



Department for Levelling Up,
Housing & Communities

Isabel Sgambellone
CMS Cameron McKenna Nabarro
Olswang LLP
78 Cannon Street
London
EC4N 6AF

Our ref: APP/N5660/V/22/3306162
Your ref: 21/02668/EIAFUL

6 February 2024

Dear Madam

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY MEC LONDON PROPERTY 3 (GENERAL PARTNER)
LIMITED
FORMER LONDON TELEVISION CENTRE, 60-72 UPPER GROUND, LONDON SE1 9LT
APPLICATION REF: 21/02668/EIAFUL**

This decision was made by the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of C Masters MA (Hons) FRTPI, who held a public local inquiry between 6 December 2022 and 25 January 2023 into your client's appeal against the decision of the London Borough of Lambeth to refuse your client's application for planning permission for demolition of the existing building and phased redevelopment to provide new buildings for office, culture & innovation hub, retail, food and beverage uses with cycle parking, hard and soft landscaping and associated works and plant, each phase being an independent act of development, in accordance with application Ref. 21/02668/EIAFUL, dated 2 July 2021.
2. On 31 August 2022, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act (TCPA) 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application should be approved, and planning permission granted, subject to conditions.
4. For the reasons given below, while the Secretary of State has a different view on some matters to the Inspector, overall, he agrees with her recommendation. He has decided to grant permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. Having taken account of the Inspector's comments at IR1.4, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December and amended on 20 December 2023. The Secretary of State notes that the revised version of the Framework further emphasises the role of beauty in planning. He has considered whether it is necessary to refer back to parties for their further comments in the light of these changes. However, as this is an enhanced emphasis rather than the introduction of a new concept, and as the Inspector records at IR14.117 that the inquiry grappled with the concept of beauty, the Secretary of State does not consider that these revisions require a reference back to parties. He further does not consider that any of the other changes to this version of the Framework require a reference back to parties. The IR contains paragraph references to the previous version of the Framework; this decision letter refers to both the old and the new paragraph numbers, where these are different.
7. A list of representations which have been received since the inquiry is at Annex A. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these letters may be obtained on request to the email address at the foot of the first page of this letter.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act (PCPA) 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of the London Plan (LonP) 2021, Lambeth Local Plan (LP) 2021, and Southbank and Waterloo Neighbourhood Plan (SoWNP) 2019. The Secretary of State considers that relevant development plan policies include those set out at IR5.2-5.47 and LonP policy S12.
10. Other material considerations which the Secretary of State has taken into account include the Framework and associated planning guidance (the Guidance), as well as the documents set out at IR5.48-5.57 and IR5.60.
11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

12. As the site is in the South Bank Conservation Area (CA), in accordance with section 72(1) of the LBCA Act, the Secretary of State has paid special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Emerging plan

13. The emerging plan comprises Lambeth 2030: Our Future, Our Lambeth. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. As the emerging plan is at an early stage, the Secretary of State affords it no weight in the determination of this application.

Main issues

14. The Secretary of State agrees that the main considerations in this appeal are those set out at IR14.04.

Economic benefits

15. The Secretary of State notes that the site is located within the Central Activities Zone (CAZ) and the Waterloo Opportunity Area, where there is a high priority for intensification of the site as a large brownfield development site (IR14.97). It is also within the South Bank, Bankside and London Bridge Specialist Cluster for Arts, Culture and Entertainment. In terms of economy and culture, the LP states that Waterloo is increasingly becoming a leading business district, while the LonP identifies the Waterloo CAZ retail cluster and the South Bank as having medium commercial growth potential (IR5.24).

16. For the reasons given at IR14.170, the Secretary of State agrees that the proposal would deliver significant employment generating opportunities for the Borough, both through the construction phase as well as the operational phase of the development, and he agrees that these both carry substantial weight. He further agrees that the commitment towards an employment and skills strategy over and above the policy requirements as well as the provision of affordable creative workspace also attracts moderate weight.

Townscape character and appearance of the area (design)

17. The Secretary of State notes the Inspector's assessment of the effect of the proposal on the townscape character and appearance of the area (design) at IR14.73-14.119. His comments on her analysis and conclusions are set out below. In reaching his conclusions he has taken into account that Paragraph 131 of the Framework states that 'The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve' and has also taken into account the aims set out in paragraph 135 of the Framework, that developments should add to the overall quality of the area and should be visually attractive, and that they should create attractive places to work and visit.

18. The Secretary of State notes the Inspector's assessment of design development at IR14.74-IR14.81. He acknowledges that, as set out in IR14.76, a significant number of design changes were brought about following the feedback from the design review panel. However, as the Inspector states at IR14.78, there remain clear areas of disagreement.

The Secretary of State considers that on a site of this sensitivity it would have been preferable to resolve as many outstanding disagreements as possible (IR14.81).

19. The Secretary of State notes the Inspector's assessment of whether the site is an appropriate location for a tall building at IR14.85-14.92. He notes that policy Q26 Annex 10 of the LP identifies the former ITV Tower as an appropriate location for a tall building, and refers to 100m as a general indicative building height (IR14.91). He agrees with the Inspector at IR14.88 that the south building would be an appropriate design response to this location. He has considered the justification which the Inspector cites for the height of the north building at 60.1AOD, i.e references from further along the river frontage and the previous (now lapsed) permission. However, he notes that the previous permission was granted in a different national and local policy context which for example did not have such a strong focus on high quality of design and beauty. Overall he agrees with the Inspector that the provision of a tall building in this location would accord with the policies cited at IR14.92.
20. The Secretary of State notes the Inspector's assessment of scale and mass at IR14.93-IR14.97, including that the scale and massing are larger than the existing buildings on the site as well as the previous permission for the site (IR14.93). With particular respect to the scale and massing of the north building, he has reservations about the Inspector's conclusion at IR14.93 that the scale of the building and the proposed massing provides an appropriate response to the site. However, taking into account the site's allocation as site 9 in the LP, and its location within the Central Activities Zone and Waterloo Opportunity Area, as defined by the LonP (where there is a high priority for intensification of the site as a large brownfield development site (IR14.97)) the Secretary of State overall agrees with the Inspector that there would not be conflict with the development plan in this respect.
21. The Secretary of State notes the Inspector's assessment of townscape at IR14.98-IR14.112. Taking into account his concerns at paragraph 20 above on the appropriateness of the scale and massing of the north building, he has very carefully considered the Inspector's conclusion at IR14.103 that in views from the Embankment, the proposal would present an appropriate design response to this site, and that in views from Blackfriars Bridge (River Prospect View 14), the scale, form and massing of both buildings would not dominate the relationship to the river (IR14.110). He considers that in both these views, the proposal would have some negative impact rather than be neutral, as the Inspector concludes (IR14.110). Overall, the Secretary of State disagrees with the Inspector's conclusion that the proposal would provide a positive contribution to the townscape of the South Bank (IR14.112), particularly given the significance of this location and the prominence of the development's setting on the river. He considers that this carries moderate weight against the proposal. He considers that in this respect there would be some conflict with LP policy Q25(A) and LP policy Q26(A)(i)-(iii), and LonP policy D9(C)(1)(a)(i) and (ii).
22. The Secretary of State notes the Inspector's assessment of architectural quality and materials at IR14.113-14.116. Unlike the Inspector at IR14.116, he does not consider that the proposed palette of materials and the aesthetic appearance of the building is appropriate for what is a very prominent and sensitive site. He disagrees with the Inspector that an attractive development would be delivered (IR14.116).

Heritage Impacts

23. For the reasons given at IR14.15-14.28 and IR14.166, the Secretary of State agrees with the Inspector that notwithstanding that the proposal would preserve the civic, cultural and overall significance of the Grade II* Listed Royal National Theatre (RNT) and the Grade II Listed IBM buildings (IR14.25), there would be a harmful impact on the setting and thereby the significance of the RNT and IBM buildings as a result of the proposal, and that this harm would be both individually to the designated heritage assets as well as collectively as a coherent group (IR14.23). He agrees that there would be less than substantial harm to the setting of the RNT and the IBM buildings, at the lowest level within the spectrum of harm (IR14.63 and IR14.166), and conflict with policy Q20(ii) of the LP as well as LonP policy HC1(C) (IR14.166).
24. For the reasons given at IR14.37-14.39 and IR14.166, the Secretary of State agrees that there would be less than substantial harm to the setting and significance of the Grade I Listed Somerset House, at the lowest level within the spectrum of harm (IR14.166), and conflict with LonP policy HC1(C) and policy Q20(ii) of the LP (IR14.166).
25. The Secretary of State has noted the Inspector's conclusions at IR14.55-14.58 in respect of the Roupell Street CA, as well as her comments on Historic England (HE)'s views at IR14.65-14.66. The Secretary of State agrees in this respect with HE, the Council and the Rule 6 parties that there would be harm to the character and appearance of the CA (IR8.138, IR9.80-9.81). He considers there would be a low level of harm to the CA, within the overall less than substantial spectrum of harm.
26. The Secretary of State notes the Inspector's assessment of the impact of the proposal on the South Bank CA at IR14.41-14.49, and notes her assessment at IR14.45 that the application proposals would create a welcoming and attractive entrance to this part of the CA. In some respects, including via the introduction of active frontages and the other public realm improvements, he agrees. However, the Secretary of State has set out his concerns about the proposed scale and massing, materials and townscape impact at paragraphs 20-22 above. Overall, he considers that there would be harm to the character and appearance of the CA, at the lower end of the less than substantial scale, and therefore some conflict with LP policy Q22. He further considers that there is some conflict with LP policy PN1(H)(vii) and (viii), and LonP policy D9(C)(1)(d).
27. The Secretary of State notes the Inspector's approach as set out at IR14.05-14.06. He notes the Inspector's position that for the reasons given at IR14.07-14.14, the proposal would have no adverse impact on the setting of the Grade I Listed St Paul's and there would be no heritage harm arising as a result of the application proposal. He further notes the Inspector's position that for the reasons given at IR14.29-14.34, there would be no harm to the setting of the Grade I Listed Royal Festival Hall (IR4.34), and that for the reasons given at IR14.35-36 there would be no harm to the setting of the Grade II* Listed Waterloo Bridge. The Secretary of State notes the Inspector's conclusions, for the reasons given at IR14.50-14.61, in respect of the impact on the Old Barge House Alley CA as a whole, the Waterloo CA, the Temple CA and the Whitefriars CA.
28. Overall, the Secretary of State considers that the harm to the setting and significance of the RNT, the IBM building and Somerset House, and the harm to the South Bank CA and the Roupell Street CA carries great weight. The Secretary of State notes the Inspector's analysis of paragraph 208 of the Framework (formerly paragraph 202) and the Inspector's assessment of the public benefits of the scheme at IR14.67-14.72. He has returned to this matter at paragraph 37 below.

Daylight and sunlight

29. For the reasons given at IR14.120-14.140, the Secretary of State agrees with the Inspector that the proposal would not have an unacceptable impact on the levels of daylight and sunlight of the adjoining properties (IR14.139).

Public realm

30. For the reasons given at IR14.69-14.71, IR14.141-14.153 and IR14.170, the Secretary of State notes the Inspector's position that the proposal would deliver substantial benefits to the public realm of the area, through the delivery of new public squares and enhanced permeability around the site, and that it would deliver opportunities to appreciate a significant number of the heritage assets in the vicinity from new vantage points, as well as relieving pressure on existing amenity spaces (IR14.69). He notes the Inspector's position that it would complement and enhance the existing cultural offer of the area (IR14.71). He further notes the Inspector's position that the public realm would deliver a high quality and accessible realm to the South Bank, and would have an acceptable impact in terms of overshadowing to other public realm spaces (IR14.153). However, as set out at paragraph 22 above, he disagrees with the Inspector in respect of the proposed materials, and the aesthetic impacts of the proposal. He further notes the Inspector's position at IR14.170 that the proposal would deliver significant public realm and permeability benefits to the area, as well as improvements to urban greening and biodiversity of the site, and that the public realm strategy would deliver significant placemaking benefits which carry substantial weight.

Climate change mitigation

31. For the reasons given at IR14.154-14.159, the Secretary of State agrees with the Inspector that the proposal would deliver high sustainability standards and demonstrates a policy compliant approach to meeting the circular economy objectives (IR14.159).

Planning conditions

32. The Secretary of State had regard to the Inspector's analysis at IR12.01-12.10, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector and set out at Annex B comply with the policy test set out at paragraph 56 of the Framework and should form part of his decision.

Planning obligations

33. The Secretary of State has had regard to the Inspector's analysis at IR1.6 and IR13.01-13.20, the planning obligation dated 6 February 2023, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy (CIL) Regulations 2010, as amended. For the reasons given at IR13.01-13.20 he agrees with the Inspector's conclusion that the obligation complies with Regulation 122 of the CIL Regulations 2010 and the tests at paragraph 57 of the Framework.

Planning balance and overall conclusion

34. For the reasons given above, the Secretary of State considers that there is some conflict with LP policies Q20(ii), Q22, Q25(A), Q26(A)(i-iii), PN1(H)(vii) and (viii); and LonP policies D9(C)(1)(a)(i) and (ii), D9(C)(1)(d), and HC1(C). However, he finds that there is

overall compliance with the site 9 allocation in the LP, and considers that there is compliance with the development plan when taken as a whole. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in line with the development plan.

35. Weighing in favour of the proposal are the employment generating opportunities for the Borough in the construction phase as well as the operational phase of the development, which both carry substantial weight, the placemaking benefits delivered by the public realm strategy which carry substantial weight, and the commitment towards an employment and skills strategy over and above the policy requirements as well as the provision of affordable creative workspace which carries moderate weight.
36. Weighing against the proposal is the less than substantial harm to the significance of the designated heritage assets of the RNT, the IBM building, Somerset House, the South Bank CA and the Roupell Street CA, which carries great weight. The Secretary of State has also found that the proposal would not provide a positive contribution to the townscape of the South Bank, which carries moderate weight.
37. The Secretary of State has considered the heritage balance set out at paragraph 208 of the Framework (formerly paragraph 202). He has noted public benefits deriving from the public realm strategy, as well as the other public benefits identified in paragraph 35 above. However, he has also identified less than substantial harm to the significance of the RNT, the IBM building and Somerset House, and to the South Bank CA and Roupell Street CA. Having carefully weighed up the relevant factors, he has concluded that the public benefits of the proposal do outweigh the harm to designated heritage assets. Therefore, in his judgement, the balancing exercise under paragraph 208 of the Framework (formerly paragraph 202) is favourable to the proposal.
38. Overall, in applying s.38(6) of the PCPA 2004, the Secretary of State considers that the accordance with the development plan and the material considerations in this case indicate that permission should be granted.
39. The Secretary of State therefore concludes that planning permission should be granted.

Formal decision

40. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants planning permission for demolition of the existing building and phased redevelopment to provide new buildings for office, culture & innovation hub, retail, food and beverage uses with cycle parking, hard and soft landscaping and associated works and plant, each phase being an independent act of development, subject to the conditions in Annex B of this decision letter, in accordance with application Ref. 21/02668/EIAFUL, dated 2 July 2021.
41. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the TCPA 1990.

Right to challenge the decision

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

43. A copy of this letter has been sent to the London Borough of Lambeth, Coin Street Community Builders and Coin Street Secondary Housing Co-operative, and Save our Southbank, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Maria Stasiak

Decision officer

This decision was made by the Secretary of State, and signed on his behalf

Annex A SCHEDULE OF REPRESENTATIONS

General representations

Party	Date
David Pollock	28 March 2023
Jenny Stiles	28 March 2023
John Stephens	28 March 2023
Sarah Knight (on behalf of Skylark Galleries Ltd)	28 March 2023
Victoria Wormsley	28 March 2023
Will Frost	28 March 2023
Simon Walters	29 March 2023
Terry Weston	29 March 2023
Lord Johnson of Lainston	20 April 2023
Atsushi Nakajima	11 December 2023
Paul Barton	11 January 2024

Annex B CONDITIONS

1. The development hereby permitted shall begin before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved drawings listed in this decision notice, other than where those details are altered pursuant to the requirements of the conditions of this planning permission.
3. The phasing of the development hereby permitted shall be carried out in accordance with the approved phasing plans SK002 (Phase 01), SK003 (Phase 02) and SK004 (Phase 03) with Phase 01 being the first phase to commence.
4. The demolition works hereby approved shall be carried out in accordance with the Demolition Management Plan prepared by McGee (ref: DMP-21104-V10) dated: 07/12/2021), and 8 weeks prior to commencement of work a detailed scheme of noise and dust monitoring shall be submitted in writing for approval of the local planning authority. The scheme shall include but not be limited to:
 - i. Reporting of the baseline monitoring survey.
 - ii. Location of continuous noise, vibration and dust monitoring stations (including monitoring at the National Theatre), the proposed monitoring methodology for those stations, and any anticipated changes that may be required to these as the development proceeds.
 - iii. Compliance thresholds to be monitored for noise, vibration and dust exceedances in accordance with BS5228 and the Mayors SPG 214 for Control of dust during construction.
 - iv. Complaint recording and monitoring with a record of any actions arising and communication with the complainant.
 - v. The form and method of monthly reporting of all data collected from the approved monitoring stations and
 - vi. the means of recording and reporting any associated corrective action that is taken to minimise and control the impacts of the demolition and piling phase of the works.
 - vii. Suitable controls of the removal and control of the spread of any invasive plants including butterfly bush currently present on the Site in accordance with the Preliminary Ecological Appraisal (ref: VISTA-ARUP-XX-XXRP- YE-000002 - dated: July 2021).
 - viii. A point of contact for the purposes of monitoring and managing noise impacts on the National Theatre who will be available during demolition works and whose details shall be provided to the National Theatre.
 - ix. Details of prior consultation with the National Theatre on those elements of the scheme, including noise, vibration (and associated monitoring) and access, relevant to potential impacts on the National Theatre before its submission to the local planning authority.

- x. Details of mitigation measures to reduce impact on the National Theatre including during performances.
- xi. The scheme must also set out details of how reasonable measures will be undertaken to minimise the impact on performances at the National Theatre.

The measures as approved by the Local Planning Authority shall be maintained and retained for the duration of the demolition and piling works. All monitoring records, records of complaints received and actions arising as a result shall be kept for the duration of the development and made available to council officers on request.

- 5. No development (other than demolition to car park level at existing basement level) shall commence until a written scheme of archaeological investigation (WSAI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSAI, no development shall take place other than in accordance with the agreed WSAI, which shall include the statement of significance and research objectives, and:
 - A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
 - B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSAI. NOTE: The WSAI will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 6. No development shall commence (other than demolition works) until details of the public engagement framework pertaining to the site's archaeological program of work have been submitted and approved in writing by the local planning authority. The details shall have regard to Historic England's Guidelines for Archaeological Projects in Greater London, which provides advice on popular interpretation and presentation options. The development shall be carried out in accordance with the approved details.
- 7. No piling shall take place until a Piling Method Statement has been submitted to and approved in writing by the local planning authority. The details shall be assessed by the local planning authority in consultation with Thames Water and the Environment Agency. The Piling Method Statement shall:
 - a) Detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works.
 - b) Demonstrate that there is no resultant unacceptable risk to groundwater. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.

8. No development other than demolition shall commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the local planning authority:
 - i. A site investigation scheme, based on the submitted 'ground contamination preliminary risk assessment' by Ove Arup & Partners Ltd (dated 01 July 2021 with reference VISTA-ARUP-XX-XX-RP-YE-000003, Issue 1), to provide information for a detailed assessment of the risks, including specific consideration of asbestos and organic compounds to all receptors, including those off-site, that may be affected, as well as groundwater;
 - ii. The site investigation results and the detailed risk assessment resulting from i);
 - iii. An options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - iv. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The development shall thereafter be implemented in accordance with the details and measures approved.
9. Prior to occupation of any part of the development, a verification report on contamination demonstrating completion of the works set out in the approved remediation strategy under Condition 8 paragraph (iv) and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.
10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with. The remediation strategy shall be implemented as approved.
11. No development other than demolition shall commence until a Basement Impact Assessment (BIA) considering flooding, groundwater flows and the effects on neighbouring structures including historic structures has been submitted to and approved in writing by the local planning authority. The BIA shall be carried out by a suitably qualified person and shall include details regarding:
 - a) Detailed site-specific analysis of hydrological and geotechnical local ground conditions;
 - b) Analysis of how the excavation of the basement may impact on the water table and any ground water floor, whether perched water is present and confirmation of estimates of ground water flow rates and potential mounding effects;

- c) Details of how flood risk, including risk from groundwater and surface water flooding has been addressed in the design, including details of any proposed mitigation measures;
 - d) Details of measures proposed to mitigate any risks in relation to land instability from any unacceptable ground water flows identified;
 - e) Demonstration of how cumulative and seasonal effects have been considered; and
 - f) A comprehensive non- technical summary document of the assessments provided and information submitted against (a) to (e) of this condition.
12. No development other than demolition shall commence until a Construction Environmental Management Plan (CEMP) based on the principles of Section 10 of the Arup Noise and Vibration Assessment of Volume 1 of the Upper Ground Environmental Statement has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures for both construction phases of the project (Phases 02 and 03):
- i. A description of the main contractors management responsibilities including complaint recording and management;
 - ii. A description of the construction programme which identifies activities likely to cause high levels of noise or dust and the specific mitigation measures to be employed for each phase identified;
 - iii. A named person for residents to contact within the main contractors organisation;
 - iv. Detailed site logistics arrangements;
 - v. Details regarding parking, deliveries, and storage;
 - vi. A suitably qualified person shall develop a scheme of ongoing continuous monitoring and reporting of construction noise and dust impacts against suitable targets in accordance with BS5228 Code of Practice for Noise and Vibration control and the Mayor of London's SPG 2014 and provision of monitoring results and including any actions arising to the local planning authority;
 - vii. Site delivery hours and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - viii. Communication procedures with the LBL and local community regarding key construction issues - newsletters, fliers etc.;
 - ix. An Air Quality and Dust Management Plan (AQDMP) in accordance with Control of Dust and Emissions during Construction and Demolition SPG 2014;
 - x. Details of prior consultation with the National Theatre on those elements of the CEMP relevant to potential impacts on the National Theatre, including noise, vibration (and associated monitoring), before its submission to the local planning authority;

- xi. Details of mitigation measures to reduce impact on neighbours including National Theatre including during performances;
- xii. Details of liaison with the National Theatre including through a point of contact for the for the purposes of monitoring and managing noise impacts on the National Theatre who will be available during construction works and whose details shall be provided to the National Theatre;
- xiii. Details of a programme and methodology of noise and vibration monitoring at the National Theatre during construction; and
- xiv. The CEMP must set out details of how reasonable measures will be undertaken to minimise the impact on performances at the National Theatre.

The construction work within Phase 02 and Phase 03 shall thereafter be carried out in accordance with the details and measures approved in the CEMP, unless the written consent of the Local Planning Authority is received for any variation (following further prior consultation with the National Theatre on any variations to the elements of the CEMP relevant to impacts on the National Theatre including noise, vibration and associated monitoring) and provided always that any variation would not give rise to any materially and unacceptable or materially worse new adverse noise and vibration impacts on the National Theatre, including during performances save to the extent that such impacts are mitigated through mitigation measures approved as part of such variation.

- 13. Prior to the commencement of construction within Phases 02 and Phases 03 of the development, a Phase specific scheme of noise and vibration attenuation shall be submitted to and approved in writing by the Local Planning Authority based on the principles detailed in BS5228 and established in the scheme of ongoing continuous construction monitoring as approved in Section VI of Condition 12 (CEMP). The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of construction within Phases 02 and Phase 03 in accordance with the approved details.
- 14. No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).
- 15. No development other than demolition shall commence until a Construction Logistics Management Plan (CLMP) has been submitted to and approved in writing by the local planning authority. The details shall be assessed by the Local Planning Authority in consultation with TfL and the London Borough of Southwark. The CLMP shall include details of the following relevant measures for the construction phase of the project:
 - i. Construction vehicle routing;
 - ii. Frequency and timing of deliveries; and
 - iii. Pedestrian and cyclist safety measures.

The construction work shall thereafter be carried out in accordance with the details and measures approved in the CLMP, unless the written consent of the Local Planning Authority is received for any variation.

16. No development other than demolition shall commence until a detailed design for the surface water drainage system and associated pipework presented in Flood Risk Assessment and drainage strategy (Doc reference: VISTA-ARUP-XX-XX-RP-C-000001) has been submitted to and approved in writing by the Local Planning Authority. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.
17. Prior to the commencement of Phase 03, a scheme of mitigation of the local wind microclimate shall be submitted to and approved in writing by the local planning authority. The scheme shall include a detailed modelling assessment of effects and mitigation measures for:
 - a) the public realm; and
 - b) the communal terraces and balconies within the proposed development.

The scheme submission and detailed modelling assessment shall take account of BRE Digest DG520 (Wind Microclimate Around Buildings). The scheme shall include elevational drawings of any structures or screens and any further supporting assessment to ensure that all external spaces achieve the relevant standards set out in the Lawson Comfort Criteria, allowing for cumulative development.

The scheme of mitigation shall be implemented in accordance with the approved details, and they shall be fully installed prior to occupation and permanently retained and maintained for the duration of the use and their operation. Any variation to the layout or built form of the development shall be accompanied by a revised Wind Microclimate Assessment prepared by a competent person, which includes a revised additional detailed modelling assessment and fully identifies any additional adverse wind microclimate impacts. Any additional steps required to mitigate these impacts shall be detailed and implemented, as necessary. The revised assessment shall be submitted to and approved by the Local Planning Authority and the details as approved shall thereafter be permanently retained.

18. Prior to the commencement of Phase 03 a scheme providing full specifications of internal and external plant, flues, extraction and filtration equipment (including elevational drawings) shall be submitted to the local planning authority for approval. The scheme shall also include a tabulated schedule of all plant (and the associated noise data) with a sound power level of more than 75dBA. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the use commencing on site and shall thereafter be maintained in accordance with the approved details and the manufacturer's recommendations.
19. The use hereby permitted shall not commence until details and full specifications of kitchen fume extraction and filtration equipment, and ongoing maintenance plan, have been submitted to and approved in writing by the local planning authority. The scheme of filtration shall take account of the odour risk as assessed in accordance with Appendix 3 of the EMAQ Control of Odour and Noise Guidance and where necessary shall include supporting external and internal elevational drawings and plans of the proposed ventilation layout. The use hereby permitted shall not commence until the approved details are fully implemented. The approved fume extraction and filtration equipment shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.

20. No development other than demolition shall commence until a scheme of an assessment of the acoustic impact arising from the operation of all internally and externally located plant has been submitted to and approved in writing by the local planning authority. The assessment of the acoustic impact shall be undertaken in accordance with BS 4142: 2014 (or subsequent superseding equivalent) and other relevant measures and shall include a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed building services plant is 5dbA less than background. The operation of any relevant part of the building services plant, shall not commence until a post installation noise assessment has been carried out to confirm compliance with the approved noise criteria. The scheme shall be implemented in accordance with the approved details and attenuation measures, and they shall be permanently retained and maintained in working order for the duration of the use and their operation.
21. Prior to the commencement of Phase 3 a TM52 Overheating Assessment and a scheme of noise and vibration attenuation and ventilation sufficient to prevent overheating and maintain thermal comfort shall be submitted to and approved in writing by the local planning authority. The scheme of noise and vibration attenuation and ventilation including performance details and a glazing plan shall achieve the habitable and commercial room standards as detailed in BS8233:2014 with no relaxation for exceptional circumstances including suitable consideration of LA_{max} and must include details of post construction validation. All work must be carried out by suitably qualified person and the approved noise, vibration attenuation and ventilation and TM52 Overheating Assessment measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.
22. Notwithstanding the details hereby approved, prior to the commencement of Phase 03, drawings (at 1:10 scale [including sections] showing all external construction detailing), for the relevant part of the development have been submitted to and approved by the local planning authority in writing, unless otherwise agreed in writing by the local planning authority. The drawings shall include details of:
- a) A technical specification schedule of the external materials, including but not limited to building facades, soffits, copings, terraces and balustrades, entrances and external doors, roof treatments, plant screens, and boundary treatments.
 - b) Sample panels to be made available on site (or another convenient local location), at a scale of 1:1, for inspection showing 'typical' façade construction and illustrating the materials and their construction detailing.
 - c) A photographic record of the sample panels, taken on site at midday.

The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

23. Prior to first occupation of the development hereby permitted, a Wayfinding Strategy including details of the building signage strategy and Legible London Signage shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

24. No vents, plumbing or pipes, other than those approved, shall be fixed to the external faces of the building.
25. Full wheelchair accessibility to points of access, car parking, cycle storage, building entrances, internal access, sanitary facilities, and means of escape shall be provided in accordance with the approved drawings and as set out in Section 08 (Inclusive design and access) of the Design and Access Statement (prepared by Make) Issue: 01 - Dated: 30/06/2021.
26. Prior to commencement of the landscaping works hereby permitted (forming part of phase 03), a detailed hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. All tree, shrub and hedge planting included within the above scheme shall accord with BS3936:1992, BS4043:1989 and BS4428:1989 (or subsequent superseding equivalent) and current Arboricultural best practice. The details shall demonstrate that net biodiversity gain has been achieved. The details shall include:
- a) The treatment of all parts of the site not covered by buildings including walls and boundary features;
 - b) The treatment of the communal podium/roof terrace areas;
 - c) The quantity, size, species, position and the proposed time of planting of all trees and shrubs to be planted including details of appropriate infrastructure to support long-term survival;
 - d) An indication of how all trees and shrubs will integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection including irrigation systems;
 - e) Details of infrastructure to maximise rooting capacity and optimize rooting conditions;
 - f) All hard landscaping including all ground surfaces, planters, seating, refuse disposal points, short stay ground level cycle parking facilities, bollards, vehicle crossovers/access points;
 - g) The design and treatment of the boundary features along the western boundary of the site, and demonstrate that these boundary treatments integrate with the boundary treatments on the adjoining site;
 - h) The landscaping mitigation and enhancement measures as set out in section 6.1.1 the Preliminary Ecological Appraisal (ref: VISTA-ARUP-XX-XX-RP-YE-000002 - dated: July 2021); and
 - i) Details of the ongoing maintenance and management of the landscaping across the site.

The detailed landscaping scheme hereby permitted shall be thereafter carried out in accordance with the approved details prior to first occupation, or within the first planting season thereafter at the latest, of any part of the site unless an alternative temporary landscaping and phasing scheme has otherwise been submitted to and agreed by the local planning authority.

27. Prior to the commencement of Phase 01 (excluding demolition) of the development hereby approved, an Arboricultural Method Statement in accordance with BS5837:2012 shall be submitted to and approved in writing by the Council. The Arboricultural Method Statement should provide information relating to:
- a) Groundworks within the Root Protection Area of retained trees for any construction activity (including the installation of hard surfaces);
 - b) The installation of all service and utility routes within the Root Protection Area of all retained trees;
 - c) Details of tree protection measures and tree protection monitoring; and
 - d) Include details of all proposed pruning work as referenced in the approved document Arboricultural Impact Assessment Report (prepared by Treework Environmental Practice - dated: 02/07/2021, ref: 210702-1.3-LTVS-PVAIA-MS). Thereafter, the respective Method Statements shall be implemented in strict accordance with the approved details.
28. All planting, seeding or turfing comprised in the approved details of landscaping, including the new street trees along the 72 Upper Ground frontage, shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
29. Prior to commencement of Phase 03, a detailed specification of the green roofs and walls shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the quantity, size, species, position and the proposed time of planting of all elements of the green roofs, together with details of their anticipated routine maintenance and protection. The green roofs shall be implemented and thereafter maintained in accordance with the approved details for the lifetime of the development.
30. If within 5 years of the installation of the green roof any planting forming part of the green roof shall die, be removed, or become seriously damaged or diseased, then this planting shall be replaced in the next planting season with planting of a similar size and species.
31. Prior to commencement of the landscaping works (forming part of Phase 03), details of the recommended species specific mitigation and enhancement measures as set out in Section 6 of the Preliminary Ecological Appraisal (ref: VISTA-ARUP-XX-XX-RP-YE-000002 - dated: July 2021) shall be submitted to and approved by the local planning authority. The details as approved should be implemented prior to completion and occupation, or at the latest within the first planting season thereafter, and retained thereafter for the lifetime of the development.
32. Prior to commencement of Phase 03, details of security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance

with the principles and objectives of Secured by Design measures shall be submitted to and approved in writing by the local planning authority. Details of these measures shall include the following:

- a) Mitigation of potential blast impacts prepared by a Structural Blast Engineer;
- b) Hostile Vehicle Mitigation;
- c) Upstand to glazed frontage;
- d) Loading bay access control; and
- e) Capability to securely lock down.

The approved details must be fully implemented prior to occupation. The development shall be carried out in accordance with the approved details and maintained for the lifetime of the development, unless otherwise agreed in writing.

33. Prior to first occupation, evidence of the development having achieved the agreed crime prevention and security measures shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details and maintained for the lifetime of the development, unless otherwise agreed in writing.
34. The development shall not be brought in to use/occupied until a management and maintenance plan of the final surface water management system and associated pipework has been provided for approval by the local planning authority. The plan must consider the management and maintenance for the lifetime of the development which shall include the arrangements made to secure the operation of the scheme. The approved plan shall be implemented in full in accordance with the agreed terms and conditions.
35. The development shall not be occupied until confirmation has been provided and approved by the local planning authority in consultation with Thames Water that either:
 1. Capacity exists off site to serve the development; or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or
 3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.
36. Prior to occupation of the development an Estate Management Plan for the ground floor external spaces and the Level 12 terrace shall be submitted to and approved by the local planning authority. The plan shall include but not be limited to:
 - i. Customer management of patrons when attending and leaving events.
 - ii. The type and frequency of events to be held in the public realm on site.

