Waterloo of tall buildings at the Shell Centre and King's Reach, and the 3i's on Waterloo Road, is of being frequently blasted by unpleasant and dangerous gusts of wind. And that is with buildings much less tall than proposed here. The applicants' microclimate analysis is open to criticism. The use of standard baseline data from Heathrow does not sufficiently match actual conditions at Waterloo. The effect of the river is to channel prevailing winds westwards.^E The applicant says that the model used in the wind tunnel should generate this effect. But it cannot be generated without using a far more extensive model of central London.
- 10.14 It is not standard practice to compare the predictions generated by wind tunnel testing against the actual outcome at the completed building.^F The two studies from 1975 and 1991 produced by the applicants were of wind loads on low rise agricultural barns.^G Further challenge brought forth a study of wind loading on a high rise building from 1968, along with a study of the pedestrian wind environment in Ottawa from 1992.^H But wind loading studies concerned with the impact on structures are less relevant to the ground around them.

^A BE/1/A, Figures 4.51-4.57, pp. 64-65.

^B Mr Simpson agreed in cross-examination that only the greenery within the plaza might be visible from the upper level of a passing bus.

^C W/4.

^D BE/2/C (A), Views 148, 150, 151.

^E W/1, Appendix G.

^F W/1, paras. 5.22-31.

^G BE/3/D, the Annexes to Appendix 2.

^H BE/7, Appendix 1.

The claims for wind tunnel testing are such that a wealth of study could have been expected in support. It is worrying that only one study, from Ottawa fifteen years ago, could be unearthed.

- 10.15 The supplementary statement concludes that '*the physical principles which govern the movement of wind around a building are the same whether the building is high or low rise*'.^A But wind speeds clearly increase considerably with height. Some of the faster wind, when hitting a tall building, is deflected downwards and interacts with the slower moving wind to create gusts. How can such wind differentials at different heights be replicated on a 1:300 model?
- 10.16 The applicants say that they used the standard methodology for microclimate analysis. But the proposals are not standard; they are for uniquely shaped and extraordinarily high buildings. They would be bound to have a daily impact on the microclimate at ground level. Such extraordinary buildings warrant extraordinary efforts at predicting and minimising their likely impact.

1 Blackfriars Road – affordable housing

- 10.17 The applicant has not made sufficient effort to accommodate rented affordable family accommodation on-site. The proposal thus fails to meet a key objective of PPS3 and the London Plan to create mixed and balanced communities. The applicant provides various arguments for the limited amount of affordable housing offered.^B WCDG's evidence shows the paucity of these claims.^C It was not challenged. Instead, three other arguments were marshalled.
- 10.18 Firstly, the 2005 application, which had on-site rented affordable housing, was said to be 'trying to get too much on the site'. The most appropriate response to that was to remove the rented affordable element. However, when the rented affordable housing was removed, the size of the market flats was expanded exponentially. From initially having 20 floors with 7–10 market flats per floor, the 2006 application had 20 floors with 1-6 flats per floor,^D some of them over 530sqm in area.^E The space taken by one such market flat could provide seven 3-bedroom affordable flats of the size required by LBS.^F No additional space is required to accommodate the rented affordable housing on site, simply a reduction in the extent of the outrageously inflated market flats.
- 10.19 Secondly, the advice from CABE and the GLA was to remove the rented affordable housing from the 2005 proposal. CABE's locus in this is unclear. The GLA was acting contrary to its own policies in the London Plan.
- 10.20 Thirdly, the lack of amenity space and other facilities was said to make the area inappropriate for family housing. Does that not apply equally to the 500sqm market flats? In fact, the applicant's own evidence states that '*in the Indices of Deprivation 2000, Cathedral Ward performed well on the indicator of Geographical Access to services, being in the top 10% least deprived wards. This reflected the indicators that made up this domain, such as access to a post office, food shops, GP and primary school.*'^G But, in housing terms, the

^A BE/7, para. 4.2.

^B CD2/10, summarised in W/1 at para. 5.60.

^C W/1, para. 5.64.

^D CD2/4.

^E For example, floor 44.

^F CD23/5/A, Table 7.7, p. 70.

^G CD2/15, para. 16.4.4.

ward performs appallingly, as the evidence shows: *'In 2004, however, the indicator was widened to include housing and the Cathedral Ward performed poorly, falling within the 10% most deprived wards'*. In fact, Cathedral Ward can cater for, and desperately needs, family housing.

10.21 The contrast with the approach at No. 20 is stark. There, all types of affordable and family housing are provided on-site, along with amenity space and adjacent play space.

Tall buildings policy

10.22 There has been an absence of strategic planning for this area. Southwark's policy on tall buildings has been reactive. It agrees that the EH/CABE Guidance commends a *'plan-led approach to tall buildings [which] enables areas appropriate for tall buildings to be identified within the local development framework (LDF) in advance of specific proposals'*.^A Such an approach ensures that tall buildings are properly planned as part of an exercise in place-making, informed by a clear long-term vision, rather than in an *ad hoc*, reactive and piecemeal way.^B Southwark claims to have such a policy in place.

10.23 Consideration of how that policy evolved is instructive.

- The 1995 UDP, not superseded until 2007, was hostile to tall buildings.
- The 2001 Local Issues Paper did not list tall buildings as an issue.^C
- The 2002 draft London Plan identified London Bridge as an Opportunity Area (OA) appropriate for tall buildings^D – but it was silent on the Bankside area, failing to include these application sites in the Waterloo OA despite their relationship with the other sites to the west of Blackfriars Road.
- The First Deposit Draft Replacement UDP 2002 responded by allowing for tall buildings,^E but neither this document nor its accompanying Bankside & Borough Action Area SPG identified the Bankside area as suitable for tall buildings.^F The document has not been rescinded and remains extant policy for Borough & Bankside.
- The intention of the Second Deposit Replacement UDP 2004 was to consider tall buildings inappropriate in Action Areas, for example, Bankside & Borough.^G
- That position was maintained for the UDP public inquiry in spring 2005.^H
- In November 2005, however, there was an attempt by officers to reverse this consistent position, through the publication of a new draft tall buildings SPG. This posited the area around the application sites suitable for tall buildings.^I
- Although this approach was initially resisted by the Council's Executive, it was eventually accepted in June 2006.^J

^A CD6/2, para. 2.6.

^B LBS/1 para. 2.2.17.

^C LBS/1, para. 5.2.2.

^D In Policy 2B.21.

^E S/1, para. 5.2.3.

^F CD7/9, confirmed at LBS/1, para. 5.2.6.

^G LBS/1, para. 5.2.9.

^H LBS/1, paras. 5.2.14 and 5.2.16.

^I LBS/1, para. 5.3.3.

^J LBS/1, para. 5.2.25.

- 10.24 What significant event might have caused the change from opposing tall buildings at Blackfriars in spring 2005 to considering them appropriate by autumn 2005? The original audacious application for a 220m tower at No. 1 was submitted in July 2005.^A Referring to the UDP Inspector's Report, published in May 2006, misses the point. Although the independent scrutiny of policy preceded the submission of the current application, it did not precede the original 2005 application. These initial proposals for a very tall building at No. 1 were not plan-led. Indeed, they flew directly in the face of policy; so the policy had to change to fit the proposal.
- 10.25 The charge of policy being *post hoc*, reactive, can also be laid against the strategic authority. The 2002 draft London Plan was silent on the Bankside area; it did not include it within an OA. This was confirmed in the London Plan 2004. The area was not identified for tall buildings. Despite this, the response of the GLA to the 220m tower proposal of 2005 was surprisingly positive.^B Meanwhile, the Central London Sub-Regional Development Framework (SRDF) of May 2006 continued to exclude Bankside, and the application site, from its OA – although the map of London South Central in Annex 2 suggests it might become part of an expanded OA through the LDF process.^C The draft Further Alterations to the London Plan in September 2006 proposed expanding the OA into Bankside.^D This expansion is not reflected in the Southwark Plan 2007.^E Although the aspiration is confirmed in the consolidated London Plan 2008,^F details of the boundary await definition.^G At no point in any of these GLA documents are tall buildings identified for Bankside.^H The Greater London Authority's (GLA) most recent letter states that the application sites are not within an OA.^I
- 10.26 Whether or not the site is within an OA is significant. The Southwark Plan states that tall buildings may be permitted if they are '*located in the Central London Activities Zone (particularly in Opportunity Areas)*'.^J This seems to amount to a requirement that tall buildings should be within an OA.^K The application sites are not within an OA and so fail this particular criterion.
- 10.27 Thus, the authority has failed to follow the EH/CABE Guidance on a plan-led approach to tall buildings. Instead, it has sought to alter the development plan to fit the applications.
- 10.28 Having failed to identify locations for tall buildings, LB Southwark falls back on the criteria-based approach. But, as well as not being in an OA, the towers at Nos. 1 and 20 would not be at a point of appropriate landmark significance. The evidence for this is clear. Neither the strategic nor the local planning authority ever noticed the importance of these sites as landmark sites, or the potential for developing very tall buildings, until one was actually proposed. Throughout the various draft plans and SPGs, the planning authorities had

^A Mr Bevan agreed in cross examination that the submission of this application was a significant event.

^B CD15/1.

^C CD8/5, Annex 2, p. A9.

^D LBS/1, para. 2.4.5.

^E CD7/1, section 6.

^F CD8/1, para. 5.109, p. 329.

^G CD8/1, Policy 2A.5 and para. 2.13, pp. 44-46.

^H CD8/1, para. 5.109 (para. 5.108 refers to the area between London Bridge and Tower Bridge).

^I CD15/9.

^J CD7/1, Policy 3.20, p. 55.

^K LBS/1, paras. 6.2.17 and 6.2.21.

absolutely nothing to say about the junction of Blackfriars Road with Stamford Street and Southwark Street, or about the 'bridgehead', until the application in July 2005. It is only reasonable to conclude that, until the arrival of the application, neither the strategic nor the local planning authority considered the area or the application sites as '*located at a point of landmark significance*', one of the key criteria of Southwark Plan Policy 3.20.

- 10.29 In terms of the other criteria in Policy 3.20, the proposals would make a mainly negative contribution to the landscape. They would confuse the distant viewer as to the significance of the area. More local views would be overwhelmed, especially those from within the Conservation Areas. No. 1 does not relate well to its surroundings, particularly at street level. No. 20 does relate well at street level. But neither application relates well at the highest levels. The otherwise high architectural standard of No. 1 is mired by the lack of response to its context and the gratuitous and over-riding drive for height. Neither application consolidates a cluster within the skyline; together with King's Reach, they would, but would thereby provide a key focus for views at an inappropriate location.
- 10.30 The location has good public transport accessibility but is not at a transport node. The term 'transport node' is not defined in the glossary of the Southwark Plan – but it only occurs in the Southwark Plan in the sections relating to London Bridge^A and the Elephant & Castle.^B Other meanings were suggested but fail to convince. The phrase clearly relates closely to transport interchange locations, which are defined in the glossary.^C
- 10.31 For all of these reasons, tall buildings cannot be considered appropriate at these sites.

Regeneration

- 10.32 One of the London Plan requirements for tall buildings is that they '*help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration*'.^D In other words, tall buildings should be enablers to further development and regeneration. But there are already considerable commercial activities clustered in the area.^E The Southwark Plan makes clear that there is no need for a catalyst for regeneration, because '*over a third of development in Southwark since 1995 has taken place here*'^F (in Bankside & Borough).
- 10.33 Regeneration is not simply a matter of economic development. The current white paper^G makes clear that what distinguishes regeneration is its social inclusiveness. An extremely exclusive hotel and some extraordinarily large (and therefore prohibitively costly) market flats cannot be socially inclusive.
- 10.34 The proposal for No. 1 would have little immediate regenerative benefit, save for the sky deck and intermediate affordable flats. It would provide open space of limited use.^H It would generate far fewer jobs than the extant office

^A CD7/1, Policy 6.2, para 453(iv).

^B CD7/1, Policy 6.1, para 448(vi).

^C CD7/1, Appendix 18.

^D CD8/1, Policy 4B.9.

^E BE/3/A, paras. 4.1.8-10.

^F CD7/1, para. 491.

^G W/10.

^H W/1, paras. 5.46-7.

and retail permission for the site. Given the size of the development, the number of dwellings is disappointingly meagre – as a direct result of creating a third of the market flats at 325sqm or larger.^A The £15 million *in lieu* of affordable housing in the section 106 agreement would provide 45 rented affordable family dwellings, which is welcome. But the decision to locate those flats in an area of almost exclusively social rented family accommodation is counter to the requirement in PPS3 for creating mixed and balanced communities.

Section 106 agreement

10.35 There must be concern that, were the applications to be permitted, the impact on Lambeth would not be mitigated; Southwark would be unlikely to allow the section 106 sums to be spent in Lambeth. Southwark says this simply is not the case.^B However, no example could be given^C of where a single such cross-Borough transfer had ever taken place. WCDG is more alarmed now than when the inquiry began that the impact of these proposals on open space, education, public transport and other facilities would not be mitigated just a few hundred metres away in Lambeth.

Conclusion

10.36 It was asked whether, because one could build a tall building, one should.^D The answer to that question is 'no'. Planning permission for No. 1 should not be granted. Without No. 1, the towers proposed at No. 20 would not be part of a cluster, would be unacceptable and should also be refused.

^A CD23/5/A, Table 7.8, p. 70.

^B LBS/4, para. 4.2.

^C Asked of Mr Dennis in cross-examination.

^D The Inspector's question to Mr Simpson.

11 WRITTEN REPRESENTATIONS

- 11.1 **English Heritage** appeared at the pre-inquiry meeting and indicated then that it would be submitting written representations. In the event, it submitted two sets of representations.^A
- 11.2 In the first document, the main objection is to the impact the proposals would have on the view from St James's Park towards Horse Guards, individually and cumulatively. No. 1 would be an obvious feature in the backdrop of the view, above Duck Island, harming the settings of the Foreign and Commonwealth Office (grade I listed), the Park (grade I registered) and the Royal Parks Conservation Area. No. 20 is considered '*unwelcome*' but the harm it would do would be '*minor – particularly in comparison with other schemes proposed or permitted in the view*'; the impact from the LVMF viewing point on the bridge would be '*negligible*'. The cumulative impact of Nos. 1 and 20 would be harmful, even assuming (or especially with) Doon Street, the King's Reach tower extension and, in the City, the Pinnacle (the DIFA tower), 122 Leadenhall Street and the Shards of Glass all appearing in the view.
- 11.3 In addition to that, because the proposed towers would be higher than any other building on either side of the Thames in this vicinity, they would cause '*some harm*' to the setting of various listed buildings in the area, notably County Hall (grade II*), the National Theatre (grade II*) and the Royal Festival Hall (grade I).
- 11.4 The additional environmental information provided for both proposals prompted the supplementary document. It says that harm would be caused to the settings of St Steven's Tower (Big Ben) and the Westminster World Heritage Site in views from Parliament Square, while acknowledging that, if the Elizabeth House proposals (alongside Waterloo station) were approved and built, they would mask No. 20.
- 11.5 The new **Deputy Mayor** wrote after the start of the inquiry.^B He does not support the view taken by the previous administration,^C saying that the sites would be inappropriate for very tall buildings and would harmfully affect the view from the footbridge in St James's Park. He considers that the proposals do not accord with London Plan Policy 4B.9 in that the area is not a coherent location for an economic cluster, is not in an Opportunity Area and is already undergoing significant regeneration. He acknowledges the Secretary of State's decision on Doon Street but stresses the Inspector's conclusions on the impact on the view from St James's Park and notes that the application proposals do not offer the type of community benefits that were weighed in the balance in rejecting that Inspector's recommendation.
- 11.6 **LB Lambeth** wrote in May 2008^D acknowledging the regeneration benefits of the proposal for No. 1 and offering no objection '*subject to section 106 obligations to mitigate impact of the development within Lambeth*'.

^A CD17/6 and CD17/7.

^B CD15/9.

^C The previous Mayor had concluded that both applications were broadly acceptable and that he did not wish to direct refusal of either.

^D CD18/1.

- 11.7 Thirteen other representations were received – six of objection, six of support and one neutral.
- 11.8 The **International Federation of Landscape Architects** and the **London Parks and Gardens Trust**^A both object to the impact the proposals would have on the view from St James's Park. **David and Evelyn Arlotte**^B object to the 'disproportionate' height of No. 1 and are concerned about the possible effect of foundation works, nuisance and pollution during construction, harmful effects after construction (to do with microclimate, overshadowing and traffic) and the possibility of terrorist attack. **David Harris** raises many of the same points, as does **Nigel Planer**.^C **Revd Tim Scott**^D of Christ Church, Southwark, (next to the site of No. 20) reiterates the points he made to LB Southwark's Committee (car parking for the church, the need for affordable housing and the need for proper engagement with the church to ensure co-ordination of community facilities) and questions whether this (No. 20) is 'the right development and the right time', given tall buildings policy and the other schemes approved in the immediate vicinity.
- 11.9 The **South Bank Employers' Group**^E is generally in support of the proposals, subject to 'substantial Section 106 obligation provisions' for improvements to Blackfriars Road and 'other public realm in the vicinity of the developments'. **Councillor Hilton**,^F member for Village Ward in Southwark, strongly supports the proposals. **Amiel Aziz**, **Mark Joseph** and **A Quinn**^G also support the proposals, Mr Joseph being prompted to write by the new Deputy Mayor's stance and Mr Quinn criticising those who continually raise heritage objections. **BAA**^H has no objection 'from an aerodrome safeguarding perspective'.
- 11.10 **Coin Street Community Builders**^I simply confirms that it fully expects to implement the Doon Street scheme granted planning permission by the Secretary of State.

^A TP/1 and TP/13.

^B TP/5.

^C TP/10 and TP/11.

^D TP/8.

^E TP/2.

^F TP/4.

^G TP/7, TP/9 and TP/12.

^H TP/3.

^I TP/6.

12 CONDITIONS AND OBLIGATIONS

Conditions

- 12.1 Suggested conditions for both applications, should planning permission be granted, are contained in the Statement of Common Ground (CD23/5/A). On day 9 of the inquiry (23 September 2008), before it was adjourned on conclusion of the evidence, I was able to hand to the main parties a note containing my comments and queries on the suggested conditions for both proposals (ID/1). Both applicants submitted a written response to my note and amended suggested conditions (BE/12 and BE/13/A for No. 1; BL/12 and BL/13/A for No. 20), in time for me to consider them before the final day of the inquiry (2 October 2008).
- 12.2 As a result, and having explained to the inquiry that I was concerned more with the purpose and justification of the conditions, less with their detailed construction, there was no need for further discussion at the inquiry.
- 12.3 The conditions I recommend, should planning permission be granted on either application, are set out in Annex C below, coupled with minor explanatory footnotes resulting from the documents identified above.

Obligations

- 12.4 Section 106 obligations for both proposals were submitted as final drafts during the inquiry (BE/14 for No. 1; BL/2/B for No. 20). With my agreement, the executed obligations (BE/14/A and BL/2/E) were submitted after the inquiry had closed. Both are in the form of agreements with LB Southwark. I can find no significant alteration in either compared with the final drafts available at the inquiry.
- 12.5 The main provisions of the obligation for No. 1 are:
- the provision of 32 on-site affordable housing units, with covenants relating to the timing/phasing of their provision, the consideration payable by a Registered Social Landlord (RSL) for the freehold/lease and construction costs and the choice of RSL [Schedule 4];
 - a sum of £15,620,000 towards the provision of off-site affordable housing in a scheme approved by LB Southwark and for which a planning application has been submitted and validated [Schedule 5];
 - highway works in Stamford Street and Blackfriars Road subject to a Section 278 Agreement with Transport for London [Schedules 7 and 22];
 - highway works in Rennie Street and Upper Ground (under LB Southwark's jurisdiction) [Schedules 17 and 19];
 - a Travel Plan [Schedule 14];
 - car club and parking, including disqualification from entitlement to a Residents' Parking Permit [Schedule 15];
 - public access to the Plaza [Schedule 10];
 - public access to the Sky Deck by ticket entry [Schedule 12];
 - a sum of not less than £300,000 for public art [Schedule 11];
 - site-specific public realm works [Schedule 21];
 - a 'Community Projects Payment' of £1,000,000 in five instalments to LB Southwark for expenditure on purposes 'fairly and reasonably related to the Development' [Schedule 9];
 - mitigation measures relating to TV reception [Schedule 13];

- an Energy Strategy [Schedule 20];
- obligations on LB Southwark in relation to the application of funds [Schedule 18].

The total of the financial contributions payable (including some provisions not specifically described above) comes to over £20 million.

12.6 The main provisions of the obligation for No. 20 are:

- On-site provision of 119 affordable housing units, with covenants relating to the timing/phasing of their provision, the consideration payable by a RSL for the freehold/lease and construction costs and the choice of RSL [Schedule 4];
- Highway improvement works in Blackfriars Road Stamford Street and Paris Garden [Schedule 10];
- A travel plan [Schedule 12];
- A car club [Schedule 8];
- A 'Traffic Management Order Amendment Payment' of £2,750, the amendment being to prohibit occupiers from obtaining a residents' parking permit [one of the sums specified in Schedule 2];
- Public access to the open space within the site [Schedule 6];
- A Community Development Payment £600,000 in five instalments to LB Southwark for expenditure on purposes 'fairly and reasonably related to the Development' [Schedule 5];
- a specification for and the provision of a community centre [Schedules 1 and 7];
- Improvements to Christ Church Garden to the value of at least £190,000 [Schedule 11];
- Obligations on LB Southwark in relation to the application of funds [Schedule 18].

The total of the financial contributions payable (including some provisions not specifically described above) comes to over £5.66 million.

13 CONCLUSIONS

Superscript numbers in these Conclusions refer to previous paragraphs of this report. Footnotes continue to be identified alphabetically.

- 13.1 The matters identified by the Secretary of State as those on which she particularly wished to be informed are the same for both schemes. They are capable of being amalgamated into three main topics – design (in its various manifestations), housing (including affordable housing) and other policy – and that is how I shall structure my conclusions. I shall, however, draw my overall conclusion by reference to the matters identified by the Secretary of State.

Design

- 13.2 Design is not simply a question of whether, on paper, a building will look good. A design acknowledged as high quality architecture could be wrong for the site on which it is proposed. *By Design*^A sets out succinctly the objectives of urban design – character, continuity and enclosure, quality of public realm, ease of movement, legibility, adaptability and diversity. The EH/CABE *Guidance on tall buildings*^B sets out 11 criteria for evaluation: relationship to context, effect on the historic context, effect on World Heritage Sites, relationship to transport infrastructure, architectural quality, sustainable design and construction, credibility of design, contribution to public space and facilities, effect on the local environment, contribution to permeability of the site and surrounding area and the provision of a well-designed environment. It is not only in tall buildings that good design must include sustainability. *PPS1*^C makes that point, while also endorsing the approach in *By Design*. And good design must also take into account how a proposal would sit against adopted policy, which has, after all, been through a robust process in order to become adopted.
- 13.3 Two separate schemes were considered at the inquiry – 1 Blackfriars Road and 20 Blackfriars Road – different schemes for different applicants. I shall first consider locational policy for tall buildings, since that is essentially the same for both. I shall then assess the proposals individually and cumulatively, including with other developments which have been permitted and have a bearing on the matters being discussed. The Secretary of State's decision on the Doon Street proposal, which has been challenged in the High Court,^D makes it important to look not just at the effect of that development being implemented but also at how the reasoning employed by the Secretary of State^E might affect the judgements to be made on these two applications.

Policy on the location of tall buildings^{3.3/3.6; 6.33-60; 7.81-92; 8.2-21; 9.7-8; 10.22-31; 11.5}

- 13.4 Development Plan policy on the location of tall buildings comprises London Plan Policies 4B.9 and 4B.10 and Southwark Plan Policy 3.20.^F There is also the *Guidance on tall buildings* published by English Heritage and CABE (the EH/CABE Guidance).^G It is worth repeating here some of what the policies say.

^A CD6/1, p. 15.

^B CD6/2, section 4.

^C CD4/1, paras. 35-37 in particular.

^D CD24/8.

^E CD24/1.

^F Respectively, CD8/1, pp. 252-254 and CD7/1, p. 55.

^G CD6/2, section 2.

- 13.5 Policy 4B.9 promotes tall buildings '*where they will create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings*'. Applications are to be considered against Policies 3A.3 (on maximising the potential of sites), 4B.1 (on design principles) and 4B.10 (which deals with the design and impact of '*large-scale buildings*'). The Policy promotes the plan-led identification of suitable locations for tall buildings. And it specifically mentions the potential benefit of public access to upper floors. Policy 4B.10 requires, in locational terms, that '*all large-scale buildings including tall buildings*' should meet the requirements of the View Management Framework (LVMF),^A be suited to their wider context and be attractive city elements, where appropriate contributing to '*an interesting skyline, consolidating clusters within that skyline or providing key foci within views*'.
- 13.6 Policy 3.20 says that tall buildings may be permitted on sites which have excellent accessibility to public transport facilities, are located in the Central Activities Zone (CAZ), particularly in Opportunity Areas (OAs), and outside landmark viewing corridors. Buildings over 30m tall should be located at a point of landmark significance and should contribute positively to the London skyline, '*consolidating a cluster within that skyline or providing key focus within views*'.
- 13.7 The London Plan was originally published in 2004 and the LVMF adopted in 2007; the EH/CABE Guidance considers them worthy of mention.^{B; 7.81} The Southwark Plan was adopted in 2007 with a policy which the UDP Inspector clearly considered in accord with the London Plan.^{6.38; 8.11}

Policy 3.20 criteria

- 13.8 Looking briefly at what Policy 3.20 seeks, the application sites have excellent accessibility to public transport facilities (both have public transport accessibility levels (PTALs) of 6, the highest possible^{6.48; 7.84; 8.19}); both are in the CAZ (and also, on my interpretation, in an OA).^{6.49-50; 7.83-84; 8.19} Both are at a point of landmark significance, Blackfriars Bridge being a very prominent location, at the most northerly point of a meander of the Thames.^{6.1; C}
- 13.9 Neither site is in any landmark viewing corridor.^{6.49; 7.84; 8.19} I consider below the effect the proposed towers would have on views from St James's Park and the Westminster World Heritage Site (WHS), and also whether they would contribute to an interesting skyline, consolidate a cluster within the skyline or provide a key focus in views. All of these, however, can be appraised on the basis that the location is an appropriate one in principle.
- 13.10 There was dispute about whether a site ought to be at a public transport node to be an appropriate one.^{10.30} Policy 3.20 is unambiguous. Its text includes having '*excellent accessibility to public transport facilities*' and '*excellent links between the building(s) and public transport services*'. Public Transport Accessibility Levels (PTALs) of 6a and 6b mean that, by definition, they have that. The supporting text says that tall buildings '*can be an important component in raising population density around transport nodes*' (not, it may

^A CD8/4.

^B CD6/2, para. 2.2 on regional spatial strategies.

^C In this respect, what applies to the site of No. 1 must apply almost equally to the site of No. 20.

be noted, public transport nodes). Firstly, I read that statement as part of a general aspiration relating essentially to residential development. Secondly, if there appears to be conflict between a policy and its supporting text, then it seems to me that the policy wording should prevail.

13.11 There was also dispute about whether the application sites lie within an OA. To my mind, the OAs in South East London are designated by Policy 5D.2 of the London Plan.^{A; 6.50; 7.83; 8.19} Map 5G.1 shows the indicative boundary for the CAZ and, within that, again indicatively, the OAs.^B The '*boundaries*' shown on that map are to be '*refined ... for definition in DPDs*'. The use of the plural '*boundaries*' implies to me all of the areas indicated on the plan, not just the CAZ; and, to be refined, they must be considered already defined, in other words designated. While the supporting text to Policy 5D.2 refers to the '*riverside and its hinterland between Blackfriars Bridge and Tower Bridge*', the Sub-Regional Development Framework (SRDF) for Central London echoes the London Plan Map by showing contiguous boundaries, the particular OA boundary being along the Borough boundary, not along Blackfriars Road. And the text indicates that '*there should be a contiguous boundary between the London South Central Opportunity Areas*'.^{C; 6.50; 7.83}

13.12 All of that persuades me, contrary to the representations of the new Deputy Mayor,^{7.83; 11.5} that the application sites should be considered as being within an OA. At the same time, there seems to be no reason why the sites must be in an OA. Policy 3.20 parenthesises the phrase '*particularly in opportunity areas*'; that a site is within the CAZ should suffice. Policy 4B.9 says that suitable locations for tall buildings may include parts of the CAZ and some OAs – but there is no requirement that a suitable site must be in an OA.

Policy 4B.9 criteria

13.13 The area around the sites is already host to variety of activities. The South Bank offers a wide range of culture and tourism opportunities. There are office uses immediately east and west of the site of No. 1 (including King's Reach^D) and to the south on Blackfriars Road (including recent permissions for No. 240 and Wedge House^E). The sites are within a defined District Centre in the Southwark Plan; they are also in a Preferred Office Location and a Strategic Cultural Area. One of the proposals would bring an hotel; the other would bring offices; both would bring housing, shops/cafes/restaurants and open space. Whether individually or jointly, it is difficult to see how the two proposals could not, by consolidating and adding to what is there, '*help to provide a coherent location for economic clusters of related activities*'.

13.14 Considerable regeneration is already to be seen in the area. More can be anticipated by dint of planning permissions already granted. That does not, however, mean that the proposed developments could not '*act as a catalyst for regeneration*'. Both are prominent sites on Blackfriars Road and Stamford Street, one cleared and the other almost vacant. Their redevelopment, along with No. 240 on the east side of Blackfriars Road, would bring a significant enhancement of the area which would be highly likely to encourage further

^A CD8/1, p. 327.

^B CD8/1, p. 353.

^C CD8/5, pp. A8-A9.

^D CD20/1 – including the consented reorganisation/redevelopment plus extension of the tower.

^E CD20/6 and CD20/7 respectively.

regeneration. In any event, to '*act as a catalyst for regeneration*' is not essential to compliance with Policy 4B.9 if development would '*help to provide a coherent location for economic clusters of related activities*'.

Conclusion on locational policy

13.15 There cannot, in my opinion, be any doubt that the two application sites are, in principle, suitable locations for tall buildings. The EH/CABE Guidance encourages a plan-led approach. I consider that the London and Southwark Plans do provide an appropriate framework; I do not believe that the sequence of events described by WCDG^{10.22-27} undermines the extant policy framework in any way. What may have gone before is clearly superseded by Policy 3.20, which has emerged properly from the robust UDP process.^{8.11} Both sites satisfy the policy framework. Even if that were not so, there is no reason why the applications should not still be assessed on their merits; the EH/CABE Guidance provides criteria against which proposals can be evaluated even in the absence of an appropriate policy framework.^{8.3}

1 Blackfriars Road

Architectural design

13.16 Whether there was any '*predetermined ambition to build very high*'^{10.5} seems to me irrelevant. So too does the previous application, whether or not it was '*audacious*',^{10.24} for a tower 220m high. What I have to assess is this proposal, for a tower 170m high. I can see from the previous application and from other evidence to the inquiry how the present design has evolved^A – and that is very helpful – but my appraisal of the application proposal must be on its merits, not in comparison with anything that may have gone before.

The tower

13.17 The height of the tower has been reduced since the previous application. In fact, though, that is just part of the design evolution. The exact angle of the sloping planes of the façades, their relative proportions, the extent of the 'shoulders', the concave 'fold' in the south-facing façade, and the gentle curvature in the façades generally, have all altered, even if only slightly, as the design has evolved. The result is a form which I consider has been carefully, subtly and very successfully refined into a building design that would prove to be dynamic^{6.6} and exceptionally attractive from all viewpoints.

13.18 The double-skin façades would be integral to that.^{6.10} The external envelope would be smooth, continuous and without angular corners. The framing would in no way undermine that; even open louvres, because they are carefully designed and located, would sit comfortably within the context of the smooth external envelope. The internal skin would give animation and scale to the overall form. The external envelope and the gap between the two skins would mean that changes in the internal skin (solid and glazed panels, open or shut to the flats/rooms within) would be perceived more as a texture than as explicit detail – but they would impart a sense of domestic scale within the essentially sculptural form of the design. Furniture, plants and so on between the two skins would give clearer yet acceptable expression to that.

13.19 How a building meets the ground can be a difficult design problem to resolve. Here, it would do so 'lightly'.^{6.6} The external skin would come to a stop at,

^A BE/1/A and BE/1/B, the evidence of Mr Simpson.

more or less, one storey above the ground and plaza levels, leaving a robustly-expressed structure exposed to view. That would keep the outer 'shell' of the building quite separate from the ground (and plaza) and would enable approaches to the building that would 'welcome' the entrant under that shell.