- iii. The scheme of monitoring management and reporting of noise impacts at nearby sensitive receptors from organised events held in the public realm on site and the metrics by which noise impacts shall be assessed.
- iv. Details of how complaints shall be recorded and reviewed, and suitable corrective action identified.
- v. Hours of use.

The plan shall provide details of the role and contact information of the person who will be responsible for maintaining the Estate Management Plan. Where any management practices give rise to complaints of a substantiated adverse impact on local amenity as may be received by the operator, this must be brought to the attention of the Local Authority's environmental protected team to agree any necessary changes to the management plan.

37. Prior to commencement of construction above ground of the Assembly Room Area (forming part of Phase 03) a scheme of noise control and mitigation in respect of the Assembly Room Area shall be submitted to and approved in writing by the local planning authority. The scheme shall be written by a suitably qualified person and shall be undertaken in accordance with the principles of BS 4142: 2014 and BS8233 (or subsequent superseding equivalent) and other relevant standards, and shall include but not be limited to:

- i. Detailed design measures for a scheme of acoustic separation between the Assembly Room area and adjoining or nearby sensitive receptors including but not limited to the use of Lobby doors and the sound attenuation and mitigation to be provided by the glazing system to be used.
- ii. The noise level at which amplified music will be played in the ground and low floors.
- iii. Details of the in-house music system to be used including a schematic layout of the speaker and amplifier system to be used.
- iv. Details of how 3rd parties will play music through the system.
- v. A complaint recording and management plan.
- vi. The frequency with which live amplified music will be played and the proposals to limit disturbance from live bands.

The predicted acoustic impact shall not exceed NR25 in neighbouring noise sensitive rooms and nearby residential receptors and the use of the Assembly Room Area hereby permitted shall not commence until the approved details are fully implemented and a suitably qualified person has validated the installation as conforming with the approved design. The use of the Assembly Room Area hereby permitted shall thereafter be operated in accordance with the approved details.

38. The hours of opening of the Flexible Use Units including but not limited to bars, restaurants and entertainment spaces shall be submitted to and approved in writing by the local planning authority in advance of the commencement of use of the relevant units. Thereafter the approved uses shall not operate other than within the opening and closing hours agreed.

39. Prior to the occupation of the development hereby approved a lighting scheme for the management of both internal and external lighting must be submitted and, approved by the local planning authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light, and implemented in full. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone E3 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:20. Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E3 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:20.
40. Prior to the occupation of the development hereby permitted, a Waste and Recycling Management Plan providing details of waste and recycling storage for the development shall be submitted to and approved in writing by the local planning authority. The details must include but not be limited to swept paths for refuse vehicles, dimensions of door widths, wash down and drainage facilities, provision of internal overnight storage of glass waste and the proposed hours of waste collection. The waste and recycling storage shall be provided in accordance with the approved details prior to the commencement of the use hereby permitted and shall thereafter be retained solely for its designated use. The waste and recycling storage areas/facilities should comply with the Lambeth's Refuse & Recycling Storage Design Guide (2022), unless it is demonstrated in the submissions that such provision is inappropriate for this specific development.
41. The use hereby permitted shall not commence until a Delivery and Servicing Management Plan has been submitted and approved in writing by the local planning authority. The use hereby permitted shall thereafter be operated in accordance with the approved details. The submitted details must include the following:
- a) Frequency of deliveries to the site;
 - b) Frequency of other servicing vehicles such as refuse collections;
 - c) Dimensions of delivery and servicing vehicles;
 - d) Proposed loading and delivery locations;
 - e) Hours for servicing and deliveries;
 - f) Proposed access routes to and from the site;
 - g) Monitoring of delivery and servicing vehicles;
 - h) Details of a booking system with a cap to reduce servicing trips; and
 - i) Details of electric vehicle charging points for all servicing bays.
42. Prior to the uses hereby approved commencing, a Travel Plan relating to those uses shall be submitted to and approved in writing by the local planning authority. Travel Plan shall explore the use of the river for transport amongst other modes of sustainable transport. The measures approved in the Travel Plan to be implemented

before occupation shall so be implemented prior to the use commencing and shall be so maintained for the duration of the use.

43. Prior to commencement of the building works of the relevant part of the development hereby permitted (forming part of Phase 03), details of the provision to be made for cycle parking (including but not limited to cycle parking stores, facilities for cyclists, showers / changing rooms) shall be submitted to and approved in writing by the local planning authority. The cycle parking and associated facilities shall thereafter be implemented in full in accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated use.
44. Prior to first occupation of the building a short-stay valet cycle parking management plan shall be submitted to and approved by the local planning authority. The details of the short-stay valet cycle parking shall set out:
 - i. The management of the short-stay valet cycle parking service;
 - ii. Its design and layout;
 - iii. Its hours of operation;
 - iv. Price structure;
 - v. Marketing strategy to create awareness on site; and
 - vi. Monitoring strategy.

The cycle parking and associated facilities shall thereafter be implemented in full in accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated use. Annual monitoring reports indicating usage of the short-stay valet cycle parking service shall be provided for the first three years of use of the short-stay valet cycle parking service. The Owner shall implement any reasonable recommendations made by the Council and revise the short-stay valet style cycle parking management plan to incorporate any such reasonable recommendations as required.

45. Prior to first occupation of the building at least 10% of the long stay cycle spaces shall be provided with electric charging plugs and electrical infrastructure and shall thereafter be retained for the duration of the development solely for its designated use.
46. Prior to the occupation of the development, the two parking spaces shall be laid out in accordance with the approved plans, and the disabled/accessible parking spaces shall be retained for the duration of the use. No vehicles, other than blue-badge holder vehicles, shall park on the site. Vehicles shall only park within the designated spaces shown on the approved plans, and on no other part of the site.
47. Prior to the occupation of the development hereby approved, details shall be submitted to the local authority for approval to confirm that the two vehicle parking spaces within the development are provided with electric vehicle charging points. All electric vehicle charging points shall be retained for the duration of the development.
48. Prior to the first occupation the post-construction tab of the GLA's whole life carbon assessment template should be completed accurately and in its entirety in line with

the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.

49. The development hereby approved shall comply with the Key Commitments set out in Section 4 of the Circular Economy Statement.
50. Prior to the occupation of the development, a post-construction monitoring report shall be completed in line with the GLA's Circular Economy Statement Guidance. The post-construction monitoring report shall be submitted to the GLA, currently via email at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.
51. Prior to commencement of Phase 03, details of the development's energy efficiency measures at the Be Lean stage of the energy hierarchy shall be submitted to and approved in writing by the Local Planning Authority.
52. Prior to commencement of Phase 03, a completed copy of the GLA's Be Seen spreadsheet shall be submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of Phase 03, a scheme showing that the provision of photovoltaic panels has been maximised including the siting, size, number and design of the photovoltaic array including cross sections of the roof of each building showing the panels in-situ shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in strict accordance with the approved details and permanently retained as such for the duration of use, unless otherwise agreed in writing by the local planning authority. The development shall be built in accordance with the approved energy Statement (VISTA-ARUP-ZZ-XXRP- M-000001 Rev 1) or in accordance with an Energy Strategy that is submitted to and approved in writing by the Local Planning Authority under this condition, demonstrating how the development will follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies to secure a minimum 43 per cent reduction in CO2 emissions below the maximum threshold set in Building Regulations Part L 2013. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing.
53. Prior to first occupation of the buildings evidence (schedule of fittings and manufacturer's literature) shall be submitted to and approved in writing by the local planning authority to show that the development has achieved a maximum reduction on the baseline water consumption.
54. Within six months of commencement of Phase 01, a BREEAM New Construction 2018, Office, Design Stage (Interim), Shell and Core certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Outstanding rating (minimum score 85%) shall be achieved for all office areas.

55. Within six months of occupation a BREEAM New Construction 2018, Office, Post Construction Review (Final), Shell and Core certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Outstanding rating (minimum score 85%) has been achieved for all office areas.
56. Within six months of commencement of Phase 01, a BREEAM New Construction 2018, Retail, Design Stage (Interim), Shell Only certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Excellent rating (minimum score 70%) shall be achieved for all retail areas.
57. Prior to occupation a BREEAM New Construction 2018, Retail, Post Construction Review (Final), Shell Only certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Excellent rating (minimum score 70%) has been achieved for all retail areas.
58. Within six months of commencement of Phase 01, a BREEAM New Construction 2018, The London Studios, Design Stage (Interim), Shell and Core certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Excellent rating (minimum score 70%) shall be achieved for all retail areas.
59. Prior to occupation a BREEAM New Construction 2018, The London Studios, Post Construction Review (Final), Shell and Core certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Excellent rating (minimum score 70%) has been achieved for all retail areas.
60. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no more than 2,499 sqm (gross) of the floorspace shown on the approved drawings (refs: PA2000 Rev 00, PA2012 Rev 00, PA2013 Rev 00) as "FLEXIBLE USE (CLASS E AND/OR SUI GENERIS)" shall be used for retail purposes under Use Class E(a).
61. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the floorspace shown on the approved plans to be used as Flexible Use (Class E and/or Sui Generis) shall be used for purposes that fall within Use Class E (a) or (b) of the Town and Country (Use Classes) Order 1987 (or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) or as Sui Generis (public houses, wine bars, drinking establishments, or drinking establishments with expanded food provision) and shall not be used for any other purpose.
62. The floorspace shown on the approved plans to be used as offices within Class E(g)(i) shall be used as such and for no other purpose in Class E of the Town and Country (Use Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Furthermore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the office floorspace within Class E(g)(i) shall not change use by any means under the Town and Country Planning (General Permitted Development) (England) Order 2015.

63. The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by Ove Arup & Partners Ltd (dated 30 June 2021 with reference VISTA-ARUP-XX-XX-RP-C-000001, Issue 02) and the following mitigation measure:

No regular access to and from the basement level shall be provided for users and occupants via lifts, cycle ramps and stairs located internally with no direct external access openings at ground floor level that would allow uncontrolled water to enter the basement level. This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

64. The development shall not encroach further towards the tidal River Thames flood defences, as referenced on the submitted:

- a) 'Proposed west elevation' drawing by Make (dated 30 June 2021 with reference PA2213, Revision 00);
- b) Proposed 'basement level 1 floor plan' by Make (dated 30 June 2021 with reference PA1999, Revision 00);
- c) Proposed 'basement level 2 floor plan' by Make (dated 30 June 2021 with reference PA1998, Revision 00); and
- d) Proposed 'north boundary sections' drawing by Make (dated 30 June 2021 with reference PA5001, Revision 00).



Report to the Secretary of State

by C Masters MA (Hons) FRTPI

an Inspector appointed by the Secretary of State

Date: 9 May 2023

The Town and Country Planning Act 1990

Application by MEC London Property 3 (General Partner) Limited

Inquiry opened 6 December 2022

Former London Television Centre, 60-72 Upper Ground, London SE1 9LT

File Ref: APP/N5660/V/22/3306162

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List of abbreviations used in the Report

BRE	Building Research Establishment
CAZ	Central Activities Zone
CIL	Community Infrastructure Levy
CD	Core Document
CSCB	Coin Street Community Builders and Coin Street Secondary Housing Co-Operative
DAS	Design and Access Statement
DRP	Design Review Panel
EiC	Evidence in Chief
ES	Environmental Statement
GLA	Greater London Authority
HE	Historic England
LPA	Local Planning Authority
LVMF	London View Management Framework
LonP	The London Plan
LP	Lambeth Local Plan
MP	Member of Parliament
NPPF	National Planning Policy Framework (the Framework)
NSL	No-skyline
PPG	Planning Practice Guidance
RFH	Royal Festival Hall
RNT	Royal National Theatre
s 106	Section 106 of the T&CP Act
SCI	Statement of Community Involvement
SoWNP	South Bank & Waterloo Neighbourhood Plan
SoS	Secretary of State
SOS	Save our Southbank
SPG	Supplementary Planning Guidance
THVIA	Townscape & Heritage Visual Impact Assessment
VSC	Vertical Sky Component
XIC	Examination in Chief
XX	Cross Examination

File Ref: APP/N5660/V/22/3306162**Former London Television Centre, 60-72 Upper Ground, London SE1 9LT**

- 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 31 August 2022
- The application was made by MEC London Property 3 (General Partner) Limited to the London Borough of Lambeth.
- The application Ref 21/02668/EIAFUL is dated 2 July 2021.
- The development proposed is demolition of the existing building and phased redevelopment to provide new buildings for office, culture & innovation hub, retail, food and beverage uses with cycle parking, hard and soft landscaping and associated works and plant, each phase being an independent act of development. This application is accompanied by an Environmental Statement (ES) submitted pursuant to the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application: Whether or not the proposal is in accordance with the development plan; the extent to which the proposed development is consistent with the Government policies for conserving and enhancing the historic environment (NPPF Chapter 16), in particular, in respect of designated heritage assets; and any other matters the Inspector considers relevant.

Summary of Recommendation: I recommend that the application should be approved, and planning permission granted, subject to the attached schedule of conditions and the legal agreement.

1 Procedural Matters

- 1.1 The inquiry opened on 6 December 2022 and closed on 25 January 2023 after a total of twelve days of sitting. Aside from the applicant and the Council, there were two Rule 6 parties Coin Street Community Builders and Coin Street Secondary Housing Co-Operative¹ and Save our Southbank². Both Rule 6 parties took a full and active role in the Inquiry and members of the public also addressed the inquiry. I would like to express my thanks to the Chadwick Centre and staff for the use of the venue for the duration of the inquiry.
- 1.2 In view of the mutual position in support of the proposal, the applicant and Council agreed a Statement of Common Ground³ (SoCG) before the Inquiry. As requested during the Case Management Conference, the parties put together a series of Core Documents to assist the inquiry. This includes the evidence submitted to the inquiry by the parties. The Core Documents (CD) can be accessed using the following link:

¹ Referred to hereafter as CSCB

² Referred to hereafter as SOS

³ CD 10.01 hereafter referred to as SoCG

- 1.3 PINS will make available other material, including representations made by third parties received in accordance with the usual timetable and during the Inquiry, and the various Inquiry documents.
- 1.4 As the proposal for which planning permission was sought constitutes EIA development, an Environmental Statement⁴ was submitted with the original application. The Environmental Statement is considered adequate in terms of the Town and Country Planning Act EIA Regulations 2017. I have taken all the environmental information into consideration in my assessment and recommendation.
- 1.5 The Council is supportive of the proposal and was minded to grant planning permission in March 2022. However, 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 June 2021. The Secretary of State particularly wished to be informed about whether or not the proposal is in accordance with the development plan; the extent to which the proposed development is consistent with the Government policies for conserving and enhancing the historic environment (NPPF Chapter 16), in particular, in respect of designated heritage assets; and any other matters the Inspector considers relevant. In light of this, I set out a series of issues I wanted to explore at the Inquiry during the Case Management Conference. These have informed the general approach of the parties to their evidence, and the presentation of their cases to the Inquiry. However, these identified issues were not presented as a closed list and I refer to these in further detail within my report.
- 1.6 I undertook unaccompanied visits to view the site and its surroundings from public viewpoints prior to the opening of the Inquiry. I made a further unaccompanied site visit during the night-time hours on the evening of 13 December to experience the application site from a number of viewpoints. I also made an accompanied site visit to the site and surroundings on 4 January which included access to the site and the existing buildings, a number of nearby residential properties as well as following an agreed walking route between the parties⁵. This included the use of virtual reality (VR) goggles for part of the route.
- 1.7 A draft of the s.106 Agreement was submitted with the Inquiry documents and was discussed at a round table session. I allowed time after the Inquiry had closed for this document to be amended and completed in light of the discussions which took place. The final signed copy of the document was received on 6 February 2023. I deal with this matter in further detail within my report.

⁴ CD 1.19-1.22

⁵ CD 14.23

1.8 All of the evidence was heard formally, save for the matter of sustainability which was the subject of a round table discussion. The Legal agreement and conditions were also subject to round table discussions. During the course of the Inquiry, the parties agreed two further SoCG. The first of these related to Sustainability matters⁶. This was used to inform the round table discussion on this topic. The second of these was in relation to Daylight, Sunlight and Overshadowing⁷. Following the presentation of heritage evidence, SOS withdrew their objection to the scheme in relation to the alleged heritage harm arising from the proposal in the context of the view of the Royal Festival Hall from St Paul's. I have proceeded to determine the application on this basis.

2 The Site and Surroundings

- 2.1 A full description of the site and surroundings is set out within the SoCG⁸. To summarise, the site comprises the former headquarters of ITV and is also known as the London Television Centre. The site has been vacant since 2018 when ITV vacated the site and comprises two elements. There is a substantial 25 storey tower block fronting Upper Ground which is known as Kent House. This building accommodated offices. In addition, the site includes a 4 storey podium building below fronting Queen's Walk which comprised television studios, offices, parking and servicing and other ancillary accommodation associated with the former use. Since the building became vacant, it has been used as office accommodation and for Lambeth based creative organisations. The building was vacated in July 2021.
- 2.2 The site is dominated by the River Thames, bounded by the River walkway to the north known as Queen's Walk, the IBM office building to the west (Grade II listed) and Prince's and Gabriel's Wharf to the west which comprises mixed retail and restaurant units. To the south is Upper Ground and Iroko House, a residential block of 4 storeys in height facing Upper Ground. The site is in a highly accessible location with numerous public transport interchanges within close proximity.
- 2.3 The site is located within the Southbank Conservation Area. The site is located within the setting of a number of designated heritage assets including the IBM Building (Grade II listed) Royal National Theatre (RNT) (Grade II* listed) and Somerset House (Grade I listed). Other designated heritage assets within the vicinity include Waterloo Bridge (Grade II* listed), London Pride Sculpture (Grade II listed) the Royal Festival Hall (RFH) (Grade I listed) St Paul's (Grade I listed) as well as the following Conservation Areas: Roupell Street, Waterloo, Old Barge Alley, Strand, Whitefriars and Temple. The site is dissected by the London View Management Framework (LVMF) 8A.1 viewing corridor from Westminster Pier to St Paul's Cathedral.

⁶ CD 14.12

⁷ CD 14.11

⁸ CD 10.02

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- 2.4 The site lies in a prominent location fronting the River Thames between Waterloo and Blackfriars Bridges. It is an area which is predominantly mixed use. To the west, the application site is within an area characterised by large singular footprint buildings which are bulky in form. These singular blocks present a variety of uses including civic, cultural and commercial uses and accommodate a significant proportion of the Capital's Cultural offer including the Royal National Theatre (RNT) in the immediate vicinity and Royal Festival Hall (RFH) and Haywards Gallery within the wider area. The individual buildings fronting the Thames are enhanced by the spacious Queen's Walk which provides an important pedestrian walkway for residents and visitors as well as those who work in the area. The surrounding height context is relatively low however there are important exceptions to this. Firstly, the application site itself which includes Kent House at 25 storeys. Secondly, the Shell Centre and Blackfriars tall buildings clusters which form part of the wider surrounding context and in effect frame this stretch of the River from Waterloo Bridge to Blackfriars Bridge. These clusters include new developments as well as refurbishment of existing towers. Thirdly, the RNT itself where the Olivier fly tower is approximately 10 storeys in height. Fourthly, the Oxo Tower and Sea Containers House, buildings which provide an important frontage and townscape context to this stretch of the Queen's Walk next to Blackfriars Bridge.
- 2.5 To the east of the application site, Princes and Gabriel's Wharf are lower rise buildings comprising mixed retail and restaurant offers which complement the wider civic, cultural and commercial functions of the area. There is then Bernie Spain Gardens, a well used area of public open space.
- 2.6 Upper Ground is located to the south of the application site and runs parallel to Queen's Walk and has two distinctly different characters. On the north side of Upper Ground, the character is reflective of the more historical use as rear entrances and servicing to these river frontage buildings. On the southside of Upper Ground, the area is characterised by 3-5 storey residential properties in the form of Mulberry Housing Co-op and Iroko Housing Co-op. The character of Upper Ground is evolving through the introduction of a programme of works known as the South Bank Spine Road public realm design project. These works will enhance the pedestrian/cyclist environment along Upper Ground.

3 Planning History

- 3.1 Details of the planning history in so far as it is relevant to the application proposals is set out in full within the SoCG⁹. In summary, planning permission was granted in May 2018 for the demolition of the existing buildings and replacement with two new buildings of 14 and 31 storeys respectively¹⁰. This proposal included provision for approximately 44,434sqm offices, 3634sqm television studios, 213 residential units and 216sqm retail use and comprised a total GIA of 88,643sqm. The details of

⁹ CD 10.02

¹⁰ CD 9.10i

this previous permission are set out in the decision notice and Committee report. The permission was not implemented and has now lapsed.

- 3.2 At the IBM building which is next door to the application site, planning permission and listed building consent were granted in December 2021 for the refurbishment, partial demolition and extension of the neighbouring IBM Building (hereafter referred to as the IBM extension) to provide additional office use as well as retail/restaurant uses on the ground floor alongside associated cycle parking and public realm enhancements. The details of this proposal are set out within the decision notice and committee report ¹¹. These works have been implemented and are in the process of being completed.
- 3.3 Further along Upper Ground directly behind the RNT planning permission was granted in August 2008 to CSCB for a multi-purpose sports centre and swimming pool, retail, restaurant, and residential use with associated underground parking, hereafter referred to as the Doon Street scheme. The scheme comprises a 43 storey tower and a part 7 part 8 storey block with roof terraces and courtyard¹². The application has been implemented but not completed.

4 The Proposal

- 4.1 The scheme is described as: demolition of the existing building and phased redevelopment to provide new buildings for office, culture & innovation hub, retail, food and beverage uses with cycle parking, hard and soft landscaping and associated works and plant, each phase being an independent act of development.
- 4.2 The full details of the proposed development are set out within the SoCG¹³. In summary, the proposal would comprise the redevelopment of the site to provide a 14 storey element fronting Queen's Walk and a 25 storey element fronting Upper Ground. A six storey podium would link the two buildings. The scheme would provide a gross area of approximately 90,478sqm GIA of floorspace which would comprise a mixed use development. This would include approximately 79,019sqm GIA office use, 4115sqm GIA flexible retail/restaurant/café/drinking use and 7344sqm GIA Cultural and Innovation hub to be known as 'The London Studios'. Over 1300 cycle parking spaces would be provided primarily within the basement of the building.
- 4.3 The proposed office use would be located within both buildings. The principal entrance to the office use would be located off Upper Ground. The restaurant and retail uses would be accommodated along the river frontage facing Queen's Walk at ground and first floor level. There would also be a rooftop terrace and restaurant located at levels 12 and 13. In addition, the building would provide a series of roof terraces, gardens and

¹¹ CD 2.09 and CD2.10

¹² CD 12.01

¹³ CD 10.02

balconies providing direct access to amenity space for the office users of the building. The central feature would be a shared roof garden on level 6. The London Studios would be a publicly accessible space offering affordable workspace for the borough's emerging creative industries. It would provide a combination of space for cultural production, cultural consumption and related skills and training. It would comprise a ground floor open plan reception, galleries and exhibition space with a double height assembly room performance space, production and performance studios on the lower ground floor along with training and education space as well as first floor flexible affordable workspace and collaboration areas. It would be accessed through both sides of the buildings through the creation of new pedestrian walkways between Upper Ground and Queen's Walk.

- 4.4 New public squares are proposed on the north east corner and one on the south west corner of the site. Two new pedestrian routes would be formed creating direct pedestrian access from Upper Ground to Queen's Walk. The first of these would be known as Mulberry Walk which would run from Upper Ground through to the London Studios entrance, new public square and Queen's Walk beyond. The second of these would be the Western Walkway which would run directly from the office entrance on Upper Ground, past the London Studios western entrance and out onto Queen's Walk, the riverside walkway beyond. Active frontages in the form of retail and restaurant uses are proposed at the ground floor northern boundary of the site fronting Queen's Walk along with associated external seating.

5 Planning Policy

- 5.1 The development Plan consists of the London Plan (LonP) 2021, Lambeth Local Plan (LP) 2021 and the Southbank and Waterloo Neighbourhood Plan (SoWMP) 2019. A significant number of policies have been referred to by the parties. I set out below a summary of those which I consider to have the greatest bearing on the proposal.

The London Plan

- 5.2 In terms of the London Plan, there are a number of Planning for London's Future - Good Growth Policies which underpin the London Plan as a whole. GG1 (Building strong and inclusive communities) sets out 9 objectives. These include, amongst other things, encouraging early and inclusive engagement with stakeholders in developing proposals, seeking to ensure London generates a wide range of economic and other opportunities, ensuring streets and places are planned for people to move around and spend time in, ensuring that new buildings and spaces created are designed to reinforce or enhance the identity, legibility, permeability and inclusivity of neighbourhoods, and are resistant and adaptable to changing community requirements.
- 5.3 GG2 refers to making the best use of land. In order to create successful sustainable mixed-use places that make the best use of land, the policy sets out 8 priorities, these include, but are not limited to, enabling the development of brownfield land, particularly in opportunity areas,

prioritising sites which are well connected by existing or planned public transport, proactively exploring the potential to intensify the use of land to support additional homes and workspaces, promoting higher density development, particularly in locations which are well connected, applying a design led approach to determine the optimum development capacity of sites.

- 5.4 Policy GG4 refers to delivering the homes Londoners need. It sets out specific measures in relation to delivering a housing market that works best for all Londoners. These include, amongst other things, (A) ensuring that more homes are delivered and (D) identifying and allocating a range of sites to deliver housing locally.
- 5.5 GG5 addresses growing a good economy. The policy sets out a further 8 part policy which outlines how development must, amongst other things, promote the strength and potential of the wider city region, plan for sufficient employment and industrial sites in the right locations to support economic development and regeneration, ensure that sufficient high quality and affordable housing, as well as physical and social infrastructure is provided to support London's growth, promote and support London's rich heritage and cultural assets.
- 5.6 Chapter 2 of the Plan sets out spatial development patterns across the Capital. The application site is located within the Central Activities Zone (CAZ) identified as a primary location for commercial activity in the Capital. It is within an area defined as a specialist cluster for Arts, Culture and Entertainment uses. The site is also within the Waterloo Opportunity Area. Policy SD1 advises, amongst other things, that development here should support development which creates employment opportunities and housing choices for Londoners. Policy SD4 advises that the nationally and internationally significant office functions of the CAZ should be supported and enhanced by all stakeholders, including the intensification and provision of sufficient space to meet demand for a range of types and sizes of occupiers and rental values. The distinct environmental and heritage of the CAZ should be sustained and enhanced, the unique concentration and diversity of cultural, arts, entertainment, night-time economy and tourism functions should be promoted and enhanced. The CAZ as a centre of excellence and specialist clusters including creative and cultural activities should be supported and promoted. Furthermore, the attractiveness and inclusiveness of the CAZ to residents, visitors and businesses should be enhanced, including through the use of public realm improvements.
- 5.7 It is important to note that the supporting text and paragraph 2.4.6 recognises that the CAZ contains housing, social infrastructure and community uses to address the needs of residents, workers and visitors. Whilst these are not strategic functions of the CAZ, these locally orientated uses play an important role in the character and function of the zone as a vibrant mixed use area, ensuring activity and vitality at different times of the day and week. New residential development should be complementary and not compromise the strategic functions of the CAZ.

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- 5.8 Policy SD5 relates to offices, other strategic functions and residential development in the CAZ. Part A of the policy states that new residential development should not compromise the strategic functions of the CAZ. Part C of the policy states that offices and other strategic functions are to be given greater weight relative to new residential development in all other areas of the CAZ with the exception of 2 defined areas. These are (i) the Vauxhall, Nine Elms, Battersea and Elephant and Castle Opportunity Areas, where offices and other CAZ strategic functions are given equal weight relative to new residential and (ii) wholly residential streets or predominantly residential neighbourhoods. Neither of these are applicable to the application site. As a result, there is a clearly greater weight to be attached to offices and other strategic functions of the CAZ relative to new residential development in this location. The supporting text provides the rationale for this approach.
- 5.9 Policy D3 covers optimising site capacity through the design-led approach. It is an extensive design policy which covers a number of matters including design led approach, form and layout, experience, quality and character. Part A of the policy advises that all developments must make the best use of land by following a design-led approach that optimises the capacity of sites , including site allocations. This will require the consideration of design options to determine the most appropriate form of development that responds to a sites context and capacity for growth. Part B of the policy goes onto emphasise that higher density development should generally be promoted in locations that are well connected to jobs, services, infrastructure and amenities. In terms of form and layout, proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The policy goes on to set out a number of other form and layout criteria. In terms of quality and character, development should respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards local character. Proposals should also aim for high sustainability standards and take account of the principles of the circular economy. Paragraph 3.3.10 provides an explanation regarding the circular economy principles including designing for longevity, adaptability and using systems, elements or materials that can be re-used and recycled in order to minimise the use of new materials.
- 5.10 Policy D4 addresses Delivering Good Design. The policy sets out a number of design principles in terms of design analysis and development certainty, design scrutiny, and maintaining design quality. Policy D5 (Inclusive Design) sets out a number of criteria specific to ensuring that developments have the highest standards of accessible and inclusive design. Policy D8 (Public Realm) advises that development proposals should encourage and explore opportunities to create new public realm where appropriate. They should ensure the public realm is well designed, safe, accessible and inclusive, attractive and well connected. It should also be based on an understanding of how the public realm in an area functions

and creates a sense of place during different times of the day and night. It should also ensure that there is a mutually supportive relationship between the space, surrounding buildings and their uses, so that the public realm enhances the amenity and function of buildings and the design of buildings contributes to a vibrant public realm.

- 5.11 Policy D9 (Tall Buildings). In summarising this policy, I am mindful of the correct interpretation of this policy as set out in the Master Brewer Hillingdon case¹⁴. Part A sets out the definition and states that based on local context, development plans should define what is considered a tall building for specific localities, the height of which will vary within different parts of London but should not be less than 6 storeys or 18 metres measured from ground to the floor level of the uppermost storey. Part B addresses locations. Boroughs should determine if there are locations where tall buildings may be an appropriate form of development, subject to meeting other requirements of the Plan. This process should include engagement with neighbouring Boroughs that may be affected by tall building developments in identified locations. Secondly, any such locations and appropriate tall building heights should be identified on maps in development plans. Finally, tall buildings should only be developed in locations that are identified as suitable in development plans.
- 5.12 Part C of the policy addresses impacts. Development proposals should address visual impacts in long-, mid-, and immediate-views. Whether part of a group or stand-alone, tall buildings should reinforce the spatial hierarchy of the local and wider context and aid legibility and wayfinding. Architectural quality and materials should be of an exemplary standard to ensure that the appearance and architectural integrity of the building is maintained through its lifespan. Proposals should take account of, and avoid harm to, the significance of London's heritage assets and their settings. Proposals resulting in harm will require clear and convincing justification, demonstrating that alternatives have been explored and that there are clear public benefits that outweigh that harm. The buildings should positively contribute to the character of the area. Buildings near the River Thames should protect and enhance the open quality of the river and the riverside public realm, including views, and not contribute to a canyon effect along the river. The policy goes on to set out functional and environmental impacts. Part D of the policy concludes with reference to public access and states that free to enter publicly-accessible areas should be incorporated into tall buildings where appropriate, particularly more prominent tall buildings where they should normally be located at the top of the building to afford wider views across London.
- 5.13 Policy E1 addresses offices. It sets out how improvements to quality, flexibility and adaptability of office space of different sizes should be supported by new office provision, refurbishment and mixed use development. Increases in office stock should be supported in locations which include the CAZ and should be supported by improvements to walking, cycling and public transport connectivity and capacity. Part G of

¹⁴ CD12.12

the policy states that proposals relating to new or existing offices should take account of the need for a range of suitable workspace including lower cost or affordable workspace. Policy E2 sets out specific criteria for providing suitable business space including, amongst other things, ensuring that development of B class uses should ensure the space is fit for purpose having regard to the type and use of the space.

- 5.14 Affordable workspace is covered by policy E3. The policy states that planning obligations may be used to secure affordable workspace at rents maintained below the market rate for a specific social, cultural or economic development such as A (2) for specific sectors that have a cultural value such as creative and artist's workspace, rehearsal and performance space and makerspace. Policy E8 sets out the approach to Sector Growth Opportunities and Clusters and advises that employment opportunities for Londoners across a diverse range of sectors should be promoted and supported along with support for the development of business growth and sector-specific opportunities. Policy E10 refers to Visitor Infrastructure. Whilst much of the policy focuses on the infrastructure necessary to support visitors, Part B of the policy states that the special character of major clusters of visitor attractions and heritage assets and the diversity of cultural infrastructure in all parts of London should be conserved, enhanced and promoted. Policy E11 seeks to ensure that proposals support employment, skills development, apprenticeships and other training and education opportunities in both the construction and end phases, including through Section 106 obligations where appropriate.
- 5.15 Chapter 7 of the plan covers heritage and culture. Policy HC1 relates to Heritage Conservation and Growth. Part C of the policy advises that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process. The supporting text outlines at 7.1.3 that ensuring the identification and sensitive management of London's heritage assets, in tandem with promotion of the highest standards of architecture, will be essential to maintaining the blend of old and new that contributes to the Capital's unique character.
- 5.16 Policy HC3 covers Strategic and Local Views. It is a 7 part policy. Part A of the policy sets out what is included within strategic views, and states that development proposals must be assessed for their impact on a designated view if they fall within the foreground, middle ground or background of that view. Part B states that within the designated views, the Mayor will identify landmarks that make aesthetic, historic, cultural or other contributions to the view and which assist the viewer's understanding and enjoyment of the view. Part C advises that the Mayor will also identify Strategically-Important Landmarks in the views that make a very significant contribution to the image of London at the strategic level or

provide a significant cultural orientation point. He will seek to protect vistas towards Strategically-Important Landmarks by designating landmark viewing corridors and wider setting consultation areas. These elements together form a Protected Vista. Each element of the vista will require a level of management appropriate to its potential impact on the viewer's ability to recognise and appreciate the Strategically-Important Landmark. These and other views are also subject to wider assessment beyond the Protected Vista. Part E confirms that the London View Management Framework Supplementary Planning Guidance (LVMF SPG) has been prepared to cover the management of the designated views. In the case of this application, the protected vista concerned is the designated view of St Paul's.