- 13.20 A critical element in the design is its axis, not parallel to Blackfriars Road and Bridge, but canted towards the north-east at an angle of 18°. ^{6.6/6.55} That simple step gives the design more vibrancy, not sitting squarely and unimaginatively within the relatively orthogonal layout of Blackfriars Road and Stamford Street but instead looking over the Thames and towards the City on the one hand and directly addressing the plaza within the site on the other. This device would also, because of the angle of the approach and subject to the detail of the crossing of Upper Ground, offer an invitation to pedestrians coming south over Blackfriars Bridge to enter or pass through the plaza. ^{6.55}

The plaza

- 13.21 I confess that, at first sight, I was uncertain about the plaza. I thought that Blackfriars Road and Stamford Street might be better addressed by buildings than by what has been called an 'inhabited wall'. And I thought that a plaza at first floor level might be less than effectively used. I am no longer concerned.
- 13.22 Earlier schemes show buildings facing Blackfriars Road and Stamford Street which were rather higher than the listed buildings on the south side of Stamford Street, ^A harming their setting and reducing the ability to appreciate them. Instead, the plaza and its 'inhabited wall' are lower than the listed buildings, leaving them with a greater prominence in the street scene. ^{6.7} The wall would also define the crossroads rather better than now, because the land taken up by the left slip into Blackfriars Road is significantly reduced; ^{5.2; 6.7} at the same time, however, the plaza and wall would maintain a sense of space at the crossroads, enhanced by sub-division into the more traffic-dominated junction at ground level and the pedestrian plaza, physically and visually separated from it at a higher level. ^{6.7}
- 13.23 It could be a deterrent to its use that the plaza would be, in effect, at first floor level – people are known to be reluctant to climb or descend stairs if there is a level route available. ^{10.9} However, it would be a destination space, providing the entrance to the sky deck, ^{6.7/6.55} a role that would very likely be enhanced by the public attractions within and around it (shops, cafés and outdoor sitting space in an attractive and dynamic form). While many of those simply walking between Stamford Street and Blackfriars Bridge might take the level route around the base of the 'inhabited wall', the activity in the plaza ^{6.7} would equally be an encouragement to some to walk through it. At the same time, those staying at street level would have active frontages to walk past, ^{6.7} given the ground floor café and hotel restaurant uses and the hotel entrance itself.

The Rennie Street building

- 13.24 The Rennie Street building has a horizontal emphasis, five storeys high to the street, four to the plaza, a counterpoint to the verticality of the tower. ^{6.8} The expression of the lower two storeys along Rennie Street continues the theme of the inhabited wall; the ground level may be primarily for access and plant but is clearly designed to avoid appearing as an elevation of lesser importance.

^A BE/1/A, p. 36; with perspective illustrations at p. 42.

13.25 The upper floors to both Rennie Street and the plaza would have double-skin façades, similar in principle to the tower. The former inevitably follows the line of the street but the latter is at three different angles to the plaza, as carefully composed as the planes and curves of the tower, adding to the sense of enclosure of the plaza; the curved southern 'prow' on Stamford Street both enlivens the Rennie Street facade and signposts (with the similar curve to the inhabited wall) the access to the plaza from that direction. The glazing of the outer skin has a clear horizontal emphasis, appropriate to the nature of the building; louvres and varied fritting of the glass would enhance that, giving added texture within an overall unity.

Conclusion on architectural design

13.26 I am in no doubt that, in purely architectural terms, this is a proposal in which the detail of each element (tower, low-rise building and plaza) has been very carefully considered to give not only individual design excellence but a vibrant, attractive and satisfying overall composition. I can understand the argument that the tower would be at odds with its immediate urban context.^{10.4/29} However, this is a location at which a tall building is entirely appropriate in principle; the massing of the lower elements of the scheme responds visually to the neighbouring buildings and roads; and the overall layout enables pedestrian movement through the site as well enhancing the routes around it.

Environmental design

Wind ^{6.90-92; 10.13-16}

13.27 WCDG's objection is understandable, given the wind conditions sometimes experienced in the vicinity of high-rise developments. So too is its failure to be convinced by the supplementary evidence.

13.28 The form of the tower proposed here would, however, clearly offer less wind resistance than one with a larger floorplate or, more particularly, one with angular corners. It does not surprise me that wind tunnel testing showed only minor mitigation measures to be necessary. The Lawson comfort criteria shown to be achieved are entirely compatible with the uses of the development proposed, sitting in the plaza in particular. And, of course, it could be said to be against the developer's and the hotelier's own best interests for wind conditions within the site or at the entrances to the buildings to be worse than in the conclusions from the testing.

13.29 The types of building investigated in some of the supplementary evidence do not appear to be directly comparable with the building form proposed; on the other hand, I consider that the study of wind conditions in central Ottawa does offer a measure of support. The objection, however, was not based on any technical evidence which might have helped me to a more considered conclusion, one way or the other; it took the form of allegations based simply on a view of conditions sometimes to be found elsewhere on the South Bank.

Daylight/sunlight/overshadowing ^{6.93; 11.8}

13.30 The tower would be located at the north-eastern corner of the site, minimising the effect it would have on surrounding properties. WCDG withdrew at the inquiry its earlier objection relating to overshadowing of the riverside walk. In fact, there is nothing to suggest that the tower would do that to any harmful extent. Flats in River Court would lose sunlight for part of the morning; only some flats in Rennie Court would lose sunlight, and only in the very early

morning. In both cases, the effect would be less than if the permitted and implemented development were to go ahead. Similarly, studies show that daylighting losses would be less than from the permitted scheme. It would be wrong, in my opinion, to compare conditions with the presently cleared site.

Sustainability ^{6.13-14}

13.31 The application scheme seems to me to generate no cogent objection. I do not take issue with LB Southwark's description of its sustainability credentials as 'exemplary'. It more than meets all policy requirements. Some of the detail may be still to be resolved (for example, photo-voltaic cells on the canted upper façade facing south-south-west) but there is no reason why it cannot be successfully designed and thus controlled by condition.

Impact in views

From the footbridge in St James's Park ^{3.4; 6.61-77; 8.27-39; 9.20-34; 11.2/5/8; A}

13.32 The most cogent objection brought to the inquiry, by Westminster City Council (WCC) and The Royal Parks in evidence and by English Heritage in written representations, concerned the effect of the proposed tower on the view from the footbridge over the lake in St James's Park, designated as Townscape View 26 in the LVMF.^B The matters to be considered are the interpretation of the provisions of the LVMF and, in that context, the effect of No. 1 in the view.

13.33 The LVMF was approved by the Secretary of State and adopted as SPG to the London Plan after considerable consultation and gestation.^{6.62} What it says about Townscape View 26 is quite specific.

13.34 There is only one Viewing Place (the footbridge) with one Assessment Point (a central location). It is, however, acknowledged that views vary from either end of the bridge – and my site visits, both accompanied and unaccompanied, took in all relevant points across the bridge.

13.35 The LVMF says that '*Views from this Viewing Place derive their particular character from the landscaped setting of St James's Park*'. To my mind, the view is, by definition, singular – towards Duck Island and the buildings in Horse Guards seen to either side – and it is the mature parkland on either side of the lake that provides the '*landscaped setting*'^{9.23} (though the vegetation on Duck Island, in the centre of the view, is equally part of the parkland). The text identifies the buildings visible in the view and says that the viewer can '*appreciate that this is an historic parkland in an important city location*'. Though the historic buildings (primarily Horse Guards, Whitehall Court and the Foreign and Commonwealth Office, all listed buildings) are part of that important city, it is the Shell Centre and the London Eye that indicate the modern city beyond – and they are a prominent part of the view.^C The consistent use of Portland stone is noted (except, of course, for the London Eye). It is said that '*the group works together as a layering of architectural detailing against the skyline*'.

^A CD2/21/A contains three views from the footbridge, showing a wireline of No. 1 alone.

^B CD8/4, pp. 228-231.

^C In fact, from the Assessment Point, the Shell Centre is partially hidden by the central pavilion of the Foreign and Commonwealth Office; but it becomes much more obvious as one moves towards the northern end of the footbridge.

- 13.36 The guidance in the Qualitative Visual Assessment (QVA) chapter of the LVMF is referred to. The steps required for comprehensive QVA have been undertaken but, in fact, the visual management guidance in that chapter is of relatively little assistance. Much is said about '*Strategically Important Landmarks*', there being none in this view, and '*other landmarks*', the only one in the view being the London Eye, which plays no part in the objections. Two points in particular are made. Firstly, where background development is not managed by means of a '*Protected Vista*', as is the case here, proposals in the background of the view '*should contribute positively to the composition of the townscape ensemble*'. Secondly, it is noted that '*new clusters of high buildings may emerge*', particularly within OAs, and the merits of such proposals are to be considered in the context of the London Plan and UDPs as well as the LVMF.
- 13.37 Much more important than the generality of the QVA chapter, in my opinion, is the particular visual management guidance given for Townscape View 26 itself: '*If further development is proposed in the distant skyline of this view, it should be of appropriate scale and geometry not to overpower the existing built form or detract from the night-time views*'. Clearly, the guidance anticipates that there may be such development and does not discourage it in principle. What is required is that any '*tall building in the distant background should be of exceptional design quality, in particular with regard to its roofline, materials, shape and silhouette*' and that the '*scale or appearance of the building should not dominate or over power the setting of this short-range view*'.
- 13.38 The starting point for WCC's objection is that, ideally, there should be no new tall building in the background of the view^{6.72; 9.57} – the skyline should remain unaltered. The Royal Parks' stance is slightly narrower – that no new building should appear on the skyline above Duck Island.^{7.45} Given my analysis above, I consider both approaches too restrictive. On my reading of the LVMF, it is not a question of principle but of whether the design quality of a proposed building indicates that it can be acceptable in the view, at whatever point on the skyline it would be seen.
- 13.39 From the centre of the footbridge, No. 1 would be visible more or less above the centre of Duck Island. Nearer and lower buildings would be glimpsed through the trees in winter, giving it something of a solid base from which to rise. In summer, it would simply rise above and beyond the leafy skyline of Duck Island. Either way, I do not think there can be any doubt that, at 2.2km away, it would be in the '*distant background*' of the view.
- 13.40 I think there is some merit in WCC's suggestion that one would see only the very upper part of the tower, visually dislocated from most of the sculptural form that would give it its character in closer views.^{9.12-14} At the same time, it is a very elegant shape, elegantly clad, albeit different from the more traditional buildings in the view. Within the outline of the building, the very nature of the sky deck means that it would appear diffuse, or translucent, and more transparent at its edges, which would surely soften its impact on the skyline.^A It would be plain to the eye but, while the visible shape might be very different to anything that can presently be seen, it would also be some

^A At the inquiry, in addressing the effect that varying weather conditions might have on the appearance of the building, I did suggest that 30 St Mary Axe (the Gherkin) looked rather dark on one of my visits – in fact, however, the glazing at the top of that building is dark, rendering unhelpful any conclusion by comparison with that building.

distance away and lacking the traditional solidity seen in the Shell Centre and the older buildings in the view. I simply do not consider that the tower would in any way '*dominate or over power the setting*' of the view.

- 13.41 The modern form and materials might, however, be thought to look slightly out of place in what is, essentially a view of historic buildings seen beyond mature parkland. I would have more sympathy with that argument if the Shell Centre and the London Eye were not already so prominent in the view. The former is clearly a modern building, and a tall one, although its Portland stone cladding gives it something visually in common with the nearer historic buildings. The Eye, of course, is a dramatically different type of structure, completely at odds with the traditional elements of the view. Yet, during the inquiry, it was explicitly accepted by both WCC and The Royal Parks as an important and integral part of the view. One has to ask – if the Eye is a worthy component of the view, why should a building of the design excellence of No. 1 not be similarly acceptable?
- 13.42 A possible answer to that may lie in the relative positions of the structures. The Shell Centre and the London Eye rise above and behind the Foreign and Commonwealth Office, though I disagree that they are '*at the margins of the view*'.^{9.24} The tower at No. 1 would rise above the foliage of Duck Island, where there is presently no building to be seen (though buildings can be perceived through the trees in winter). The Royal Parks is able to envisage well-designed new buildings in the distance being acceptable introductions in relation to the existing buildings in the view – but not above Duck Island. If No. 1 were the only building, there might be merit in that argument. But it is, I think, false to justify that approach on the so-called Reptonian illusion^{6.75-76} – Repton clearly thought it appropriate to acknowledge the existence of buildings or urban development beyond the landscape he was dealing with^{7.49} and the illusion of the lake continuing beyond Duck Island is therefore not, in my opinion, one that is soundly based.
- 13.43 In any event, people walking in St James's Park have entered it from the metropolitan city that lies all around. It is an invaluable green oasis in the midst of the densely developed city. And the romantic illusion is a very attractive one. In the context of twenty-first century London, however, I do not see it as so crucially important to the experience of viewers on the footbridge that the appearance on the skyline of a modern building of very high quality, some 2.2km away, could be said seriously to undermine the equally high quality of the view.
- 13.44 I can come to no different a conclusion in relation to night-time views. The very purpose of the sky deck means that it would have minimal lighting and would therefore be all but invisible. The residential floors below it might be more illuminated but, at the distance, both that and the modest proposed external illumination are bound to be relatively indistinct. Only the red aviation warning light^{6.70; A} would be likely to be at all noticeable.
- 13.45 In terms of the character and appearance of the Royal Parks Conservation Area and settings of the listed buildings in the view,^B as opposed to the view itself, there is really nothing to add. The considerations are exactly the same.

^A Mentioned by WCC in evidence during the inquiry but not in closing submissions.

^B Horse Guards, the Old War Office, the National Liberal Club, Whitehall Court, the Foreign and Commonwealth Office and, in winter, the Ministry of Defence.

The view is from the Conservation Area. The listed buildings are part of the view. In the same way as I conclude that No. 1 appearing in the distance on the skyline above Duck Island would leave the essential qualities of the view unharmed, so too it would leave the character and appearance of the Conservation Area and the settings of the listed buildings unharmed.

Other views from in and near St James's Park ^{6.78-81; 8.42; 9.53-54}

- 13.46 The Royal Parks widened the concern to include other views from within St James's Park, from the Queen Victoria Memorial Garden immediately beyond its north-western boundary and, a little further away, from outside the gates of Buckingham Palace. These views are not protected by the LVMF.
- 13.47 Various tall buildings (most obviously, Tower 42, the Gherkin, the LWT tower and the King's Reach tower) appear in the views from outside Buckingham Palace and from the Queen Victoria Memorial Garden. So too, over Duck Island, do the horizontal lines of the green copper roofs of the Ministry of Defence buildings. No. 1 would be significantly taller than any existing building in these views but the evidence of the modern city, some distance beyond the Park and Whitehall, is so plain that its introduction into the view could not, to my mind, be said to be harmful.
- 13.48 There is less to be seen in the other views from the Park, because one is on lower ground. No. 1 would be visible from immediately below the Queen Victoria Memorial Garden, more so than from the footbridge, but my thoughts are very much the same. It would barely be seen from the path along the north side of the lake but the glimpses to be had might even add something to the views – because other buildings are already visible on the south side of the Park and the view towards the Foreign and Commonwealth Office does not have quite the same qualities as the 'set-piece' view from the footbridge.

Other views

- 13.49 No objection is now taken by WCC to views from the north bank of the Thames or from the bridges or from listed buildings such as Somerset House.^A English Heritage's objections^{11.3} are to the cumulative effect of No. 1 and No. 20, which I shall consider below. WCDG objects to the impact on the Conservation Areas to the south-west of the site,^{10.12} though LB Lambeth does not.^{11.6} WCC and WCDG^{9.30; 10.12} also remark on the unfailing conclusions in the ES that the proposed tower would bring an enhancement of the various views. LB Southwark concluded that there was no harm to the character or appearance of its Conservation Areas when it resolved to grant planning permission.^B
- 13.50 I looked at all of the views from the Thames, its bridges and nearby buildings or spaces which were presented in the ES and in subsequent evidence. My feeling in relation to the objections is that it must sometimes prove difficult to differentiate between a significant impact, which a building of the height proposed would be bound to have, and whether that impact would, in fact, be harmful. The introduction of a very tall building does not automatically mean a harmful impact. I take a similar view to the applicant^{6.15-22} – that the site is a suitable one for a very tall building, that the building proposed is of very high design quality and that, as a result, and however prominent the building, its impact would not be harmful and would generally be an enhancement.

^A CD12/11.

^B CD11/2, para. 89.

- 13.51 Looking at WCDG's specific objections, No. 1 would be plainly visible from parts of the Waterloo Conservation Area but too far north-east to be readily seen from the Roupell Street Conservation Area.^{6.32} To the extent that the building might be seen from certain points in the latter, it is essentially a cumulative matter, with No. 20, which I shall consider below.
- 13.52 Two locations typify the effect No. 1 would have on the Waterloo Conservation Area – Aquinas Street, the main cause of the objection, and Stamford Street. No. 1 would rise prominently beyond the eastern end of Aquinas Street – but the King's Reach tower is already prominent, from the south side of the street in particular.^{6.32} In my opinion, it is the contained and inward-looking nature of the sturdy Victorian housing that gives this part of the Conservation Area its character and appearance, something that, if anything, is enhanced by the contrast with the modern city beyond. Stamford Street in no way displays the same cohesive character as Aquinas Street and the presence of the King's Reach tower is unavoidable. The addition of a taller tower in the view east, one that would be further away and of high design quality, would not diminish the more immediate characteristics of the street scene that warranted inclusion in the Conservation Area.