- 5.17 Paragraph 7.3.3 sets out that the protected vista comprises of two parts. The Landmark Viewing Corridor which comprises the area between the viewing place and a Strategically-Important Landmark that must be maintained if the landmark is to remain visible from the viewing place. Secondly, the Wider Setting Consultation Area – the area enclosing the Landmark Viewing Corridor in the foreground, middle ground and background of the Protected Vista. Development above a threshold height in this area could compromise the viewer's ability to recognise and appreciate the Strategically-Important Landmark.
- 5.18 Policy HC4 relates to the London View Management Framework. Development should not harm and should seek to make a positive contribution to the characteristics and composition of Strategic Views and their landmark elements. They should preserve and where possible enhance viewers ability to recognise and appreciate Strategically Important Landmarks. Development in the foreground, middle ground and background of a designated view should not be intrusive, unsightly or prominent to the detriment of the view. Part D of the policy identifies how proposals in designated views should be assessed. Part F sets out the approach in relation to protected vistas. Part (2) is relevant in that it sets out that development in the Wider Setting Consultation Area should form an attractive element in its own right and preserve or enhance the viewers ability to recognise and appreciate the Strategically Important Landmark. It should not create a canyon effect around the Landmark viewing corridor.
- 5.19 London's Culture and Creative Industries are covered by policy HC5 which seeks, amongst other things, to ensure that Opportunity Areas and large scale mixed use developments include new cultural venues and/or facilities and spaces for outdoor cultural events. Policy HC6 sets out an overarching policy to support the night time economy.
- 5.20 There are a number of policies concerning Green Infrastructure (G1) Open Space (G4), Urban Greening (G5) and transport related policies (T1, T4, T7) which are also relevant to the application proposals.
- 5.21 The policy approach to reducing waste and the Circular Economy is set out at policy SI 7. The aims of the policy include to reduce waste, increase re-use and recycling by promoting a circular economy, encouraging the reuse

of materials, achieve 95% reuse/recycling/recovery of construction and demolition. Criterion B requires referable applications to submit a Circular Economy Statement to demonstrate: 1) how all materials arising from demolition and remediation works will be re-used and/or recycled 2) how the proposal's design and construction will reduce material demands and enable building materials, components and products to be disassembled and re-used at the end of their useful life. A circular economy is one where materials are retained in use at their highest value for as long as possible and are then re-used or recycled, leaving a minimum of residual waste. Policy S1 4 states that major development proposals should demonstrate how they will reduce the potential for overheating and reliance on air conditioning systems in accordance with a cooling hierarchy set out within the policy. Water efficiency is addressed through policy SI 5 which advises, amongst other things, that development proposals should minimise the use of mains water through the use of planning conditions.

The Lambeth Local Plan

- 5.22 The application site is located within the Central Activities Zone (CAZ), the Waterloo Opportunity Area and is also within the South Bank, Bankside and London Bridge Specialist Cluster for Arts, Culture and Entertainment. The London View Management Framework (LVMF) 8A.1 viewing corridor from Westminster Pier to St Paul's Cathedral passes through the site. The site is also located within the South Bank Conservation Area.
- 5.23 Section 11 sets out the Places and Neighbourhood section of the plan. These policies reflect the aspirations and approach to 11 different parts of the borough, within the strategic framework of the borough wide policies outlined below. By way of introduction, Waterloo and Southbank is noted as playing a key role in central London and is home to international cultural landmarks, health and educational institutions as well as a diverse community of residents, workers, visitors and students. In terms of housing, the London Plan identifies the CAZ retail cluster and the South Bank as having incremental residential growth potential. Paragraph 11.12 identifies a number of larger sites which are expected to deliver new housing including the Doon Street site, South Bank Place, Arches at 176-177 and 202 Lambeth Road. The text notes there is scope for further residential growth on small sites and this is likely to be delivered by the extension/redevelopment of existing housing stock as well as new build residential and mixed use development.
- 5.24 In terms of the economy and culture, paragraph 11.13 states that Waterloo is increasingly becoming a leading business district. The London Plan identifies the Waterloo CAZ retail cluster and the South Bank as having medium commercial growth potential. This growth needs a broad range of commercial space including affordable and flexible SME workspace.
- 5.25 Policy PN1 relates to the Waterloo and Southbank Area. Parts i-viii of the policy identifies appropriate land uses which will ensure the area continues to be a thriving and competitive area by playing a key role within both the Lambeth and central London economy. The policy lists appropriate land

uses which will support and enhance Waterloo and South Banks various roles. These include but are not limited to (v) a major location for offices, creative and digital industries, healthcare, Med Tech and life sciences businesses and higher education.

- 5.26 Parts A-N of the policy set out the vision as to how the various roles and functions will be achieved. These latter parts of the policy are extensive. In relation to the application proposal, the most relevant sections are parts (A) supporting sustainable development and jobs and homes in line with London Plan targets (B) supporting development that contributes to long term place-shaping objectives (D) promoting the growth of the areas role as a business district by supporting office development and affordable workspace that provides arrange of units sizes and workspace suitable for creative and digital industries (E) promoting and supporting development and uses of an appropriate height scale and form to reinforce Waterloo and South Banks distinct identity, respecting local and strategic views and local contextual considerations.
- 5.27 The site forms part of site 9 within the Waterloo and Southbank Area. It is described as the ITV Centre and Gabriel's Wharf and covers both the application site as well as the neighbouring Princes and Gabriel's Wharf as one single allocation. In land use terms, the policy follows the strategic policy objectives for the area. The allocation sets out a number of design principles and key development considerations. In general terms, the policy notes that any proposal for tall buildings on the site will need to be sensitive to the surrounding context and seek to improve the current arrangement/design to improve both the quality of the built form and public realm. The policy then sets out a 10 point criteria which development should achieve. These criteria include but are not limited to retaining the existing building line along Queen's Walk, ensuring that the highest part of the development is situated closest to Upper Ground, stepping down towards the river (subject to detailed design), improves pedestrian linkages between Upper Ground and Queen's Walk, avoiding significant overshadowing to Bernie Spain Gardens and include active frontage uses to Upper Ground, Queen's Walk and Bernie Spain Gardens. In terms of preferred uses, these are identified as mixed use including offices, residential and active frontage uses at ground floor level.
- 5.28 Section 4 of the plan identifies 4 policies which cover delivering the vision and objectives. These include policy D1 concerning delivery and monitoring. Here the policy sets out that the Council will deliver the spatial vision and strategic objectives by encouraging and supporting sustainable development that enhances the local distinctiveness of neighbourhoods and delivers regeneration objectives. Policy D2 covers the presumption in favour of sustainable development and echoes the objectives of the Framework. Policy D3 addresses infrastructure and seeks to ensure, amongst other things, that the Council will safeguard and improve essential social, physical and green infrastructure and will work in partnership with service providers to ensure the delivery of additional infrastructure. Policy D4 addresses Planning Obligations. The policy advises that Section 106 Obligations will be sought to (B) ensure the development proposals provide or fund local improvements to mitigate the

impact of the development and/or additional facilities and requirements made necessary by the development. The policy then goes on to list a number of matters which may be covered.

- 5.29 Policy ED1 covers offices. Part A of the policy states that proposals for large offices (1000sqm or more gross external area) will be supported within the CAZ, Vauxhall and Waterloo London plan Opportunity Areas and Brixton and Streatham major town centres. Part (F) states that proposals to provide greater than 2000sqm of office floorspace should consider the scope to provide a proportion of flexible workspace in accordance with London Plan policy E2. Policy E2 sets out the requirements for affordable workspace. In the Southbank, proposals of at least 1000sqm gross office floorspace should provide 10 percent of the rentable floorspace at 50 percent of market rents for a period of 15 years. The policy then sets out details concerning how the affordable workspace should be made available.
- 5.30 Policy ED7 covers town centres and advises that the Council will support the vitality and viability of Lambeth's hierarchy of major, district and local centres, and CAZ retail clusters through, amongst other things, supporting retail, service, leisure, recreation and other appropriate uses in these areas. Visitor Attractions, leisure, arts and cultural uses are covered by policy ED13. In accordance with policy HC5, the Council wishes to promote, safeguard and improve leisure, recreation, arts and cultural facilities within the borough where they meet local and wider needs, especially in the CAZ, Vauxhall and Waterloo London Plan Opportunity Areas and town Centres.
- 5.31 Employment and Training is covered by policy ED15. In accordance with London Plan policy E11, the Council will support employment and training schemes to maximise local employment opportunities and help address skills deficits in the local population. Specific employment targets should be identified through a site specific Employment And Skills Plan.
- 5.32 There are a number of transport policies which are relevant to the application proposals. These include policy T1 Sustainable travel, which seeks to ensure the Council promotes sustainable patterns of development in the Borough, minimising the need to travel, reducing dependency on the private car and maximising trips made by sustainable modes in accordance with London Plan policy T1. Policy T2 covers walking and seeks to support public realm improvements designed to create attractive places that encourage economic and social activity. Part (C) of the policy states that development proposals should deliver an improved environment for pedestrians.
- 5.33 Cycling is covered by policy T3 which states that the Council will apply London Plan policy T5 in accordance with the Lambeth Healthy Routes Plan to promote cycling. The policy also cross references to the quality requirements for cycle parking set out at policy Q13. Policy T5 advises that Lambeth will support and promote use of the River Thames as a strategic transport route for passengers and freight. The supporting text at paragraph 8.28 explains that development proposals close to the Thames

should maximise use of water transport by considering using the river for the transportation of construction materials and waste as part of the construction management plan. London Plan car parking standards as set out at policy T6 are applied through the Local Plan policy T6. Servicing is addressed through policy T7 which sets out that new non-residential and mixed use developments will only be permitted where adequate provision is made for servicing appropriate to the scale, form and location of the proposed development.

- 5.34 Policy EN1 covers open space, green infrastructure and biodiversity and sets out a criteria based approach towards meeting the requirements for open space and green infrastructure within the borough. Policy EN4 addresses sustainable design and construction. Part (B) of the policy states that all development will be required to meet high standards of sustainable design and construction relating to the scale, nature and form of the proposal. The policy includes appropriate cross referencing to London Plan policies SI 1 Improving air quality, SI 2 Minimising greenhouse gas emissions, SI 4 Managing heat risk and SI 5 C and E water infrastructure.
- 5.35 Section 10 of the plan covers the quality of the built environment. There are a number of relevant policies contained within this part of the Plan. Policy Q1 advises the Council well seek to secure new development which is compliant with current best practice regarding inclusive environments. In terms of amenity, policy Q2 advises that development will be supported (iv) if it would not have an unacceptable impact on levels of daylight and sunlight on the host building or adjoining property including their gardens or outdoor space. Policy Q3 is a general policy which seeks to secure good design to ensure crime prevention, counter terrorism and a safe borough for all. Policy Q5 covers local distinctiveness. Part A of the policy advises that the local distinctiveness of Lambeth should be sustained and reinforced through new development. Part B of the policy advises that proposals will be supported where they are shown to be of a design development that is a creative and innovative contextual response to positive aspects of the locality and historic character. Part C of the policy advises that where developments deviate from locally distinctive development, patterns, applicants will be required to show how the development delivers design excellence and will make a positive contribution to its local and historic context. The supporting text sets out at paragraph 10.13 that irrespective of architectural style, new buildings should be attractive and interesting, enriching their locality and improving the quality of peoples everyday architectural experiences.
- 5.36 Policies Q6 and Q7 cover urban design. Policy Q6 deals specifically with public realm and sets out a 11 part criteria based policy which includes, supporting development which makes the most effective use of the site, improves legibility, permeability and convenient access via direct routes for all users, provides new or enhanced public space and green infrastructure, pedestrian and cycle priority environments and retains and enhances the heritage value of existing spaces, in terms of spatial form, function, connection, and relationship with surrounding buildings, materials, and finishes.

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- 5.37 Policy Q7 similarly provides a 10 point policy concerning new development. The policy states that new development will generally be supported if it is of a quality of design which is visually interesting, well detailed, well proportioned with adequate detailing/architectural interest, has a bulk, scale/mass, siting, building line and orientation which adequately preserves or enhances the prevailing local character. Where context is changing, the proposed development should also contribute towards this intended future character of the area. It should include well considered windows/doors and entrances in streets and other public frontages, create attractive roof spaces and rooftops, and does not prejudice the optimum future development of adjoining plots. The supporting text at paragraph 10.26 advises that good design is essential in all development irrespective of its location or type. Generally the greatest height within any development should be to the street frontages with subordination in scale and height at the rear in response to the character and constraints of the context. Designs should be unified with consistent treatments and detailing to all elevations – especially in prominent locations.
- 5.38 Policies Q8 and Q9 are specific policies dealing with construction detailing and landscaping respectively. Policy Q10 relates to trees and requires amongst other things, that proposals for new development take particular account of existing trees on the site and on adjoining land.
- 5.39 In terms of heritage matters, policy Q20 deals with statutory listed buildings. Development affecting listed buildings will be supported where it would conserve and not harm the significance/special interest; would not harm the significance/setting (including views to and from); would not diminish its ability to remain viable in the long term and is justified and supported by a robust heritage statement. Supporting text at paragraph 10.102 states that consideration will be given to the cumulative impact of development when considering changes affecting the setting of statutory listed buildings. Listed buildings need to maintain the ability to adapt and evolve. In this respect it is important that they retain adequate space around them to provide an adequate setting and sustain future uses. Paragraph 10.96 also notes that in line with the Framework, any proposed harm to significance will require a clear and convincing justification.
- 5.40 Conservation Areas are addressed by policy Q22 which states at part A that development proposals effecting conservation areas will be permitted where they preserve or enhance the character or appearance of the conservation areas by respecting and reinforcing the established positive characteristics of the area in terms of the building line, siting, design, height, forms, materials, joinery, window detailing etc; protecting the setting (including views in and out of the area). Part B of the policy concerns façade retention and demolition.
- 5.41 Policy Q24 concerns the River Thames. Part A of the policy advises that when making proposals fronting the River Thames, or visible from the river or its bridges, applicants should be able to show that their proposals: enhance the character of the river frontage, views from the river and

from the opposite bank; preserve the setting and approaches of the Thames bridges; maintain and create publicly accessible spaces / routes along the river for a continuous riverside walkway; are contextual - reinforcing the distinctiveness of the wider city river front; respect the unique character of the Albert Embankment as a piece of historic engineering; protect, restore and enhance the draw dock, slipways, steps, stairs, paving and other historic features associated with the river; reinforce connections from the city to the river; maintain existing access / egress points to and from the river; and recognise the value of the river's 'blue infrastructure' and its connection with adjoining green infrastructure and green corridors.

- 5.42 In terms of views, policy Q25 states that the Council will resist harm to the significance of strategic views (Panoramas, Linear Views, River Prospects and Townscape Views defined in the LVMF and listed in Annex 6) and secure improvements within them in accordance with LonP policy HC4.
- 5.43 The approach to tall buildings is set out at policy Q26. In terms of the application site, tall buildings are defined within the policy to which Q26 applies as those above 45m. At part A, the policy states that proposals for tall buildings will be supported where they, amongst other things, are in locations identified as appropriate for tall buildings in Annex 10 and where they will not adversely impact on strategic or local views; design excellence is achieved (form, proportion, silhouette, detailing and materials etc.); the proposal makes a positive contribution to public realm and townscape including at street level, whether individually or as part of a group; the proposal adequately addresses the criteria in LonP policy D9C in terms of acceptable visual, environmental and functional impacts including microclimate, wind turbulence, noise, daylight and sunlight, reflective glare, aviation, navigation and electronic communication or broadcast interference; and it can be shown that the site can accommodate the uses and quantum of development proposed in terms of meeting acceptable standards of amenity, access, transport accessibility and servicing.
- 5.44 Part B of the policy states that outside the locations identified in Annex 10 or as identified in site allocations, there is no presumption in favour of tall building development. Should tall buildings be proposed outside the locations identified in Annex 10 or as identified in site allocations, the applicant will be required to provide a clear and convincing justification and demonstrate the appropriateness of the site for a tall building having regard to the impact on heritage assets, the form, proportion, composition, scale and character of the immediate buildings and the character of the local area (including urban grain and public realm/landscape features) and ensure the points set out above are met. Part C of the policy applies to existing tall buildings which are identified as having negative elements in townscape, heritage or views. Taking the policy as a whole, it provides defined criteria against which tall buildings proposals should be assessed and the cross reference to annex 10 does not restrict the location of tall buildings across the borough.

5.45 The supporting text provides greater detail concerning the contributions tall buildings can make to the borough. Paragraph 10.129 notes the background information which has been used to inform the general heights shown on the annex 10 maps. Applicants should use this information to inform their proposals. The text notes that given the high level nature of the analysis that informed them, these heights should be considered indicative as careful siting and massing informed by detailed site specific analysis may show greater heights can be achieved without harm. Where it is proposed to exceed the annex 10 heights the Council will expect the verified technical evidence supporting that approach and the proposed massing to be subject to review from Lambeth's independent Design Review Panel (DRP) at master-planning stage and again when a detailed proposal has been developed. Applicants should also seek pre-application advice from Historic England.

South Bank and Waterloo Neighbourhood Plan (SoWNP) (2017-2032)

5.46 The Neighbourhood Plan was adopted in 2019. Policy P2 advises that major developments which are likely to add pressure on existing publicly accessible open space should contribute to the improvement of such open space and provide additional publicly accessible open space where feasible. Policy P4 sets out a criteria based approach to amenity space provision. These include including amenity space designed exclusively for use of the occupants, ensuring publicly accessible open space includes public seating, mitigating against any temporary losses of amenity in surrounding public space during construction phases and addressing suitable planting. There was a general acceptance amongst the parties at the Inquiry that this policy does not entirely align with the approach set out within the London Plan.

5.47 Policy P5 relates to air quality and seeks to ensure that development proposals demonstrate how they will contribute to improvements to air quality through a range of defined measures within the policy. Policy P12 seeks to encourage office or workspace which can be subdivided, includes a range of unit sizes, provides a range of jobs accessible to local people and work with third party employment support to provide training support. Policy P16 advises that where schemes create public realm of a scale which requires pedestrian wayfinding, it should implement the Legible London wayfinding system.

Supplementary Planning Guidance (SPG)

5.48 The LVMF 2012¹⁵ sets out how development proposals that could effect designated views should be analysed. Linear View 8A.1 is the principle designated view concerned in relation to this application. This guidance provides detailed commentary in relation to the assessment of the designated views and the relevant factors to be taken onto account. In relation to linear views, these are defined at paragraph 64 by virtue of a gap between existing elements of the built or natural environment. The

¹⁵ CD 6.32

view should be managed so that the ability to recognise and appreciate the landmark building in combination with the surrounding environment is preserved or enhanced. The text goes on to note that linear views that focus on St Paul's Cathedral incorporate a protected vista. The Protected Vistas have been defined according to the width of view created by the landscape elements in the foreground. The SPG also defines at image 1 the components of a designated view including the foreground, middleground and background.

- 5.49 A clear description of Linear View 8A.1 is set out within the SPG, noting that the bend in the river brings the cultural attractions of the South Bank into relationship with the City beyond. St Paul's Cathedral is framed by middle ground buildings formed by the Shell Centre and the Royal Festival Hall. The two buildings which frame St Paul's Cathedral allow and unimpeded view of the peristyle, upper drum and dome silhouetted against the sky. The existing ITV Tower is noted in the backdrop of the Shell Centre Building. Visual Management Guidance covers two points. Firstly, that the clear view of the Cathedral should not be obscured by tree growth in either the foreground or middle ground. Secondly, that a landmark viewing corridor will maintain the existing visual frame around the cathedral created by the middle ground buildings.
- 5.50 In terms of River Prospects, paragraph 70 advises that the management of River Prospects should ensure that the juxtaposition between elements, including the river frontage and landmarks, is appreciated within a wider London context. Blackfriars Bridge is covered by River Prospect View 14. Viewing location 14A.1 looks upstream from the central part of the Bridge. The guidance notes at paragraph 242 that the larger scale, predominantly 20th Century elements on the South Bank create an unequal balance to the prospect. The Landmarks listed within the view include Waterloo Bridge and Somerset House. Other buildings noted within the view include Sea Containers House. Oxo Tower and the ITV Tower. New developments in the foreground and middle ground should not obscure the landmarks in this view and their scale, form, orientation and materials should reference the scale and orientation of the river and associated landscape.
- 5.51 The guidance notes that there are opportunities to develop sites on and behind the river frontages in views from this location. Any such developments should be mindful of the contribution made by the prominent buildings within the view, their prevailing height and scale, and their relationship to the river. It should also contribute to the richness of the skyline, and should not dominate the relationship that buildings have with the river.
- 5.52 The Waterloo Opportunity Area Planning Framework¹⁶ (2007) remains as guidance for the area although is based on a now superseded version of the London Plan. The document summarise the position regarding the relevant Conservation Areas and notes the role of the South Bank as a Cultural destination. This document is now some 16 years old and both the

¹⁶ CD14.8

Lambeth Local Plan and London Plan post date this document by some margin, the latter document setting out a comprehensive policy approach to Opportunity Areas. I have therefore placed very limited weight on this document.

- 5.53 There are further SPG's from the GLA in the form of Central Activities Zone SPG¹⁷ (March 2016) Character and Context SPG (June 2014); Control of Dust and Emissions during Construction and Demolition SPG (July 2014); Sustainable Transport, Walking and Cycling (Draft September 2021); Air Quality Positive LPG (Draft February 2022); Air Quality Neutral LPG (Draft February 2022); Be Seen Energy Monitoring Guidance (Draft September 2021).
- 5.54 In terms of whole life carbon assessments, the Circular Economy Statement LPG (March 2022)¹⁸ sets out at paragraph 2.4 the circular economy design approaches for existing buildings. This text is supported by figure 4 and the decision tree which outlines the steps which should be followed to inform the design process for the development from the outset. Paragraph 2.4.5 goes on to note that when assessing whether existing buildings are suited to the requirements for the site, applicants should robustly explore the options for retaining existing buildings (either wholly or in part). Where disassembly or demolition is proposed, applicants should set out how the options for retaining and reconstructing existing buildings have been explored and discounted; and show that the proposed scheme would be a more environmentally sustainable development.
- 5.55 In addition, there are further SPGs of relevance including; Energy Assessment Guidance (June 2022)¹⁹; Whole Life Carbon LPG²⁰ (March 2022) ; Optimising Site Capacity: A Design Led Approach LPG²¹ (Draft February 2022); Fire Safety LPG²² (February 2022); Urban Greening Factor²³ LPG (Draft September 2021).

Other Guidance and Documents

- 5.56 The latest (July 2021) version of the National Planning Policy Framework is a significant material consideration. The Framework is supplemented by Planning Practice Guidance and the National Design Guide – Planning Practice Guidance for Beautiful, Enduring and Successful Places (2021)²⁴.

¹⁷ CD 6.37

¹⁸ CD 6.21

¹⁹ CD 6.22

²⁰ CD 6.23

²¹ CD 6.24

²² CD 6.25

²³ CD 6.26

²⁴ CD 6.27

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- 5.57 There are a number of Historic England publications that have some bearing, notably their Advice Managing Significance in Decision-Taking in the Historic Environment²⁵, Note 3: the Setting of Heritage Assets²⁶ Advice Note 3 and Advice Note 4: Tall Buildings²⁷.
- 5.58 It is agreed between the parties that the application needs to be assessed in terms of its affect on the setting of listed buildings. As a result, s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) needs to be taken into account. This requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. It is also agreed that the proposal would have an impact on the settings of various conservation areas. However, s.72(1) of the Act does not protect the settings of conservation areas so it has no application in this case.
- 5.59 The Framework identifies within the glossary that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Element of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.
- 5.60 There are Conservation Area Statements for South Bank²⁸, Roupell Street²⁹, Waterloo³⁰, Old Barge Alley³¹, Strand³², Whitefriars³³ and Temple³⁴.

6 The Case for the Applicant

- 6.1 This is set out in full within the opening and closing statements to the Inquiry as well as within the evidence. What I have set out below is a summary of the case presented in closing. I have included the relevant footnotes where appropriate. It is essential this this is read in conjunction with the evidence as well as the full closing statement.
- 6.2 The Applicant company is part of Mitsubishi Estate and brings forward the proposed re-development of the former ITV centre at 60-72 Upper Ground, London SE1 9LT ("the Site") with its development partner CO-RE, an experienced development manager with a track record of delivering high-quality office-led schemes in Central London. There is no doubt that the

²⁵ CD 6.29

²⁶ CD 6.30

²⁷ CD 6.45

²⁸ CD 6.10

²⁹ CD 6.07

³⁰ CD 6.42

³¹ CD 6.56

³² CD 6.52

³³ CD 6.54

³⁴ CD 6.53

Site is in need of re-development, or that the application proposals, designed by Make Architects, would be delivered by the Applicant through a very considerable investment in this part of the South Bank.

- 6.3 The need for high-quality office space is supported by detailed professional evidence which has not been seriously questioned at the Inquiry³⁵. Nor has there been anything but support, in principle, for the London Studios (cultural provision and affordable workspace) which forms a key part of the overall scheme. That too is supported by evidence drawn from extensive community engagement; direct expressions of support from local cultural groups are before the Inquiry.
- 6.4 The ITV centre was constructed before the Queen's Walk existed. The Site as it exists today, all agree, suffers from a lack of active frontages and an absence of public realm. The proposals would bring about a huge improvement in both respects. Allocated in the adopted Lambeth Local Plan, the application proposals have the support of both democratically elected planning bodies – LB Lambeth ("the Council") and the Greater London Authority ("GLA").
- 6.5 Those bodies recognise that the application proposals align with the mix of uses sought in the adopted plan allocation. They agree that there would be substantial benefit in the regeneration of the Site to meet office need in the Central Activity Zone ("CAZ"), where such needs are the priority; and they agree that significant benefits would be created in terms of jobs, affordable workspace, cultural facilities, public realm and active frontage improvements. They also acknowledge, after careful consideration of the scheme as it evolved and as it now stands, that the scheme would represent a very high-quality addition to the South Bank in design terms.
- 6.6 In short, the view of the Applicant, the Council and the GLA is that this is a development for which permission ought to be given. That is also partly because, against the high level of policy compliance which it represents, the application scheme would cause a relatively limited degree of harm: some loss of daylight to some residential units in the Iroko housing scheme to the south and some harm to a view from Blackfriars Bridge looking upstream. The GLA and the Council also judge that there would be a low degree of Less than Substantial harm to two or three heritage assets of importance, although Professor Tavernor's evidence to the contrary needs to be weighed against those views. Historic England ("HE") also suggests in its written representations that the scheme would cause harm to some assets, though

³⁵ See below under 'Benefits'. In terms of the approach in these submissions to points made by the Rule 6 parties, main points are covered in the text of these submissions; more minor points tend to be left in footnotes but are material. As an observation, however, quite a lot of the SOSB submissions is unsupported by evidence led by Mr Ball in support of his case and should be very carefully scrutinised in that regard. The most egregious examples of this approach are covered in these submissions. Rule 6 parties are free to make whatever points they feel they should, but in terms of *weight*, treating closing submissions as an opportunity to make a speech which is largely divorced from the evidence should be treated with disapprobation and given little weight.

as the Inquiry has seen, HE do not object to the proposals overall and leave the matter to the planning balance. Overall, the proposals would clearly accord with the development plan seen as a whole.

- 6.7 The application went through a detailed and extensive consultation process, and there is no force whatever in suggestions to the contrary. That elicited a range of views, some supportive of the scheme, and some opposed (the latter largely on the basis of impacts on residential amenity, public realm and design/heritage). At the Inquiry, opposition to the scheme has come from two Rule 6 Parties, Coin Street Community Builders (“CSCB”), which owns and/or controls neighbouring land, and from Save Our South Bank (“SOSB”), described by its representative as a loose grouping of those opposed to the application.
- 6.8 The Rule 6 Parties suggest that a policy-compliant scheme on the Site must include some residential units, but that is a misreading of the policy and the wider development plan. The evidence adduced by the Rule 6 Parties relating to heritage very much overstated the degree of harm that the scheme would cause; their design evidence similarly failed to see the scheme in its full context, and underestimated the merits of the proposals in design and public realm terms. There was nothing material in the SOSB case on sustainability other than the repeated theme that any scheme must look to retain the existing tall building on the Site, Kent House, and reuse it for residential purposes; but the evidence showed that position is not mandated by policy or GLA guidance on sustainability. The Rule 6 Parties’ cases fall well short of cogent overall objections to the grant of planning permission for the proposals.
- 6.9 Conditions are now agreed as between the Council and the Applicant. These are hugely important as they provide much security for local people and businesses, including for instance the National Theatre, whose concerns about construction noise and vibration impacts have been taken very seriously by the Applicant team, leading to lengthy engagement between the professional teams and comprehensive suite of conditions now agreed between the Applicant, Council and the RNT. The s.106 agreement is now in final form before the Inquiry.

Context

- 6.10 The Site (Former London Television Centre or LTVC) covers an area of 1.04 hectares and is bounded to the north by Queen’s Walk, to the south by Upper Ground, with the IBM Building to the west and Prince’s Wharf to the east. It formerly operated as ITV’s global headquarters from a single building comprising two elements: a 25-storey element (basement, ground, 22 upper floors plus plant) accommodating offices; and a four-storey podium below which accommodated ancillary television studios, offices, editing suites, staff and other ancillary accommodation. The premises became no longer fit for purpose for ITV, which had vacated the Site and Borough in 2018. Since ITV relocated, the building remained in use accommodating office occupants as well as Lambeth-based creative organisations as part of the PREVIEW programme. The building was vacated in July 2021.

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- 6.11 In character terms, the site remains identifiable as containing a redundant office tower, although to the uninitiated the purpose of the defunct studio podium is rather harder to identify (even absent the hoardings which currently surround it³⁶). It lies next to the IBM building, also identifiable as an office building, and together they contribute to the mixed cultural and office character of the river-fronting South Bank – from here round as far as the former County Hall, which although converted to residential uses within and to the south, offers the Queen’s Walk a variety of leisure and cultural uses.
- 6.12 That mix of uses, including large and imposing office headquarter buildings, was an aspiration for the post-war reconstruction of the whole South Bank which was realised in the second half of the Twentieth Century and continues to characterise the area, whether seen in general terms or specifically by reference to the South Bank Conservation Area.
- 6.13 In terms of massing and heights in the immediate area around the Site, upstream the Shell Centre (original main building) continues to play a visually dominant role, prominent across the open space of Jubilee Gardens which lie between it and the river; its scale and importance has been reinforced by the construction of the more recent Waterloo Cluster. The Royal Festival Hall (“RFH”), Royal National Theatre (“RNT”) and IBM are all imposing structures, highly individual and eye catching, which front the river between Hungerford Bridge and the application Site.
- 6.14 The RNT contains higher elements (ie the fly towers), but it is right to say that it and the IBM building both have strong horizontal emphasis also, reflecting the design objectives and ethos of their architect, Denys Lasdun. They were designed to address the river within a wider townscape which included (when they were designed) much taller buildings – indeed, the RNT was originally conceived in a very similar overall way for the site of what is now Jubilee Gardens, with the Shell Centre forming its backdrop when seen from the north.
- 6.15 That sense of the riverside buildings engaging with taller structures in their near and further settings is to some extent an inevitability of their Central London location, and was something which fitted entirely with Lasdun’s expressed design philosophy for the RNT – his building was a piece of urban landscape, not a pompous or monumental set piece. Indeed, the set of relevant views of all of the Twentieth Century buildings on the South Bank all share this characteristic: they have striking designs, and strong relationships to the river, and are seen in the context of existing (and consented) tall buildings. The latter is not a detractor because they were

³⁶ The Applicant objects to the phrase “deliberately sorry state” in the SOSB closing submissions at paragraph 55, page 14. The Site is a re-development site in the adopted plan and the former ITV office and studios are redundant; the Site needs to be managed carefully with its future redevelopment in mind and in that context (of which Mr Ball is well aware), the characterisation in the SOSB submissions is disrespectful and presumably intentionally so.

not designed to sit in glorious isolation, or as the sole focus of attention in views as one moves around the area.

- 6.16 The Inquiry heard the suggestion that tall buildings are alien to the 'block' nearest the river – in the case of the area to the east of Waterloo Bridge, it is said that they are kept south of Upper Ground. That proposition fails immediately in the case of the Site itself, which contains a tall and prominent building north of Upper Ground. The point also lacks realism because there is a very clear set of visual and character relationships between the area north of Upper Ground and tall buildings within a few hundred metres – one sees (still evolving) tall building clusters at Waterloo and Blackfriars from, to and across the area around the Site³⁷.
- 6.17 Another unmeritorious point made was that all the tall buildings in close proximity are so-called "point blocks". Again, that is not the case either with existing buildings (the Shell Centre has very significant and impressive width to the river; the converted King's Reach Tower has a new 8 storey podium) or consented buildings (CSCB's Doon Street development is a tall tower on a very large podium³⁸; Elizabeth House is a tall building with more podium than tower). CSCB go so far as to assert that a point block approach is required by policy in the Lambeth Local Plan, which is a misreading of the plan³⁹.
- 6.18 Next to the Site to the east lie Prince's and Gabriel's Wharves, low and relatively small-scale survivors of the pre-war uses in the area, which form part of the same allocation for re-development in the adopted Local Plan. CSCB plans for the site appear to be in something of a state of flux, although it is said that they may contain office, food and drink, residential and possibly a nursing home. The application scheme architects Make consulted fully with CSCB's (then) instructed architects, who showed ideas for the redevelopment of that site at 8-10 storeys in height⁴⁰.

³⁷³⁷ Mr Ball's submissions claim, without adducing any supporting evidence, that there is a 'break' in the townscape between the RNT and the Blackfriars cluster, which is "essential for the composition, and for the legibility and hierarchy of buildings". That wilfully ignores the way that views across the area function in reality, ignores the consented Doon St tower and Kent House, and ignores the way that tall building on the Site is sanctioned, indeed promoted, by the development plan allocation. It is a good example of the kind of assertion found in the SOSB closing submissions which should be treated with caution; it is also part of a confused set of points made in the SOSB closing (compare for instance paragraph 67, page 18, where the scheme is said to "appear neither as part of the Blackfriars cluster nor sufficiently distant from it").

³⁸ The evidence given by CSCB at the Inquiry was that the Doon St scheme has been legally implemented and forms the focus of their efforts to deliver development on their estate. There is no suggestion by CSCB, or evidence, that Doon St will not be delivered; that is why it has been agreed to include it as part of the baseline. The SOSB closing at paragraph 94, page 25, makes the unwarranted and objectionable assertion that it may not be delivered and that should be disregarded entirely.

³⁹ There is no policy in PN1 or Site 9 which requires the final decision solution necessarily to be in 'point block' form.

⁴⁰ See the DAS (CD1.14 page 57) and Mr Filskow's proof at paragraphs 4.8.3-4, Pages 28-29.

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- 6.19 Beyond the wharves site, the local area contains CSCB's successful area of affordable housing new-build schemes (eg Iroko and Mulberry) and conversions (the Oxo Tower), the two parts of Bernie Spain Gardens, the Queen's Walk (and the beach area known as Ernie's Beach, on the Thames foreshore). These areas are the subject of partially-implemented landscape improvements. The housing (which is complemented by a local community centre) could fairly be described as high-quality accommodation in its own right, leaving aside the wonderful location which it occupies near the river and the South Bank. The Site lies in a location which is also in part characterised by existing affordable housing.
- 6.20 The Queen's Walk follows an irregular course adjacent to the river wall, derived from the piecemeal way in which it was brought forward and connected to the walkways to the west by and beyond the RNT. It is relatively wide, and in places benefits from substantial mature tree planting (especially from the Site to the RNT). Its width varies from 20 to 30 metres or more, and it carries a large body of pedestrian activity at all times of the year. As well as forming part of an extensive route through this part of London, it brings pedestrians to now-remodelled northern faces of the RNT, RFH, BFI and Hayward Gallery, to the shops, cafes and restaurants found there; it also importantly serves as a viewing platform for the Thames and the many notable buildings visible on both sides of the river. The observation point just to the north east of the Site offers clear views of St Paul's and the City as well as the sweep of the Thames upstream (certainly as far as Waterloo Bridge) in terms of unobstructed views. Many of the buildings one encounters as one travels along the Queen's Walk (either immediately adjacent or in more distant views) are buildings of note, of architectural and/or historic interest, and of substantial scale.
- 6.21 The Queen's Walk also brings pedestrians to buildings (RNT, BFI, RFH) which allow public access into and through them, an important and valuable part of the character of the South Bank which tails off at the moment east of the RNT. Slightly further to the south, a tight-grained knot of historic artisan housing (largely contained in the Roupell Street Conservation Area) has a strong feel of its own. The houses were constructed for those employed in the local area, and as the uses have turned from dockside industry to office, cultural (and indeed residential) uses between this area and the river, so the context in which they are seen has also changed. In part, the interplay between the taller structures outside the area and the homogeneity of the surviving Victorian enclave is identified as a contributor to the interest of the latter. In some views, for instance from the junction of Theed Street, Kent House plays that role at the moment.
- 6.22 The Site and its South Bank setting are obviously also visible from many vantage points to the north (the river, for instance, three or four bridges, the Victoria Embankment, and places to the north in the City and western City fringes). I shall return a little later to the particular points made about views of the RNT, but in general, the existing Kent House is prominent in many views; necessarily, in some of them it appears next to or in front of the RNT, in some behind, in some, next to it. There is an ever-changing kaleidoscope of visual relationships looking towards the South Bank, in

which certain buildings gain and lose visual prominence and centrality, other buildings and groups play greater or lesser roles as backdrops and setting⁴¹.

Planning context

- 6.23 The Site has a clear identity in adopted policy (both London Plan and Local Plan) as part of the South Bank, part of the CAZ and the Waterloo Opportunity Area; it is also within the South Bank Conservation Area. As far as that context directs land use on the Site, there is no disagreement at the Inquiry that it (a) prioritises office use over residential uses, (b) encourages the CAZ priority uses to be brought forward and supported - ie, office, commercial more widely defined, leisure, tourism and food/drink. There is no dispute that the proposed uses fall within the list of CAZ uses. However, the point is not just about compliance – the objectives of CAZ policy are wider-ranging and are aimed at underpinning one of the most important aspects of London’s economic and social health. The Site lies within an area designated with the aim of optimising land use to ensure that jobs, tourist and evening economy benefits as well as cultural health, are all promoted.
- 6.24 Policy PN1 (and the allocation of the Site as part of Site 9) in the Local Plan unsurprisingly reflect that set of strategic policy objectives. The Site is allocated as the (slightly) greater half of a site with the wharves, for a “mix of uses including office, residential and restaurant/café”. The Rule 6 Parties contend that the application is contrary to the allocation because it does not contain any residential use (the argument is advanced in various ways). It is a thoroughly bad point for the following reasons:

Interpretation of the allocation’s words

- 6.25 There is no dispute that the proposals (office, cultural use, restaurant/retail) comprise a mixed use, all the components of which align with the mix envisaged in the allocation. The allocation list includes residential use, but it also includes another sizeable area of land (the wharves); it follows that the overall mix including residential is capable of being met by the combination of the Site and the wharves site. That proposition was demonstrated by imagining that the Site was itself divided into two – in such a case, it was accepted by Ms Carney (for CSCB) that it would not be necessary for all three parts of Site 9 to contain residential uses in order to be policy compliant.

CSCB’s own site

- 6.26 Given the clear meaning of the allocation’s words, it might conceivably be relevant to policy considerations if (a) the application proposals precluded or prevented the wharves site from coming forward, or (b) there was reliable evidence that for some other reason, the wharves site was incapable of

⁴¹ All of these points are drawn from the Applicant’s evidence in the proofs, in the DAS and in the THVIA. CSCB’s suggestion that Mr Filskow only had “4 paragraphs” in which he assessed context is regrettable, if it is meant to imply that he and Make did not have a proper grasp on the context for the design. The DAS alone scotches that assertion.

bringing forward residential. It is highly debatable whether, even if either of these scenarios were the case, that the application proposals would be contrary to policy; but in any event, neither is the case.

- 6.27 Ms Carney accepted that the application scheme did not prevent residential from coming forward on the wharves site. Despite what was originally written, Ms Chapman did not allege that either. It was said instead that the application scheme would be a "constraint" to residential development on the wharves site. However, given that it was accepted that daylight and sunlight access was unaffected to the north, south, and west, Ms Chapman accepted that the application scheme could not be said to prevent successfully-designed residential development on the wharves site. There are no other identified 'constraints' relied on by CSCB.
- 6.28 Furthermore, the evidence given at the Inquiry was that the CSCB re-development of the wharves site might include residential units, including potentially affordable units; it might include, it was said, a nursing home, or offices, to cross-subsidize the less commercial elements. None of it, however, seems to be in the offing – Ms Carney's evidence was that it was questionable whether the wharves site would come forward in the plan period for the adopted, perhaps not even the emerging, plan. CSCB are apparently focused on the completion of the landscaping scheme they have started and the Doon Street development first.
- 6.29 Given this evidence, it is hardly credible for CSCB to argue that the application site is somehow being "greedy" – it is by contrast aiming to bring forward extensive beneficial change which will benefit, not harm, the context in which the wharves site finds itself. It is certainly not the case that CSCB's evidence about their site undermines the way that the allocation can be implemented – with a mix on both parts of the site, but residential only on one of the parts.

Wider arguments by CSCB about optimisation/sustainability/CAZ policies

- 6.30 CSCB also (I note, at the Inquiry – these points were not foreshadowed in their written evidence) sought to argue that something in wider policy objectives for optimisation, or sustainability, or the CAZ, meant that the application proposals fell foul of policy because they lack a residential component. Not only do these arguments fail, they actually underline why the application proposals are appropriate. The London-wide (and Lambeth) need for housing is of course acknowledged, as well as the unsurprising fact that the wider site has been considered as part of the trawl for residential sites in the local plan process. But it does not follow in policy terms that every site, or every part of a larger mixed use site, needs to provide residential use.
- 6.31 First, the argument relating to London Plan Policy D3 seeks to convert a general principle into a policy objection on a site with an existing allocation in the CAZ. CSCB argue that since D3(A) says "[a]ll development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for

the site..” CSCB say this indicates that the scheme should include residential because not to do so would not ‘optimise’ the land uses in the allocation, given the need for housing in the area. There are two major problems with this argument:

- 6.32 It falls down on first contact with the prevailing policies here: the allocation is in the context of London Plan policy which states unequivocally that office uses are to be prioritised over residential uses in the CAZ. In the light of that, there is no basis for asserting that it would be more “optimal” to include residential in the scheme.
- 6.33 Even more fundamentally, it begs the question of the correct policy interpretation (ie assumes the answer not proves it) because it just assumes that residential would be either better, or at least essential, to an optimised, scheme. That is just an assertion, not a reasoned interpretation of the policy. So the argument about Policy D3 does not help the Rule 6 Parties. The second argument they raise is that Policy SD5 itself provides some support for residential being required on the Site. As explored in Ms Carney’s cross examination, however, the point proceeded from a misunderstanding about Policy SD5(G). Rather than indicating that somehow residential uses and office uses should be considered as equally important in the CAZ, that part of the policy is concerned with only allowing residential if it has no detrimental effect on office floorspace provision – ie, it reinforces the policy in favour of office space over residential in the CAZ. There is not even a basis for the weakest form of the ‘optimisation’ argument that CSCB advances, ie that more consideration should have been given to residential as part of the scheme. As I detail later, the residential use of part of the site was considered at an early stage, because the 2018 ITV permission was still live at the time of acquisition; however, the judgement was reached to seek an office and cultural permission.
- 6.34 Third and finally, CSCB suggest that the circular economy Policy SI 7(B)(2) indicates that the scheme should have included residential use through re-use of the Kent House for residential purposes. However, as Ms Carney acknowledged, nothing in that part of the Policy requires re-use for a different purpose than that proposed in the application; indeed, subsection (B)(2) is actually concerned with managing the waste from a project over time, not choices about land use. Paragraph 9.7.1 attached to the Policy simply refers back to D3, which in D3(12) and (13) are again concerned with the circular economy, not land use choices and fabric retention. The point therefore goes nowhere.
- 6.35 In summary, there is no basis either in the correct interpretation of the allocation or in wider applicable policy to find that the application mix of uses is not in accordance with policy.
- 6.36 The planning context also includes the permission for ITV’s proposed re-development of the Site. Planning permission was granted on 3 May 2018 for “Demolition of existing buildings and the construction of two new buildings (up to 14 storeys and 31 storeys in height with two basement levels) for the provision of circa. 44,434 sq.m of offices (Use Class B1), 3,634 sq.m of television studios (Sui Generis), 216 sq.m of retail (Use Class

A1) and 213 residential dwellings (Use Class C3) with associated vehicle and cycle parking, access works, servicing and landscaping” (application reference. 17/03986/FUL) (‘the ITV Consent’).”

- 6.37 Of the ITV Consent, the 31-storey element (South Residential Building) stands at 108m AOD. The 14-storey element (North ITV Building) stands at 59.7m AOD, and a smaller northern element (also part of ITV HQ) stands at 40.2m AOD. The ITV Consent was intended to accommodate a replacement headquarters for ITV on the site, including new television studios. However, ITV decided to relocate elsewhere. The Site was sold to the Applicant in 2019. This permission has now lapsed. The ITV permission is relevant in that it shows the kind of built form – particularly next to Queen’s Walk – which would have come forward had ITV decided to stay, and which had been the subject of a grant of permission⁴². As I shall come on to, the current proposal would be a distinctly superior outcome for the site compared to the ITV permission.

Design Process

- 6.38 There are three main points to be made about the way the application proposals were designed by Mr Filskow that should be covered before the detail of submissions under the various issues. First, the scheme’s evolution shows that it was design-led, rather than (as was repeatedly asserted, an exercise in unconstrained “maximisation”). Second, the process involved a very extensive set of consultations both pre and post application, which led to major scheme modifications. Third, the key choices as to height, massing/articulation, appearance and public realm have all been tested in the Inquiry and proved well-founded and robust.
- 6.39 Reading the DAS itself should be enough to understand the process Mr Filskow went through when assessing the right design for the scheme. However, there was an entire preliminary chapter, before he and Make were formally instructed: as Professor Tavernor’s evidence says⁴³ his involvement in the Site goes back to 2018, when he advised ITV on their scheme; building on that detailed understanding of the Site, its context and relevant policies, Professor Tavernor was consulted again by the Applicant shortly after they acquired the Site, to assist in selecting the scheme architects. That history shows how seriously the Applicant took the process of design from the very beginning, something borne out in the competition brief itself, which begins:

“We wish to maximise the potential of the site, providing the maximum achievable amount of state-of-the-art Grade A office (with ancillary retail/leisure) housed within an exceptional piece of architecture while balancing this with our ambition to create a place to be enjoyed by the public

⁴² Mr Ball in the SOSB closing submissions misrepresents the approach that the Applicant team took to the 2018 consent (his paragraphs 9-11). There was no assumption made that the ITV scheme caused no harm – it was by contrast carefully considered; and as Mr Filskow said, the aim was to produce a much better scheme.

⁴³ Paragraphs 1.2-1.3, page 2 of CD10.07.

and provide a positive contribution to the unique character of the South Bank."

- 6.40 CSCB repeatedly mischaracterised this as a "maximisation" brief⁴⁴, unwilling to recognise the way that the desire to meet office demand here is balanced with a recognition of what is "achievable", with the need for design excellence - indeed exceptional quality. There has been little if any recognition from the Rule 6 Parties that the project from the outset was founded on the desire for good placemaking adding positively to the area. The balancing of all these factors through good design is the definition of "optimisation".
- 6.41 As Mr Filskow goes on to recount, that balanced approach was embedded in the overall development brief that was established once Make had been appointed⁴⁵. Seeking to deliver as much office floorspace as possible is in itself a proper aim, in line with policy for the area; but that ambition was expressly subject to the creation of an excellent design, indeed, could only be achieved through something of real quality, as the brief makes clear. So whilst CSCB is like everyone, entitled to its opinion about the application proposals, it is obviously unfair and incorrect to accuse the scheme⁴⁶ of maximisation rather than being design led⁴⁷.
- 6.42 Leaving the brief aside, the DAS shows how the scheme was put together from the ground up, analysing the context in detail, having regard to relevant planning policy, taking heritage assets, setting and significance into account, making sure emerging as well as existing context was considered, and then looking in fine detail at the way the uses of the site would best work.

⁴⁴ It is also misrepresented in the SOSB case (submissions paragraph 166, page 46) – placemaking and exceptional design was central to the brief. As Mr Filskow made clear, the word "achievable" is of central importance to the way the brief is defined and means that all of the relevant planning and regulatory hurdles need to be cleared. In addition, the fact that the brief does not include cultural uses does not matter – that emerged from the engagement with stakeholders and goes to the heart of the place that would be created, entirely contrary to the alleged failings of the scheme in the SOSB submissions.

⁴⁵ See Mr Filskow's paragraph 2.3.3 page 13.

⁴⁶ Repeatedly, in the case of CSCB – "filling up the site", "slab upon slab upon slab" etc. That kind of misrepresentation of the DAS and the design evidence is of no assistance to the Inspector or the Secretary of State and puts into relief the simple knee-jerk reactions by the Rule 6 Parties, translated into eloquent but largely empty reams of denunciation by their advocates. The Applicant's team has been candid, straightforward and professional and bears in mind the importance of the Site and the need to inform the decision maker properly.

⁴⁷ As Mr Filskow made clear, there was no minimum office floorspace in the Brief, or any instruction Make was given; he also noted that true 'maximisation' would have produced a different built form, and that the emphasis was on the delivery of a high-quality scheme not a high quantity one; the 'drawers' idea for exploring and testing the massing was not, clearly, an exercise in keeping the volume of the building the same through each iteration – the scheme 'shrank' considerably through the process of engagement and refinement.

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- 6.43 The second point to be made about the design process is that it was heavily influenced by stakeholder consultation from the outset. SOSB complains that the consultation undertaken on the project was insufficient, even “disingenuous”, but with due respect to Mr Ball, the evidence points the other way. Mr Goddard’s evidence on consultation, unchallenged, was that there were 21 pre-application meetings with Council officers between April 2020 and June 2021; the GLA/Transport for London were consulted on 25 November 2020, and produced a detailed Stage 1 report⁴⁸ on 6 September 2021. The DRP was, on the advice of Council officers, consulted twice (18 August 2020 and 23 February 2021)⁴⁹.
- 6.44 As for the wider exposure of the ideas behind the scheme and the developing proposals themselves, 36 meetings were held pre-application and during the determination period with local stakeholder groups, businesses and politicians. Local groups engaged include the South Bank Business Improvement District (BID), South Bank Employers Group (SBEG), South Bank Partnership, South Bank and Waterloo Neighbours (SoWN) and the Waterloo Community Development Group (WCDG).
- 6.45 The Applicant team has also engaged with neighbouring organisations and employers including BFI, CSCB, IBM, local housing cooperatives (including Iroko and Palm Cooperatives), Lambeth Estate Residents Association (for Roupell Street Conservation Area), National Theatre, The Old Vic, Somerset House, Southbank Centre and the Young Vic. A series of public consultation exercises were carried out prior to the submission of the application, consisting of four public virtual webinars held in October 2020 and February/March 2021, seeking to reach a broad and representative sample of the local community for their input, with invitations to the online webinars being sent to over 3,300 addresses in the local area.
- 6.46 Mr Ball spoke about the project with the Applicant’s development partner very early in the process (January 2020)⁵⁰ but complains that although a group of local stakeholders were consulted early on, in October 2020, early about principles which might inform a scheme for the Site⁵¹, they were not shown images of the likely height and massing until they received a brochure with images in to inform a webinar with Applicants design team in February 2021⁵².

⁴⁸ CD4.02.

⁴⁹ It is unclear what Mr Ball means in his closing submissions paragraph 102, page 27 by describing the DRP process as “unconcluded”. DRPs are convened to assist the LPA in their decision making and to feed comments and suggestions to the applicant – they are not the arbiters of design quality in the end and it is not a procedural requirement (here or elsewhere) that the DRP must approve of the design in its entirety – there are many examples where the DRP’s views are disagreed with by the LPA, officers, Inspectors and the Secretary of State.

⁵⁰ Mr Ball paragraph 5.11.

⁵¹ Ibid paragraph 5.13.

⁵² This is the event the images for which are found at page 79 of the Statement of Community Involvement, CD1.35.

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- 6.47 As Mr Filskow said, the trouble with presenting images at an earlier point in time is that the scheme is still evolving, and the images immediately become the focus of attention rather than the other merits of the scheme. There was nothing “disingenuous” about that, contrary to Mr Ball’s assertion. But here Mr Ball’s complaint, though loud, is hollow in all respects, and is in effect simply a way of restating his objections to the scheme – not a view shared by all those consulted by any means, and certainly not one shared by those with professional and democratically elected roles in the process⁵³. The February 2021 webinar led to a detailed representation being sent (on behalf of SOWN) in March 2021⁵⁴, setting out their views; these and all other points were considered, before the application went through a substantial design change in April 2021⁵⁵, and the application was then lodged in July 2021. Mr Ball said that the points his then group would have made in October 2020 were the same ones they made in March 2021, which rather undermines his objection that local people were not consulted until it was too late.
- 6.48 Engagement, even on the grand scale undertaken in this application, is only rarely about reaching complete agreement with all stakeholders⁵⁶. A difference of opinion exists between some locals⁵⁷ and other stakeholders on the one hand, and the Applicant’s professional team, the GLA and the Council on the other, about the quality of the proposed design. Where the correct view lies can be determined by looking at the evidence, which over many pages of design and other assessment, establishes the robustness of the solution for the Site which the scheme represents⁵⁸.
- 6.49 The third point is about the main design objectives and how they evolved. Again, the assertions of the Rule 6 Parties are that the objectives were all about maximisation of office space and were set in stone from the start, but the Inquiry has allowed that to be debunked by the actual evidence.

⁵³ As well as being in some respects ill-informed – the allegation that a body as important as HE was not consulted pre-application (Mr Ball 5.90 page 31) is factually incorrect: they were consulted and a meeting held on 19 February 2021, with written advice being provided on 24 March 2021 (see CD4.54). Mr Dillon’s group at the Twentieth Century Society were likewise (see page 16, CD10.05).

⁵⁴ Mr Ball paragraph 5.16.

⁵⁵ See section 4.12 in Mr Filskow’s evidence, page 32ff.

⁵⁶ It is simply untrue to assert, as Mr Ball does (submissions paragraph 156-157) that full engagement and consideration of stakeholder views was not undertaken, or the scheme was fixed prematurely.

⁵⁷ The Inspector has the representations of objectors, as well as those of supporters; I put to Mr Ball that SOSB was a vocal local pressure group (after all “our” South Bank in fact belongs to all, including those who do not live and work in the immediate area). One as usual must take care not to assume a vocal minority of those for whom the scheme will matter constitutes the most important or defining group of stakeholders.

⁵⁸ A useful summary of the design changes undertaken during the process is at Figure 37 of Mr Filskow’s evidence, page 36. Some sense of the initial optimisation exercises that Make undertook can be gathered from the collection of massing models, a photograph of which is at Mr Filskow’s page 49; how the concept was then taken forward and tested in multiple ways can be seen on page 52.

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- 6.50 The height, or heights, of the proposals resulted from an extended and iterative exercise involving all the relevant members of the design team; as Professor Tavernor's independent analysis identifies, the scheme follows the 2018 permitted scheme in arranging the height and massing around the LVMF viewing corridor 8A.1 from Westminster Pier. As a result, north and south blocks are established, joined by a podium at lower levels in the centre. The overall form is therefore one in which the tallest component is to the south, with a step or steps down toward the river.
- 6.51 Other than a circumscribed debate about whether faint glimpses of the very top of the south block from within a small portion of Somerset House would cause harm, there is actually very little outright objection to the height of the southern block⁵⁹. It is at 109.39m AOD at its highest, compared to the 2018 scheme at 108.14m AOD. Given the prominence of Kent House in many contextual views, the height of the south block would not be out of place or harmful.
- 6.52 Objections have been expressed at the Inquiry about the height of the northern block, largely on the basis that it would be too close to the river and too high. Again, it is notable that the 2018 ITV scheme presented a rather bland form to the river on the same part of the site at almost exactly the same height (the 2018 scheme's northern block was 59.79m AOD and the proposals are 60.1m AOD). The northern block sits at a point where the Queen's Walk changes alignment, but its width is maintained at over 30 metres throughout – the northern proposed block would therefore have a suitably spacious setting to the north (ie the Queen's Walk, and then the river, which is at its widest Central London point here).
- 6.53 Turning to the 3D expression of the proposals' massing, Mr Filskow explained how he did not feel it appropriate to design a "shape" building or something ostentatiously singular like the Gherkin or the Shards – his concept (as Mr Boys Smith acknowledged) is by contrast a modernist architectural approach, with form following and expressing function and an honest use of materials. The skill of the design, though, lies in the way the modernist components, including the marked horizontality of the northern building and (to a lesser extent) parts of the southern building, are structured in a balanced and harmonious way.
- 6.54 The scheme's rectilinear components are carefully articulated, into a complex order of parts: the southern building is balanced between (a) three main five-storey units, divided by deeply set-back intervening floors to create more rhythm than a uniform tower block, and (b) the extended cascade of five storey components on the eastern side of the composition. The middle set of these was one of the final changes made in April 2021, when the proportions were amended to make it a little more vertical (Mr Filskow's 'sit up and beg' image). Through it runs the strong vertical of the core, a bold presence in views from the east and south and a counterpoint to the horizontality of the many terraces and balconies.

⁵⁹ Cf Ms Reynolds' view expressed in oral evidence that it was not the height of the south block that she was concerned with.

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- 6.55 The northern block would occupy an even more prominent location, and Mr Filskow has designed a set of forms which would harmonise with the horizontality of the Lasdun buildings to the east along Queen's Walk, but also create its own meaningful relationship to the river; the building would meet those walking west on Queen's Walk, and appear in further views from the west and north west, with a striking cantilevered detail which is an exciting addition to the variety of modernist forms along the South Bank, and also echoes the way that the RNT's structural cantilevered members are now celebrated from the ground plane.
- 6.56 There is therefore an overall energy and variety within the design which prevents it from appearing monolithic or slab-like. Even from well over a hundred metres away⁶⁰ the smaller, more detailed elements of the scheme would have a marked effect. The white spandrel panels pick up, in an appropriately light fashion, the brutalist terraces of the Lasdun buildings; at a different order, the fine details of terraces and balconies create a sense of human scale and interest. The skypod and restaurant, and the flashes of golden soffit in places give a sense of identity which would add, rather than detract from, the identity of the South Bank.
- 6.57 There is no substantive challenge at the Inquiry to the very high quality of the office accommodation to be provided⁶¹. It would comfortably meet the brief and the market demand outlined in the Cushman & Wakefield assessment⁶². In addition to the wonderful location on the South Bank, the four thousand or so office workers would be able to enjoy far reaching views from most floors, opening windows, balconies, terraces and the podium garden itself.
- 6.58 The London Studios would give to the local artistic community a rare opportunity to create in bespoke state-of-the-art facilities, adjacent to the cultural giants of the South Bank in one of the most visited locations in the capital. There is no reasoned objection made at the Inquiry to the benefits that the cultural offer would bring, including in terms of its affordability – 25 years⁶³ of sub-market rent⁶⁴ enabling the activities of a diverse community of local creative groups⁶⁵.

⁶⁰ See for instance View 7 (page 81 in the THVIA), from the Victoria Embankment.

⁶¹ Queries about internal lighting in the deeper floorplates have been answered by references to the space planning principles that would be applied – the central core would be ringed with service space such as photocopying rooms, whilst the majority of the floors would be extremely well lit: see DAS (CD 1.14 page 120).

⁶² Mr Goddard's Appendix 2, updated C&W assessment.

⁶³ A decade longer than is required in policy.

⁶⁴ Something the s.106 and Affordable Workspace Plan will control – even if, as Mr Ball says, the sub-market rents are similar to market rents in, say, Brixton, that only underscores the benefit of having a rent on the South Bank equivalent to a market rent in a far less culturally potent location.

⁶⁵ Some of which have written in support: see YCUK and Iconic Steps at CD11.29 and 11.30.

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- 6.59 The improvement to the public realm on the Site will be very marked indeed. Two public arrival squares, and two well-designed, attractive routes between the Queen's Walk and Upper Ground. Activation will be provided onto Queen's Walk to continue the progress made by the more recent introduction of restaurants and bars to the lower levels of the RFH.
- 6.60 There will also be access to, and through, the ground floor of the London Studios, encouraging the public to explore and engage with the activities which the occupiers have made available in that space – similar to the experience of passing from public to semi-public in the foyers of the RNT, RFH and BFI. The s.106 makes provision for the easterly terrace atop the northern block to be open to the public, creating a splendid free viewing platform from which to enjoy the views of the river, St Paul's and the City.
- 6.61 Picking up specifically on submissions made by the Rule 6 parties on Tall Building policy, it is right that the allocation does not identify the northern building site as one for tall buildings; but that is not the end of the point in either London Plan policy D9 terms⁶⁶ or in terms of the criteria in Lambeth policy Q26. Mr Ball asserts⁶⁷ that no justification has been provided by the Applicant under D9(C) or Q26, but Mr Goddard sets out the evidence extensively in a series of paragraphs relating to all the headings in those policies from his paragraph 6.47 onwards⁶⁸. These relate to the entire scheme including the northern building. Mr Ball is fond of rhetorical questions, and his submissions on this tall building point prompt one: has he actually read the submitted evidence? Had he, he will have found all the answers to the complaints he seeks to raise on tall building policy⁶⁹.
- 6.62 In summary, the proposals are of the highest design quality⁷⁰, and would create a place which would improve yet further the South Bank, sit harmoniously with the existing modernist ensemble, and be stunning in middle and far views. In other words, they would be beautiful.

Heritage

- 6.63 Uncontroversial aspects of the debate relating to the assessment of effect on the historic environment in this application are as follows:
- Any harm to designated assets is to be given considerable importance and weight, and needs clear and cogent justification;

⁶⁶ See the Master Brewer decision, CD12.12.

⁶⁷ Submissions, paragraph 195, page 53.

⁶⁸ Page 32ff.

⁶⁹ Including the fact that the 100m AOD marker in Lambeth's plan is described as "indicative".

⁷⁰ SOSB (closing submissions, paragraph 1) and CSCB (in cross examination of Mr Filskow) seek to rely on what some 'commentators' have said about the scheme – no weight should be given to that compared to the detailed professional evidence which the Inquiry has considered.

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- Less than Substantial Harm is a large category which extends from negligible harm to just below an effect which would seriously damage or drain away its significance as an asset;
 - Clear and cogent justification would be present where the public benefits of a scheme (ie, the benefits of the overall scheme) outweigh the harm to heritage significance, by reference to paragraph 202 of the Framework⁷¹.
- 6.64 In terms of approach to whether harm would be caused, or indeed to what degree of harm:
- Other than the effect on the South Bank Conservation Area ("CA"), the effects relevant to the application proposals are all effects on the setting of assets. HE advises that while the setting of an asset is not the asset itself, the significance of an asset may derive to some extent from its setting and therefore changes to the setting may affect (positively or negatively) that contribution (and therefore ultimately the heritage significance of the asset itself).
 - In relation to Conservation Areas, one should avoid an undue focus on individual modelled views and consider the effect on the CA as a whole⁷²
 - Therefore, change in the setting of an asset, including changes to the visual or spatial relationship between the asset and its setting, does not automatically equate to harm.
- 6.65 The last point is of some importance when evaluating the objections made by Mr Dillon and Mr Clemons to the application proposals, which tend to conflate visual change with harm.

Somerset House

- 6.66 Somerset House is Grade I Listed and of exceptional interest and value⁷³. Its significance is derived from its architectural and historic interest, evident in its fabric, design and setting on the Embankment⁷⁴. The work presented⁷⁵ shows that there an axial view upon entering the central courtyard of Somerset House which would be affected to a negligible degree – there would be a faint glimpse of the very top of the proposed southern building within (not above) the roofscape of the southern elevation.
- 6.67 Professor Tavernor's view⁷⁶ is that, unlike the consented Doon St tower, the negligible visual change caused by the proposals would not give rise to Less than Substantial Harm to the significance of Somerset House because (a) the extent of visibility is very limited indeed, both in terms of the extent of the proposals which might be glimpsed, and the area within the courtyard from which such a glimpse could be obtained – a matter of a few metres, as

⁷¹ See the case law cited at Professor Tavernor's paragraph 4.14, page 45; this was not a point in issue in the evidence at the Inquiry.

⁷² Ibid paragraph 4.11, citing the Inspector's report in the Notting Hill Gate Inquiry.

⁷³ Professor Tavernor, paragraph 4.32 page 53.

⁷⁴ For a full description, see THVIA Table 4-1.

⁷⁵ See CD10.15 Views A and B, pages 69 and 71, *Cityscape Supplementary Visual Material Appendix* (also reproduced at Figure 4-7 and 4-8 and Figure 7a of Professor Tavernor's proof, pages 54-55. For the cumulative view, see THVIA view 11.

⁷⁶ Shared by the GLA.

the view recedes to nothing quickly due to perspective, within the roofscape which includes not just the chimneys but other more recent visual clutter; and (b) the effect of the glimpsed view is so small that the significance of the asset would not be reduced at all – the magnificence and richness of the courtyard is overwhelming when one is standing in that position, to the extent that, as Professor Tavernor says, the glimpsed view is unlikely to be noticed at all.