Overall conclusion on the design of No. 1

- 13.53 The location is, in principle, an appropriate one for a tall building (even a very tall building) as defined in London Policy 4B.9 and Southwark Plan Policy 3.20.
- 13.54 The design of each of the constituent parts of the proposal is of very high quality, individually and as part of the overall composition. The design would be highly sustainable in terms of emissions and energy efficiency. The proposal would have no harmful effect on the level of amenity enjoyed by neighbouring residents (daylight/sunlight/overshadowing) or on the microclimate experienced by those passing through or around it.
- 13.55 The tower would not have a harmful effect on the view from the footbridge in St James's Park, or on the character or appearance of the Royal Parks Conservation Area or the settings of the listed buildings in that view. Nor would it have any harmful effect on the Waterloo or Roupell Street Conservation Areas; or on views from the banks of the Thames, the bridges across it or the buildings and spaces adjoining.
- 13.56 As a result, the proposal satisfies all the requirements of London Plan Policies 4B.9 and 4B.10, the LVMF and Southwark Plan Policy 3.20. I consider that the scheme amply achieves the characteristics and qualities sought in *By Design* and satisfies the criteria set out in the EH/CABE Guidance.

20 Blackfriars Road

If my conclusions on No. 20 seem shorter or more straightforward than on No. 1, it is because much of what I say about No. 1 applies equally to No. 20 – and does not need to be repeated in full. It is, however, appropriate to draw separate conclusions on what are very different schemes for two different applicants.

Architectural design

The residential tower

- 13.57 The design concept is an intriguing one. The numerous facets of the façades face directly towards landmark buildings or spaces (parks/squares) in London. Those facing the buildings are canted slightly upwards; those facing the

spaces, slightly downwards.^{7.4} The result is that the junctions between facets are generally slightly angled, seldom vertical, and the cladding mullions follow suit. The architectural expression of each facet (the extent to which it is transparent or translucent) is also determined by the environmental demand on it (solar gain, ventilation, daylighting, shading).^{7.5} The result is a unique building, which could be said to have evolved precisely and specifically from its site.^{7.4} Even if one were unconvinced by the concept, the resulting design, in my opinion, can only be welcomed.^A

- 13.58 The tower would have double-skin facades on its east, south and west sides, where solar gain would be greatest, but not on its most northerly facets, where there would little heat gain.^{7.6} As with No. 1, the effect would be of a carefully sculpted building given scale and texture by the varying treatment of the inner skin. Louvres in the external skin, carefully designed to emphasize the overall design expression, would add to that texture. Unlike No. 1, the majority of the flats facing east, south and west would have balconies, with the space between the two skins widened and openings in the outer glass skin; these would be entirely in keeping with, indeed part of, the overall pattern of variable glazing sizes within the also varying angles and dimensions of the faceted facades.

The office tower

- 13.59 Office space requirements mean a larger floorplate and less scope for articulation of the façades than in the residential tower. Nevertheless, the office tower has the same architectural aspirations. It has single-skin façades with an external brise-soleil of vertical louvres, their varied spacing and depth giving a faceted expression visually related to the residential tower.^B
- 13.60 The louvres use perforated metal box sections and the cladding around the service core^{7.5} (located at the southern end of the building to reduce heat gain in the offices) uses similar perforated metal sheet cladding. The pattern of perforation varies within each sheet both for the sake of appearance and according to location and the performance required.^C I was initially not convinced about this as a main cladding material for the building – but a large sample (about 3.0m by 1.2m) brought to the inquiry venue comfortably persuaded me that the principle was appropriate and that the detail (including the finish, to avoid undue reflection) could be controlled by condition.

The towers together

- 13.61 I consider that the two towers would work well together as a pair. They employ different design techniques but would clearly belong to the same family. The higher residential tower is logically placed away from the streets and the office tower on Blackfriars Road,^{7.4} which I consider helps the overall composition in urban design terms. An intriguing feature is that both towers have 'shoulders' – the floorplate of the residential tower reduces above floor 28; the office tower does so above floor 19.^D The point of change is different in absolute terms but relates well to the different heights of the two towers. Also, both shoulders are on the interior façades so that, visually, the towers

^A BL/3/A – the design concept and design evolution are explained in sections 3 and 4; BL/3/D contains the slides used by Mr Eyre in the PowerPoint presentation of his evidence and includes some notes made by me at the time.

^B BL/3/A, p. 84.

^C BL/3/A has a photograph of similar cladding at p.96

^D BL/3/A – seen in the view at p. 73.

lead the eye down to the ground level space between them; the device also avoids any claustrophobic effect that might have been possible if the towers rose to their full height on an unchanging building line.

The low-rise buildings

- 13.62 There are two low-rise residential buildings, giving an almost continuous frontage along Paris Garden, on the west side of the site, and a retail and commercial building facing Stamford Street. The residential buildings are designed in the same idiom, which is adapted for the commercial building. Above the ground floors of the residential buildings, which are given over to retail and community uses, residential accesses and service access, there is, in essence, a stock brick matrix within which glazed solid and painted metal panels are disposed according to the nature of the accommodation behind. The commercial building has that matrix, in a less regular form, expressed by limestone cladding, with glazed and painted metal panels within it. Both seem to me to keep the buildings firmly grounded in an attractive modern style which would sit well amongst the varying styles of neighbouring buildings.^{7.9} In particular, I find the Stamford Street façade of the commercial building an appropriate companion for the two listed buildings to its west.
- 13.63 The residential tower comes down to the ground on the inner side of the northerly low-rise residential building, linked with it but maintaining its own architectural expression to ground level. Within the ground floor facing the open space are retail units as well as the access lobby. The office tower is not directly linked to any of the low-rise buildings but its façade treatment is brought to a stop above ground floor level, above a spacious entrance lobby and a retail unit.
- 13.64 Thus, the proposals are successful in presenting an appropriate scale of façade on all sides where significant pedestrian activity can be anticipated.

The open space

- 13.65 Ground level within the site offers a complex arrangement of different types of space. Those outside the site would glimpse the space within.^{7.8} A wide opening to Stamford Street gives access to the residential tower and to the open space contained by the towers and the rears of the Mad Hatter (3-7 Stamford Street) and the new commercial building. It is flanked by 'green walls' (planting on the vertical flank walls of the low-rise commercial and residential buildings).^{7.8} A second approach to the space is from Blackfriars Road between the base of the office tower and the rear of no. 1 Stamford Street, which also provides a terrace for the Mad Hatter. A third approach is from Paris Garden.
- 13.66 However, the really successful ploy, in my opinion, is to link the open space in the site with Christ Church Garden to the south,^{7.8} making much better use of what exists as well as providing new space. The space within the site is essentially hard, partially covered with a canopy, with a central water feature, and with greenery provided by way of climbing plants on the angled supporting structure of the canopy. This then merges with the existing garden and its mature trees. The variety thus offered promises to be vibrant and exciting.

Conclusion on architectural design

- 13.67 The various constituent parts of the proposal – residential tower, office tower, low-rise residential buildings, low-rise commercial building, active ground floor

uses, open spaces – seem to me to come together as a carefully-thought-out composition, offering easy pedestrian accessibility through intriguingly-designed spaces amongst architecturally excellent buildings.

Environmental design

Wind ^{7.12-13; 10.13-16}

13.68 WCDG's concerns about microclimate are broadly the same here as for No. 1 and were addressed jointly by the supplementary evidence. More mitigation is required on this site, in the form of the partial canopy around the open space contained between the buildings. That apart, my earlier comments apply.

Sustainability ^{7.10}

13.69 As with No. 1, the sustainability credentials of this proposal are strong. A raft of measures mean that it, too, considerably exceeds policy requirements.

Daylight/sunlight/overshadowing

13.70 No objections were raised at the inquiry and I have no reason to query what is said in the ES.^A

Impact in views

From the footbridge in St James's Park ^{3.4; 7.17-49; 8.27-39; 9.20-32 + 9.35-36; 11.2/5/8; B}

13.71 The residential tower would be all but obscured from the LVMF viewing point. Only a sliver would be visible beyond the northerly pavilion of the Foreign and Commonwealth Office. As one moved north over the bridge, so the width of the west-facing façade would come into full view, above the treed skyline of Duck Island.^C However, the tower has been kept lower than the Foreign Office pavilion in this view; and its shape, rectilinear at this distance, would be essentially in keeping with that of the Foreign Office. Together, the kinetic experience of it coming into view as one moves north across the bridge, the appearance of its façades (muted by distance and materials compared with the nearer buildings) and its relatively low profile, mean that it could not dominate or overpower either the Foreign Office in particular or the view in general.

13.72 English Heritage says that the effect would be '*minor*'. In my opinion, that is a much more realistic assessment than made by either WCC or The Royal Parks, whose respective starting points are that, ideally, there should be no further building appearing on the skyline of the view, or at least none above the treed skyline of Duck Island.

Other views from St James's Park

13.73 There is nothing to add to what I have already said in relation to No. 1.^{13.46-48} The best summation was made on behalf of the applicant. '*Seeing modern buildings in these views cannot cause harm per se, unless one is reluctant to contemplate the ever-changing world city beyond.*'^{7.51}

From the Westminster World Heritage Site (WHS) ^{3.3; 7.52-69; 8.43-47; 9.48-52; 11.4}

13.74 The architectural, historic and cultural importance of the WHS is beyond dispute. But views out from it have not been frozen in time. Nor, indeed, has

^A CD3/8, section 9.

^B CD3/28/A contains three views showing rendered images of No. 20 alone.

^C No part of the office tower would be visible in any view from the footbridge.

the WHS itself (Portcullis House, directly opposite Big Ben, was built after its inscription). Essentially, what must be protected is one's ability to understand and appreciate the outstanding universal value of the WHS – what it is that justified its inscription. Quite simply, the appearance of a new tall building some 1.7km away, obviously well beyond County Hall, on the south bank of the Thames, could not undermine that. Despite WCC's assertions, I see nothing in the WHS Management Plan to suggest that it might.

- 13.75 The gap between Big Ben and Portcullis House is said to be a key characteristic of the setting of Big Ben. However, the view from the short length of pavement in Parliament Square from which No. 20 could be seen through that gap is not one noted as of strategic or metropolitan importance in any document, adopted or emerging. Moreover, the architectural quality of the proposed building is, to my mind, outstanding; if a building of this quality can be said to harm the setting of the WHS, or of Big Ben, it can only be in the context of no visible new building at all being acceptable – but other modern buildings appear in other views through the gap, primarily from the north-westerly part of Parliament Square, the location of identified important views.

Other views

- 13.76 For reasons already explained above,^{13.48-49} I need consider here only the views from within the Waterloo and Roupell Street Conservation Areas. In most views, No. 20 would be further from the Thames, further from the listed buildings whose settings might be affected and also a lower building. For those reasons, the effect of No. 20 would be less than that of No. 1, which I have already concluded would not be harmful. WCC's concerns about the view of County Hall from Parliament Square must fall away for the same reasons as its objection to the effect on the WHS.
- 13.77 The Roupell Street Conservation Area^{7.74; 10.12} is an embedded enclave of nineteenth century housing. Its pattern and grain give it a robust and well-defined character. However, tall buildings already feature in views along its streets. The towers of No. 20 would be seen at an angle over the rooftops, rather than beyond the ends of the streets, but I do not consider that the effect would be harmful. The strong character of the Conservation Area would not be undermined by the appearance of further modern buildings beyond; rather, the contrast would accentuate the characteristics for which the Conservation Area was designated. The same applies to Aquinas Street in the Waterloo Conservation Area.^{7.75; 10.12}

Overall conclusion on the design of No. 20

- 13.78 The location is, in principle, an appropriate one for tall buildings, as defined in London Plan Policy 4B.9 and Southwark Plan Policy 3.20.
- 13.79 The design of both towers, and of the low-rise buildings, is of very high quality, individually and as parts of the overall composition containing a central open space and pedestrian routes in different directions through the site. The design would be highly sustainable in terms of emissions and energy efficiency. The proposal would have no harmful effect on the level of amenity enjoyed by neighbouring residents (daylight/sunlight/overshadowing) or on the microclimate experienced by those passing through or around it.
- 13.80 The residential tower would not have any harmful effect on the view from the footbridge in St James's Park, or on the character or appearance of the Royal Parks Conservation Area or the settings of the listed buildings in that view. It

would have no harmful effect on the Westminster WHS^A or views from it. Nor would it have any harmful effect on the Waterloo or Roupell Street Conservation Areas; or on views from the banks of the Thames, the bridges across it or the buildings and spaces adjoining.

- 13.81 As a result, and as with No. 1, the proposal satisfies all the requirements of London Plan Policies 4B.9 and 4B.10, the LVMF and Southwark Plan Policy 3.20. I consider that the scheme amply achieves all of the characteristics and qualities sought in *By Design* and the EH/CABE Guidance.

Cumulative impact ^{6.82-88; 7.16; 8.35; 9.37}

- 13.82 I consider that, from almost every standpoint, the two proposed developments would work better together than individually. In no case does the cumulative impact weigh against one or the other, or both. The three towers of the two schemes would form a much more concentrated cluster of tall buildings – themselves, with the King’s Reach tower (in both its existing and permitted forms) and also with 240 Blackfriars Road and other lower developments either implemented or permitted in the vicinity – than would either scheme on its own. Together, the three towers would create a visually attractive composition from all angles. The geometry and location of the two lower towers at No. 20 would have a dynamic relationship with the taller, sculptural form of No. 1, which, because of its position closer to the Blackfriars Bridge, would rightly be the most prominent element. ^{6.82-83}
- 13.83 The appearance of both schemes in the view from the footbridge in St James’s Park would give a stronger impression of the modern city beyond the Park than either individually, but still without dominating or overpowering the short-range view. Moreover, either scheme, or both, must be considered in the context of other permitted developments, particularly in the City. Numerous developments, some under construction at the time of the inquiry, will become visible from the footbridge. All but two would be further away than Blackfriars Road – but, even if neither No. 1 nor No. 20 went ahead, those developments would appear on the skyline in views from the footbridge.
- 13.84 The two nearer developments are King’s Reach and Doon Street. King’s Reach already exists but has permission for an increase in height, which would make it visible above treed skyline in the view. Doon Street, its recent permission subject to challenge in the High Court, would be nearer still and would be taller and much more prominent in the view. Indeed, No. 1 would be all but obscured if Doon Street were built.
- 13.85 Thus, the objections are weakened when one takes into account permitted developments in the City, even more so if one takes Doon Street into account.
- 13.86 A different form of cumulative impact could arise in the Waterloo and Roupell Street Conservation Areas. In the former, No. 1 and the residential tower of No. 20 would both be visible from some points in Aquinas Street, and certainly by simply moving from one side of the street to the other. Nevertheless, my conclusion remains that the robust character of the street would not itself be diminished by being able to see these two towers. In the Roupell Street Conservation Area, I doubt that there is a viewpoint in which both No. 1 and

^A ‘Palace of Westminster and Westminster Abbey including St Margaret’s Church World Heritage Site’, to give it its full name.

No. 20 would be visible. My conclusion on No. 20 alone is not altered by the possibility that that No. 1 might also be visible in some additional views.

- 13.87 There is also the impact on the settings of the National Theatre, the Royal Festival Hall and County Hall.^{6.27-28; 11.3} Two of those are, of course, modern buildings. I find it difficult to see how the composition of two architecturally excellent tall buildings could compromise the settings of two lower buildings of equally high architectural quality, especially given the distances between them. Only in some views would there be glimpses of the proposed towers beyond County Hall; but they would be distant elements of architectural quality and would not diminish the overwhelming civic character which County Hall retains, even in its new private uses.

The Doon Street decision ^{6.87; 7.25-31; 8.41; 9.42-47}

- 13.88 The Doon Street decision is important not only because of the relative impact that the now-permitted tower would have, if built, but also because of the reasoning deployed by the Secretary of State in coming to her decision. I have come to my conclusion on the intentions and interpretation of the LVMF based on the evidence to the inquiry and my own understanding of the text of the document in relation to the view from the footbridge in St James's Park. I have then assessed both proposals on the basis of that conclusion and found that the proposed towers would not, either individually or cumulatively, harm that view, or the character and appearance of the Royal Parks Conservation Area, or the settings of the listed buildings seen in the view.
- 13.89 In so doing, I am fortified that the Secretary of State appears to adopt exactly the same approach to the LVMF and that the approach itself is not the subject of the challenge. She draws two conclusions – that the proposed Doon Street tower would not overpower the view from the footbridge or damage the delicate balance between landscape and buildings; and that it would not fail to preserve or enhance the setting of the Royal Parks Conservation Area. She draws no specific conclusion in relation to the settings of the listed buildings seen in the view – I have dealt with that explicitly, though it seems to me that it may be considered subsumed within the other two conclusions.
- 13.90 The towers subject of this inquiry would be further distant than Doon Street in the view from the footbridge and would be, or would appear to be, lower. On that basis alone, their impact is bound to be significantly less than that of the Doon Street tower. Also, even if the Doon Street decision were to be quashed, it does not seem to me that that could cast doubt on the approach I have adopted in my reasoning.
- 13.91 In addition, the Secretary of State considered the effect the Doon Street tower might have on the character and appearance of the Roupell Street Conservation Area. While she agrees with the Inspector that there would be '*some detrimental impact to the setting*' of the Conservation Area, she concludes that it '*would not be great*'. I have taken a slightly different approach, concluding that the robust character of the Conservation Area would not be diminished by the appearance of the proposed towers in views from it.

Housing

1 Blackfriars Road ^{6.94-114; 8.52-56; 10.17-21/34}

- 13.92 The proposal provides 96 dwellings – 64 market flats in the tower and 32 intermediate affordable units in the Rennie Street building. It would also, by

way of the section 106 obligation, contribute £15,620,000 towards affordable housing off-site, within the same Community Council area. That would amount to at least 40 social-rented dwellings, and up to 45,^A with the emphasis on family housing. Taking the higher figure, the proposal would provide 141 dwellings in total, of which 77 would be affordable. That is 55% in an area where policy seeks 40% (or 39 of the 96 on-site flats).

- 13.93 The application site is not allocated for housing. The permitted office scheme has no housing in it. The admissibility of the hotel use is what enables housing to be provided as well. The site is within a Preferred Office Location, subject to Southwark Plan Policy 1.3. The hotel is an acceptable exception to Policy 1.3 in that it is a tourism use.^B The proposed housing brings Policy 4.4 into play, seeking that, in the CAZ, at least 40% of new dwellings are affordable, with a 70:30 social rented : intermediate tenure split.^C The proposal offers a 58:42 tenure split but I consider that a minor conflict with policy, insufficient to weigh significantly against it. So, too, does LB Southwark.
- 13.94 In the London Plan, the supporting text to Policy 3A.10^D says that, in exceptional cases, consideration may be given to providing the required affordable housing off-site. PPS3 also admits of off-site provision, as does the Southwark Plan. Both the GLA and LB Southwark support the proposal. In fact, it was the Mayor who first suggested partial off-site provision. The main reasons for so doing are the economic difficulty in placing affordable dwellings in the higher levels of the tower (above the hotel), the potential amenity impact on residents of Rennie Court of putting more housing in the Rennie Street building (making it higher) and the relative inappropriateness of placing family housing in this particular location, at the junction of two of Southwark's busiest roads.
- 13.95 The proposal would help to meet an identified need for larger market units, even though some of those proposed are conspicuously large. In fact, it may be the sheer size and relative market value of some that enables an affordable housing solution exceeding policy requirements. The proposal also helps to address an apparent dearth of intermediate housing in the area. In that context, and because I consider it inappropriate to assess this matter on the narrow basis of the application site alone, the proposal would help towards achieving a mixed and balanced community. Indeed, it may be reasonable to look at the Community Council area, in which case the contribution made by the proposal to off-site family housing is another benefit of the scheme, one which likely could not have been achieved with a purely on-site solution.

20 Blackfriars Road ^{7.77-80; 8.52-56}

- 13.96 The proposal provides 286 dwellings. Of those, 119 (41.6%^E), all on-site, would be affordable. The tenure split of the affordable housing is about 63:37 social rented : intermediate (based on habitable rooms).^F The mix of dwelling types is acceptable to LB Southwark. The combination of difficulties which

^A LB Southwark says 'at least 40' but is content to accept the applicant's estimate of 45 (in para. 8.55) when assessing the extent of what is proposed against what policy seeks.

^B CD7/1, p. 31.

^C CD7/1, p. 66.

^D CD8/1, pp. 77-79.

^E The applicant says 42%, LB Southwark 41%; more accurately, it is 41.6%.

^F There would be 67 social rented and 52 intermediate dwellings, a 56:44 split in unit terms.

occurs with No. 1 does not arise here. Also, it must be remembered that the site is in a preferred office location. Given that, I consider that the provision of 286 dwellings, 42% of them affordable, in addition to over 28,000sqm gross office floorspace, outweighs the fact that the tenure split in the affordable housing does not match the policy requirement. That is also LB Southwark's conclusion. In my opinion, what is proposed would contribute usefully to achieving a mixed and balanced community.

Policy

1 Blackfriars Road

13.97 In fact, there is little to be addressed that has not already covered in relation to design and housing or has not been agreed at an earlier stage in the process by the applicant, LB Southwark and the Mayor. The emerging policy of the new Mayor is at its earliest stages. The Secretary of State gave little weight to *Planning for a Better London* in the Doon Street decision and there is no reason to give it more now.^{6.116} The Deputy Mayor's letter to the inquiry overturns the considered position of the previous Mayor and seems to me to go against the established and adopted policy matrix against which the application should be assessed.^{6.117} The hotel use gains support from Southwark Plan Policy 1.3 – but the sky deck should be included with that as an obvious tourist attraction;^{6.118} both would help promote Southwark as a tourist destination.^{6.119/120} The site's excellent public transport accessibility^{6.121} is one of the factors making it appropriate for a tall building – but the proposal would also bring significant improvements to the pedestrian environment in the vicinity of the site.^{6.122}

20 Blackfriars Road

13.98 Similarly, there is little more to be addressed. All of the land uses are appropriate in this location – the Class A uses as well as office and residential uses.^{7.93} The proposal would bring substantial environmental improvements to routes near the site.^{7.94}

Summary

13.99 I have concluded that none of the objections raised in evidence or written representations to the inquiry has been substantiated. I have concluded that each of the proposals achieves no less than could be asked of it, particularly in terms of design excellence and housing provision. In essence, I agree with the conclusions drawn by LB Southwark in its evidence to the inquiry.^A

^A In particular, as expressed in paras. 8.20-24, 8.35, 8.43, 8.51-53 and 8.61-69 above.

14 OVERALL CONCLUSION

- 14.1 Although I regrouped them for the purposes of the inquiry, it is appropriate to summarize my conclusions in relation to the matters set out initially by the Secretary of State as those on which she particularly wished to be informed. I can do so largely without differentiating between No. 1 and No. 20 – because there are so few matters affecting one but not the other.
- a) *The appropriateness of a very tall building in this location and the extent to which the proposal is in accordance with the English Heritage/CABE Guidance on tall buildings which recommends that tall buildings are properly planned as part of an exercise in place-making informed by a clear long-term vision, rather than in an ad hoc, reactive, piecemeal manner.*
- 14.2 I have found that these sites are appropriate locations for tall buildings by virtue of the provisions of London Plan Policy 4B.9 and Southwark Plan Policy 3.20. The former promotes tall buildings where they would create attractive landmarks, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they would be acceptable in terms of design and impact on surroundings. The latter may approve tall buildings where they have excellent accessibility to public transport facilities and are located in the Central Activities Zone (particularly in Opportunity Areas) outside landmark viewing corridors; they should make a positive contribution to the landscape, be located at a point of landmark significance, be of the highest architectural standard, relate well to their surroundings, particularly at street level, and contribute positively to the London skyline as a whole, consolidating a cluster within that skyline or providing a key focus in views. Both proposals would achieve all of those things, without exception.
- 14.3 The EH/CABE Guidance sets out 11 criteria for evaluation: relationship to context, effect on the historic context, effect on World Heritage Sites, relationship to transport infrastructure, architectural quality, sustainable design and construction, credibility of design, contribution to public space and facilities, effect on the local environment, contribution to permeability of the site and surrounding area and the provision of a well-designed environment. They may be applied whether or not there is an appropriate policy matrix in place. I have not found either proposal at all wanting on any of these (that on WHSs applying only to No. 20).
- 14.4 I do not consider it important in locational policy terms that these, No. 1 in particular, would be 'very tall' buildings, as opposed to simply tall ones. In any event, my assessment of the design quality of both schemes concludes that the proposals would be appropriate for their sites.
- b) *Whether the proposal accords with her policies in Planning Policy Statement 1: Delivering Sustainable Development with regard to the promotion of high quality, inclusive design in terms of function and impact, and on whether the proposal takes the opportunities available for improving the character and quality of the area.*
- 14.5 In essence, the response on this matter is contained in that to matter a). PPS1 endorses the guidance in *By Design*, which applies to all urban developments, not just tall buildings, and with which the EH/CABE Guidance has a clear overlap. The designs are of a very high standard and, as such, clearly take the opportunity available to improve the character and quality of

the area. Both proposals are inclusive and beneficial in terms of the range of uses they offer – hotel, residential, tourism and modest Class A uses in No. 1; residential, office, and modest Class A and community uses in No. 20.

- 14.6 I must also say that, having seen buildings by both architects as part of my site visits, I am utterly confident that what has been presented on paper can and would, if planning permission were granted, be translated into built architecture of the very highest quality.
- c) *Whether the proposal accords with her policies in Planning Policy Statement 3: Housing, particularly those on affordable housing and whether the proposals meet the housing requirements of the whole community, create mixed communities and a more sustainable pattern of development and promote good design.*
- 14.7 The site of No. 1 would not provide housing at all were it not that the proposed hotel use satisfies Southwark Plan Policy 1.3. From the starting point that market flats are to be provided on the floors above the hotel, the proposal does more than can be expected of it in terms of affordable housing provision. Of the 96 flats on-site, 32 would be intermediate affordable units. In addition, a contribution by way of a section 106 obligation would enable a further 45 affordable dwellings on a site in the same Community Council area, with the emphasis on family housing. Large market dwellings and intermediate affordable dwellings are needed in the area, so the proposal would contribute towards a more mixed and balanced community. The proposal for No. 20 provides an appropriate mix of housing on-site – 119 out of 286 flats would be affordable. By virtue of the sites' location, both proposals would also contribute to a more sustainable pattern of development and, in its broadest sense, good design.
- d) *Whether the proposed development accords with the relevant provisions of Southwark Council's Unitary Development Plan adopted in July 2007.*
- 14.8 The proposals would satisfy all of the Southwark Plan policies identified in Section 3 of this report. The offices in the scheme for No. 20 accord with Policy 1.3, which also allows the tourist uses in No. 1 as an exception in a preferred office location. The Class A uses satisfy Policy 1.7 because both sites are within a District Centre. The hotel and sky deck of No. 1 are appropriate new uses under Policy 1.11. The quality of both designs satisfies Policies 3.1-3.5, 3.12-3.15 and 3.18. The location and design of the towers is acceptable in terms of Policies 3.20-3.22. The quality, mix, affordability and accessibility of the housing satisfies Policies 4.2-4.5 with the exception, a minor one in my opinion, of tenure mix. And the proposals do all that could be asked of them in relation to the Bankside and Borough Action Area under Policy 7.4.
- e) *Whether the proposed development accords with the relevant provisions of the London Plan – Spatial Development Strategy for Greater London (consolidated with alterations since 2004).*
- 14.9 The proposals would also satisfy all of the London Plan policies identified in Section 3 of this report. The fact that there would be housing at all on the site of No. 1 contributes to Policies 3A.1-3A.3 while the affordable housing in both proposals matches what could be sought under Policies 3A.9 and 3A.10, with the exception in both of tenure mix, though I find that acceptable in the circumstances. The hotel and sky deck in No. 1 would contribute to the development of the tourism industry (Policy 3B.9) and improve employment

opportunities^{6.120} (Policy 3B.11). The offices in No. 20 would obviously provide employment. Both sites are well located for transport facilities (Policies 3C.1 and 3C.2) and the design of both schemes would satisfy Policies 3C.21-3C.23 on walking, cycling and parking. Both are exemplary in their approach to climate change and energy efficiency (Policies 4A.1-4A.11) and design principles (Policies 4B.1-4B.3, 4B.5 and 4B.8). More specifically, both designs meet the requirements of Policies 4B.9 (tall buildings), 4B.10 (large-scale buildings), 4B.11 and 4B.12 (heritage protection and conservation), 4B.14 (World Heritage Sites) (No. 20 only) and 4B.17 and 4B.18 (view management). The sites are within the Central Activities Zone (Policy 5G.2) and seem all but certain to be within the refined boundary for the Bankside and Borough Opportunity Area (Policy 5D.2), the former being the more important in assessing the appropriateness of the sites for tall buildings.

f) *Whether any permission should be subject to conditions and, if so, the form they should take.*

14.10 I set out in Annex C below the conditions to which I consider any planning permissions should be subject. The conditions originally suggested for each proposal by the applicants and LB Southwark were either adapted or explained as a result of comments and queries put in writing by me during the inquiry. As a result, further explanation requires only modest footnotes.^A

g) *Any other relevant material considerations.*

14.11 The section 106 agreements are a relevant material consideration. The agreement for No. 1 secures, amongst other things: provision of 32 on-site affordable flats; the sum of £15,620,000 towards the provision of off-site affordable housing; highway works in Stamford Street, Blackfriars Road, Rennie Street and Upper Ground; a travel plan; and public access to the Plaza and to the Sky Deck. The agreement for No. 20 secures, amongst other things: the provision of 119 affordable housing units on-site; highway improvement works in Blackfriars Road, Stamford Street and Paris Garden; a travel plan and car club; public access to the open space within the site; £600,000 towards community development works reasonably related to the proposal; a community centre; and improvements to Christ Church Garden to the value of at least £190,000.

14.12 I consider that of both obligations follow the guidance in Circular 05/2005. I could not have recommended in favour of the applications without them.

14.13 It is also worth saying that, given the proximity of the site of No. 20 to the boundary between Southwark and Lambeth, and the facilities in Lambeth that would probably be used by residents, there would be considerable merit, as accepted by LB Southwark,^{8.63; B} in discussions between the two Borough Councils on whether certain obligation monies received by LB Southwark could usefully and sensibly be spent on improving facilities within Lambeth.

^A See CD/25/A (Section 9), ID/1, BE/12, BE/13/A & B, BL/12 and BL13/A, B & C.

^B This was a point of particular concern to WCDG (para. 10.35) and mentioned by LB Lambeth in offering no objection to the proposals (para. 11.6).

15 RECOMMENDATIONS

APP/A5840/V/08/1202839 – 1 Blackfriars Road

15.1 I recommend that planning permission be granted subject to the conditions set out in Annex C to this report.

APP/A5840/V/08/1203024 – 20 Blackfriars Road

15.2 I recommend that planning permission be granted subject to the conditions set out in Annex C to this report.

John L Gray

Inspector

ANNEX A: APPEARANCES

FOR BEETHAM LANDMARK LONDON LIMITED

Mr Russell Harris QC	instructed by Herbert Smith LLP, Exchange House,
Mr Neil Cameron of Counsel	Primrose Street, London, EC2A 2HS.
They called	
Ian Simpson BA(Hons)	Director, Ian Simpson Architects Limited, Manchester.
CommDipArch (Dist) RIBA	
Professor Robert Tavernor BA	Professor Robert Tavernor Consultancy, London.
DipArch PhD RIBA	
Alan Simmonds BSc(EstMan) FRICS	Consultant, DP9 Planning Consultants, London.

FOR BLACKFRIARS LIMITED

Mr Christopher Katkowski QC	instructed by Linklaters LLP, 1 Silk Street, London,
	EC2Y 8HQ.
Mr Scott Lyness of Counsel	
They called	
James Eyre BA(Hons) AADip RIBA	Senior Director and Principal, Wilkinson Eyre
	Architects, London.
Professor Robert Tavernor BA	Professor Robert Tavernor Consultancy, London.
DipArch PhD RIBA	
Hugh Bullock BSc(Hons) FRICS	Partner, Gerald Eve, Chartered Surveyors and
FRTPI FRSA	Property Consultants, London.

FOR THE LONDON BOROUGH OF SOUTHWARK

Mr Timothy Corner QC	instructed by Berwin Leighton Paisner LLP, Adelaide
	House, London Bridge, London, EC4R 9HA.
He called	
Mr Simon Bevan BA MA MRTPI	Interim Head of Planning and Transport,
	LB Southwark.
Mr Michael Tsoukaris MSc(Arch)	Group Manager, Design and Conservation,
RIBA	LB Southwark.
Mr Adrian Dennis BSc DipTP MRTPI	Team Leader, Major Applications, Regeneration and
	Neighbourhoods, Department, LB Southwark.

FOR THE CITY OF WESTMINSTER AND THE ROYAL PARKS

Mr Richard Banwell of Counsel	instructed by the Director of Legal and Administration
	Services, Westminster City Council and by Taylor
	Wessing,
He called	
Mr Robert Ayton MA MSc MRTPI	Head of Design and Conservation, Central Area Team,
IHBC	Planning and City Development, Westminster CC.
Mr Hal Moggeridge OBE VMH PPLI	Consultant, Colvin & Moggeridge, Landscape
FIHort RIBA AADip	Architects, Gloucestershire.