- 6.68 Due to perspective and the angle of sight, there would no material cumulative effect with the Doon Street tower. From the terrace onto the Embankment one would see the scheme, but through a mature screen of trees and as part of a well-understood existing urban setting on the other side of the river. No harm would arise from any change in that view.
- 6.69 CSCB make the point that the glimpsed view from the courtyard could have been avoided by making the southern building shorter by a relatively few metres; however, it is not the case (as was perhaps suggested) that this point was not considered during the design evolution – on the contrary, Professor Tavernor was advising on the design at each stage as it developed. The careful composition of the application scheme was weighed against the degree of visual change from that very limited area of Somerset House and the overall effect was felt by the design team to be entirely acceptable.
- 6.70 Professor Tavernor maintained his view at the Inquiry, whilst recognising that Mr Black for the Council and HE both have a slightly different opinion, one which equates the glimpsed view from the courtyard, however small, with harm. For the reasons rehearsed already, that approach is in principle and needs to rigorously assessed in general and specifically here is not the case.
- 6.71 Alternatively, the points made by Professor Tavernor would also mean, if accepted, that any finding of harm to the significance of Somerset House would be at the very lowest point on the Less than Substantial Harm spectrum. Even in relation to a Grade I Listed Building, such trace harm would be outweighed by the considerable public benefits of the scheme. For completeness, I note the argument advanced in cross examination by CSCB, that the paragraph 202 balance should be between any harm to the significance of Somerset House and the public benefits *derived from the part of the southern block which is visible*. That is obviously an erroneous approach when applying paragraph 202 of the Framework, which speaks of the “public benefits of the proposal”, and should be disregarded⁷⁷.

⁷⁷ The CSCB submission (paragraph 96 page 37) that the ‘a single additional floor of office space obviously does not justify the harm to such a significant asset’ is just another way to put the same erroneous point; furthermore, there is no assessment by CSCB or indeed anyone of alternative schemes with different proportions, which would result from the reduction in height to the building in the way blithely suggested by CSCB. Mr Filskow’s evidence shows how carefully the relative proportions of the building components have been handled and one should be slow to assume alternative solutions without any evidence.

- 6.72 The Inspector's site visit (including the VR goggle views around and about the RNT) best informs the degree and quality of visual change that the application proposals would bring to the setting of the RNT. I start with that point because the key points made by Mr Dillon and Mr Clemons is that the scale and design of the application scheme would harm the significance of the RNT by (a) clashing with it, (b) distracting from it, (c) occluding key visual aspects of its setting, particularly from the north and east, and (d) and generally over-dominating it. Most of these can be assessed, and rejected, by assessment on site.
- 6.73 However, the analysis should begin with an understanding of what makes the RNT special as an asset. Large parts of its significance lie in its role, status and history in post-war UK culture, something which would not be affected by the application scheme. Architecturally, the RNT is a highly idiosyncratic, robust Grade II* composition. Its external character and appearance depends to a significant degree on its horizontal terraces and deeply-inset glazing, combined with two powerful cuboidal or rectilinear fly-towers forming its silhouette, and at the lower levels structural members playing an important role in the composition (more evident now with the changes to the Queen's Walk since the RNT was constructed, something reflected in the Howarth Tomkins changes to the foyers and external spaces).
- 6.74 Key views of this composition are from close at hand on Queen's Walk, on Waterloo Bridge and the stairs to the Queen's Walk to and from it; and (though due to the mature vegetation to a much lesser extent than in the 1970s) from the north bank. In those views, the RNT is an absorbing composition with great coherence and gravity. But – and this is the central point on which the objections of Mr Dillon and Mr Clemons founder – its architectural and townscape significance is not as a monumental set-piece building to which all others should pay deference or be subservient. On the contrary, it was designed to be embedded in its natural and man-made context as a piece of landscape or townscape. That is quite clear from the evidence of Lasdun's own philosophy for the building.
- 6.75 It was originally designed as one of a pair of terraced buildings to be positioned in front of the Shell Centre⁷⁸: the broad concept (of three or four main strata with a cuboidal fly-tower above) was already fully formed at that point and it is clear that Lasdun was designing for a setting which contained built form relatively close by, of a significantly greater scale and height.
- 6.76 As quoted in the *Architectural Review* (January 1977), Lasdun had "doubts about architectural form-making", and felt the need to move "away from the isolated monument and towards an architecture of landscape, ... [to] an architecture without facades but with layers of buildings, like geological

⁷⁸ See the image of the scheme model at that time, eg at Professor Tavernor's page 14, Figure 2-9.

strata, connected in such a way that they flow into the surrounding riverscape and city ... people and events will be its decoration."⁷⁹.

6.77 The point does not seem to be in dispute – Mr Dillon in evidence in chief said that the RNT was “not a standalone building”⁸⁰, and it was clearly not designed to be a dominant or overpowering building in its setting⁸¹. To some extent, that was clear from the very beginning, with Kent House having been completed before the RNT itself was finished; the setting of the theatre continues to evolve, with the prominent vertical emphasis of the Doon Street tower a notable example in close proximity.

6.78 Therefore the evidence shows that the RNT’s setting is the continually evolving city, and the relative insensitivity to changes stems from the design ethos of the building (and indeed its fellow IBM building) as robust parts of a metropolitan landscape. This was noted by CABA when assessing the Doon Street tower, as the Inspector for that Inquiry records:

"In CABA’s view, the theatre is not a set piece object building designed to be seen from a single viewpoint, it is a "robust building composed of horizontal strata and vertical forms ... it is a dynamic building which engages with the surrounding buildings and is strong enough not to be dominated by its neighbours. It is a robust civic building conceived within a modern metropolis and whose form and function the local planning authority regards as being emblematic of the capital’s dynamism ... its setting could sustain significant change without harm to its special interest, if the change was well-designed and composed."

6.79 These points are critical to an evaluation of objections based on relative height, relative scale, or differences in design (as between the scheme and the RNT)⁸². In a cityscape there are many overlapping views of buildings, and many interesting relationships – for instance, it is not said that the RNT “distracts” from Somerset House, or St Paul’s Cathedral, although there are some visual relationships between them. The ideas of ‘distraction’ or ‘dominance’ need to be approached with real care so as not to treat the setting of the RNT in an inappropriate way, given the underlying ethos and role of the theatre in its London setting.

6.80 The best example of how the assumption that a difference in height and scale as between the Listed Buildings and the proposals causes harm is

⁷⁹ See Professor Tavernor paragraph 3.9, page 30.

⁸⁰ His rebuttal document closes with a series of quotations from his own book, *Concrete Reality*, which include this: “That openness was already there in Denys Lasdun’s vision of his building not as haughty monument but as part of the urban scene...”

⁸¹ CD12.01 paragraphs 7.82 and 7.84, cited in Professor Tavernor’s paragraph 2.30, page 26.

⁸² Despite the point being put with clarity to Mr Dillon, neither he nor SOSB (see for instance the mistaken submissions at paragraph 80, page 21). The fact that the RNT is not a set piece building but part of an urban landscape designed to be seen with larger and taller buildings in its evolving context is a real problem for the Rule 6 Parties’ cases and they have, with respect, failed to grapple with it.

found in the CSCB closing submissions at paragraph 130⁸³ "*they will "read as what they are; two parts of a single large building on a completely different scale from the listed buildings". The consequence of this, as explained in HE's GPA3, is that the significance of both the National Theatre and the IBM will be harmed.*". The failure to understand what the evidence about the design ethos which led to the RNT and IBM schemes is complete. Of course, the effect of scale and height in the proposals must be seen by looking at the way the building would be articulated; but the idea that a difference in height and scale – even a marked difference – causes harm to significance fails to come to terms with the essential nature of the Lasdun structures as part of an urban landscape in which larger and taller buildings were present and were expected to be present in the future. Nothing about the understanding or value of these structures would be harmed by the proposed relationships.

6.81 As to specific viewpoints in the THVIA⁸⁴, these as an aide-memoire to what is actually a kinetic progression of views of the scheme together with the RNT. The key points that emerge are as follows. From close at hand – on Queen's Walk, and on the southern part of Waterloo Bridge and the stepped access to the Queen's Walk, the impact of the scheme will be minimal, due to perspective and levels. There will be no interruption of the views of St Paul's Cathedral, either from the closer parts of Waterloo Bridge or from the terraces of the building itself, so any relationship (whether specifically informing the RNT design or not⁸⁵) would be maintained. Secondly, views from Waterloo Bridge in general⁸⁶ have the RNT (with Doon Street in most views directly behind) with IBM to its left and then the proposals (and the Blackfriars Cluster behind) well off to the left. The height and scale of the proposals is clearly perceptible relative to the RNT, but affects nothing about the theatre's architecture or its intended role as part of an urban landscape. There would be a visual counterpoint between the two, (as with Doon Street, and in other views of the RNT, with the Waterloo and Blackfriars clusters – and as at the moment with Kent House), but that does not mean the proposals would "clash" with, or "distract" from the RNT – they would be components in the evolving cityscape.

6.82 The views that one would have of parts of the proposals from the Queen's Walk⁸⁷ would, due to distance and perspective, feature the proposals in the

⁸³ Page 52-53.

⁸⁴ CD1.20. Main views of importance are 4,5,7,9,13-18, 34 and 35.

⁸⁵ The debate about the Lasdun sketch showing an arrow from the bridge (or that general location) to St Paul's (which evidently was done during construction rather than as part of the design process) is somewhat sterile. The proposals do not affect it. The CSCB submissions (paragraph 109-110, page 43) seek to re-write history by claiming that the RNT was designed "specifically to respond to the intervisibility of its location south and west of St Paul's", but of course the following quotation shows that what actually happened was that the site of the RNT was a substitute which Lasdun had to accept instead of what is now Jubilee Gardens; one of the positive aspects of the move of site was that the current site of the RNT has a more direct intervisibility with St Paul's but *that relationship will not be affected by the proposals.*

⁸⁶ Eg view 15, page 101 of the THVIA, CD1.20.

⁸⁷ Eg THVIA viewpoint 35, page 141.

background, with the full strength of the concrete terraces of the theatre in the foreground⁸⁸. From here one would really appreciate the subtlety of Mr Filskow's deployment of the horizontality and the modernist family resemblances – the scheme would be perceived as different but complementary in its ordered, horizontally emphasized forms, with a surface and materiality that sets it apart from the concrete strata of the RNT, an approach to materiality of which Mr Dillon approved⁸⁹.

- 6.83 There would be a change to the view of the RNT from Blackfriars Bridge⁹⁰, which Professor Tavernor acknowledges. However, the existing view of the RNT from here has never been identified as of importance in understanding and appreciating the RNT's heritage significance. That is certainly not the case when one looks at the evidence of what Lasdun said (there is no reference to the view from this bridge); the view does not contribute materially to any sense of the RNT at the crown of the curve in the Thames, due to the way Waterloo Bridge obscures the eastern part of the river.
- 6.84 Finally, the LVMF document⁹¹, which specifically assesses this Blackfriars Bridge view and its built components, does not identify the RNT as a landmark. There is no evidence that is an error in the document⁹². It is of some significance because the management guidelines focus on the prevention of screening of 'landmarks'⁹³. Mr Dillon and Mr Clemons overstate the importance of the point, relying on the Lasdun reference to Waterloo Bridge being an "umbilical chord" (sic) to the north bank of the Thames. However, when read closely the reference is a conceptual one, referring to the bridge tying the RNT to the theatreland of the West End, not to the north bank itself in any view. Any such practical or perceptual relationship between the RNT and theatres in the West End across Waterloo Bridge will not be affected by the scheme.
- 6.85 The submissions made earlier about the way that the proposals are articulated and the massing handled and ordered are relevant to the visual relationship between the scheme and the RNT. The relationship between the built forms, both working inventively within a modernist tradition, would be a strongly positive one, in keeping with how the South Bank CA statement describes it as "*an architectural showcase for the post-war period, promoting the public over the private, progressive, modern and*

⁸⁸ It will not have escaped the Inspector's notice that the Haworth Tompkins glass and steel extension to the RNT is visible in these views, itself distinct from the brutalist concrete but harmonising with it.

⁸⁹ Cross examination on whether re-development on the Site should ape the concrete of the Listed Buildings, or as he agreed, seek to be distinct but complementary.

⁹⁰ THVIA view 05, CD1.20 page 76-77.

⁹¹ CD6.32(1) pages 127-130.

⁹² Paragraph 128 describes the bridge linking two important buildings, one of which is the RNT, but that is a reference to the role of the bridge in the view, and underlines the relevance of the fact that the document does not identify the RNT as a landmark.

⁹³ Ibid paragraph 243, page 130.

*innovative.*⁹⁴. There would be no harm to the setting of the RNT as a result of the scheme⁹⁵.

IBM

- 6.86 I deal here with the IBM building because of the degree of overlap with the RNT, which includes the 'group value' that the RNT and IBM enjoy. Little more needs to be said about the design ethos of the IBM – it was Lasdun's design, private in use as opposed to public, but very much consistent in approach architecturally. There is no sense that IBM is a landmark or standalone building, indeed, it seems that Lasdun was keen for it to play second fiddle to the RNT in the pairing. Its Grade II listing is based on the architectural and historic interest of its forms and its group value with the theatre. Its setting when designed included the ITV centre, and there is no reason to assume that Lasdun intended the IBM building to be regarded as a set-piece building whose silhouette or dominance should be protected from larger or taller development in its setting.
- 6.87 The proposals would be adjacent to the IBM building and of greater height and mass. They would not however, harm what is of interest in it (including in its extended state pursuant to the scheme currently being implemented). The building is low-lying in views from Waterloo Bridge, its block of lift overruns and services bearing the corporate logo of IBM a relatively minor incident in the townscape, certainly compared with either the RNT or Kent House in those views⁹⁶. From the Queen's Walk, the relationship with the proposals will be one of counterpoint – the scheme will continue the horizontal emphases but as it climbs higher than IBM, it would do so with a clearly distinct sense of light materials, and human-scale detailing. There would be no harm to the significance of the IBM building as a result.

Royal Festival Hall

- 6.88 The Royal Festival Hall (RFH) lies round the curve of the Thames to the west, severed from the immediate context of the Site by Waterloo Bridge. It is the most important modernist building in the ensemble⁹⁷ and it maintains a considerable presence in views across the river, from Hungerford Bridge and from Westminster. The nearer part of its setting includes Jubilee Gardens, the London Eye, the Waterloo Cluster⁹⁸, and Waterloo Bridge with which it

⁹⁴ CD6.10, paragraph 2.66.

⁹⁵ The Inspector will judge the weight to be accorded to Mr Dillon's evidence, but on any rational analysis his allegation of substantial harm is untenable. He finds harm due to the scale and height of the proposals but has not properly applied his own (and Lasdun's) view on the essential relationship of the RNT with its urban context, seeing instead a fragile setting which would suffer damage from other larger components being co-visible with the RNT. The evidence shows that to be fundamentally flawed and contrary to Lasdun's own ethos in designing the building. His view, and the similar (though slightly less extreme) view held by Mr Clemons ("high level of Less than Substantial", paragraph 5.4.14 page 32) should be given limited weight.

⁹⁶ See for instance view 15, CD1.20 pages 100-101.

⁹⁷ At Grade I, as opposed to the RNT's Grade II*.

⁹⁸ See THVIA CD1.20 pages 102-103, for instance (view 16).

shares some tonal qualities due to the use of similar stone. It therefore derives qualities of openness from the river and the adjacent gardens, and a sense of place from the Queen's Walk and the London Eye, perhaps redolent to some degree of its genesis as part of the Festival of Britain.

- 6.89 None of this would be affected by the proposals⁹⁹. They would be visible in some views in the middle distant part of the Central London/South Bank setting of the RFH; in most relevant views (by which I mean those with a focus on the RFH), they would read with the Blackfriars Cluster¹⁰⁰ in the background. To the extent that there were perceptual connections between the scheme and the RFH due to kinetic movement along the South Bank, the scheme would complement the RFH for precisely the same reasons as it does the RNT – a new, modernist-inspired architectural presence, the uses within which would be entirely consistent with the ethos of the South Bank as a vibrant cultural/commercial mix. There would be no harm to the significance of the RFH.

St Paul's Cathedral

- 6.90 There would be no harm to the setting of St Paul's Cathedral. The immensely rich constituent parts of its heritage significance would for the most part not be engaged at all by a development so distant in its setting. Two main points debated at the Inquiry merit attention. First, the LVMF view from Westminster Pier¹⁰¹. Both Mr Clemons and HE¹⁰² say that there would be harm to St Paul's Cathedral's significance because St Paul's 'dominance' would be reduced, and there would be a 'canyon effect'. Even with binoculars it is hard to say that St Paul's Cathedral is "dominant" in LVMF View 8A.1, The gap left by existing built form in the middle distance affords a striking snapshot view of the upper parts of St Paul's which allow its presence to be felt, to some degree anyway, in Westminster. But the surrounding built form, including the very dominant (and mobile) London Eye, are in fact the dominant features in this view. Doon Street will add to the accumulation of large and tall buildings in the Waterloo Cluster which forms the other very strong presence in the view. The slight change to the existing frame of the St Paul's view will not, looked at sensibly, reduce its "dominance".
- 6.91 Second, the alleged "canyon effect" will be no more than a reinforcement of the existing clear visual frame around St Paul's – the (serendipitous) formality of which actually creates some of the interest in the view itself. The trees in the foreground of St Paul's in the view – themselves of some value within the South Bank setting – obscure some of St Paul's; but the additional degree of framing (mainly to the left of the cathedral in this view) is relatively minimal. Mr Ball's submission¹⁰³ that the 'key attribute' of the

⁹⁹ Mr Ball agreed to remove his reference to the views of RFH from the Golden Gallery of St Paul's: submissions paragraph 230, page 61.

¹⁰⁰ Ibid; and Pages 104-105, view 17.

¹⁰¹ THVIA CD1.20 pages 110-111; LVMF document itself (CD6.32(2)) page 138)

¹⁰² In CD11.08, HE's summary representation on heritage effects.

¹⁰³ SOSB closing paragraph 36, page 8.

view of the cathedral – the ‘unimpeded view of the peristyle, upper drum and dome silhouetted against the sky’¹⁰⁴ would be “severely diminished” is obviously wrong, as the images show. The points made by CSCB about Mr Tavernor’s evidence on the consequences of “an adverse impact on the ability to appreciate one of the features of St Paul’s”¹⁰⁵ are irrelevant given that no such impact would occur.

- 6.92 There also seems to have been a confusion in the reported views of HE¹⁰⁶ and the evidence given by Mr Clemons. The injunction to guard against a “canyon effect” in the LVMF document only applies, in the case of this view, to the area *behind and to the east* of St Paul’s. There is no wider consultation area in the foreground of St Paul’s to which the guidance relating to “canyon” applies¹⁰⁷. There would be no harm to views from St Paul’s, indeed there would be no harm at all, as Professor Tavernor says, to its significance as a result of the application proposals¹⁰⁸.

Waterloo Bridge

- 6.93 The significance of the bridge is historic and aesthetic. The scheme would be a well-designed new building some hundreds of metres from it, which (due to the bend in the river) would only barely occlude very limited views of some (on-shore rather than over the water) parts of the bridge in a handful of views, primarily from Blackfriars Bridge¹⁰⁹. This change would not affect the ability to understand and appreciate what is special about the bridge. There would therefore be no harm to its significance¹¹⁰.

¹⁰⁴ NB the reliance placed by CSCB (submissions 103-105 page 41-2) on the loss of the view of one of the St Paul’s *towers* goes beyond what the LVMF seeks to protect. That point aims at something which is not sought to be protected by the LVMF and would not lead to the reduction of St Paul’s significance in any way.

¹⁰⁵ Paragraph 100 page 39 of the CSCB submissions.

¹⁰⁶ Relied on by Mr Ball (closing paragraph 37-38) without having reflected on the evidence at the Inquiry and the correct interpretation of the LVMF document, which is not mentioned in the submissions at all. The HE’s view on “canyon” was not able to be cross examined and it appears to proceed on a false basis, both regarding the approach to the LVMF document, and in terms of the judgement itself.

¹⁰⁷ See by contrast page 98 of CD6.32(2) (from Richmond); the 8A.1 consultation area is in yellow behind the cathedral only – see page 87.

¹⁰⁸ Let alone the idea that it would cause a “high level of less than substantial harm” to St Paul’s as Mr Clemons thinks (a ‘major reduction to its legibility’) which borders on the absurd.

¹⁰⁹ See C1.20 pages 76-77.

¹¹⁰ Mr Clemons does not deal with impacts on Waterloo Bridge’s significance as a heritage asset: see the table in Mr Clemons’ evidence (at page 43, paragraph 5.12); and Mr Dillon’s evidence, page 46, argues that the harm to the bridge would be the obscuring of the LVMF identified connection (seen from Blackfriars Bridge) between the RNT and Somerset House. However, there is no material “obscuring” of the bridge itself by the scheme, in those views. The commentary in the LVMF about visual markers in the view is not – one must be careful not to conflate them – about the heritage value of the bridge. The bridge came before the RNT and does not depend on it for any historic significance, even if one accepts (which Professor Tavernor does not) that the LVMF view would be

South Bank CA

- 6.94 The CA Statement for the South Bank identifies that character of the land uses in the area is formed by the buildings, which are “public, cultural, and commercial single-use buildings”¹¹¹. That had been the intention ever since Abercrombie envisioned a different future for the area after the War¹¹², and were of course carried through in part by Lasdun’s corporate headquarters for IBM. The character of the area would be enriched and reinforced by the application proposals which combine the commercial and cultural. There is no suggestion that the ground floor retail/restaurant uses would do anything other than add positively to the character of the area. The regeneration of the CA by removing what is at best a neutral building or built form and replacing it with appropriate South Bank uses is a significant positive in CA terms.
- 6.95 Nor would the height and massing of the application proposals compromise the CA’s significance. The CA’s appearance is in part defined by buildings of significant height and scale – the Shell Building and ITV’s Kent House are prominent structures in the CA; both are much taller than the majority of the built form in the CA, and Shell is built on a monumental, monolithic scale. So having tall, large-scale buildings on the Site would not be alien or harmful to the character or appearance of the CA.
- 6.96 The riverside location would obviously not be harmed; indeed, the way the proposal has been designed to address the Queen’s Walk and the river would enhance the character of the South Bank in terms of a process full of wonderful Thames views, alongside a string of interesting, well-designed and singular buildings.
- 6.97 Mr Dillon is wrong to hold the view that the scheme would dominate the CA – the CA is far too long and linear, with a major visual break caused by Waterloo Bridge. The scheme would be at its most imposing from just east on Queen’s Walk¹¹³, but as the images show, the width of the Queen’s Walk is considerable in that location, as perceived from a pedestrian’s viewpoint, and the scheme has been designed to draw the eye to the cantilevered cut-out section with the coloured soffit, which contributes to a radically broken-up built form on the ‘corner’ of the scheme. Further afield, the other highlights of the CA – the intensely involving RNT, the calm rather grand RFH, the busy Hayward Gallery and BFI under the bridge arches, will all play their own key roles in the way the character of the CA is perceived; these are some of the nation’s most important cultural buildings, and they exert a powerful gravitational force when one perceives the CA. As Professor

harmful due to an effect on the visual connection between the RNT and Somerset House, which is purely a function of where the bridge and the buildings were constructed and has no designed or other meaningful relationship.

¹¹¹ CD6.10, paragraph 2.11.

¹¹² See Mr Dillon’s paragraph 28 at page 21.

¹¹³ See CD1.20 page 142-143 (winter view).

Tavernor explained, the CA will gain, rather than lose, with the scheme in place.

- 6.98 That is obviously the case at the ground plane, which is dismal in this location, partly due to the impenetrability of the ITV built form, and the way the public realm has necessarily had to respond to it. But the future is much brighter, with the CSCB scheme being implemented, and the way that it would connect to the application's restaurant area, and new square¹¹⁴. The detailed design of the building, its relationship to the Lasdun pair, its public spaces – these are all of course site and location specific; Mr Dillon's view that the scheme "could be any riverside"¹¹⁵ is a serious misjudgement.
- 6.99 The southern building lies towards the edge of the CA and would have a relationship with Upper Ground and, to a lesser degree, with the open spaces on the edge of the CA. There would be no 'cliff' or 'canyon' on Upper Ground – the buildings on the south side (Iroko Housing) are lower; the southern building's southern façade is only sixty metres long as part of an extensive, relatively straight street characterised by lower buildings¹¹⁶ and open space – it would hardly create the kind of continuous enclosed tunnel with very high sides which is alleged by the use of the term "canyon". As the VR goggle views and site visit generally will have shown, from the south and east, the scheme will be perceived as occupying a spacious setting – there is nothing of the crowded clustering one finds at Blackfriars or Waterloo. For these main reasons, there would be a beneficial effect on the character and appearance of the South Bank CA as a result of the scheme.

Other Conservation Areas

- 6.100 Roupell Street CA, as I mentioned earlier in these submissions, is an enclave¹¹⁷ of homogenous Victorian artisan's dwellings, the setting for which is the South Bank (including the existing Kent House), and the clusters, particularly that at Waterloo. The CA statement recognises this interplay and the role that taller buildings have in providing a degree of interest and articulation to the CA (by contrast with the evolving setting); it sees that combination as providing some of the heritage significance of the Roupell Street CA¹¹⁸.

¹¹⁴ These are noted in the SOSB evidence as active frontage and new 'genuine' public space: see Mr Boys Smith's pages 48 and 44 respectively.

¹¹⁵ Mr Dillon's paragraph 128, page 47.

¹¹⁶ The wharves (including the to-be-retained Mulberry PH) are lowish buildings and it is the juxtaposition between the scheme and these buildings that apparently caused Mr Black to find some limited harm to the South Bank CA. Mr Tavernor does not agree with that assessment, but one should bear in mind in any event that the wharves are allocated for re-development and (as per discussions between CSCB's architects and Make) the likely built form of the wharves is distinctly higher than current.

¹¹⁷ CD6.07 page 7 "a historic enclave".

¹¹⁸ Ibid page 35 in the guidance section: "Whilst it is acknowledged that some of the interest of the conservation area lies with its contrast with the wider South Bank and Waterloo area, small scale townscapes of traditional housing of this nature are extremely sensitive to the impact of tall buildings. Not only the setting of the conservation area but

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- 6.101 It is important that the guidance, rightly, does not suggest that any tall building proposal, on whatever site and however well designed, would cause harm to the CA. There is special caution registered against tall buildings “adjoining” or “in” the CA¹¹⁹, neither of which applies here. The Site already has a tall building and is allocated in the adopted plan for re-development including a 100+m tall building on the same site; the acceptability of tall buildings on the Site, notwithstanding that they would be seen from the Roupell Street CA, has been publicly considered as part of that process.
- 6.102 From the junction of Theed Street and Roupell Street¹²⁰, Kent House creates the counterpoint between the enclave and its surroundings which is recorded in the CAA. The application proposals would be taller and wider, but the overall effect of contrast – in a relatively limited part of the channelled view into the CA – would not really be any different. Professor Tavernor also finds¹²¹ that the architectural quality of the proposed building would add to the setting here. The contribution to which this part of the setting makes to the CA’s character and appearance would not therefore be detrimentally affected.

Other CAs: Old Barge House Alley, Waterloo, Strand, Temple and Whitefriars

- 6.103 Mr Clemons alleges harm to these CAs, on the same basis in each case: that the ability to see the application scheme would make the CAs less “legible”. It is difficult to see why a change in the wider setting of the CA in an area of Central London with a different character should make it harder to understand or interpret the CA. Take for example Mr Clemons’ judgement that the view of the proposal looking south down Arundel Street from the eastern end of the Aldwych would harm the Strand CA’s “legibility”. The current view is a framed view of Kent House, on the other side of the Thames. The future view would be the application scheme, also framed in the same way, on the other side of the Thames. Not a single aspect of what the setting gives to the CA’s significance would be affected.
- 6.104 The same is true of the views from within the Temple Gardens CA. At the moment, those views out of the Temple Gardens CA contain Kent House, the Blackfriars Cluster, the Waterloo Cluster and so on. It is not clear what contribution these make to the significance of the CA – they are just different areas of Central London across the river. The introduction of the application proposals would make no difference to an understanding or

also the amenity and outlook of its residents can be adversely affected by tall buildings. The existence of tall buildings should not be used as a justification for further intrusive or harmful development.

¹¹⁹ Ibid paragraph 3.10 page 32.

¹²⁰ THVIA CD1.20 pages 126-127.

¹²¹ Ibid page 126 under “proposed view”.

appreciation of the Temple CA. The same is true of the Waterloo, Old Barge House Alley and Whitefriars CAs¹²².

6.105 For these reasons, the effect of the application on heritage assets would either be positive (South Bank CA) or neutral. Even without taking into account the high quality of the scheme design itself, there is no paragraph 202 balance to be undertaken; however, should a different view be taken, the evidence and submissions on public benefits will be relevant.

Design and Townscape

6.106 I covered the key points about the design of the scheme earlier in these submissions, but I return here to deal with some of the main criticisms levelled at the scheme¹²³ in the evidence.

6.107 Ms Reynolds' view was that the proposals were out of scale and over-dominant¹²⁴. In all such cases one has to ask: out of scale in relation to what? Scale is either referable to the human form or to other primary scale components in 3D in the built environment. In this case, the buildings have been designed with huge attention to the human scale. This has been achieved by the ordered disposition of the space into component parts, all of which can be seen to relate to the human form through terraces, opening windows, balconies, perceptible divisions between floors, and clear entrances and exits – all of which are visible from some distance away and prevent the building from seeming to be impersonal or monolithic.

6.108 The ordered articulation of the 'boxes' – the components of the design – is fundamental to the design and creates an assembly of smaller constituent parts which overlap and are seen in different relationships to each other depending on the position of the viewer. Contrast the towers at Blackfriars, or the Shell development, or indeed the Doon Street tower. Ms Reynolds' objection to the overall scale of the scheme failed to appraise these key points objectively or fairly, leading to vague pejorative adjectives like "fat"

¹²² HE gave their view about the effect as they saw it on the South Bank CA, but said nothing about any impact on the other CAs which form part of Mr Clemons' evidence; the Council and GLA find no harm either.

¹²³ I have not covered in any detail the claims about weight to be given to Mr Finch's evidence. He is the former head of CABI with many years experience of developments in this part of London, and his assessment does what it says – employs that experience through the criteria in various design publications to give an expert opinion about the big points here – whether the building would be too big, too bulky and so on. His evidence should be given due weight – indeed the largely *ad hominem* attack on his evidence by CSCB rather suggests that his down-to-earth assessment of the scheme in context is one that causes the objectors some difficulty.

¹²⁴ Mr Ball submits (paragraph 102, page 28) that "the proposals are of an overwhelming scale" but there is no assessment, in Mr Boys Smith's evidence or in the SOSB submissions, of how the primary, secondary or tertiary scales of the proposed building relate to the built context, to the substantial open spaces of the river, spaces to the east. In effect the allegation of being "over-scaled" is nothing more than an assertion.

being used about the scheme¹²⁵. If the Government is indeed concerned that high quality design and beauty come through the planning system, then that kind of analysis has to be done properly.

- 6.109 As for primary scale components in the built context, the scheme would successfully integrate into a South Bank environment where tall buildings are characteristic¹²⁶. The Site lies half way between the (rather taller and cumulatively much more dominant) Blackfriars Cluster, and the very tall and dense Waterloo Cluster (which will only take on more dominance when Elizabeth House is delivered). It is not isolated, however, having the Doon Street tower as a relatively near neighbour. There are juxtapositions between tall and shorter development across the relevant area; the application proposals would not, viewed objectively, be either too tall or massive for the context in terms of primary scale.
- 6.110 Ms Reynolds' evidence also failed to deal fairly or accurately with the uses proposed as part of the design. She considered that the scheme should have contained some residential use, so perhaps naturally her written evidence contained nothing about the obvious suitability of both office and cultural uses to the area. However, she referred to policy without giving any attention to the fact that policy in this area prioritises CAZ strategic functions, which is what the scheme provides. No attention had been paid to the positive design aspects of the high quality office space, or the character benefits to the area in reinforcing its commercial character. In a similar way, SOSB submit in closing¹²⁷ that the design is inappropriate because the scheme is not a "national civic building". That is not an objection to development for office space and cultural facilities on the Site, and (as already covered) reinforces the overall mixed cultural and commercial character of the South Bank.
- 6.111 Ms Reynolds also failed to consider fairly the way that the northern block would function and appear. Her view was that it was simply inappropriate to have such a tall block in that location; however, she did not give any consideration to the fact that there are correspondences in datum levels between the northern block and the Olivier fly tower, and with the Oxo Tower. Given the space onto which the northern block gives (ie Queen's Walk and the river) its height is not inappropriate, even before one takes into account the way the mass is articulated.
- 6.112 The points Ms Reynolds made about the public domain and the London Studios had the air of a Design Review Panel about them, rather than disclosing any valid objections.

¹²⁵ That type of name-calling is a particular feature of the SOSB submissions ("giant crouching toad" etc etc), revealing on its own of the strength of the design case mounted by the Rule 6 Parties.

¹²⁶ There is no requirement for the development of the Site to be "lower and horizontal in form", which SOSB apparently consider to be an objection to the design (submissions, paragraph 86).

¹²⁷ Paragraph 86.

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- 6.113 There is nothing illegible or awkward about the two north-south routes proposed between Upper Ground and the Queen's Walk¹²⁸: they are not under-capacity for their intended use, and the so-called 'pinch points' still leave ample room for pedestrians and those wheeling their bikes; indeed Ms Reynolds confirmed she was not alleging that any part of the routes was 'sub-standard'¹²⁹.
- 6.114 There are some areas below the building overhang, where pedestrians would be able to walk, or those at cafes and restaurants would be able to sit. Contrary to Ms Reynolds' view that this is a design drawback, these areas would be very practical, particularly in wet weather, but also on very hot and sunny days¹³⁰. The overhangs are very considerably higher than any of the many characteristic examples in the surrounding area like that at the Oxo Tower, and there is no question of them feeling oppressive.
- 6.115 The retail and restaurants on the Queen's Walk would represent an active frontage, an area which will articulate with the already-implemented Queen's Walk Gardens scheme that CSCB is bringing forward, with the IBM public realm improvements and with Upper Ground¹³¹. It is baffling that CSCB submits¹³² that the scheme "turns its back" on the Queen's Walk in this location, given the design and the careful integration with CSCB's own public realm improvements. Of course the scheme 'reaches out' to the Queen's Walk, and does so in addition to providing a welcoming public space at the point where the Queen's Walk takes a marked turn to the north by the observation point – in effect, it would be straight ahead for those travelling west towards the existing cultural facilities. Again, the CSCB criticism is neither fair nor accurate.
- 6.116 The public squares would be well-designed and functional with genuine public benefit¹³³, not "too small" as Ms Reynolds asserted¹³⁴.

¹²⁸ They are clearly visible, would be signed and well landscaped. The Mulberry Walk entrance from the south would have a legible entrance feature and there will be public squares in two corners.

¹²⁹ Ms Reynolds' written evidence on this subject, for instance he paragraph 4.6.12 ("potential congestion"); paragraph 4.3.34 ("300 pedestrians per hour") needs to be seen in the light of oral evidence at the Inquiry where these points were effectively withdrawn.

¹³⁰ It appears that CSCB now accepts that "some shelter might be a benefit" (submissions, paragraph 70, page 28); but persist in the assertion that the shelter provided (at significant height) would be oppressive – it would not.

¹³¹ As Ms Carney confirmed in evidence, neither the application scheme nor the Queen's Walk Gardens scheme precludes the other; Make have designed the scheme to fit with the new landscaping that CSCB are putting in; the arrangements for making them seamless will be worked out between the parties (and indeed the IBM site owners) were planning permission granted. But it is critical to note that no party suggests any impediment to that integration taking place when the scheme comes forward.

¹³² Submissions paragraph 61 page 25.

¹³³ As Mr Boys Smith's evidence acknowledges (page 48).

¹³⁴ Paragraph 4.6.16.

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- 6.117 The London Studios' entrances would be visible from Upper Ground, from the Queen's Walk and from the new squares in the corners of the site. They are differently designed to the office foyers and would be easily legible and attractive. It would be possible for cultural activities to spill out into the public realm outside the buildings. The route through the building at ground level, whilst awaiting final design once the occupiers are in, clearly has the potential to be an interesting and involving space through which the public can find its way.
- 6.118 There would be active frontage on long stretches of the sides of the building and on the main south western corner; Ms Reynolds did not think the foyer in that location was an active use, but it meets the accepted definition of a building façade which allows people to come and go, and through which activity can be seen. Mr Boys Smith evidently agreed that the foyer was active¹³⁵. It is true that the remaining 39 metres or so of the Upper Ground elevation would be devoted to escape provision and the service access, but that is itself good design, permitting active frontages in the site and concealing the servicing within the building.
- 6.119 Turning briefly to consider Mr Boys Smith's evidence on design¹³⁶, there was much interesting and stimulating material presented of a general nature; its application to the assessment of the application proposals needed further thought¹³⁷. For instance, much of the *Create Streets* thinking is, for good reason, directed to the gentle densification of suburban areas and towns for residential use, rather than good design on major metropolitan riverside locations for commercial and cultural uses. His approach, that the Site was appropriately designed to the "top end of gentle density" had not been rigorously considered against the London Plan's Policy D3, or the Lambeth Local Plan's allocation for the Site as part of Site 9. The size and scale of the application proposals would clearly cause unease if they were being assessed against criteria really aimed at gentle densification. But that is not the correct policy approach here.
- 6.120 Having said that, Mr Boys Smith's approach and some of his ideas definitely have the potential to assist in deciding that most nebulous of questions in modern planning: would it be beautiful? He acknowledged that there was overlap with excellence of design, a familiar enough concept. I have set out the main points of the Applicant's case as to why the design would be excellent. Beauty itself has a subjective aspect, because it by definition is

¹³⁵ Mr Boys Smith page 48.

¹³⁶ As I explored with Mr Boys Smith, he gave evidence in a personal capacity; despite his role as Chair of the Advisory Committee to the 'Office for Place' (something within DLUHC, the Secretary of State for which is the decision maker on this application), he undertook that he only sought to influence the outcome of proceedings through his evidence, and would not be advising the decision maker in any capacity. There is no reason to doubt that will be the case and on that basis the Applicant was (and remains) content to let the Inspector evaluate the strength of Mr Boys Smith's evidence as with any other witness.

¹³⁷ Not that he had been asked to undertake such an exercise, Mr Boys Smith's design critique was not grounded in a systematic or comprehensive assessment of context.

concerned with the reception by the viewer (“it makes you feel a certain way”, as Mr Boys Smith put it).

- 6.121 Intriguingly, Mr Boys Smith’s evidence sought to draw out from wide-ranging research in a number of fields (some of which at face value appeared to have little to do with contextual design in a city centre) some principles, which he said he would be happy for the application scheme to be judged by: coherence, complexity, identifiability and mystery.
- 6.122 The scheme is organised in a rational and orderly way, as Mr Boys Smith accepted – it would be characterised by “ordered complexity”; that agreement stemmed from my challenge to Mr Boys Smith’s use of the expression “a pile of boxes” – it turned out that he did not mean a disorderly heap, but an ordered stacking of rectilinear components; that is of course exactly what Mr Filskow has done, articulating the masses of the northern and the southern blocks to create a balanced composition. Mr Boys Smith also acknowledged that when looked at carefully, one can see the symmetries present between different components of the design. There is nothing which prevents or hinders the identifiability of the scheme: as far as its primary uses are concerned, the composition is based squarely on modernist principles (a description with which Mr Boys Smith was content to agree¹³⁸). Its character as what Mr Boys Smith called “high end offices” is clear from the design. But beyond that, the fact that the scheme would self-evidently comprise a high-quality office building, with strong modernist design aspects, itself makes the building identifiable in its context. The South Bank is a commercial and cultural centre and the proposed building would identifiably sit within it.
- 6.123 There is an interesting clash here with the generalised suggestion in the peroration to Mr Ball’s submissions¹³⁹ that beauty is in part related to a sense of “belonging”: the South Bank is not a residential street in London or a square in Poundbury. It is a place of metropolitan status and importance that belongs to everyone, not just to those who are fortunate to live and work in proximity to it. It is a place for major commercial development and national cultural facilities, and whether the design is fitting, or ‘beautiful’ needs to be seen in that context.
- 6.124 That is also why the suggestion made by Mr Boys Smith that the proposed building “could be anywhere” and resembles a particular building in the Far East¹⁴⁰ does not bear scrutiny. He accepted that the northern building’s alignment, breadth and detailing was a response by Mr Filskow not just to the Lasdun buildings but to the river itself. The detailing of the northern

¹³⁸ Mr Filskow rightly rejected the bizarre suggestion (repeated in the CSCB submissions) that the scheme is part of the same architectural tradition as the Lloyds of London building; the suggestion indicates how misread the architectural effects of the scheme has been in the CSCB case.

¹³⁹ Paragraph 234.

¹⁴⁰ Mr Boys Smith paragraph 5.4.1, page 32, a residential scheme in a forest surrounded by roads and which can readily be seen to look quite different in terms of its disposition and ordering.

block responds to the spatial qualities of the Queen's Walk; the ground floor plane is obviously tailored to the specifics of the site; the London Studios have been designed, sized and arranged with regard to the feedback of many local stakeholders, etc. Mr Filskow's design is unique to this important site.

6.125 What of 'mystery' (which Mr Boys Smith explained as not showing everything immediately but leaving people to discover the place to some degree)? At ground floor, the London Studios' entrances and through-route will literally be a voyage of discovery and engagement with the creative production in the building, rather than just a very expensive underpass. A final aspect which emerges from Professor Tavernor's evidence on townscape is that the building's ordered complexity gives rise to many quite different types of view of the building from different viewing points – the assembly of forms seen from Waterloo Bridge is engaging just as a piece of design; the view from Upper Ground is more conventional, with a strong vertical emphasis; the view from Queen's Walk, with the cantilevered section, quite different again. That degree of interest is not found in point blocks or object buildings, like One Blackfriars nearby for instance – they are best appreciated as singular sculptures from afar, without much mystery attaching to them at all in the sense that Mr Boys Smith means.

6.126 So in summary, by Mr Boys Smith's criteria, as well as those in D9 of the London Plan, and the general guidance in the Framework, the building will be a piece of genuinely excellent design, comprised of ordered complexity, readily identifiable in use and intention but with some mystery; in short, by Mr Boys Smith's criteria, it would be a beautiful scheme.

Daylight, Sunlight and Outlook

6.127 The application scheme lies to the north and west of nearby residential development and therefore has no material effect on access to sunlight in any property. In terms of daylight, it is agreed¹⁴¹ that only the impacts on 13 units in the northern side of Iroko are in issue¹⁴². Those flats and maisonettes would experience diminutions in the Vertical Sky Component which would be described as major adverse¹⁴³. Of those, 9 would also experience No Sky Line losses beyond those identified in the BRE guide.

¹⁴¹ I note that SOSB did not produce any technical evidence on daylight and sunlight. Mr Ball includes extracts from, and in closing (see paragraphs 112, 116) makes submissions based on, evidence from another planning Inquiry (8 Albert Embankment) which turned on very different facts indeed (set out helpfully in Mr Cosgrave's evidence). Little weight should be given to these points. There are also unevidenced assertions to which no weight should be given, the most objectionable of which is at paragraph 113, page 31: "it is our lived experience that in these cases the retained levels of light would not be enough to maintain an acceptable living standard": there is absolutely no evidence to support this, in cases where dual aspects homes are concerned with excellent sunlight and flexibility in future use. No weight should be given to this kind of assertion, which deliberately fails to grapple with the actual considerations at Iroko.

¹⁴² Daylight SCG paragraph 1.1.26 ; Ms Chapman's paragraph 8.1 page 17.

¹⁴³ These are the units coloured with the dark blue rectangles marked on windows on the helpful summary window plan.

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- 6.128 The assessment of the acceptability of daylight impacts is a two-stage process: one first assesses what can be quantified using the BRE yardsticks, and then performs a context-based exercise in judgement, aimed at assessing the planning question as to whether the impacts are acceptable¹⁴⁴. In this case, it is a curiosity that both Mr Webb and Mr Goddard (both on behalf of the Applicant), and Mr Oates (for the Council) reach judgements on the second question, but no one appearing for the Rule 6 Parties carries out the exercise¹⁴⁵, a point about which CSCB were notably silent in closing. CSCB provides no planning assessment of whether the effects would be acceptable and relies on arguments in closing, a real weakness in the case put forward.
- 6.129 Relevant policy speaks in terms of sufficient or acceptable impacts to "housing", "building" or "property" – ie the overall home that is occupied. The BRE exercise relates not to homes but to windows and rooms. So, in this case the rooms on the northeast corner of Iroko (which have sub-BRE results for VSC impacts on windows) have negligible impacts under the NSL test because they are dual-aspect.
- 6.130 Similarly, all of the 13 (or more accurately 9) flats in question with sub-BRE results for the rooms on the northern side of the building have access to other spaces in the home on the southern side, because they are dual aspect units. This is very important in this case because it means that the occupiers have a degree of flexibility as to where they carry out certain aspects of their domestic life. On this basis alone, as the site visit may have shown, the five 5-bedroom, dual aspect triplex maisonettes¹⁴⁶ would clearly be left with access to daylight and flexibility such that their homes would retain an acceptable level of daylight overall. The sub-BRE effects on two (each) of their bedrooms on the northern side is surely not enough to indicate an unacceptable impact on living conditions in those homes¹⁴⁷.

¹⁴⁴ Found here in Policy D6 of the London Plan, and in policy on page 16 of the Lambeth Local Plan (adopted post-London Plan).

¹⁴⁵ Ms Chapman did not carry out the second stage of the exercise. Both Mr Webb and Mr Goddard carried out the exercise.

¹⁴⁶ 95A to 95E.

¹⁴⁷ There was some assertion in the CSCB evidence at the Inquiry about home working and 'multi-generational families' occupying these units, which was (it seems) prayed in aid to suggest a greater impact. No evidence was produced of any such family arrangements to be scrutinised at the Inquiry and the Inspector should be slow to assume that is the case. The contrast, for instance, with the very detailed evidence heard at the 8 Albert Embankment Inquiry about the exact nature of the families in affected units within Whitgift House, is clear. In that case not only were all the occupants of the affected units known about and detailed, but evidence about their personal circumstances, disabilities (some of which were very serious) was all set out. CSCB's closing (paragraph 153, page 60) refers to "a number of the properties in Iroko" being occupied by large multi-generational families. Had the few units concerned here fallen into that category, no doubt the Inquiry would have heard about it. There is in fact no evidence that such use takes place in the affected units here, especially the two single bedroomed flats which admittedly have less flexibility than the 5 bedroomed units.

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- 6.131 That leaves Flats 7-11 (occupying two floors each on the 3rd and 4th levels). These two level flats have less flexibility, but (a) the two-bedroom flats happen to be the ones with sub-BRE VSC and NSL results – but they have an alternative, south-facing main habitable room; and (b) the single bedroom flats (Flat 8 and Flat 9) actually have BRE-compliant NSL (ie the amount of light falling within the room, rather than on spot on the window).
- 6.132 All that aside, there is no doubt that the 9 units (especially the two one-bedroom units, Flats 8 and 9) would experience less well-lit conditions in the two rooms fronting the Site. They have another habitable room which is unaffected, and the top room has acceptable NSL and therefore is not, on that measure, detrimentally affected. The retained VSC levels are in single figures for the windows analysed but that is not markedly out of kilter with the standards achieved in other cases where new schemes in Opportunity Areas have been consented. These comparables are valuable only to the extent that they give a flavour of the kind of VSC levels which have been deemed acceptable – they are relevant because they lie within either the same or neighbouring Opportunity Areas in London where the emphasis is on increasing the delivery of housing and employment space.
- 6.133 The contextual evidence in this case plays a relatively minor supporting role to the assessment of the actual Iroko units themselves, which (the Inspector will form a view based on her experience of assessing similar schemes) really are very well-appointed social housing units indeed¹⁴⁸. The external space available to each of the affected units lies to the south and underlines why, taken in totality, the effect on living conditions that the scheme would have would not be unacceptable.
- 6.134 Although not measurable via the BRE, it is also of some relevance that the affected units are also those which happen to receive *reflected* light from the existing building, as Mr Webb’s photograph¹⁴⁹ shows. A similar, if not slightly greater effect, would be expected from the application scheme.
- 6.135 The BRE guidance does not draw any distinction between private and social housing. None of the experts, as I understand their evidence, sought to say

CSCB’s assertion that “reconfiguration is simply not an option” is without any evidential basis and should be given no weight.

¹⁴⁸ This includes both sunlight and daylight – Mr Balls’ submissions actually make this point (paragraph 119, page 33), which is not a point in his favour. The answer to the generalised assertion in his closing paragraph 117 page 32 is that (as GLA and Framework policy indicates) in urban areas there is a range of considerations to consider relevant to the question of acceptable daylight (for instance the need to optimise the re-use of scarce previously developed land, the needs of the CAZ in the London economy, the expectations of urban dwellings in daylight terms). These points are never considered in Dr Littlefair’s evidence (as will be seen, were not considered in his evidence at 8 Albert Embankment either).

¹⁴⁹ CD14.18.

that a different, let alone more stringent, approach should be taken to affordable units¹⁵⁰

6.136 As to outlook, the same units currently look out towards Kent House. The application scheme will be materially wider at the lower levels but there will be oblique views beyond it from all of the windows and rooms assessed. As already submitted, the dual aspect nature of the units and the provision of private and communal open space is a material factor when weighing the issue of residential amenity, as is the urban location of Iroko. Impact on outlook is not a reason to refuse permission in this case.

Public Realm

6.137 I have already covered the improvements to the public realm that the scheme would bring. There would be radical betterment on all four sides of the proposed building, in terms of public access, connectivity, quality of the space for leisure, and as immediate setting to the building. This would be the first time that new public realm had been provided in association with a major new building along the South Bank, certainly east of Waterloo Bridge – the public realm which has evolved slowly over time outside the RNT and the RFH has been scraped together from spaces which were not originally designed for public access at all. In addition, the new public realm which is offered as part of this scheme includes (should the Secretary of State consider it meets the CIL tests) a viewing platform at 12th floor on top of the north building, which would add another spectacular public (and therefore inclusive) vantage point from which to enjoy the Thames and sights of London¹⁵¹.

6.138 The Rule 6 Parties accuse the scheme of causing serious harm to the quality of existing public realm through overshadowing (the Queen's Walk to the north/north east, and Bernie Spain Gardens). However, the evidence of transient overshadowing¹⁵² shows that all of those areas would comfortably pass the BRE test of 50% sun on the ground in March. That is a stringent test relating to areas where people would expect to dwell, such as private and communal gardens; the BRE guide says that where the retained sun on the ground is more than 50% the effect will not be noticeable, let alone, as

¹⁵⁰ Mr Webb (see CSCB paragraph 174 page 66 referring to Mr Cosgrave's evidence) certainly did not accept that the fact that the units are social housing was a contextually important factor. There is no policy or guidance which supports that contention and the findings in 8 Albert Embankment need to be seen very carefully in their context.

¹⁵¹ Although not referred to by Mr Ball, the CSCB submissions accept that this would be in line with policy (submissions paragraph 60, page 25). The rest of the paragraph is rather mealy-mouthed and does not face the point that the public access would rebut the accusations of failure to provide a high-level viewing point; it would be a real benefit of the scheme.

¹⁵² Mr Webb's Appendix 7.

alleged, seriously adverse¹⁵³. The protection of such areas is based on their sensitivity; by contrast¹⁵⁴.

6.139 It is questionable whether such a stringent test should be applied anyway to the Queen's Walk, which already has significant shadow on the ground in March and is a place through which people tend to move. Benches in the area are under the trees. Even if in March the observation area is more in shade than it would be at the moment, the main activity undertaken there is observation of London.

6.140 Very little impact would be caused to Bernie Spain Gardens or Ernie's Beach as assessed in March – the northern section is not really touched by shadow until 3pm, but the existing state shadow is there by 4pm. Much more important in the case of Bernie Spain Gardens and the Beach is that in the spring and summer months, the scheme causes almost no additional shading due to the angle of the sun and the distances involved. For these reasons, the scheme would have a strongly positive effect on public realm.

Sustainability and Carbon

6.141 There are two quite different points that were debated under this head at the Inquiry: compliance with Circular Economy/Whole Lifecycle Carbon assessments and whether Kent House should be reused rather than demolished¹⁵⁵. The GLA is at the forefront of policy on these topics. Their position is that the application scheme complies¹⁵⁶ with the procedural requirements under this head; there is certainly no suggestion that any policy or guidance requires the retention of Kent House in this case. Substantial weight should be given to the views of the GLA on this point. The experts, Mr Collinson and Ms Balson, helpfully narrowed the issues between them to a schedule (the discouragingly-named *Towards a Statement of Common Ground*¹⁵⁷) which the Inquiry worked through during the Round Table Session. From that exercise came the following results. It was accepted that there is no Policy in the London Plan or the Local Plan which requires applicants to demonstrate that the building, or any part of it, cannot be retained and converted, in circumstances where the requirements of a new scheme (otherwise policy compliant) do not require that retention¹⁵⁸. In other words, policy and guidance as we have it today do not require some kind of carbon sequential test to be followed by an Applicant in order to justify the demolition of a structure where that structure is not suited to the requirements for the site.

¹⁵³ See CD6.38 at 3.3.17.

¹⁵⁴ And contrary to the CSCB submission at paragraphs 73 to 78 pages 29-31, that in terms of shadowing, the Queen's Walk is of particular "sensitivity": it is not, due to its function as a place of transition and viewing rather than static dwelling for any period of time. There is no support for the CSCB in Policy Q24 of the Lambeth Local Plan.

¹⁵⁵ Mr Ball refers to the UK legal obligation to transition to a low carbon economy, but for clarity that is not a directly binding legal obligation on this decision. As Mr Ball says, in London that is delivered through the London Plan policies, which these proposals meet.

¹⁵⁶ See GLA Stage 2 report, August 2022, CD4.03, paragraphs 32, 62-63.

¹⁵⁷ CD14.12.

¹⁵⁸ This was a point also acknowledged by Ms Carney in her oral evidence.

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- 6.142 That was perhaps the subject of some slight ambiguity in GLA guidance at the time of the application, but is now accepted to be more clearly spelled out in current guidance¹⁵⁹. The GLA guidance spells out that justification is required in order to demonstrate that the retention and conversion of the building is not “suited to the requirements for the site”.
- 6.143 The decision tree does not require any further investigation of the retention of a structure if it is not suited to the requirements of a new scheme. The evidence, accepted by the GLA and unchallenged at the Inquiry, is that Kent House is not capable of being used to provide Grade A office space in 2023 (“the requirements for the site”) because it has small floorplates and very low floor to ceiling heights¹⁶⁰. In addition, Mr Collinson’s evidence before the Inquiry included an analysis, again unchallenged at the Inquiry, which shows that *even if one retained Kent House*, the carbon outcome was marginally worse than the carbon outcome for the proposed scheme¹⁶¹.
- 6.144 There is therefore no further mileage in the Rule 6 Parties’ assertions either than that Kent House should be retained because it is better for carbon outcomes, or that insufficient work was done to justify the demolition of Kent House¹⁶². Ms Balson’s points were mainly of a different order entirely. They did not concern alleged policy breaches (as the Inspector elicited) but alleged non-compliance with the requirements of guidance, or data quality. I note again that as far as use of the required toolkits is concerned, and the quality of data produced, the lead authority is the GLA. The answers to Ms Balson’s points are set out in Mr Collinson’s rebuttal proof¹⁶³. Mr Collinson answers all of the issues which remain marked in red on the schedule of points in detail (and at the Round Table Session effectively took the Inquiry through those points drawing on his rebuttal statement). I do not therefore propose to rehearse them again in closing, given that they are very detailed

¹⁵⁹ CD6.21, the GLA’s Guidance on Circular Economy Statements dated March 2022, at Figure 4, page 11.

¹⁶⁰ This was explored at a very early stage in proceedings, with the Make Re-Use Study, CD 2.18, which sets out robustly in an appropriate level of detail why Kent House cannot be retained – even with major work and additions to it, for Grade A space. Mr Ball’s submissions at paragraph 137 is factually incorrect – there was consideration of the retention as required by policy and guidance. He also repeats a mistake he made in the Inquiry which is that the Re-use document by Make was in December 2020 – as made clear in the relevant session, it was based on work which took place over months before that date.

¹⁶¹ Mr Collinson’s evidence, CD10.09, paragraphs 2.3.6 to 2.3.12. Mr Ball is of course quite wrong (submissions, paragraph 146) to say that the Applicant has provided no evidence of what the carbon savings from retention would be – to the extent that it raises a question whether Mr Ball has read Mr Collinson’s evidence at all.

¹⁶² Mr Ball’s closing submissions on this point (pages 37 to 42) do not mention the key point that the GLA guidance (see the flowchart) does not require re-use of the fabric if it does not meet the site requirements. His submissions are completely invalidated by this point and run the risk of being misleading. He appears (paragraph 143) to acknowledge that there is no policy or guidance requirement here to retain Kent House; but then tries to reintroduce the same point by reference to general points about optimisation and carbon minimisation which are not consistent with the key piece of guidance.

¹⁶³ CD10.17.

technical points which do not require any further amplification or qualification following the discussion at the Round Table Session. The Inspector and the Secretary of State should give due weight to the points in that document in answer to all residual process queries that Ms Balson raised. Nothing substantive remains.

- 6.145 For those reasons, the points in dispute at the Inquiry have been fully answered¹⁶⁴. The scheme's excellent performance in carbon, circular and whole life carbon terms is not in doubt, and (for the avoidance of doubt) regard should be had to Mr Collinson's main proof of evidence as well on the main sustainability credentials of the scheme¹⁶⁵.

Benefits and Planning /Heritage Balances

- 6.146 The scheme brings with it a weighty package of benefits. *Making the best use of land* - In line with the Framework, 'substantial weight' should be attached to the scheme's reuse of brownfield land to meet the need for commercial and cultural development. The policy support is also found in London Plan Policy D3, which states that all development must make the best use of land. In contrast to the existing poor quality underused buildings on the Site, the proposed scheme would make the most effective use of this key site. Ms Carney agrees with this assessment, describing it as a "very substantial benefit"¹⁶⁶

- 6.147 Compliance with policy does not mean that the fruits of that compliance should be accorded less weight than they deserve in any planning balance (contrary to what was put to Mr Goddard); Ms Carney's position on re-use of previously-developed land (a policy requirement under London Plan D3) is a good example.

Economic Benefits

- 6.148 Mitsubishi Estate is Japan's leading real estate developer with a track record of delivering successful major development in London since 1985. The scheme will represent an inward investment in London, and the UK, of approximately £700m by Mitsubishi Estate¹⁶⁷. This is one of the company's

¹⁶⁴ CSCB did not produce evidence about carbon at the Inquiry. There were suggestions that the basement was too big, and that waste from the construction of the scheme should be taken out by conveyor belt over the Queen's Walk to barges. However, there are no wharf facilities in this part of the Thames and the degree of chaotic disruption that would be caused by a quasi-industrial use taking place across the Queen's Walk does not bear thinking about. The issue was not raised by the GLA; by contrast, the carbon effects (and indeed residential impact effects) of the construction period were assessed in the application and found to be acceptable. As for the size of the basement, there is no evidence produced that it wastes a square metre of space – it is very expensive to construct and the Applicant would not do any more basement work than was strictly necessary.

¹⁶⁵ CD10.09.

¹⁶⁶ Ms Carney paragraph 7.6.4.

¹⁶⁷ CD10.06a.

largest projects in Europe and an important part of its ongoing commitment to the UK.

- 6.149 The South Bank makes a significant contribution to London's economy, and the local economy, employing local people and supporting local businesses. The 'Engine of Recovery' Report, prepared in 2021 for the Lambeth and South Bank BID¹⁶⁸ revealed that the area was badly impacted by the Covid 19 pandemic, and now faces challenges as a consequence of economic uncertainty, reduced consumer spending and reduced funding of the arts. The South Bank increasingly relies on commercial activity, and induced expenditure from the local workforce, and attracting more visitors to the area. It is notable that the Report identifies the redevelopment of the ITV studios as one of a number of opportunities for economic stimulation.
- 6.150 The application was accompanied by three reports, prepared by Hatch: an Employment and Skills Report¹⁶⁹, an Affordable Workspace Management Plan¹⁷⁰ and a Regeneration Statement¹⁷¹. Updates to all those reports were appended to Mr Goddard's evidence to the Inquiry and were not challenged. The Employment and Skills Report¹⁷² concludes that the application proposals could generate up to 1,714 temporary construction jobs a year over 4 years, and around 4,319 FTE jobs in operation across a range of sectors including office, cultural and restaurant/café. Hatch estimate around 673 of these jobs could go to Lambeth residents, and the scheme would offer a range of employment opportunities. The Applicant will seek to employ Lambeth residents for 25% of new jobs created and up to 90 apprenticeships will be recruited over the duration of the construction and operation phases, with up to 36 opportunities being provided for the long-term unemployed in the operational phase. Moreover, significant financial contributions to local infrastructure and employment and skills will be secured via the s106 agreement. This approach accords with the objectives of the Lambeth Employment skills SPD 2018.
- 6.151 Mr Ball airily says that the employment benefits could be delivered "with a more appropriate scheme"¹⁷³, but of course doesn't begin to make good that particular assertion. It wouldn't be delivered by a scheme with a large residential element. It wouldn't be delivered by a materially smaller scheme with less floorspace. It wouldn't be delivered by only developing the southern part of the Site.
- 6.152 The Hatch Regeneration Statement concludes that employment supported on site is estimated to generate an annual wage bill in the region of £183 million. This will generate further benefits locally in the form of wider supply chain and induced spending. Hatch estimate the GVA of the scheme once fully operational would be circa £412m pa, with a range of off-site multiplier

¹⁶⁸ CD2.03.

¹⁶⁹ CD1.18.

¹⁷⁰ CD1.07.

¹⁷¹ CD1.32.

¹⁷² Mr Goddard's Appendix 3.

¹⁷³ Submissions, paragraph 211 page 56.

effects, amounting to a further 432 FTE off site jobs and a further £45m GVA pa.

6.153 Based on business rates for individual use classes associated with the development, it is estimated that Lambeth Council will receive around £11.8 million per annum through business rate contributions as a result of the proposed development. The Regeneration Statement identifies a series of key local regeneration benefits, including delivering against local regeneration policy, responding to a need for grade A office space, providing affordable space to encourage a diverse business base, enhancing and strengthening the cultural and creative offer at South Bank, supporting supply chain opportunities, local employment opportunities and skills development; and improving place and enhancing the public realm. These direct and indirect economic regeneration benefits should carry substantial weight in the planning balance. In addition to the above, the s106 agreement contains extensive obligations relating to the employment and skills of local people¹⁷⁴. *New high quality sustainable employment space* - The scheme will meet a real and identified need. The London Plan identifies the increasing demand for office space with office employment projected to increase by 31% by 2041. There is a forecast need for around 4.7-6.1 m sq m in London, with 59% projected to be in the CAZ. This need is reflected in the Local Plan, and in particular Policy ED1, and the Commercial Office Baseline Report prepared for the Council by JLL in October 2020 highlights the area around Waterloo as having significant potential for office development. The provision of 79,019sqm of high-quality office floorspace would make a significant contribution to strategic policy objectives,

¹⁷⁴ An employment and skills contribution of £1,078,733.77 is to be paid by the developer which shall be applied by LBL towards the implementation of employment and training initiatives in the Borough of Lambeth. An Employment and Skills Plan must be prepared and complied with. This must include the target number of construction jobs and employment opportunities for Lambeth residents (being a person of working age who is a resident within the London Borough of Lambeth) during construction, as well as arrangements for the delivery of apprenticeship programmes for Lambeth residents who are under 25 years of age. The developer must provide the following employment opportunities: 25% of the total jobs (being paid employment or engagement that is not an apprenticeship) forecast for Lambeth residents in both the construction phase the occupation phase; and the target number (as agreed in the Employment and Skills Plan) of employment opportunities for Lambeth residents in both the construction phase and occupation phase other than jobs (i.e., apprenticeships, bespoke pre-employment training or a workplace opportunity for a minimum of 6 months). Young People Careers Inspiration Activities (being work with schools, colleges, and other training providers to deliver careers aspiration for young people) must also be provided as agreed in the Employment and Skills Plan. All apprentices engaged during the construction and occupation phase will be paid the national minimum wage for apprentices. There will be quarterly monitoring of the provision of the employment opportunities to Lambeth residents against the agreed target numbers. Progress reports will also be submitted to LBL yearly, and a final report will be submitted to LBL after the construction phase and occupation phase respectively. If it is considered by LBL that there is a shortfall in delivery against the target number of employment opportunities, LBL may seek a compliance payment from the developer which is calculated in light of the job shortfall. This payment will go towards employment and skills initiatives operating in the Borough of Lambeth.

including meeting socio economic needs, addressing local employment and skills issues, and contributing to sustainable economic growth. The replacement of dated, underused office building with a new high quality office building would result in a significant increase in office floorspace across the Site and in the local area in accordance with key development plan policies.

- 6.154 The Inquiry heard the by now familiar question about whether in the post-Covid world office space is really needed. A comprehensive and unequivocal answer is given in the Cushman and Wakefield Report¹⁷⁵, which confirms that the demand for high quality well specified office space remains high. The pandemic and other ongoing trends have resulted in changes in occupiers' requirements, and older stock is no longer meeting occupiers' demand for high specification, sustainable and amenity rich space¹⁷⁶.
- 6.155 Furthermore, the Cushman and Wakefield Report identifies that leasing activity has increased sharply and the vacancy rate for Grade A office floorspace is only 2.4%. The Report identifies a mismatch between demand and supply, with barriers to new development and significant demand for large floorplate, high quality Grade A office space. The Report also highlights the so-called 'flight to quality', as major occupiers increasingly demand high specification and amenity rich, highly efficient and sustainable buildings in prime locations. The application scheme would fulfil all these requirements¹⁷⁷. There is absolutely no evidence that the scheme is being proposed by the Applicant in order to be kept empty as an asset, as Mr Ball implies in one of his generalisations¹⁷⁸. Substantial weight should be given to the office space provided as part of the scheme¹⁷⁹.

Affordable Workspace/London Studios

- 6.156 The Hatch Regeneration Statement refers to the need for affordable workspace, and space suitable for start-ups and SME's. Lambeth's plan identifies that this is an integral part of London's ecosystem and supporting the creative and digital industries. The London Studios would deliver around 10% of the uplift in office floorspace as affordable workspace for 25 years, exceeding policy requirements and making a significant contribution to identified local needs. Mr Ball's submissions about the delivery of the studios simply repeat his misunderstanding of the requirements in the s.106 requiring and guaranteeing the affordable workspace. This will be genuinely affordable and available at rents which will be significantly lower than the relevant development plan policies require. The London Studios are the product of lengthy and meaningful engagement with local groups and

¹⁷⁵ Mr Goddard's Appendix 2.

¹⁷⁶ Nothing in the generalised points about the demand for smaller cheaper office space

¹⁷⁷ The SOSB closing (paragraph 197) alleges without any evidence that "there is no business case" for the office space. There is – in the Cushman's work, which was not materially challenged by Mr Ball in evidence and no contrary evidence has been produced.

¹⁷⁸ See his paragraph 150 page 43.