FOR THE WATERLOO COMMUNITY DEVELOPMENT GROUP

Mr Michael Ball BA DipAnth	Director, Waterloo Community Development Group.
He gave evidence himself	
and called	
Ms Margaret Mellor	Founder member of WCDG.

ANNEX B: DOCUMENTS

CORE DOCUMENTS

CD1	Call-In Letters
CD1/1	Letter from GO London to LB Southwark advising of call-in of 1 Blackfriars Road application, 10 March 2008.
CD1/2	Letter from GO London to LB Southwark advising of call-in of 20 Blackfriars Road application. 1 May 2008.
CD1/3	Letter from GO London to LB Southwark in respect of 20 Blackfriars Road pursuant to Article 14 of the Town and Country Planning (General development Procedure) Order 1995, 5 March 2008.
CD2	Planning Application Documents for 1 Blackfriars Road
CD2/1	Covering letter, DP9, 19 October 2007.
CD2/2	Environmental Statement Addendum Volume 1 (2007).
CD2/3	Environmental Statement Addendum Volume 2: Townscape and Visual Impact Assessment (2007).
CD2/4	Planning Application Drawings (2007 – incorporating 2006 Drawings).
CD2/5	Covering letter Regulation 19 Submission, DP9, 25 April 2007.
CD2/6	Design and Access Statement: Addendum (2007).
CD2/7	Covering letter and application forms, prepared by DP9, 30 October 2006.
CD2/8	Design and Access Statement (2006).
CD2/9	Planning Statement (2006).
CD2/10	Affordable Housing Statement (2006).
CD2/11	Energy Statement (2006).
CD2/12	Flood Risk Assessment (2006).
CD2/13	Sky Deck Report (2006).
CD2/14	Statement of Community Involvement (2006).
CD2/15	Environmental Statement: Volume 1: Main Report (2006).
CD2/16	Environmental Statement: Volume 2: Townscape and Visual Assessment (2006).
CD2/17	Environmental Statement: Volume 3: Transport Assessment (2006).
CD2/18	Environmental Statement: Volume 4: Appendices (comprising sections 1,2 and 3) (2006).
CD2/19	Environmental Statement: Non-technical summary (2006).
CD2/20	Environmental Statement: Addendum Volume 1 (2008).
CD2/21	Environmental Statement: Volume 2 – Townscape and Visual Assessment, Section A – Assessment of 1 Blackfriars Road (2008).
CD2/21/A	Errata (September 2008).
CD2/22	Environmental Statement: Volume 2 – Townscape and Visual Assessment, Section B – Cumulative Assessment of 1 Blackfriars Road (2008).
CD2/22/A	Errata (September 2008).
CD2/23	Environmental Statement: Volume 2 – Townscape and Visual Assessment, Section C – Cumulative Assessment of 20 Blackfriars Road (2008).
CD2/23/A	Errata (September 2008).
CD2/24	Environmental Statement: Volume 2 – Townscape and Visual Assessment, Section D – Combined Cumulative Assessment of 1 and 20 Blackfriars Road (2008).
CD2/25	Environmental Statement: Addendum Volume 3 – Transport, Servicing and Waste Management Statement (2008).
CD2/26	Environmental Statement: Addendum Volume 4 – Daylight, Sunlight and Overshadowing Statement (2008).
CD2/27	Environmental Statement: Non-Technical Summary (2008).
CD2/28	Further Energy Statement (2008).
CD2/29	Revised Planning Application Drawings (2008) (A3 booklet).
CD2/29/A	Revised Planning Application Drawings (to scale).

CD3	Planning Application Documents for 20 Blackfriars Road
CD3/1	Covering letter and application forms prepared by DP9 (7 February 2007).
CD3/2	Design and Access Statement (February 2007) (Supplement at CD3/18).
CD3/3	Planning Statement (February 2007).
CD3/4	Sustainability Statement (February 2007).
CD3/5	Statement of Community Involvement (February 2007).
CD3/6	Energy Statement (February 2007).
CD3/7	Flood Risk Assessment (February 2007).
CD3/8	Environmental Statement – Part 1: Main Report (February 2007).
CD3/9	Environmental Statement – Part 2: Main Report Technical Appendices (February 2007).
CD3/10	Environmental Statement – Part 3: Townscape and Visual Impact Assessment (February 2007) (Revised version at CD3/16).
CD3/11	Environmental Statement – Part 4: Transport Assessment (February 2007) (Supplement at CD3/17).
CD3/12	Environmental Statement – Non Technical Summary (February 2007).
CD3/13	Letters from DP9 attaching Affordable Housing Economic Viability Appraisals prepared by Knight Frank and setting out details of the affordable housing proposal (23 April 2007, 24 April 2007 and 25 May 2007).
CD3/14	Covering letter Regulation 19 Submission prepared by DP9 and response from LB Southwark (26 June 2007).
CD3/15	Covering letter Regulation 19 Submission prepared by DP9 (13 August 2007).
CD3/16	Environmental Statement: Revised Part 3 – Townscape and Visual Assessment (August 2007).
CD3/17	Environmental Statement: Supplement to Part 4 – Transport Assessment (August 2007).
CD3/18	Supplementary Design and Access Statement (August 2007).
CD3/19	Supplementary Cycle Parking Assessment (26 September 2007).
CD3/20	Letter submitting revised plans and further information prepared by DP9 (including the Supplementary Cycle Parking Assessment (CD3/19), details of the change of name of the applicant, and a summary letter on daylight, sunlight and overshadowing (CD3/21) (10 October 2007).
CD3/21	Summary letter on daylight, sunlight and overshadowing prepared by GIA (10 October 2007).
CD3/22	Letter submitting revised residential plans and further information prepared by DP9 and attached letter from ENVIRON to DP9 regarding impact of modifications to the scheme (6 November 2007).
CD3/23	Sustainability Briefing Note prepared by Roger Preston Environmental (December 2007).
CD3/24	Letter submitting revised residential plans and further information prepared by DP9 (including the Sustainability Briefing Note (CD3/23)) (14 December 2007).
CD3/25	Planning Application Drawings (revised and approved versions) (A3 booklet).
CD3/25/A	Planning Application Drawings (revised and approved versions) (to scale) (two files).
CD3/26	Environmental Statement August 2008 Part 1 - Main Report.
CD3/27	Environmental Statement August 2008 Part 2 - Main Report - Technical Appendices.
CD3/28	Environmental Statement August 2008 Part 3 – Townscape and Visual Impact Assessment Section A: Existing and Proposed 20 Blackfriars Road Analysis.
CD3/28/A	Errata (September 2008).
CD3/29	Environmental Statement August 2008 Part 3 – Townscape and Visual Impact Assessment Section B: Cumulative 1 Blackfriars Road Analysis.
CD3/29/A	Errata (September 2008).
CD3/30	Environmental Statement August 2008 Part 3 – Townscape and Visual Impact Assessment Section C: Cumulative 20 Blackfriars Road Analysis.
CD3/30/A	Errata (September 2008).
CD3/31	Environmental Statement August 2008 Part 3 – Townscape and Visual Impact Assessment Section D: Existing and Cumulative 1 and 20 Blackfriars Road Analysis.
CD3/32	Environmental Statement August 2008 Part 4 – Transport Assessment.
CD3/33	Environmental Statement August 2008 Non Technical Summary.
CD4	National Planning Policy (not submitted with report)
CD4/1	PPS 1: Delivering Sustainable Development (2005).
CD4/2	Supplement to PPS 1: Planning and Climate Change (17 December 2007).

CD4/3	PPS 3: Housing (2006).
CD4/4	Consultation Paper on new Planning Policy Statement 4: Planning for Sustainable Economic Development (17 December 2007).
CD4/5	PPS 6: Planning for Town Centres (2005).
CD4/6	PPS 9: Biodiversity and Geological Conservation (2005).
CD4/7	PPS 12: Local Spatial Planning (2008).
CD4/8	PPG 13: Transport (2001).
CD4/9	PPG 15: Planning and Historic Environment (1994).
CD4/10	PPG 16: Archaeology and Planning (1990).
CD4/11	PPG 17: Planning for Open Space, Sport and Recreation (2002).
CD4/12	PPS 22: Renewable Energy (2004).
CD4/13	PPS 25: Development and Flood Risk (2006).
CD4/14	Good Practice Guide on Planning for Tourism (2006).
CD4/15	Delivering Affordable Housing (2006).
CD5	Circulars (not submitted with report)
CD5/1	Circular 05/05: Planning Obligations.
CD5/2	Circular 11/95: Use of Conditions in Planning Permissions.
CD6	Other National Guidance (not submitted with report)
CD6/1	By Design – Urban Design in the Planning System: Towards Better Practice (DETR/CABE 2000).
CD6/2	Guidance on Tall Buildings (English Heritage/CABE 2007).
CD7	Local Planning Policy
CD7/1	The Southwark Plan (2007).
CD7/2	Inspector's Report on Objections to the Southwark Plan (May 2006).
CD7/3	Report to the Planning Committee on the proposed modifications to the Southwark Plan (13 June 2006).
CD7/4	Second Addendum Report prepared for the meeting of the Executive regarding the Southwark Plan (26 June 2006).
CD7/5	Sustainable Community Strategy: Southwark 2016 (2006).
CD7/6	Southwark Council Housing Needs Survey (2003).
CD7/7	Housing Needs in Southwark 2005/6 (August 2006).
CD7/8	Standards, Controls and Guidelines for Residential Development (2007).
CD7/9	Draft Bankside and the Borough Action Area SPG (2002).
CD7/10	Draft Affordable Housing SPG (November 2004).
CD7/11	Revised Draft Affordable Housing SPD (July 2008).
CD7/12	S106 Planning Obligations SPD (July 2007).
CD7/13	Design and Access Statements SPD (September 2007).
CD7/14	Draft Sustainable Design and Construction SPD (September 2007).
CD7/15	Draft Sustainable Transport SPD (January 2008).
CD7/16	Draft Residential Design Standards SPD (July 2008).
CD7/17	Southwark Housing Trajectory 2007 (November 2007).
CD7/18	Sustainability Appraisal: Draft Sustainability Assessment SPD (May 2008).
CD8	Strategic Policy and Guidance
CD8/1	The London Plan - Spatial Development Strategy for Greater London (consolidated with alterations since 2004) (February 2008).
CD8/2	London Plan Annual Monitoring Report 4 (February 2008).
CD8/3	Draft London Plan Examination in Public Panel Report (July 2003).
CD8/4	London View Management Framework (July 2007).
CD8/5	Sub-Regional Development Framework for Central London (May 2006).
CD8/6	The London Plan SPG - Housing (November 2005).
CD8/7	<i>not used</i>
CD8/8	The London Plan SPG - Providing for Children and Young People's Play and Informal Recreation (March 2008).

CD8/9	The London Plan SPG - Sustainable Design and Construction (May 2006).
CD8/10	The London Plan SPG - Accessible London: Achieving an Inclusive Environment (April 2004).
CD8/11	GLA Housing Requirements Study (2004).
CD8/12	GLA Draft Housing Strategy (2007).
CD8/13	Joint Statement by Government Office for London and GLA on the Greater London Housing Requirement Study (15 June 2007).
CD8/14	Joint Statement by Government Office for London and GLA on the Greater London Housing Requirement Study (March 2008).
CD8/15	Joint Statement by Government Office for London and GLA and the London Councils on the Greater London Housing Requirements Study.
CD8/16	London Office Policy Review 2002 (2003).
CD8/17	London Office Policy Review 2007 (2007).
CD8/18	The London Plan SPG – Planning for Equality and Diversity in London (October 2007).
CD8/19	Mayor's Biodiversity Strategy (July 2002).
CD8/20	The Mayor of London's Report: – Planning for a Better London (July 2008).
CD8/21	GLA Blue Badge Parking Standards for Off Street Car Parking (December 2006).
CD8/22	Transport for London Cycle Parking Standards.
CD8/23	London Renewables Toolkit (September 2004).
CD8/24	Mayor's London Tourism Vision (June 2006).
CD8/25	Central London Tourism Development Framework (June 2006).
CD9	Beetham Landmark London Limited Core Documents
CD9/1	Statement of Case for 1 Blackfriars Road.
CD9/2	Letter from Southbank Employers Group (21 April 2008).
CD10	Blackfriars Limited Core Documents
CD10/1	Statement of Case for 20 Blackfriars Road.
CD11	London Borough of Southwark Core Documents
	1 Blackfriars Road
CD11/1	Statement of Case for 1 Blackfriars Road.
CD11/2	Officer's Report and Recommendation to the LB Southwark Planning Committee on application 06-AP-2117 (24 July 2007) and minutes of the Committee meeting.
CD11/3	Addendum to Officer's Report to the LB Southwark Planning Committee on application 06-AP-2117 (24 July 2007).
CD11/4	Officer's Report and Recommendation to the LB Southwark Planning Committee on amended application 06-AP-2117 (18 December 2007) and minutes of the Committee meeting.
	20 Blackfriars Road
CD11/5	Statement of Case for 20 Blackfriars Road.
CD11/6	Officer's Report and Recommendation to the LB Southwark Planning Committee on application 07-AP-0301 (22 January 2008).
CD11/7	Addendum to Officer's Report and Recommendation to the LB Southwark Planning Committee on application 07-AP-0301 (22 January 2008).
CD11/8	Minutes of meeting of LB Southwark Planning Committee (22 January 2008).
CD12	City of Westminster Core Documents
CD12/1	Statement of Case for 1 Blackfriars Road and 20 Blackfriars Road.
CD12/2	Letter to PINS requesting call-in in respect of 1 Blackfriars Road (23 January 2008).
CD12/3	Letter to PINS in respect of 1 Blackfriars Road (23 April 2008).
CD12/4	Objection letters from the City of Westminster to LB Southwark in respect of 20 Blackfriars Road (11 May 2007 and 10 October 2007).
CD12/5	Unitary Development Plan – The City of Westminster (January 2007).
CD12/6	Design Matters in Westminster (June 2001).

CD12/7	Draft Metropolitan Views SPD (October 2007).
CD12/8	Statutory Documents to accompany Draft Metropolitan Views SPD (December 2007).
CD12/9	City of Westminster High Buildings Study (September 2000).
CD12/10	House of Commons Transport, Local Government and The Regions Committee Inquiry and Report into Tall Buildings (September 2002).
CD12/11	Letter to PINS narrowing scope of objections (23 July 2008).
CD13	Royal Parks Core Documents
CD13/1	Statement of Case for 1 Blackfriars Road.
CD14	Waterloo Community Development Group Core Documents
CD14/1	Statement of Case for 1 Blackfriars Road.
CD14/2	Statement of Case for 20 Blackfriars Road.
CD14/3	Letter to PINS requesting Rule 6 status (26 April 2008).
CD14/4	Waterloo Opportunity Area Planning Framework (October 2007).
CD14/5	Unitary Development Plan – Lambeth (2007).
CD14/6	Capital Gains: Making High Density Housing Work in London, London Housing Federation (May 2002).
CD14/7	Recommendations of living at Superdensity, Design for London (July 2007).
CD15	Greater London Authority Correspondence and Reports
	1 Blackfriars Road
CD15/1	Mayor's Stage 1 Letter (16 December 2005) and Report on 2005 Application (15 December 2005).
CD15/2	Mayor's Stage 1 Letter (26 April 2007) and Report on 2006 Application (25 April 2007).
CD15/3	Mayor's Letter on 2006 Application (11 December 2007).
CD15/4	Mayor's Stage 2 Letter and Report on 2007 Amendments (20 February 2008).
CD15/5	As CD15/1.
	20 Blackfriars Road
CD15/6	Mayor's Stage 1 Letter (24 May 2007) and Report (23 May 2007).
CD15/7	Mayor's Stage 2 Letter (10 April 2008) and Report (8 April 2008).
	General
CD15/8	Letter from Giles Dolphin to City of Westminster re Metropolitan Views SPD (23 January 2008) (referenced in proof of evidence of Alan Simmonds, BE/3/A, as CD15/6).
CD15/9	Letter dated 12 September 2008 from Ian Clement, Deputy Mayor.
CD16	CABE Correspondence
	1 Blackfriars Road
CD16/1	Letter from CABE to Ian Simpson (24 March 2005).
CD16/2	Letter from CABE to Ian Simpson (28 July 2005).
CD16/3	Letter from CABE to LB Southwark (29 September 2005).
CD16/4	Letter from CABE to Ian Simpson (30 January 2007).
CD16/5	Letter from CABE to LB Southwark (19 November 2007).
CD16/6	Letter from CABE to PINS (6 June 2008).
	20 Blackfriars Road
CD16/7	Letter from CABE to Jim Eyre (24 March 2005).
CD16/8	Letter from CABE to Jim Eyre (24 May 2006).
CD16/9	Letter from CABE to LB Southwark (16 April 2007).