¹⁷⁹ Ms Carney concurs: paragraph 7.6.4, page 30.

organisations to tailor the space for the needs. Substantial weight should be given to this benefit. Ms Carney calls it a "limited benefit" but only on the basis that the precise arrangements are not capable of being known at the moment; the set of s.106 obligations is cogent enough however to give much more weight to the benefit than Ms Carney does.

Social and Environmental Benefits

6.157 The scheme would deliver important social and environmental benefits, including public and amenity space and the creation of new pedestrian routes and a safe, permeable public realm. It would deliver exemplary design which would enhance the South Bank Conservation Area. It will create an additional attractive and publicly accessible destination on the South Bank which complements and supports its neighbours to which substantial weight should also be given. Part of that benefit would be the generous public realm which I have covered in detail earlier in these submissions, and if the Secretary of State is content with the CIL compliance of the 12th storey public viewing platform, the scheme will bring public realm benefits at height as well as ground level¹⁸⁰.

6.158 Substantial greening is proposed through landscaping, green walls and green roofs to contribute to biodiversity enhancement, sustainability, wellbeing and the Mayor's ambition for greener urban environments. These matters should be given substantial weight. The sustainability credentials of the scheme, even in 2023 with an increase in regulated requirements, are very striking and should be given due weight¹⁸¹.

Balances

6.159 These benefits would be likely to outweigh heritage harm on the Less than Substantial spectrum. The evidence of Professor Tavernor does not indicate that paragraph 202 of the Framework is engaged, but (contrary to the Applicant's case on harm) it certainly outweighs limited harm to the South Bank CA and to Somerset House (ie harms found by the Council); it would outweigh minimal negative impact on the LVMF views from Westminster Pier and Blackfriars Bridge; it would outweigh limited harm to the setting of the RNT if those harms are found. The benefits would also be powerful material considerations in the general planning balance.

Development Plan Compliance and Overall Conclusions

6.160 The scheme would comply overall with the development plan – a finding which was reached after extensive and detailed consideration by both Lambeth and the GLA. It would be consistent with the allocation policy in the Lambeth Plan, with the policies of the development plan as a whole, and

¹⁸⁰ A point which Mr Ball ignores in his submissions, presumably because it completely answers his complaint about no public access to higher levels, 'us and them', etc.

¹⁸¹ Ms Carney left the outcome on 'carbon footprint and circular economy' (page 31) to the evidence of Ms Balson, which as submitted does not show any material non-compliance.

with the Framework. A fundamental weakness in the cases put to the Secretary of State by the Rule 6 Parties is that it is based on the idea that policy requires the development of the Site to include residential development. At its most coarse, the argument could be applied to every site in London that might have housing on it, regardless of the site allocation. At the level of the London Plan, it is not the case that the Good Growth policies require housing on all such sites – such a fundamental point would have been at the forefront of the GLA’s thinking on this application if it had any merit. But here there is a site allocation which (for the reasons I have covered earlier and do not repeat) identifies the Site as part of a larger land area for mixed use, which is not the same thing as a policy which requires residential development on all parts of the allocation.

6.161 This fundamental land use and policy error has had a corrosive effect on the views expressed by the Rule 6 Parties. After all, it amounts in one sense to an argument that permission should be refused because there is an alternative scheme or land use which is preferable – something which the planning system rightly only countenances in exceptional circumstances. There is no policy need¹⁸² for a scheme on the Site to contain residential use.

6.162 As the evidence shows, the scheme would comply with the site allocation policy, the Good Growth Policies, the Tall Building policies, the carbon and sustainability policies, those which relate to the preservation of an acceptable level of residential amenity, and those aimed at meeting the objectives of the CAZ and the Opportunity Area. To the extent that there is some degree of harm to residential amenity, or heritage assets, there would be a degree of non-compliance with the development plan. But the evidence shows that the scheme would accord with the development plan as a whole. It would also of course accord with the Framework (including, if engaged, the balance in paragraph 202), but there is no need under s.38(6) here to outweigh non-compliance with the development plan with material considerations – they merely add considerable additional justification for granting permission for the scheme.

6.163 The Applicant (as its letter¹⁸³ says) stands ready to invest some £700 million in the scheme, unlocking the regeneration of the Site and enhancing the South Bank with a special piece of architecture by Make. As Mr Filskow said, the view was taken in 2019 that something better could be produced on such an important site than the underwhelming ITV scheme consented in 2018, and the testing at the Inquiry (as well as the site visit) has shown that the scheme would bear that ambition out. All the buildings between the Site and Jubilee Gardens share a sense of progressiveness, ground-breaking design quality, and each has its own sense of identity. The location is more than a ‘local’ place – it is of metropolitan importance, at least, and these

¹⁸²Including by reference to the Good Growth policies, H1F, or SD5. None of those policies require residential on all sites – indeed they refer (in the CAZ context) to the need to meet office and commercial needs as a priority in the CAZ, a point which shines out from SD5 but which was not faced up to in the submissions of either CSCB or SOSB.

¹⁸³ Mr Goddard’s Appendix 1.

proposals would contribute to the compelling qualities and vibrancy of the South Bank and its power to engage people for the decades ahead.

6.164 For the reasons summarised above and set out in more detail in the Applicant's written and oral evidence, planning permission should be granted for the proposal.

7 The Case for the Council

7.1 This is set out in the opening and closing statements to the Inquiry as well as in the evidence presented. What I set out below is a summary of the case presented in closing. It is however essential that the entirety of the evidence presented by the Council is read in full in order to fully understand the case presented.

7.2 These closing submissions aim to summarise the Council's case as it has been presented during the Inquiry. They do not repeat the case of the Applicant; that case is largely adopted, given the closely aligned nature of the Applicant's and the Council's positions but nothing will be gained by merely setting out the arguments which it will no doubt present on its witnesses' evidence. These submissions will, therefore, be reasonably short.

The effect of the proposal on the significance of designated heritage assets derived from their settings, with particular regard to the listed buildings at: Somerset House, Royal National Theatre, Royal Festival Hall, Waterloo Bridge, IBM Building, St Paul's and to the following Conservation Areas – Old Barge House Alley, Waterloo, Strand, Roupell Street, Temple, Whitefrairs, South Bank.

7.3 Mr Black has presented the evidence on behalf the Council on heritage matters. That evidence is commended to the Secretary of State. It was measured and careful. It was obvious that Mr Black has spent substantial time and effort with the project – he has assessed all the relevant issues in depth and reached a series of considered judgements about the effects of the proposal. The suggestion made by Mr Dillon¹⁸⁴ that Mr Black had approached some heritage assets (most notably, the National Theatre) on a skewed, anti-modernist basis was, with respect, absurd; particularly in the light of Mr Dillon's own commendation of Mr Black in his own publication on the NT.

7.4 Mr Black's judgement was also exercised independently and robustly. He has had no difficulty in reaching a conclusion different to that set out by the Applicant in its supporting application documentation or in the evidence presented to the Inquiry, if he felt that appropriate. Mr Black's conclusions were completely upheld following cross-examination. None of the suggested criticisms were made out. As a result, the following conclusions may be reached on the effects of the scheme.

¹⁸⁴ XX.

Somerset House

- 7.5 There would be a low degree of less than substantial harm to the significance of Somerset House as a result of the visibility of the proposed south block within Somerset House's courtyard entrance. But even this conclusion may be, as Mr Black indicated¹⁸⁵, somewhat over-cautionary; as Mr Black recognised¹⁸⁶, potentially the scheme has no effect given the limited degree of visibility, the masking effect of the south range chimneys and other structures and the overarching effect of the Doon Street tower, but he took a cautious approach because of the important symmetry in Somerset House's composition. Historic England identified a low level of harm¹⁸⁷; the GLA considered that there would be a negligible effect¹⁸⁸; incidentally, it is to be noted that Historic England do not object to the scheme – they are certainly able to take that stance on development proposals if they think it appropriate.

Waterloo Bridge

- 7.6 Mr Black considered there will be no harm to the significance of the Waterloo Bridge. Historic England made no comment about it. Mr Clemons did not identify any effect on Waterloo Bridge itself¹⁸⁹. The reason for the lack of effect is because the principal feature of the setting of the Bridge is the river; the architectural interest of the Bridge is in its elegant spans and Portland Stone finish and that is best appreciated from the river, the Embankments and Blackfriars and Hungerford Bridges.
- 7.7 There will be no effect on those elements. Even a cursory view of the THVIA¹⁹⁰ establishes that this is the case. Mr Dillon considered there would be harm to the Bridge's significance¹⁹¹, but his reliance on the reason for the Bridge's listing¹⁹² was misplaced since none of those aspects would be affected by the scheme. Mr Dillon considered that the visual link between the banks by the Bridge would be affected – but that view is plainly not going to be affected, as Mr Black concluded¹⁹³.

Royal Festival Hall ("RFH")

- 7.8 There will be no effect on the RFH as Mr Dillon suggested¹⁹⁴. Mr Clemons did not identify any specific harm to the RFH as a listed building, as opposed to affecting the conservation area¹⁹⁵. Historic England and the GLA have no

¹⁸⁵ EC and XX.

¹⁸⁶ EC.

¹⁸⁷ CD 4.08, pg. 24 PDF.

¹⁸⁸ Para. 56, CD 4.02.

¹⁸⁹ Para. 5.12.1, proof, pg. 43, CD 5.04.

¹⁹⁰ See e.g., 16 – 20, CD 1.20.

¹⁹¹ Para. 124, PD, CD 9.05.

¹⁹² Para. 58, PD, CD 9.05.

¹⁹³ EC.

¹⁹⁴ Para. 120, CD 9.05.

¹⁹⁵ See tables of impact, pg 46 Clemons, pg. 43, 5.12.1, CD 9.05.

concerns about this relationship – Historic England did not comment on it at all. The reason for the lack of effect is clear. The building’s principal elevation is towards the Queen’s Walk (the north elevation) and there is considerable separation between the RFH and the proposal¹⁹⁶– it simply cannot be regarded as affected by the scheme from these views. It is notable that the C20 Society objected to the Southbank Place proposals at that Inquiry, but the Inspector concluded that there would be no harm¹⁹⁷; the Inspector then described the RFH and surrounding buildings as “robust”.

St Paul’s Cathedral

- 7.9 Mr Black was entirely right that there would be no effect from the scheme on the setting of St Paul’s. Mr Dillon’s concern about the effect on the views from the Golden Gallery can clearly be rejected; it is not even something that SOS regard as part of their case¹⁹⁸. Mr Clemons’ objections¹⁹⁹ revolved around the effect of the scheme on the viewing corridor of view 8.1. He considered that, from here, St Paul’s would no longer display its prominence in the protected view and that “this will result in a high level of harm to at least one of its key elements of significance, which equates to a high level of less than substantial harm”²⁰⁰. On Mr Clemons’ hierarchy, this puts the harm at just below substantial harm. Mr Clemons has plainly exaggerated the effects on St Paul’s.
- 7.10 I will deal with his specific approach on St Paul’s in a moment, but, as a generality, Mr Clemons’ conclusions on the scheme should, with respect, be treated with considerable caution. There are three matters of approach which have led Mr Clemons into error. The first is his use of a tabular-based methodology for judging levels of harm²⁰¹. As Mr Black pointed out, the difficulty with that approach is that it has the potential (as it turned out in fact) of shoe-horning the assessment process into judgements which exaggerate the potential effects. The problems associated with such an approach are still more apparent unless the use of such a table – which it is recognised are used – has had time to be calibrated by other decisions. But this was the first time that Mr Clemons has used this methodology²⁰².
- 7.11 The second point is that Mr Clemons has adopted the stance that the conclusions of Historic England should be given substantial weight and there must be cogent and compelling reasons for departing from the views of Historic England²⁰³. This approach is wrong. The Court in *Newcastle v S/S LUHC* cast significant doubt on that proposition²⁰⁴; Holgate J was right to have such doubt since the case law on which that proposition is based does

¹⁹⁶ See views – 16, 17 and 18, 19 and 20, THVIA, CD 1.20.

¹⁹⁷ 6.31, DB, CD 8.03.

¹⁹⁸ Confirmed, day 9.

¹⁹⁹ Clemons, 5.2.16, CD 5.04.

²⁰⁰ CD 5.04, para. 5.2.16, pg. 25.

²⁰¹ Para. 5.1.16, CD 5.04.

²⁰² XX.

²⁰³ Para. 4.2.4 proof, CD 5.04.

²⁰⁴ CD 2.16, [73 – 74].

not make that statement. But reliance on such an approach has led Mr Clemons (and the CSCB) to place too great an emphasis on the conclusions of Historic England in this case. The basic approach of lessening the weight to be placed upon written representations which have not been subject to cross-examination applies. But the CSCB approach has no such circumspection – they have relied upon Historic England continuously to the extent that it suits CSCB’s case (they have, of course, gone further than Historic England when it was not critical of some aspects).

7.12 The third point concerns Mr Clemons’ criticism of the Council’s assessment. His judgement on the scheme has in part been based upon his conclusion that the Council’s has failed to undertake a proper assessment of the scheme²⁰⁵. Much of that criticism has been based upon his belief in the failure of the conservation team to provide a full assessment of the scheme. However, Mr Clemons’ criticism was misplaced, and it transpired that he had not seen the conservation officer’s detailed assessment²⁰⁶.

7.13 Returning to Mr Clemons’ assessment of the effect on St Paul’s, one may ask how many views there are of St Paul’s around London, literally 100’s; there are multiple views in the LVMF alone. Yet on Mr Clemon’s approach, one view, which does not actually impede the view of the principal parts of the building, will put it just below substantial harm. Mr Clemons identified no other view of St Paul’s which would be affected by the development. With regard to the view of St Paul’s from this location, the following points are to be noted:

- The view of the dome of St Paul’s will be unimpeded.
- The dome’s pinnacle will remain higher than the roof of the north building²⁰⁷.
- Following the terms of London Plan Policy, HC4²⁰⁸, the result of the development is to preserve the ability to recognise St Paul’s and to appreciate its form.
- Under the LVMF guidance²⁰⁹, development in the foreground or middle ground should avoid being “overly intrusive, unsightly or prominent to the detriment of the view as a whole”. It is not prominent. It is not intrusive. The development is not unsightly.
- The proposal does not create a canyon effect (HC4, part D).
- The current built surroundings in the view are left untouched – i.e., River Thames, Festival Hall, Queen’s Walk trees.
- With regard to the specific guidance²¹⁰, this states that it is necessary to “maintain the existing frame around the buildings created by middle ground buildings” – the frame remains; in fact, it may even be enhanced²¹¹.
- The mature trees already blur views and they are subject to TPOs; the observation in the 8 Albert Embankment Inspector’s report about the

²⁰⁵ See his page 12, CD 5.04.

²⁰⁶ CD 4.42 and XX.

²⁰⁷ DB, 6.22 CD 8.03.

²⁰⁸ CD 6.02, pg. 296.

²⁰⁹ CD 6.32(1), para. 65, pg. 31.

²¹⁰ Para. 169, CD 6.32.

²¹¹ DB, EC.

management of a single tree obscuring the view in that case says nothing meaningful about the future effect of these trees which are an important part of the Queen's Walk and are unlikely to be subject to any significant reduction.

- 7.14 Mr Clemons suggested that²¹² the view of the towers will reduce the legibility of St Paul's. It is just not possible to contend there would be such an effect whether by way of the suggested parallax effect²¹³ or otherwise. The further point made by the Applicant in XX of Mr Clemons as to the applicability of the guidance in this view to the current proposal was compelling; it is not repeated, but it is endorsed.

The NT and the IBM Building ("the IBM")

- 7.15 Again, Mr Black's view that the scheme will have no harm on the NT and the IBM should be followed. As Mr Black pointed out, the principal element of the external architectural character is the stratified nature of the buildings, and their robustness. He explained persuasively why the NT was designed as an extension of the city; an urban environment for the enjoyment of theatre-goers and the wider public²¹⁴. In short, the buildings were designed for the purpose of the experience of those within and surrounding its environs, not for any landmark status. Mr Black highlighted that, while there are views of the buildings from the Victoria Embankment from the west and directly straight on and on Waterloo bridge (one can see those views in Mr Black's evidence²¹⁵, the buildings are best appreciated at close quarters²¹⁶. This, indeed, is what Mr Clemons ultimately accepted. His assessment was that the primary view of the NT was from his figure 12, looking east from the Waterloo Bridge; the significance of this is dealt with further below.

- 7.16 Mr Clemons has relied upon the commentary of Lasdun on the NT²¹⁷ and sought to argue that it was designed to be a landmark²¹⁸. That is wrong. Lasdun was largely looking to design a building which could look out over London rather than being a landmark. In his view, it "picks up a panorama of the City ..." ²¹⁹; the building was to be "available to the public to just mill around in..." ... "as though it's an extension of the riverbanks". Neither Mr Clemons nor Mr Dillon could identify any evidence which showed that Lasdun wanted the building to be a landmark. Mr Clemons concluded that²²⁰ there will be a "major effect on one of the key elements its significance" resulting in a high level of less than substantial harm. It was a conclusion reached principally on the basis of figure 12²²¹ and the view from Blackfriars Bridge.

²¹² Proof, 5.2.17, CD 5.04.

²¹³ Para. 5.2.3, CD 5.04.

²¹⁴ DB, 6.44, CD 8.03.

²¹⁵ Pgs. 65-77, CD 8.03.

²¹⁶ DB, 6.83, CD 8.03.

²¹⁷ Pg. 29, 5.4.4, CD 5.04.

²¹⁸ Para. 5.4.13, CD 5.04.

²¹⁹ Para. 5.4.5, CD 5.04.

²²⁰ Proof, 5.4.14, CD 5.04.

²²¹ CD 5.04, pg. 18.

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- 7.17 Mr Clemons' assessment as to the effect from the view in his figure 12 is a good marker of his unduly pessimistic judgement; it is quite clear that there is nothing around the effects of the scheme which would get even close to the level of harm assessed by him. From figure 12, there is a very limited view indeed of the proposed scheme. And it is a view which includes the current ITV building²²².
- 7.18 Mr Clemons argued that Lasdun's brutalist approach is at odds with the design style and principles of the proposed scheme²²³, but he accepted that he was not saying that it would be appropriate to adopt a Brutalist form which copies the IBM and NT²²⁴. Other views would be unaffected, as Mr Black pointed out. Mature trees on the Queen's Walk largely screen the stratified facades in views from or across the river in the summer months. There will, of course, be no direct effect on the buildings themselves.
- 7.19 The NT and IBM have never been seen in isolation. They have been viewed against a varied cityscape including: the ITV tower and Capital Tower and Union Jack Club (Waterloo Road), each 1970's substantial tall blocks: see view 14A²²⁵. The Doon Street Tower will rise up to 140m immediately behind the NT (see view 14A) and the Shard and Blackfriars clusters are part of the scene.
- 7.20 With regard to the Blackfriars Bridge view, this cannot be regarded as having any effect on the significance of the NT and IBM. There is nothing to indicate that the view from Blackfriars' Bridge informed Lasdun's design; the rough sketch drawing²²⁶ points positively away from this being a significant view, with the arrow on the sketch reiterating what Lasdun said in writing about the importance of looking out from the NT, not towards it. The simple fact that the NT can be seen from this location does not make the view important. Indeed, as Mr Black indicated, it is not possible to appreciate the stratified nature of the NT from this location – the lower parts of the buildings are largely blurred by the mature treescape from here (given, as Mr Black said, they are almost views of the rear, XX). The view of the fly towers are at a considerable distance and not particularly good views from this location²²⁷. Indeed, there is a sense in the objectors' criticisms of the proposals that, if the development can be seen, it would be harmful. Similarly, it seems to be that if there is any restriction of any view of the NT from any location, the objectors say there will necessarily be harm.
- 7.21 With regard to the significance of the Blackfriars Bridge view as a LVMF view²²⁸, as will no doubt be dealt with by the Applicant, the NT is specifically not identified as a landmark to be protected; the omission of the site is not a mistake in the document – it is a recognition of the limited contribution

²²² DB, pgs. 70 and 88, CD 8.03.

²²³ Para. 4.4.3, Clemons, CD 5.04.

²²⁴ XX, RX.

²²⁵ CD 1.20, pg. 96

²²⁶ DB, pg. 8, CD 8.03.

²²⁷ DB, XX.

²²⁸ 14A, pg. 129, CD 6.32.

which the NT makes from this view. The attempt to draw some profound link between the NT and Somerset House²²⁹ by way of an 'umbilical' chord through Waterloo Bridge is an artificial construct borne of what the objectors would like to see. But even if this was Lasdun's view of the position, it is not meaningfully affected by the proposal: the link provided by the Bridge between north and south remains as a matter of fact and is not undermined by a limited restriction of some parts of the NT at some points on Blackfriars Bridge. The reference to "umbilical" is tortuously evidenced (to say the least) with no direct quotation from Lasdun nor the context for his use of the word (if he used it) and no suggestion by him that it was a relationship which was important in long-distance views from the east – it certainly wouldn't be affected in views from the west or south.

- 7.22 A further point on the NT and the IBM is Mr Clemons' argument around those buildings' legibility as "pavilion structures"²³⁰: but the proposed buildings will not stop the NT and IBM being pavilion structures. In overall terms, Mr Dillon's assessment of the impact of the scheme on the NT and the IBM were clearly wrong and exaggerated. It became apparent that, in reality, Mr Dillon was of the view that the NT was incapable of withstanding any change to its setting. It perhaps goes without saying that Mr Dillon did not purport to have any planning qualifications or professional expertise in planning law (which explained why he approached the effect of the scheme from the wrong perspective, namely, by considering whether there would be harm to setting rather than harm to the significance of the heritage asset by virtue of an effect on setting), but that did mean that Mr Dillon failed to properly calibrate his view of harm.
- 7.23 It was for this reason that Mr Dillon alone considered that the proposals would cause substantial harm to the NT. This itself derived from an analysis that the NT was one of, if not the, most important modernist buildings in the country – without providing any support for such a view. He considered that the NT was of "exceptional importance", although that is not how it has been graded – exceptional buildings are those listed Grade I²³¹. Mr Dillon also thought that the NT has a particularly close and fragile relationship with its setting²³²; but there is nothing which indicates that Lasdun thought this was the case. There is debate about whether Lasdun knew of the ITV tower when he was designing the current site, but there can be no real doubt that he knew that the NT would be constructed near tall towers, if only because the Shell building is close to the original site proposed for the NT.
- 7.24 There is, indeed, a degree of unreality around Mr Dillon's approach, at least to the extent that he was representing the position of the C20 Society. The Society did not comment on either Doon St or the Southbank Tower²³³. It is difficult to square the apparent inconsistency in the C20's stance in this case. Mr Dillon's unduly skewed assessment of the scheme can be seen in

²²⁹ XX, DB.

²³⁰ Pg. 49, Appendix 1, CD 5.04.

²³¹ See DB rebuttal, 2.2, CD 8.06 and EC.

²³² Para. 43, CD 9.05.

²³³ Para. 77-78, CD 9.05.

his observations that the proposal has been considered by the Council through a perception that the NT is less than fully-valued²³⁴ – he continued that theme under XX including Mr Black in that assessment – despite the fact that he had, as I have said, thanked Mr Black for his support in 'Concrete Reality'²³⁵.

- 7.25 Mr Dillon considered that the view from the Golden Gallery of St Paul's was a "key viewing point"²³⁶ of the NT in spite of him not having visited that view during the process of writing his evidence or subsequently; the view is not mentioned 'Concrete Reality'. It is not identified as an important view relating to the significance of the NT in any other work. It is a view which will not be affected by the scheme and Mr Dillon did not actually explain what the impact on significance is from that location.
- 7.26 Mr Dillon's concentration on this view derived in part from his assessment that the relationship between St Paul's and the NT is 'key'²³⁷, but there is nothing to indicate the importance of this interrelationship. Incidentally, the Betjeman quote²³⁸ he relied upon is an odd one, as Mr Black explained, because you can't see St Paul's to the south of the NT; in any event, Betjeman is not to be regarded as an authority on planning issues²³⁹.
- 7.27 With regard to the effect of the scheme from the Victoria Embankment, Mr Dillon's conclusion that there was harm was based upon his view that Lasdun designed the NT to "command its context and surrounding"²⁴⁰. Again, however, there is no evidence that he designed the building in that way at all. There will, therefore, be no harmful effect on the significance of the NT or the IBM in heritage terms.

The Southbank Conservation Area ("the SBCA")

- 7.28 There will be only a limited effect on the SBCA, a low degree of less than substantial harm, which arises from the view on Victoria Embankment of the existing buildings on Princes and Gabriel's Wharf and the eastern elevations of the proposed buildings; that is something which Mr Black grappled with, as to whether there would really be any harm here²⁴¹. Given the proposals for redevelopment of those sites, this interrelationship is, in all likelihood, going to be temporary.
- 7.29 Mr Black's assessment of the SBCA was, again, measured. There was an attempt in XX to argue that he was acting inconsistently by regarding the proposed buildings as recessive but at the same time dominant in their relationship with the existing buildings. But there is a difference between

²³⁴ Para. 107, CD 9.05.

²³⁵ Pg. 94, CD 9.05.

²³⁶ Para. 90, PD, CD 9.05.

²³⁷ Para. 46, CD 9.05.

²³⁸ Para. 46, CD 9.05.

²³⁹ XX.

²⁴⁰ Para. 94, CD 9.05.

²⁴¹ DB, XX.

the dominance of a relationship between two buildings standing next to each other and the recessive effect of a building, viewed as a whole and in its overall context. It is clear that the scheme does have a recessive quality both in its materials and form, and it is this, in part, which means that it will have no harm in its relationship with the NT and the IBM.

- 7.30 Mr Clemons' position is that there will be a high degree of less than substantial harm as a result of a detrimental effect on the setting of the conservation area²⁴². Again, that assessment is misplaced. Just as there would be no effect on the NT and IBM, so too would there be no such effect on the conservation area. The following points are relevant:
- 7.31 The proposed north building has a building line which accords with the historic wharf frontages – it marries up with Princes Wharf, Gabriel's Wharf, the Oxo Building and Sea Containers House²⁴³. In views from the north bank, the viewer is invariably travelling²⁴⁴. In views from the Queen's Walk, there would be no real effect (see, e.g., View 34); if someone is walking east, the trees in leaf on Queen's Walk will remove much of the view²⁴⁵. The views from Bernie Spain Gardens would not be harmful. The plinth of the building will be largely obscured by the Princes and Gabriel's Wharf redevelopment²⁴⁶.
- 7.32 Mr Dillon indicated that one would not countenance a commercial – rather than a public – development of this scale and massing looming over the Royal Opera House²⁴⁷ and so “if a largely speculative commercial building becomes a dominant element...” in the present case, it is equally inappropriate. The comparison has no relevance in planning terms, but it does provide an indication of Mr Dillon's approach – his objections appear to stem, in part, from this being a commercial development.

Old Barge House Alley CA ("the OBHA CA")

- 7.33 There would be no effect on this asset. Mr Clemons himself recognised that the OBHA CA has a somewhat “self-contained setting”²⁴⁸ which stands in contradiction to his view of a low level of less than substantial harm by “means of the proposed imposing bulk and massing”²⁴⁹. Nor did Mr Clemons really explain why the scheme would have any effect on the OBHA CA – it really is, again, Mr Clemons finding harm if the proposal would be seen. In the most obvious view from the OBHA CA – view 13²⁵⁰ – the scheme will be

²⁴² Para. 5.6.10, CD 5.04.

²⁴³ DB, 6.156, CD 8.03.

²⁴⁴ Para. 6.159, DB, CD 8.03.

²⁴⁵ DB, pg. 113, CD 8.03.

²⁴⁶ Para. 6.173, CD 8.03.

²⁴⁷ Para 127, PD, CD 9.05.

²⁴⁸ Para. 5.7.7, JC, CD 5.04.

²⁴⁹ Para. 5.7.8 JC, CD 5.04.

²⁵⁰ CD 1.20, pg. 94.

seen in the context of the Blackfriars cluster and from here there would obviously be no harm.

Strand Conservation Area ("the Strand CA")

7.34 With regard to the Strand CA, Mr Clemons considered there would be a low level of less than substantial harm²⁵¹. Mr Clemons' assessment failed to take into account the distance between the development site and the conservation area. The expanse of the river prevents any real effect occurring at this location. So, again, in views 8, 9 and 10, the views are of the expanse of the Thames, the trees on the Queen's Walk and other tall buildings. Again, Historic England make no comment on this CA.

RouPELL St Conservation Area

7.35 There will be a low level of less than substantial harm as a result of the increase in size of the proposed south building in comparison to the existing ITV building²⁵². Mr Clemons considered there would be a medium level of less than substantial harm from this location²⁵³, but this is exaggerated, largely because of his view that there would be a diminishing of "legibility". It is difficult to see how there would be any such effect in circumstances where there is already a building in the existing location from the relevant view²⁵⁴. Of course, it stands contrary to HE's view²⁵⁵.

Temples Conservation Area

7.36 Again, Mr Clemons stands alone in identifying harm from this location. He identifies a low level of less than substantial harm. The long XX of Professor Tavernor on this conservation area stood in contrast to the basic position of Mr Clemons that it is self-contained²⁵⁶, something reiterated in the Character Summary²⁵⁷ which states that the CA "turns its back on the noise and bustle of the City". Mr Clemons' view of harm is based upon his assessment that the proposal is visually dominant²⁵⁸. But that is untenable in locations like, for example, view 9²⁵⁹.

Whitefriars CA

7.37 A similar form of analysis justified Mr Clemons' views of the effect on the Whitefriars CA which Mr Clemons also identified as experiencing a low level of less than substantial harm²⁶⁰. But it is notable that the CA Character Appraisal does not identify any views across the river as important ones. Mr Clemons argued that there would be a "blurring" of the ability to read

²⁵¹ Para. 5.8.9, JC, CD 5.04.

²⁵² DB, 6.138, CD 8.03.

²⁵³ Para. 5.9.6 JC, CD 5.04.

²⁵⁴ View 28, THVIA, pg. 128, CD 1.20.

²⁵⁵ Para. 29, CD 11.08.

²⁵⁶ JC, 5.10.8, CD 5.04

²⁵⁷ DB, 6.179, CD 8.03.

²⁵⁸ JC 5.10.11, CD 5.04.

²⁵⁹ pg. 86, CD 1.20.

²⁶⁰ Para. 5.11.8, CD 5.04.

and understand the conservation area²⁶¹, but he did not in evidence identify anywhere where this blurring would occur.

Heritage Benefits

7.38 Mr Clemons' substantially undervalued the level of heritage benefits associated with the scheme. Not only did he fail to adequately recognise those benefits but took an initial position which inevitably coloured his view. He said that that the benefits had to be the "most compelling" and would need to be "unlikely to be replicated elsewhere"²⁶² in order to be meaningful. But there is no basis for that approach; there is no limit upon what may be taken into account.

7.39 The benefits were identified by Mr Black and his judgements on these were well-justified. Mr Clemons' approach was notably lacking rigour. Given that the proposal is in large part positive in its effects, the scheme will produce a heritage benefit. The obscuring of the rear of 58 Upper Ground would be a benefit – Mr Clemons had not considered that issue²⁶³. The provision of the cultural hub and further food and beverage facilities would benefit the conservation area in comparison to the existing blank façade presented by the current site. But Mr Clemons considered that there would be no such benefit – a use of premises could, he considered, be capable of enhancing the character or appearance of the conservation area but not in this instance. That is contrary to what is noted in the Conservation Area appraisal, which recognises that these sorts of uses are part of the significance of the conservation area²⁶⁴; necessarily, therefore, bolstering these uses would be a benefit. Visually, the enhancement of the public realm and increased connectivity from Upper Ground would be a benefit, as Mr Clemons recognised²⁶⁵.

7.40 The provision of a rooftop restaurant which would increase the opportunities to appreciate the conservation area would also be a benefit; for no good reason, Mr Clemons disagreed with that assessment. These various benefits fall to be considered as part of the balancing process.

The effect of the proposal on the viewing corridor from Westminster Pier to St Paul's Cathedral

7.41 This has already been dealt with above. The scheme would not have any adverse effect on Linear View 8A.1 (Westminster Pier to St Paul's Cathedral) of the LVMF. St Paul's is already framed by development in this view. The scheme's north building will appear to the left of St Paul's and the south building will appear to the right. The proposals will be seen in the view, but they will not contravene either London Plan policy or the LVMF guidance; the buildings will not be situated closer to St Paul's than the existing

²⁶¹ Para. 5.11.8, CD 5.04.

²⁶² Para. 5.14.4, CD 5.04.

²⁶³ XX.

²⁶⁴ Para. 2.11, CD 6.10.

²⁶⁵ XX.

buildings which define the frame (the Royal Festival Hall and Whitehouse Apartments). Addressing aspects of the LVMF guidance, the development will not be intrusive, unsightly or prominent in the view and will not cause a 'canyon' effect; indeed, the creation of a balanced frame in the view is an enhancement.