CD17	English Heritage Correspondence
	1 Blackfriars Road
CD17/1	Letter from EH to LB Southwark (7 December 2006).
CD17/2	Letter from EH to LB Southwark (30 November 2007).
	20 Blackfriars Road
CD17/3	Letter from EH to LB Southwark (27 March 2007).
CD17/4	Email from EH to LB Southwark (12 October 2007).
CD17/5	Letter from EH to LB Southwark (31 October 2007).
	1 and 20 Blackfriars Road
CD17/6	English Heritage Written Representations (6 August 2008).
CD17/7	English Heritage Supplemental Written Representations (20 August 2008, sent to parties 2 September 2008).
CD18	Other Correspondence
	1 Blackfriars Road
CD18/1	Letter from Lambeth Council to PINS, enclosing decision notice and officer's report (20 May 2008).
CD18/2	Letter from London Parks and Gardens Trust to Government Office for London (19 January 2008).
CD18/3	Folder containing other consultation responses in respect of the planning application.
	20 Blackfriars Road
CD18/4	Folder containing other consultation responses in respect of the planning application.
CD 18/5	Consultee letter dated 1 September 2008 from City Designers to Linklaters.
CD19	Relevant Planning Decisions
CD19/1	Secretary of State Decision concerning 106-110 Bishopsgate, EC3 ('Heron Tower') (22 July 2002).
CD19/2	Inspector's Report concerning 106-110 Bishopsgate, EC3 ('Heron Tower') (30 April 2002).
CD19/3	Secretary of State Decision concerning the London Bridge Tower, SE1 ('Shards of Glass') (18 November 2003).
CD19/4	Inspector's Report concerning the London Bridge Tower, SE1 ('Shards of Glass') (23 July 2003).
CD19/5	Secretary of State Decision concerning St George's Wharf, SW18 ('Vauxhall Tower') (14 July 2005) and Secretary of State Decision Deferral Letter (31 March 2005).
CD19/6	Inspector's Report concerning St George's Wharf, SW18 ('Vauxhall Tower') (27 September 2004).
CD19/7	Secretary of State Decision concerning Potters Fields, SE1 (10 October 2005).
CD19/8	Inspector's Report concerning Potters Fields, SE1.
CD19/9	Secretary of State Decision concerning Lots Road Power Station, SW10 (30 January 2006).
CD19/10	Inspector's Report concerning Lots Road Power Station, SW10 (17 August 2005).
CD19/11	Secretary of State decision concerning Cory's Wharf, Essex (15 May 2008).
CD19/12	Inspector's Report concerning Cory's Wharf, Essex (21 February 2006).
CD19/13	Letter from Secretary of State to City of London re Bishopsgate Tower (22 November 2006).
CD20	Relevant development proposals in the vicinity of 1 and 20 Blackfriars Road
CD20/1	Kings Reach (ref: 05/AP/0227).
CD20/1/A	Design and Access Statement.
CD20/1/B	Decision Notice.
CD20/1/C	Location Plan.
CD20/2	Bankside 123 (ref: 06/AP/1436).

CD20/2/A	<i>not used</i>
CD20/2/B	Decision Notice.
CD20/2/C	Location Plan.
CD20/3	Architecture Foundation (ref: 06/AP/1436).
CD20/3/A	Design and Access Statement.
CD20/3/B	Decision Notice.
CD20/3/C	Location Plan.
CD20/4	Tate Modern 2 (ref: 06/AP/1913).
CD20/4/A	Design and Access Statement.
CD20/4/B	Decision Notice.
CD20/4/C	Location Plan.
CD20/5	The Holland Street Buildings (ref: 06/AP/1481).
CD20/5/A	Design and Access Statement.
CD20/5/B	Decision Notice.
CD20/5/C	Location Plan.
CD20/6	240 Blackfriars Road (ref: 06/AP/1800).
CD20/6/A	Design and Access Statement.
CD20/6/B	Decision Notice.
CD20/6/C	Location Plan.
CD20/7	Wedge House (ref: 07/AP/2332).
CD20/7/A	Design and Access Statement.
CD20/7/B	Decision Notice.
CD20/7/C	Location Plan.
CD20/8	Blackfriars Station (ref: 01/01418).
CD20/8/A	<i>not used</i>
CD20/8/B	Decision Notice.
CD20/8/C	Location Plan.
CD20/9	Palestra (ref: 99/01497).
CD20/9/A	<i>not used</i>
CD20/9/B	Decision Notice.
CD20/9/C	Location Plan.

CD21 Conservation Area Assessments

CD21/1	Conservation Area Statement for the South Bank Conservation Area (September 2007).
CD21/2	Conservation Area Statement for the Waterloo Conservation Area (October 2007).
CD21/3	Conservation Area Statement for the Roupell Street Conservation Area (October 2007).
CD21/4	Conservation Area Character Summary for Temples Conservation Area (2007).
CD21/5	Conservation Area Statement for Whitefriars Conservation Area.
CD21/6	Conservation Area Character Summary for Ludgate Hill Conservation Area (2001).
CD21/7	Conservation Area Statement for Bankside and Bear Gardens Conservation Area.
CD21/8	Conservation Area Appraisal for St George's Circus Street Conservation Area (November 2005).
CD21/9	City of Westminster Conservation Area Directory No.41: Royal Parks.
CD21/10	Conservation Area Audit for Strand Conservation Area (31 January 2003).
CD21/11	Conservation Area Audit for Savoy Conservation Area (March 2003).
CD21/12	Conservation Area Audit for Whitehall Conservation Area (December 2003).
CD21/13	Draft Conservation Area Audit for Westminster Abbey and Parliament Square Conservation Area (March 2008).

CD22 Legislation (not submitted with report)

CD22/1	Town and Country Planning Act 1990.
CD22/2	Planning and Compulsory Purchase Act 2004.
CD22/3	Planning (Listed Building and Conservation Areas) Act 1990.
CD22/4	Environment Act 1995.

CD23 Statement of Common Ground

CD23/1	Statement of Common Ground circulated for comment to LB Southwark, Westminster City Council, Waterloo Community Development Group and the Royal Parks on 4 August 2008 (not submitted).
CD23/2	Comparison document showing changes made to CD23/1 when compared against CD 23/3 (not submitted).
CD23/3	Statement of Common Ground agreed by Beetham Landmark London Limited, Blackfriars Limited and LB Southwark dated 12 August 2008 and submitted with evidence for the Inquiry (not submitted).
CD23/4	Further draft of statement of Common Ground (not submitted).
CD23/5/A	Signed statement of Common Ground.
CD23/5/B	Statement of Common Ground Appendices.

CD24 Doon Street

CD24/1	Secretary of State's decision (19 August 2008).
CD24/2	Inspector's Report (22 May 2008).
CD24/3	Closing Submissions for Coin Street Community Builders.
CD24/4	Closing Submissions for GLA and the London Borough of Lambeth.
CD24/5	Closing Submissions for Westminster City Council.
CD24/6	Closing Submissions for The Royal Parks.
CD24/7	Closing Submissions for English Heritage.
CD24/8	High Court Challenge Claim Form.

CD25 Miscellaneous

CD25/1	Elizabeth House GLA Stage 1 Report (15 July 2008).
CD25/2	Elizabeth House Application Drawings (Revisions March 2008).
CD25/3	Elizabeth House Committee Report (23 July 2008).
CD25/4	DCLG Consultation Paper: Protection of World Heritage Sites (May 2008).
CD25/5	Secretary of State's decision (28 September 2001) and Inspector's Report (18 June 2001) regarding appeals made by Frogmore Developments Limited (including decision in respect of the Westminster Bridge 'Island Site').
CD25/6	The Palace of Westminster and Westminster Abbey including St. Margaret's Church World Heritage Site Management Plan (May 2007).

1 BLACKFRIARS ROAD DOCUMENTS (BEETHAM LANDMARK LONDON LIMITED)

BE/1/A	Proof of evidence of Ian Simpson, Architect.
BE/1/B	Presentation slides – Ian Simpson.
BE/2/A	Proof of evidence of Professor Robert Tavernor, townscape.
BE/2/B	Appendix to Proof of Evidence of Professor Robert Tavernor, townscape.
BE/2/C	Appendices to proof of Evidence: Townscape and Visual Assessment Part 2 – Professor Robert Tavernor: A: Cumulative Assessment of One Blackfriars Road. B: Combined Cumulative Assessment of 1 and 20 Blackfriars Road.
BE/2/D	Rebuttal proof of evidence of Professor Robert Tavernor, Townscape.
BE/2/E	Appendix 1 to rebuttal proof of evidence of Professor Robert Tavernor, Townscape.
BE/2/F	Appendix 2 to rebuttal proof of evidence of Professor Robert Tavernor, Townscape.
BE/2/G	<i>not used</i>
BE/2/H	Professor Robert Tavernor's response to London Parks and Garden Trust letter dated 30 September 2008.
BE/3/A	Proof of evidence of Alan Simmonds, Planning; with errata.
BE/3/B	Appendix to proof of evidence of Alan Simmonds, Planning.
BE/3/C	Rebuttal proof of evidence of Alan Simmonds, Planning.
BE/3/D	Appendices to rebuttal proof of evidence of Alan Simmonds, Planning.
BE/3/E	Note on DP9 experience of tall buildings in London and the south bank.
BE/4	Opening Submissions.
BE/5	Letter dated 11 July 2005 from City of Westminster to the Mayor.
BE/6	Letter dated 15 July 2005 and enclosures from Colvin and Moggridge to the Mayor.
BE/7	Supplementary Wind Microclimate Statement by Wayne Pearce jointly on behalf of Blackfriars Limited and Beetham Landmark London Limited.
BE/8	<i>not used</i>
BE/9	Neighbourhood statistics, Southwark.
BE/10	Joint response to GLA letter (CD15/9) dated 24 September 2008.
BE/11/A	Images submitted jointly on behalf of Blackfriars Limited and Beetham Landmark London Limited in response to City of Westminster and Royal Parks images (see CW/3 and RP/6).
BE/11/B	Professor Robert Tavernor's commentary, submitted jointly on behalf of Blackfriars Limited and Beetham Landmark London Limited.
BE/11/C	Hayes Davidson critique of City of Westminster and Royal Parks Images, submitted jointly on behalf of Blackfriars Limited and Beetham Landmark London Limited.
BE/12	Response to Inspectors questions in ID/1.
BE/13/A	Clean copy of suggested conditions.
BE/13/B	Track changed conditions showing changes to those contained in the Statement of Common Ground (CD 23/5A).
BE/14	Final draft section 106 obligation Agreement.
BE/14/A	Copy of executed section 106 agreement, dated 14 October 2008.
BE/15	Closing submissions.

20 BLACKFRIARS ROAD DOCUMENTS (BLACKFRIARS LIMITED)

BL/1	Opening submissions.
BL/2/A	Draft section 106 agreement.
BL/2/B	Final draft section 106 agreement.
BL/2/C	Copy of BL/2/B with track changes.
BL/2/D	E-mail setting out changes to BL/2/B that will be incorporated into executed version.
BL/2/E	Copy of executed section 106 agreement, dated 21 October 2008.
BL/3/A	Proof of evidence of James Eyre, Architect.
BL/3/B	Appendix to proof of evidence of James Eyre, Architect.
BL/3/C	Rebuttal proof of James Eyre, Architect.
BL/3/D	Powerpoint presentation document – James Eyre.
BL/3/E	View north along Blackfriars Road showing outline of consented schemes at Wedge House and 240 Blackfriars Road.
BL/4/A	Proof of evidence of Professor Robert Tavernor, Townscape.
BL/4/B	Appendix to proof of evidence of Professor Robert Tavernor, Townscape.

BL/4/C	Rebuttal proof of Professor Robert Tavernor, Townscape.
BL/4/D	Appendix 1 to rebuttal proof of Professor Robert Tavernor, Townscape.
BL/4/E	Appendix 2 to rebuttal Proof of Professor Robert Tavernor, Townscape.
BL/5/A	Proof of evidence of Hugh Bullock, Planning.
BL/5/B	Appendix to proof of evidence of Hugh Bullock, Planning.
BL/5/C	Rebuttal proof of Hugh Bullock, Planning.
BL/5/D	Appendix to rebuttal proof of Hugh Bullock, Planning.
BL/5/E	Errata to proof of evidence (BL/5/A) of Hugh Bullock.
BL/5/F	Summary proof of evidence of Hugh Bullock.
BL/5/G	Extract from 'Building for Life' .
BL/5/H	Note by Hugh Bullock, 'Boundary of London Bridge/Bankside Opportunity Area'.
BL/5/J	Erratum to appendix to rebuttal proof (BL/5/D) of Hugh Bullock.
BL/6	Letter dated 8 September 2008 from DP9 to Linklaters regarding English Heritage's written supplementary statement.
BL/7	See BE/7.
BL/8	Elizabeth House Redevelopment Environmental Impact Study V2, image from Roupell St.
BL/9	James Eyre response to Waterloo Community Development Group.
BL/10	See BE/10.
BL/11	See BE/11/A, B & C.
BL/12	Response to Inspectors Questions (ID/1).
BL/13/A	Final suggested conditions.
BL/13/B	Copy of BL/13/A with track changes from conditions agreed by LB Southwark's Planning Committee.
BL/13/C	Track changed conditions showing changes to between those in the Statement of Common Ground and those contained in the Statement of Common Ground (23/5/A).
BL/14	Closing submissions.
BL/15	Sketch of extent and location of perforated cladding.
BL/16	Email – written confirmation of areas of retail and office floorspace.
BL/17	Letter dated 24 September from DP9 to Linklaters re letter from Rev Tim Scott (TP/8).

LONDON BOROUGH OF SOUTHWARK DOCUMENTS

LBS/1	Proof of evidence of Simon Bevan.
LBS/1/A	Appendix to proof of evidence of Simon Bevan.
LBS/1/B	Summary proof of evidence Simon Bevan.
LBS/2	Proof of evidence of Michael Tsoukaris.
LBS/2/A	Appendix to proof of evidence of Michael Tsoukaris.
LBS/2/B	Summary proof of evidence Michael Tsoukaris.
LBS/3	Proof of evidence of Adrian Dennis.
LBS/3/A	Appendix to proof of evidence of Adrian Dennis.
LBS/3/B	Summary proof of evidence Adrian Dennis.
LBS/4	Rebuttal proof of evidence.
LBS/4/A	Appendices to rebuttal proof of evidence.
LBS/5	Opening submissions.
LBS/6	Note for Inspector – non-statutory notification for inquiry.
LBS/6/A	Inquiry site notices and location plan.
LBS/6/B	Residents notification letters.
LBS/6/C	Distribution lists.
LBS/7	English Heritage/CABE – Guidance note on tall buildings, 2003.
LBS/8	Closing Submissions.

CITY OF WESTMINSTER DOCUMENTS

CW/1	Proof of evidence of Robert Ayton.
CW/1/A	Summary Proof of evidence of Robert Ayton.
CW/2	Opening submissions on behalf of City of Westminster and Royal Parks.
CW/3	Additional views from the bridge in St James' Park.
CW/4	Additional view from Parliament Square.
CW/5	Closing Submissions on behalf of City of Westminster and Royal Parks.

ROYAL PARKS DOCUMENTS

RP/1	Proof of evidence of Hal Moggridge
RP/2	Illustrations of Hal Moggridge
RP/3	Appendix to proof of evidence of Hal Moggridge
RP/4	Summary statement by Hal Moggridge.
RP/5	Summary schedule of potential impacts of proposal.
RP/6	Additional images in St James Park.

WATERLOO COMMUNITY DEVELOPMENT GROUP DOCUMENTS

W/1	Summary, proof of evidence and appendix of Michael Ball (1 Blackfriars Road).
W/2	Summary, proof of evidence and appendix of Michael Ball (20 Blackfriars Road).
W/3	Opening submissions.
W/4	Proof of evidence Margaret Mellor (1 Blackfriars Road).
W/5	List of questions for Mr Eyre.
W/6	Errata for Margaret Mellor's proof of evidence (W/4).
W/7	Images of Cottesloe Mews and roof garden at 21 Pearman Street with Century House.
W/8	WCDG analysis of affordable housing in Waterloo.
W/9	Landmark building at and between CAZ Bridgeheads.
W/10	Extract from Communities and Local Government, 'Transforming places; Changing lives'
W/11	Closing submissions.

THIRD PARTY REPRESENTATIONS

TP/1	Letter dated 25 April 2008 from International Federation of Landscape Architects.
TP/2	Letter dated 26 August 2008 from South Bank Employers Group.
TP/3	Letter dated 9 September 2008 from Heathrow Airport Limited (BAA).
TP/4	Letter dated 16 September 2008 from Councillor Robin Crookshank Hilton.
TP/5	Letter dated 12 September 2008 from David Evelyn Arlotte.
TP/6	Letter dated 12 September 2008 from Ian Tuckett, Coin Street Community Builders, with booklet.
TP/7	Email dated 18 September from Amiel Ziv.
TP/8	Letter dated 18 September from Rev Tim Scott, Christ Church, Southwark.
TP/9	Email dated 18 September from Mark Joseph.
TP/10	Email dated 18 September from David Harris.
TP/11	Email dated 25 September 2008 from Nigel Planer.
TP/12	Email dated 29 September 2008 from Andy Quinn.
TP/13	Letter dated 30 September 2008 from London Parks and Garden Trust.

INSPECTOR'S DOCUMENTS

ID/1	Inspectors questions on conditions and obligations.
ID/2	Note following pre-inquiry meeting.

ANNEX C: SUGGESTED CONDITIONS

APP/A5840/V/08/1202839 – 1 Blackfriars Road

Description of development^A

The erection of two buildings and a podium (a tower of 52 storeys plus basement levels, of maximum height 170m above Ordnance Datum (AOD), and a low-rise building of 6 storeys above ground level) providing a mixed use scheme totalling 76,060sqm gross external area comprising: 35,348sqm of Class C1 use (hotel) comprising 261 rooms, associated facilities including a business centre, wellness centre/gym, restaurants and bars; 26,864sqm of Class C3 (residential use) comprising 96 flats; 993sqm of Class D2 use as a Sky Deck for observation and function areas; 911sqm of Class A uses (372sqm of Class A3 restaurant use, 46sqm of retail and 493sqm of flexible Class A use); 11,944sqm of ancillary plant, servicing and car parking; all in accordance with the drawings listed and contained in Inquiry Document CD/2/29/A.

Conditions^B

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. Full details of the items listed below, including samples or sample panels as appropriate, shall be submitted to and approved in writing by the local planning authority prior to commencement of the relevant phase of the development hereby permitted; and the development shall be constructed and maintained thereafter in accordance with the approved details:^C
 - a. the double-skin façade and winter gardens of the tower, including details of the outer skin glass, mullion, transome and louvre components, the integration of façade cleaning rails into the outer skin, the photovoltaic interlayer (including the siting of panels), extract/intake grilles for the whole house ventilation system, the solar control blind system and mechanism, details of the colour and pattern of openable doors, fixed clear panels and fixed opaque panels in the inner skin, and the soffit cladding and lighting in the winter gardens;
 - b. the sky deck of the tower, including details of the structural support for the glazed enclosure, solar protection blinds, openings for cleaning equipment, and the core enclosure;
 - c. the structural columns/walls at the base of the tower and the base details of the skirt of the glass outer skin;
 - d. the double-skin façade of the Rennie Street building, including details of the outer skin glass, mullion, transome and louvre components and the pattern of fritting, the integration of any façade cleaning rails into the outer skin, details of the colour and pattern of openable doors, fixed clear panels and fixed opaque panels in the inner skin, and the soffit cladding and lighting in the winter gardens;

^A The applicant identifies in BE/12 (para. 1) the description of the development to be used if planning permission is granted. I have elaborated on that to define the buildings more accurately and to refer specifically to the drawings.

^B I have modified the construction or wording of some of the suggested conditions in BE/13/A bearing in mind the guidance and models in Circular 11/95. Reasons for the conditions may be found in BE/13/A, subject simply to the reorganisation involved in conditions 2 and 9 below and any consequent renumbering.

^C I have reorganised the items from BE/13/A, condition 2, to group details specifically for the tower (a, b and c), specifically for the Rennie Street building (d and e) and other items (f - i) and to avoid what seemed to me the potential for confusion between the different requirements of the different sub-clauses of the suggested condition. Slight amendment of the condition, to include reference to samples or sample panels, avoids the need for suggested condition 4.

- e. the roof of the Rennie Street building, including the solar collectors, and the plant room enclosure;
 - f. all façade cleaning equipment for both the tower and the Rennie Street building;
 - g. the canopy on Blackfriars Road, including the support legs;
 - h. all entrances and fascia signs, including signage and shopfronts;
 - i. the facing materials to be used on the inhabited wall of the podium and the roof cladding to the retail units; and
 - l. the water feature, wind mitigating screens, security gates and any other structures to be located in the plaza or at the entrances to the plaza.
3. Notwithstanding the provisions of Parts 24 and 25 of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no external telecommunications equipment or structures shall be placed on any part of the buildings hereby permitted without the prior written consent of the local planning authority.
 4. No development shall take place until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the local planning authority. Hard landscape details shall include proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structures. Soft landscape details shall include planting plans, written specifications and schedules of plants. All hard and soft landscape works shall be carried out in accordance with the approved details and programme.
 5. Any tree or shrub comprised in the approved details of landscaping which, within two years of the completion of either the building works or the landscape scheme (whichever is later), dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season by another of similar size and species, unless the local planning authority gives written approval to any variation.
 6. No external lighting or security equipment shall be installed until details have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - a. external lighting of the tower and Rennie Street building, including the integrated lighting system to the tower 'shoulder blades' (and including the design, power and position of all luminaries);
 - b. lighting of the plaza (including the design, power and position of all luminaries) and security surveillance equipment of external areas surrounding the buildings.
 Development shall be carried out in accordance with the approved details.
 7. Notwithstanding the details shown on the drawings hereby approved, the maximum number of car parking spaces that shall be provided on site shall not exceed 33 for hotel use and 29 for residential use. Details of the car parking, including provision for disabled car parking and electrical charging points, shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced. Development shall be in accordance with the approved details.
 8. No development shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
 9. No development shall take place until full details of the scope and arrangement of foundation design and ground works, including the use of piling or other penetrative methods, have been submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details.^A

^A Although condition 10 in BE/13/A is aimed at protecting archaeological remains and condition 18 at the protection of groundwater quality, the information required is sufficiently similar to be amalgamated into one condition.

10. No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall include provision for:^A
 - site working hours, including deliveries and collections;
 - parking of vehicles of site operatives and visitors;
 - loading, unloading and storage of plant and materials;
 - erection and maintenance of security hoardings, including any decorative displays and facilities for viewing;
 - measures to control the emission of dust and dirt during construction;
 - recycling/disposing of waste resulting from construction works.
11. No part of the development hereby permitted shall be brought into use before a servicing management plan has been submitted to and approved in writing by the local planning authority. Servicing shall thereafter be carried out in accordance with the approved management plan.
12. The cycle storage facilities as shown on the approved drawings shall be provided before any part of the development hereby permitted is occupied. Those facilities shall thereafter be retained and the space used for no other purpose without the prior written consent of the local planning authority.
13. No development shall take place until an impact study of the existing water supply infrastructure has been submitted to and approved in writing by the local planning authority. The study shall determine the magnitude of any new additional capacity required in the system and a suitable connection point.
14. The refuse storage arrangements for the residential uses shown on the approved drawings shall be provided and available for use before the first occupation of any dwelling. The facilities provided shall thereafter be retained and shall not be used for any other purpose without the prior written consent of the local planning authority.
15. The refuse storage arrangements for the non-residential uses shown on the approved drawings shall be provided and available for use before first occupation of that part of the development. The facilities provided shall thereafter be retained and shall not be used for any other purpose without the prior written consent of the local planning authority.
16. No development shall take place until full details of surface water drainage works have been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the works have been completed in accordance with the approved details.
17. The development hereby permitted shall provide that a minimum of 10% of all residential flats are capable of conversion to wheelchair accessible standards. Once converted, facilities for disabled access shall not be removed without the prior written consent of the local planning authority.

^A This elaborates on suggested condition 11 in BE/13/A in light of PINS' published model conditions supplementing those in Circular 11/95; I have also included a reference to working hours.

APP/A5840/V/08/1203024 – 20 Blackfriars Road***Description of development***^A

Demolition of existing buildings and redevelopment to provide a mixed use scheme totalling 83,915sqm gross external area comprising: 286 residential units (Class C3), 25,769sqm of office floorspace (Class B1), 1,710sqm of retail floorspace (Class A), 562sqm of community uses (Class D1), creation of new open space, reconfigured vehicular and pedestrian access and works to the public highway together with associated works including landscaping and the provision of a basement car park for 82 cars, plus servicing and plant areas; the buildings comprising an office tower of 23 storeys (maximum height 109m AOD) a residential tower of 42 storeys (maximum height 148m AOD) and low-rise buildings of up to 7 storeys fronting Stamford Street and Paris Garden; all in accordance with the drawings listed and contained in Inquiry Document CD3/25/A.

Conditions^B

1. The development hereby permitted shall be begun before the end of three years from the date of this permission.
2. No development shall take place until full details of the water feature, canopy, green walls, seating and any other structures to be located in the open space, or the entrances or approaches to it, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. Full details of the items listed below, including samples or sample panels as appropriate, shall be submitted to and approved in writing by the local planning authority prior to commencement of the relevant phase of the development and the development shall be constructed and maintained thereafter in accordance with the approved details:^C
 - a. the double-skin façade and winter gardens of the residential tower, including details of the outer skin glass, mullion, transome, louvre and balcony components, the integration of façade cleaning rails into the outer skin, extract/intake grilles for the whole-house ventilation system, details of the colour and pattern of openable doors, fixed clear panels and fixed opaque panels in the inner skin, any solar control blind system and its mechanism, and the soffit cladding and lighting in the winter gardens;
 - b. the façade of the commercial tower, including details of the glass, mullion, transome and louvre components, the solar shading louvres and their supporting structure, the integration of façade cleaning rails, any extract/intake ventilation grilles, and the perforated metal cladding around the core at the southern end of the tower;
 - c. the roof details for the residential and commercial towers, including details of the façade-cleaning equipment and its housing;
 - d. external elevations of the low-rise residential buildings, including details of all fixed glazed panels, fixed opaque panels and balcony façades, balustrading, soffit cladding and lighting;
 - e. external elevations of the low-rise commercial building;

^A The applicant identifies in BL/12 (para. 2.1) the description of development to be used if planning permission is granted. I have amended the height of the office tower in that description identified in from 104m to 109m to reflect what is shown on the drawings. I have also added specific reference to the application drawings.

^B I have modified the construction or wording of some of the suggested conditions in BL/13/A bearing in mind the guidance and models in Circular 11/95. The reasons for the conditions may be found in BL/13/A, subject simply to the reorganisation involved in conditions 3 and 6 below and consequent renumbering of other conditions relative to BL/13/A.

^C I have reorganised the items from BL/13/A, condition 3, to group details specifically for the residential tower (a), the commercial tower (b), both (c), the low-rise residential and commercial buildings (d/e) and other items (f/g) and to avoid what seemed to me the potential for confusion between the different requirements of the different sub-clauses of the suggested condition. Slight amendment of the condition, to include reference to samples or sample panels, avoids the need for suggested condition 6.

- f. the roofs of the low-rise residential and commercial buildings, including details of green roofs, solar panels and façade-cleaning equipment and its housing; and
- g. all photovoltaic panels, including details and siting.
4. The Class A3-A5 use hereby permitted shall not open to customers outside the hours of 08:00–24:00 on any day.
5. Notwithstanding the provisions of Parts 24 and 25 of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no external telecommunications equipment or structures shall be placed on any part of the buildings hereby permitted without the prior written consent of the local planning authority.
6. No development shall take place until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the local planning authority. Hard landscape details shall include proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials, the water feature, the canopy, seating and any other structures to be located in the open space or the entrances or approaches to it. Soft landscape details shall include the green walls and the planting for the canopy structure, including any associated water retention/recycling system, planting plans, written specifications and schedules of plants. All hard and soft landscape works shall be carried out in accordance with the approved details and programme.^A
7. Any tree or shrub comprised in the approved details of landscaping which, within two years of the completion of either the building works or the landscape scheme (whichever is later), dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season by another of similar size and species, unless the local planning authority gives written approval to any variation.
8. No development shall take place until details of the existing trees in Christ Church Garden within 10m of the boundary of the application site, together with measures to be taken for their protection during development works, have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented before development commences and maintained until completion of the landscape works comprised in condition 6 above. If any retained tree dies, is removed or becomes seriously damaged or diseased within two years of the completion of the development, another tree shall be planted at the same place, at such time and of such size and species as may be specified in writing by the local planning authority.^B
9. No external lighting or security equipment shall be installed until details have been submitted to and approved in writing by the local planning authority. Those details shall include all external lighting, including integrated lighting systems for both towers (including the design, power and position of all luminaries) and all security surveillance equipment for external areas around the buildings. Development shall be carried out in accordance with the approved details.
10. In accordance with the drawings hereby approved, the maximum number of car parking spaces that shall be provided on site shall not exceed the following:
 - 55 for the residential use (including 12 disabled);
 - 10 for car club use (including 1 disabled);
 - 10 for electric car use (including 1 disabled);
 - 3 for community use (including 1 disabled);
 - 2 for the commercial uses (both disabled)
 - 1 for retail use (disabled);

^A I have brought into this condition the items identified in suggested condition 2, which can reasonably be termed part of the hard landscaping.

^B This condition was not originally suggested but it was accepted at the inquiry that: (i) the only existing trees on the site are on the Stamford Street frontage and would not be retained; (ii) the existing trees in Paris Garden are crucial to the successful landscaping of the open space within the site and thus warrant measures for their protection during the course of development.

- 1 for non-residential operational use.
- Details of the car parking, including power supply locations for the electric car spaces and the location of disabled spaces, shall be submitted to and approved in writing by the local planning authority before the development hereby permitted commences. Development shall be in accordance with the approved details.
11. No development shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
 12. No development shall take place until full details of the scope and arrangement of foundation design and ground works, including the use of piling or other penetrative methods, have been submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details.
 13. No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall include provision for:
 - site working hours, including deliveries and collections;
 - parking of vehicles of site operatives and visitors;
 - loading, unloading and storage of plant and materials;
 - erection and maintenance of security hoardings, including any decorative displays and facilities for viewing;
 - measures to control the emission of dust and dirt during construction;
 - recycling/disposing of waste resulting from construction works.
 14. No part of the development hereby permitted shall be brought into use before a servicing management plan has been submitted to and approved in writing by the local planning authority. Servicing shall thereafter be carried out in accordance with the approved management plan.
 15. The cycle storage facilities shown on the approved drawings shall be provided before any part of the development hereby permitted is occupied. Those facilities shall thereafter be retained and the space used for no other purpose without the prior written consent of the local planning authority of the development hereby permitted.
 16. Prior to the commencement of development, a survey of existing television, radio and other telecommunication services to nearby residential properties shall be carried out. Subsequent surveys shall be carried out at periodic intervals of not less than 6 months following the date at which the superstructure of either of the towers rises above ground level. Reports shall be submitted to the local planning authority within one month following each of those surveys and any necessary mitigation measures shall be put in place within three months of any material impact on reception being identified. Details of mitigation measures shall be submitted to and approved in writing by the local planning authority and implemented in accordance with the approved details.
 17. The pictorial wall tiles in the entrance to the ground floor of 24 Blackfriars Road (Paper Moon Public House) shall be removed prior to the demolition of the building, safely stored and then displayed on the site, or at a location close to the site, in accordance with details first submitted to and approved in writing by the local planning authority.
 18. The historic plaques and monument stones attached to the rear of the existing Paris Garden building, and adjacent to Christ Church Garden, shall be removed prior to the demolition of the building, safely stored and reinstated on the site, or at a location close to the site, in accordance with details first submitted to and approved in writing by the local planning authority.
 19. No development shall take place until an impact study of the existing water supply infrastructure has been submitted to and approved in writing by the local planning authority. The study shall determine the magnitude of any new additional capacity required in the system and a suitable connection point.

20. Details of sound insulation for residential units in the immediate vicinity of the service area and lorry lifts shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development on the residential components of the scheme. Development shall be in accordance with the approved details.
21. The refuse storage arrangements for the residential uses shown on the approved drawings shall be provided and available for use before the first occupation of any dwelling. The facilities provided shall thereafter be retained and shall not be used for any other purpose without the prior written consent of the local planning authority.
22. The refuse storage arrangements for the non-residential uses shown on the approved drawings shall be provided and available for use before first occupation of that part of the development. The facilities provided shall thereafter be retained and shall not be used for any other purpose without the prior written consent of the local planning authority.
23. No part of the development hereby permitted shall be occupied before a travel plan, which shall set out measures proposed to be taken to encourage travel by all users of the development by modes of transport other than the car, and details of implementation, has been submitted to and approved in writing the local planning authority.
24. No more than 60% of the market flats in the residential tower shall be occupied until the structural framework of the commercial tower has been constructed to ten storeys above ground level.
25. No development shall take place until full details of surface water drainage works have been submitted to and approved in writing by the local planning authority. No part of the development shall be brought into use until the works have been completed in accordance with the approved details.
26. No development shall take place until full details of renewable energy technologies to be used, as set out in the Energy Strategy accompanying the application, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
27. The development hereby permitted shall provide that a minimum of 10% of all residential flats are capable of conversion to wheelchair accessible standards. Once converted, facilities for disabled access shall not be removed without the prior written consent of the local planning authority.
28. The development hereby permitted shall be built to Lifetime Homes standards.