The effect of the proposal on the townscape character and appearance of the area (design)

Tall buildings policy

- 7.42 The scheme is in compliance with the tall buildings policies of the London Plan and the Local Plan (D9²⁶⁶ and Q26²⁶⁷ respectively). There has been a suggestion that the scheme's south building should have been considered against part B of policy Q26 because it amounts to a tall building beyond the specific location of the ITV tower. Policy Q26 must be considered sensibly. The policy is looking at a "location" not a specific site (as Ms Carney recognised²⁶⁸).
- 7.43 Much has been made of the height of the south building and it is argued that this renders the proposal contrary to local plan policy Q26 given the building heights that are specified in Annex 10²⁶⁹. The scheme is not contrary to this policy; part A of the policy does not specify that the heights in Annex 10 must be complied with. That is not surprising because these are given as "general building heights" and are specifically stated to be "indicative"²⁷⁰. Nor is there a breach of part E of Local Plan policy PN1 since the requirement that a development should be an "appropriate" height simply refers to Q26 and Annex 10; and it is to be remembered that Annex 10 does not set out any development management policy or specific restriction: it is explanatory of sites, not prescriptive of them. In any event, the Council's view is that there is a clear and convincing justification for the scheme as a whole in design and functional terms and so, even if the second part of the policy applies to parts of the building beyond the specific location identified in the site 9 diagram, the policy is still complied with.
- 7.44 Finally on this point, the caselaw is clear that policy D9²⁷¹ does not include a gateway policy – the policy does not mean that only those locations that are identified for tall buildings are compliant with it.

The Site 9 Mixed Use Requirement

- 7.45 The proposal accords with the site 9 allocation²⁷²; it provides a mix of uses in accordance with the policy. The objectors have argued there should be residential uses within the scheme in order to comply with site 9's

²⁶⁶ Pg. 138, CD 6.02.

²⁶⁷ Pg. 221, CD 6.03.

²⁶⁸ XX, RW.

²⁶⁹ Pg. 380, CD 6.03.

²⁷⁰ Para. 10.129, CD6.03, pg. 222.

²⁷¹ CD 6.02, pg 138.

²⁷² Pg. 245, CD 6.03.

requirements. This argument should be rejected. There is nothing in the site 9 allocation which requires the delivery of each of the identified uses within an application of part. As the Council has consistently stated, the site 9 allocation is a single allocation, including the CSCB landholdings, and there is nothing in the current proposal which precludes the possibility of residential development there. Indeed, Mr Cosgrave's evidence²⁷³ is that, given the east-facing nature of the application site, it would be possible to deliver housing on the CSCB site; and Ms Chapman agreed that she was not suggesting it would be impossible to deliver a scheme²⁷⁴ because, if residential development would be likely to be dual aspect.

- 7.46 The suggestion that residential development may not come forward because it is likely to be unachievable²⁷⁵ should be rejected; no viability evidence has been presented by CSCB to justify that contention. An attempt was made by CSCB to argue (largely in questions to Ms Carney in EC since she had not undertaken the exercise in her proof) that the London Plan and Local Plan policy context was that residential uses on the site had to be considered in order to show that the development site's potential had been optimised. I will deal with the argument, but the important point is that there is a site-specific allocation which does not require the inclusion of residential development on each particular parcel – the allocation requires only that, ultimately, the site as a whole will include residential.
- 7.47 The evidence presented by Ms Carney²⁷⁶ was not clear, with respect; it seems that she was saying either: (a) the application site had to incorporate residential uses; or (b) the site should not prejudice the delivery of residential on the remainder of the PN1 allocation. She accepted that the whole allocation site did not need to come forward as a whole²⁷⁷. With regard to the first proposition, the policy includes no requirement that a sub-divided site must include all of the uses or that the site must come forward comprehensively. With regard to the second proposition, there is no evidence that the CSCB part of the site will not come forward for residential.
- 7.48 With regard to the argument that the London and Local plan policies require consideration of residential uses in order to ensure optimisation, CSCB is seeking to establish a prescriptive policy framework which just doesn't exist. None of the policies relied upon²⁷⁸ provides a basis for arguing that a site in the Central Activities Zone ("the CAZ") should either incorporate residential development in order to be an optimum use of the site or should be subject to an optioneering assessment which discounts (if it is not brought forward) the incorporation of residential development in every case.

²⁷³ EC

²⁷⁴ XX.

²⁷⁵ Para. 5.7.5, CD 5.05.

²⁷⁶ In EC.

²⁷⁷ XX.

²⁷⁸ Policies GG1, pg. 14, SD1, pg. 30, SD4, pg. 70, GG4, pg. 22, D3, pg. 110, H1, pg. 157, London Plan, CD 6.02, H1, pg. 49, ED1, pg. 82, and PN1, pg. 235 Local Plan, CD 6.03.

The most directly relevant policy, London Plan policy D3²⁷⁹, ties optimisation closely to site allocations²⁸⁰ and requires consideration of options in relation to *form* and other similar objectives, not use²⁸¹: policy D3 certainly does not require the delivery of residential or its specific consideration as one of the options. Rather, the optioneering is in relation to ensuring the right form of development for the site has been undertaken, taking into account any site allocation. That is what has happened here. The lack of prescription in policy G3 on the optimisation of uses is unsurprising since it is assumed, rightly, that this will either be dealt with in allocations or through other specific policies²⁸².

- 7.49 Further, and on a related issue, the London Plan is clear about the particular importance of office development in the CAZ in policy SD5²⁸³, giving greater weight to offices (and other CAZ strategic functions) relative to new residential development. The suggestion that part F of the policy²⁸⁴ acts to require the consideration of residential options is obviously wrong: the policy is simply stating why, in spite of the importance of delivering offices in the CAZ, there may be particular reasons why an element of residential development would be allowed rather than required; CSCB's argument seeks to turn policy SD5 on its head by suggesting that part F prescribes the delivery of residential uses.

The effect of the proposal on the living conditions of nearby residents in terms of daylight/sunlight and outlook

- 7.50 The scheme will have an acceptable effect on living conditions. There has been no suggestion in the evidence of objectors presented during the Inquiry that residents will have an unacceptable outlook: there would be none. With regard to the effect of the development on the daylight experienced by local residents, Mr Cosgrave's evidence should be accepted over Ms Chapman's. Taking Mr Cosgrave's conclusions into account, ultimately Mr Oates was correct in his view that the development would not have an "unacceptable" effect on daylight for the purposes of policy Q2²⁸⁵ of the Local Plan; the suggestion that some higher test is prescribed by the London Plan²⁸⁶ is obviously wrong. Policy D6's²⁸⁷ requirement of "sufficient" daylight is no less contextually-based than policy Q2 and means the same as "acceptable"; Ms Chapman agreed that policy Q2 was the most important policy²⁸⁸.

²⁷⁹ Pg. 110.

²⁸⁰ See sections A and E.

²⁸¹ See section D.

²⁸² See, for example, industrial policies like policy E5, CD 6.03, pg. 251.

²⁸³ CD 6.02, pg. 79.

²⁸⁴ Part F, pg. 80.

²⁸⁵ CD 6.03, pg. 182.

²⁸⁶ XX, AC, by reference to policy D6.

²⁸⁷ CD 6.02, pg. 125.

²⁸⁸ XX.

7.51 It is common ground that the two-stage approach set out in the *Rainbird* decision which dealt with a similar policy to policy Q2 should be followed in the present case, namely, whether there would be a material effect on daylight or sunlight and whether any such effect would be acceptable. Notably, Ms Chapman did not quote the *Rainbird* decision in her evidence.

Stage 1: Daylight Impacts and Sunlight Impacts

95-97 Upper Ground

7.52 Ms Chapman accepted she was not concerned with any other property than 95-97 Upper Ground ("95-97"). It is agreed that the daylight impacts on residential properties at 95 – 97 arising from the scheme range from negligible to major adverse against the BRE guidelines. The proposals would comply with the BRE guidelines on sunlight.

Stage 2: Whether the Daylight Impacts are Acceptable

7.53 The application of the second stage of the process establishes that these effects would be acceptable. Again, there is no dispute that even if the effects are major adverse on the objective scale under stage 1, it can still be legitimately concluded that the impacts are acceptable; that is a recognition of the fact that the BRE tests are guidelines and the BRE acknowledges flexibility in their application. This flexibility is inherent in the Housing SPG²⁸⁹ which is an applicable policy in this case – it deals with effects on existing housing not just new housing.

7.54 Mr Cosgrave identified a number of issues as being relevant to the consideration of whether impacts are to be regarded as acceptable²⁹⁰; Ms Chapman agreed their relevance. The factors are as follows - whether the neighbouring buildings are unusually close to the site boundary, whether affected windows are self-obstructed to make larger reductions unavoidable, the types of rooms which are affected and the design of the subject building, the nature of the area in question, whether the area is identified for substantial growth, the extent of retained levels, Countervailing benefits of living in a particular location, counter-balancing factors such as economic, social or environmental factors.

7.55 I deal with each point in turn, but Ms Chapman accepted that the exercise is a judgement, taking into account all of these matters, cumulatively (XX).

Whether 95-97 Upper Ground takes too much light

7.56 The ground to third floor windows facing the site are very close to the boundary; they take all their light from the site²⁹¹. As a factor to take into

²⁸⁹ AC, para. 3.9.

²⁹⁰ Para. 4.10, CD 8.04.

²⁹¹ Para. 5.54, CD 8.04.

account, 95-97 does, as Mr Cosgrave indicated, take too much light from the appeal site, albeit that Upper Ground lies between the two parcels.

Whether windows are self-obstructed.

7.57 The ground floor kitchen windows and glazed front doors of 95 – 97 are recessed into the building and are heavily self-obstructed. Significant reductions are, consequently, unavoidable in these locations.

The design of 95-97

7.58 95-97 has clearly been designed for high-density urban living with all flats looking north having a dual aspect. The dual aspect nature of the properties means that, as Mr Cosgrave indicated, residents can still obtain substantial amounts of light whether (in the case of the ground – third floor houses) by some of the windows being very well lit and unaffected (something Mr Oates saw on his site visit) or by residents being able to use unaffected windows for any light-sensitive activities.

The types of rooms affected

7.59 With regard to those rooms which will be subject to a major or moderate effect, it is necessary to have regard to how those rooms are used. The debate has focussed around the number of such rooms which are to be regarded as bedrooms; it is accepted that these have a lesser requirement for daylight²⁹². The majority of those windows affected relate to bedrooms. The suggestion made by Ms Chapman that these rooms (or at least a majority of them) should be regarded as living rooms should be rejected. The only evidence produced by CSCB for the Inquiry is a photograph of 1 room not apparently in use as a bedroom²⁹³. Ms Chapman said there were site notes of a colleague who had visited the premises, but these were not produced either in a proof of evidence or rebuttal²⁹⁴.

7.60 Despite CSCB having the obvious ability to present substantial amounts of evidence as to the nature of the particular rooms, it has not done so. In these circumstances, it cannot simply sit back and say that the bedrooms should by default be regarded as being in a different use. The floor plans²⁹⁵ show that the rooms at first and second floor (apart from the corner buildings) are bedrooms; the lease plans show the same. Mr Cosgrave referred to a cost study produced by CSCB in *Building* magazine which shows the same²⁹⁶; in that document CSCB identified their housing units as 5 bed houses, 3 bed maisonettes and 1 and 2 bedroom maisonettes and flats.

7.61 Ms Chapman's argument is really that, irrespective of how the bedrooms are now used, they should not be regarded as bedrooms because they have

²⁹² BRE, para. 2.1.14 and 2.2.10, CD 6.38; 3.1.2 (sunlight), Mr Cosgrave Rebuttal, 2.2, per Ms Chapman XX.

²⁹³ Mr Cosgrave rebuttal, 5.5 and pg 6, CD 8.07.

²⁹⁴ XX.

²⁹⁵ Pg. 49, CD 8.04.

²⁹⁶ Pg. 47, CD 8.04 and Appendix AC4.

the potential to be used for other purposes, like living rooms. But that is true of any room, anywhere. The question must be whether such an approach leads to a reasonable conclusion. In this case, it does not, because the argument relates, in large part, to 5-bedroom properties. They are sizeable dwellings, and to conclude that the identified bedrooms need to be used as additional living rooms must be properly evidenced. And there is no evidence to that effect. As a result, the only living/kitchen diners ("LKDs") which fall to be considered are the 6 properties facing the site at third floor level. The LKDs of the 3 eastern corner properties have a second window which substantially mitigates the daylight effect from this location and can be considered as having acceptable light levels. Thus, the principal issue arises in respect of only 6 units. With regard to these, the LKDs receive borrowed light from the south facing units which Mr Oates considered to be substantial; very significant sunlight levels are also obtained from the south. Light sensitive uses are capable of being carried out in the upstairs bedrooms; some of these are two bedroom dwellings. The London Plan recognises the benefits of dual aspect dwellings²⁹⁷. Further, the following additional points indicate strongly that the effects on this small number of dwellings are acceptable.

The retained levels and whether there is a justification for them

- 7.62 First, the retained levels are contextually appropriate. The retained VSC levels within the affected properties range from 13% to 7% moving west to east²⁹⁸. This is equivalent to the examples which Mr Webb has provided; that evidence is left to the Applicant's submissions, but Mr Cosgrave has endorsed their applicability. River Court, Hobart House and Doon Street are broadly comparable locations (and Doon Street is very close locationally); the properties do not need to be exactly comparable - their importance is in showing that planning authorities (including the GLA) and the Secretary of State have regarded retained VSC levels equivalent to those experience at 95-97 to be acceptable.
- 7.63 Much reliance has been placed upon the decision in 8 Albert Embankment. But this is a completely different situation, as Mr Cosgrave indicated (EC), where all the main living rooms were significantly affected, with the habitable rooms situated on the affected side of the relevant buildings (Whitgift House and 2 Whitgift St) and where the light over the rear (in the case of Whitgift House) faced north, not south. In 2 Whitgift St, the main habitable rooms were obscured by large overhanging balconies and the principal room which was affected provided the main source of daylight to those dwellings²⁹⁹. In Whitgift House, while the kitchens faced north, away from the proposed scheme, they were not habitable rooms (Mr Cosgrave XX, Ball, by reference to the Graphite Square appeal). The evidence in 8 Albert Embankment also related to vulnerable individuals in the properties³⁰⁰, but Ms Chapman had no knowledge of the position in 95-97 and she accepted that all cases are different and require individual

²⁹⁷ CD 6.02, pg. 129, para. 3.6.4.

²⁹⁸ See D&S report, pg. 36, CD 1.15.

²⁹⁹ AC, para. 4.34 and pg. 25, quoting para. 734 of the Inspector's Report, CD 8.04.

³⁰⁰ 8AE IR, para. 168, pg. 39, CD 8.04.

assessment³⁰¹ - notably, CSCB does not rely on Ms Chapman's evidence on this, since she gave none; Mr Cosgrave plainly could not know what is the position in 95-97 and his suggested concession does not accord with the Council's record of the Inquiry³⁰². Ultimately, if necessary (while it shouldn't be), the 8AE decision should be regarded as an outlier and should not be given precedence over the many decisions in which retained VSC levels below the BRE guidelines were found to be acceptable³⁰³.

- 7.64 An argument has been made that, as social housing tenants/occupants rather than private owners, the premises should be treated differently. But there is no evidential basis for that distinction – the levels of light experienced by an individual are the same, whoever the occupant³⁰⁴. There is no policy requirement to treat people differently nor anything in the BRE guidance which says so: and Mrs Chapman had no experience of any special consideration being given to social housing occupants. Moreover, whilst stated, no evidence has been presented that the purported relevance in the distinction between social housing and private occupants - that individuals are unable to move or be relocated from their current dwellings – is correct: that is something that cannot be presumed but should be evidenced. Mr Cosgrave was clear that some of the examples he provided of development which were found to be acceptable (like Vauxhall Cross and Graphite Square) also included social housing occupants³⁰⁵.

The type of area

- 7.65 Second, the area is one where reductions in light are to be expected. In particular: This is an inner-city location and there must be an expectation of change, the site is in the CAZ, It is in the Waterloo Opportunity Area. It is next to a site allocation for major redevelopment. There are significant numbers of dense developments in the area³⁰⁶.The application site already has a tall building on it. The application site been the subject of a permission for a substantial development in 2018.

Countervailing benefits of the existing location

- 7.66 Additionally, there are substantial benefits with living in a prime, central London location which markedly offset lower light levels; occupants of inner-city locations will, in short, accept lower light levels because of the benefits of being in one of the best locations in London.

Other benefits justifying the effects

³⁰¹ XX.

³⁰² CS closing, para. 174.

³⁰³ See the Whitechapel decision, para. 4.12, AC, CD 8.04 and the Graphite Square appeal, Appendix AC 6, CD 8.04, as well as the contextual examples.

³⁰⁴ AC, XX.

³⁰⁵ XX.

³⁰⁶ See fig. 4, pg. 16, Webb proof, CD 10.11.

7.67 Finally, and in any event, planning benefits associated with the scheme should, it is submitted, lead to the conclusion that any residual impact is acceptable. The reductions in light to a small number of properties, in the light of the above factors, are clearly outweighed by the economic and social benefits associated with the proposed development, as Mr Oates stated³⁰⁷. As a separate point, it was suggested that the Council Committee members were misled (now reiterated in closing) because they had not been informed that Mrs Donavan was unable to say that the development was acceptable³⁰⁸; that is a non-point: Mr Cosgrave indicated that Ms Donavan was not saying that the scheme was unacceptable, she was saying that this was a matter for the decision-maker.

Summary

7.68 As a result of the above factors, Mr Oates' assessment that the impacts in this case "are not unacceptable" were plainly right and the proposals comply with policy Q2 of the Local Plan.

Overshadowing

7.69 With regard to the impacts on open spaces, the detail of these points is left to the Applicant. However, the Council has concluded that the scheme is acceptable because it would accord with the BRE guidelines in respect of the open spaces at Bernie Spain Gardens and Gabriel's Wharf amenity area. The Queen's Walk will experience small periods of localised additional overshadowing which would not be significant³⁰⁹. Ms Reynolds complains about shadow on the Queen's Walk³¹⁰. However, the scheme meets the BRE requirements and shadowing is a feature of the riverside walk. Ms Reynolds has stated that the Queen's Gardens would be shaded throughout the year³¹¹ for a large part of the day but that is not the case.

7.70 As I have said, there will be times when these areas will be in shadow and the Applicant's shadow drawings have established that this is the case – but the question is whether there will be an unacceptable impacts caused by this. There plainly would not be. For example, much has been made of the effects that would occur on 21 March, but if consideration is given to the overall effect, taking into account the position on 21 June and 21 December as well, the effect of the scheme is minimal. The extent of the harm has been identified as being negligible to minor adverse; this was explained by Mr Cosgrave by reference to the proportion of the spaces which are unaffected and the transience of the effect, as well as the fact that users of the spaces do not remain for long in those locations³¹². Standing back, it is clear that there would not be an unacceptable effect.

³⁰⁷ EC.

³⁰⁸ AC, CD 9.04, para. 5.39.

³⁰⁹ CD 3.03, para. 15.1.48-50.

³¹⁰ Paras. 4.5.10 – 4.5.11, A.R., CD 5.02.

³¹¹ figure 3.6 and pg. 14, CD 5.02.

³¹² RX, AC.

Whether the proposed public realm improvements provide a satisfactory environment

- 7.71 The public realm proposals are a real benefit both to those working within the proposed development and visitors to it; the development successfully integrates the proposed building into its immediate context. The total public realm as a percentage of site coverage is some 43%. Subject to agreement with other land interests, the site allows for connections between the Queen's Walk and Upper Ground. In accordance with paragraph 130a of the NPPF, the scheme "will function well and add to the overall quality of the area"; it will (following paragraph 130d) establish a "strong sense of place" and "create attractive, welcoming and distinctive places to ... work and visit". The public realm will provide areas that are large enough to accommodate outdoor congregation, possible performance and exhibition.
- 7.72 There will be a significant improvement over the current situation in terms of the relationship between the Queen's Walk and the site: a retail frontage and terrace area promise a high degree of interaction between the public frontage and the development. The ITV site is quite defensive in character to Upper Ground and is an unattractive design³¹³. The high boundaries to the west and north of the existing building have a negative effect³¹⁴.
- 7.73 The objectors' criticisms of the scheme are clearly unfounded. Ms Reynolds has argued that there would be a lack of connection identified between the consented landscape within the CSCB ownership, the Queen's Gardens scheme, and the proposals³¹⁵. It is actually a good scheme from this perspective, but the degree to which there could be further connection is very much in the gift of CSCB: if they would like to see further connection, they would be able offer that. Mr Dillon thought that the interrelationship between the northern frontage and Queen's Walk would be an improvement³¹⁶.
- 7.74 It was also argued that there is a problem with the proposed uses on the northern frontage being physically higher than the Queen's Gardens³¹⁷; but that was in fact wrong. Increased access between Upper Ground and the Queen's Walk is clearly a benefit; the objectors could not suggest otherwise. Further the scheme provides the following benefits:
- 7.75 The scheme allows for pedestrian access around the whole perimeter of the proposed building, with new routes on the east adjoining Princes Wharf and adjoining the IBM; that relationship has been designed to accommodate and respond to the IBM scheme. Both of these routes are capable of tying into the redevelopment of the IBM and Princes Wharf³¹⁸. There will be new public

³¹³ DB 3.21, CD 8.03.

³¹⁴ DB, 3.23, CD 8.03.

³¹⁵ Pg. 26, figure 4.5, AR and repeated; 4.6.21, CD 5.02.

³¹⁶ XX.

³¹⁷ Ms Carney, conditions session.

³¹⁸ See illustration, DB, pg. 37, CD 8.03.

spaces on the north-east and south-western parts of the scheme³¹⁹. The London Studios will be publicly accessible. This has parallels in the RFH and the NT. The actual amount of public realm, putting quality to one side, as a percentage of site coverage at 43% is a very significant amount. The development is designed to enable future connectivity between the Queen's Walk and Upper Ground. In comparison to the previous ITV proposal, the scheme is also clearly improved, since that scheme would have presented a blank wall at pedestrian level³²⁰. The proposed areas are large enough to accommodate outdoor congregation, possible performance and exhibition³²¹. That is a key characteristic of the locality. With regard to soft landscaping, there is a combination of species which is well thought-out and attractive.

- 7.76 Ms Reynolds has argued that there will be pinch-points within the public realm, particularly given the use of the site by cyclists; but cyclists will be dismounted. As a result, the DfT shared use width recommendations relied upon by Ms Reynolds³²² will not apply; and Ms Reynolds was not aware of any other guidance or policy which the proposal contravened³²³. Ms Reynolds has indicated that the amount of "dwell space" is 17% of the public realm³²⁴; her concept of "dwell space" has no basis in policy. And her assessment is wrong, as any detailed assessment of the proposal shows. It is notable that Mr Boys Smith considered that the area to the north-east of the site was appropriate, being of "genuine public amenity"³²⁵, in contrast to Ms Reynolds' rather bleak and pessimistic assessment.
- 7.77 Ms Reynolds does not have any criticism of the podium gardens, except that they are exclusionary, engendering a sense of "us and them"; that is unconvincing, but it is a mark of many unjustified remarks which have been made in this case which seek to suggest some underhand, socially inappropriate motivations, like the Council approving the scheme in order to obtain an income from the site; the idea of the Council being 'complicit' in failing to provide housing on the site³²⁶ by way of a panel whose identity is "murky" is a further example.
- 7.78 Ms Reynolds also stated that views through from the Queen's Walk to Upper Ground do not seem possible (4.6.12): but that is incorrect: it is similar to the views through to the IBM. Finally, Ms Reynolds stated that overshadowing of planted areas to the south will cause problems³²⁷. On this, the location is south-facing, and Ms Reynolds did not purport to have any expertise in horticulture.

³¹⁹ See DB, pg. 35, plan, CD 8.03.

³²⁰ Para. 5.73, CD 8.03.

³²¹ DB, 5.76, CD 8.03.

³²² Para. 4.3.33, AR, CD 5.02.

³²³ XX.

³²⁴ Pg. 42, CD 5.02.

³²⁵ Pg. 44, CD 9.03.

³²⁶ CS Closing, para. 29.

³²⁷ Fig. 4.22, pg. 50, AR, CD 5.02.

The Design of the Proposal

- 7.79 Much has been made of the DRP process in this case. The procedure in this case was criticised because the scheme was not returned to the Panel for a third review. But the Council's officers considered carefully in a specific meeting whether it was necessary for the proposals to go back to the Panel after two presentations and it was concluded that it was not³²⁸.
- 7.80 The objectors have essentially treated the DRP process as a benchmark which needed to be overcome and that all of its observations had to be complied with. Mr Black brought the matter back to a sensible place by noting the largely discursive nature of the debates, and the fact that the DRP always express a desire to see the scheme again – nothing can be gained from a legalistic analysis of the Panel's request at the end of the minutes which are drafted by officers³²⁹. The DRP's approach has been substantially over-played by suggesting that there were a multitude of objections which were largely ignored, when the reality is that a substantial number of the points made by the DRP were observations and not actual disagreements of approach³³⁰.
- 7.81 Mr Black has also indicated the extent of involvement which officers had with the scheme: this is not a proposal which was simply presented to them; it was amended and altered in response both to the Council's involvement and advice as well as the DRP's. Despite the number of questions asked of him, Mr Filskow's explanation of the scheme's design and development showed the care with which the scheme evolved, without being tied to deliver the largest possible amount of floorspace. The essential flaw in the XX along these lines was the assumption that the maximum achievable floorspace equated to the maximum developable floorspace. The XX was just built on a false construct.
- 7.82 The scheme is sympathetic to local character and reinforces local distinctiveness in accordance with Local Plan policy Q6 B (iii)³³¹ and policy PN1³³², which in part supports development that retains the existing building line to Queen's Walk. The disposition of built form on the site is logical; the broader design of the proposed south tower in comparison to the existing ITV tower in its east-west axis is a positive response to the linear nature and flow of the river Thames. The approach to the massing of the north building is appropriate in the context of other river-fronting buildings, like Sea Containers House. The disaggregation of the buildings into a number of carefully arranged rectilinear components is very well-handled and gives the proposal a linear emphasis, and the datums of the elevations are a response to the height datums of other nearby buildings; these were foreshadowed in the DAS and are not, as suggested, an after the event

³²⁸ DB, EC and XX.

³²⁹ DB, XX.

³³⁰ See, e.g., paras. 10.6 – 10.8, CD 3.08.

³³¹ CD 6.03, pg. 189.

³³² CD 6.03, pg. 235.

justification³³³. The façade treatment is highly functional but elegant and understated. As Mr Black stated, there is a calm recessiveness in the design with a subtle interplay between the various elements and a lightness in the proposed tree-like columns³³⁴. The scheme has moments of joy in those interrelationships along with the intelligent use of balconies and copper in the facades and the subtle handling of linearity³³⁵.

- 7.83 The proposed scheme is beautiful³³⁶: those attributes show that the scheme is grounded in a thorough understanding of context. The proposals do not (like some schemes using large palettes of primary colour) distract³³⁷; as Mr Black stated, beauty is a response to context, avoiding generic reactions to surroundings.
- 7.84 Ms Reynolds argued that the site is within a cultural quarter and that the scheme would be an anomaly³³⁸. Mr Boys Smith had not considered the appropriateness of the London Studios but had no in-principle objection to office development³³⁹, and Mr Dillon accepted that there was a mix of commercial and cultural elements in the area³⁴⁰. Ms Reynolds is clearly wrong – a proper assessment of the area shows that office and commercial uses are very much a part of the area; the IBM and the Oxo are two obvious examples.
- 7.85 Ms Reynolds has criticised the use of the overhanging parts of the buildings which, she said, will be “completely in shade”³⁴¹. However, overhangs and soffits are, as Mr Black pointed out, a clear feature of the area (see Sea Containers House, Waterloo Bridge³⁴², NT and the QEH). Ms Reynolds in fact doesn’t like overhangs in spite of their use in grade II* listed buildings and structures – she says as much in her proof³⁴³. Ms Reynold’s judgement about these elements failed to take into account the environmental benefits of the overhanging elements given the potential for extreme weather events, something recognised by the Local Plan³⁴⁴.
- 7.86 The argument that the proposals do not present an active frontage to Upper Ground is also mistaken. Mr Boys Smith thought the views into the office foyer on the south elevation would be active. Ms Reynolds’ observation that there is a staircase in the foyer does not prevent them being active – indeed, it is far more active than, say, the views presented by 95-97. A short part of the southern frontage will be a service bay – but a building of any size on

³³³ CD, 1.14, pg. 40 and CS closing.

³³⁴ DB, XX.

³³⁵ DB, XX.

³³⁶ DB, EC and I’s Q’s.

³³⁷ DB, IQ, Design.

³³⁸ AR, 4.3.5, CD 5.02.

³³⁹ XX.

³⁴⁰ XX.

³⁴¹ Para. 4.6.19, AR, CD 5.02.

³⁴² DB rebuttal, pg.12, CD 8.06.

³⁴³ Pg. 56, “this view [of the NT] also exposes the flaw in the concept of such massive overhangs”, and see AR, para. 4.7.14, CD 5.02.

³⁴⁴ Policy EN4 A, Q6 vi, Q7 iii, CD 6.03, pg. 165.

this site must have a service area; Upper Ground is characterised by such facilities (see the NT, for example), and the scheme presents an appropriate balance between the functional and active parts of the development. There will also be clear activity through Mulberry Walk.

- 7.87 Ms Reynolds considered that there would be a confusion around the use of entries³⁴⁵, but that can readily be dealt with by signage and landscaping: Ms Reynolds also argued that it would be unclear where people should be going in the development³⁴⁶; that is misjudged and is no different to the cultural spaces in RFH or National Theatre.
- 7.88 With regard to the scale of the building, Ms Reynolds contended that the character of the area was for tall blocks to be set back from the river, like the Southbank cluster. She says that there are none like this in the “cultural quarter”³⁴⁷. On this, there are the following points: Ms Reynolds accepted that, for her, the problem was not with height, but with what she perceived to be the bulk³⁴⁸. The ITV tower is, of course, 123 metres from the river wall. To the east, One Blackfriars (163 m aod) is only 68 metres from the river frontage³⁴⁹. Sea Containers is c. 57 m AOD and 7 metres from frontage. The proposed north building is 60m AOD and will be 32 metres from the river edge³⁵⁰. Ms Reynolds recognises that the area is one of change, with new elements coming forward continuously³⁵¹; that has always been true of this area and the proposals are a continuation of it. Similarly to Mr Clemons, Mrs Reynolds has argued that³⁵² it is “highly inappropriate” for private office functions to be the most visibly defining building form in an area known for its public accessibility and cultural benefits. On this: There is no policy that cultural space should be dominant. The site 9 policy allows equal role to the provision – in fact, it does not actually make specific provision for cultural uses. This ignores the IBM.
- 7.89 Ms Reynolds also contended that the proposals fail to express their cultural function but would appear as an office block. But the cultural offer of the proposal will be plain to all those travelling through the site and along the Queen’s Walk. And, like any cultural centre, a large number of people will obviously be going to it because of the advertising and publicity which will be generated by the users of the site.
- 7.90 In terms of form, Ms Reynolds and Mr Clemons were, in reality, most exercised by the northern building and its apparent “domination” of the Queen’s Walk. But it is notable that Mr Boys Smith was envisaging a

³⁴⁵ 4.3.16, AR, CD 5.02.

³⁴⁶ 4.3.18, AR, CD 5.02.

³⁴⁷ 4.4.3, AR, CD 5.02.

³⁴⁸ XX.

³⁴⁹ DB, EC.

³⁵⁰ DB, Rebuttal, CD 8.06, para. 4.4.

³⁵¹ 3.1.7, AR, CD 5.02

³⁵² 4.5.3, AR, CD 5.02.

development of up to 10 storeys on that frontage³⁵³, which he thought would work visually.

- 7.91 Ms Reynolds sought to distinguish between point blocks which she said were characteristic of the area (like the Blackfriars cluster) and what she described as the 'slab block' nature of the proposals³⁵⁴. However, this fails to recognise how the Blackfriars cluster coalesces in views from further away (for example, on Waterloo Bridge). In a similar way, she referred to the fact that other developments in the area are slender in form but that ignores the obvious example of Elizabeth House³⁵⁵.
- 7.92 Ms Reynolds' position is that the overriding characteristic of building in the area of the site are quite low to the ground³⁵⁶ but that just does not reflect what is obvious in views from the south, east and west, namely, substantial numbers of tall blocks including the ITV tower, the Oxo and (in time) Doon Street.
- 7.93 Ms Reynolds agrees that the materials and approach to detailing (along with, in fact, the new M & E systems) are "high quality"³⁵⁷.

Whether the scheme's sustainability and its whole life carbon assessment provide an appropriate strategy in terms of climate change mitigation

- 7.94 The Council's consideration of this issue is unchanged from that assessed at officer level. The Council has considered the scheme against London Plan policy SI2³⁵⁸. The proposals will achieve a 43% improvement over the building regulations standard, which is considerably greater than the 35% requirement contained in the policy (part B). The proposal follows the energy strategy contained in Part A (lean, clean, green and seen). A whole life cycle carbon assessment has been undertaken which has been considered by the Council's sustainability consultant; it follows the GLA Guidance template, setting out the project goals, strategy and key commitments. The scheme has been compared to benchmarks for office development and the proposal would meet those benchmarks. The debate which took place during the Inquiry has not altered the Council's assessment of this issue. Each of the criticisms raised by SOS was addressed by the Applicant to the Council's satisfaction. As a result, the sustainability issues are capable of being dealt with by condition.

³⁵³ XX, MR.

³⁵⁴ 4.5.6, AR, CD 5.02.

³⁵⁵ Para. 4.10 DB Rebuttal, CD 8.06 and XX.

³⁵⁶ see para. 3.2.5, AR, CD 5.02.

³⁵⁷ para. 4.8.5, AR, CD 5.02, and XX, RW.

³⁵⁸ CD 6.02, pg. 342.

The weight to be given to the public benefits of the proposal and whether the public benefits would outweigh any harm identified in the heritage balances.

- 7.95 The Council has considered the range of benefits associated with this scheme.
- 7.96 **Economic Activity and Employment** The scheme will bring economic activity and employment, supporting an estimated 1,714 jobs during construction and 4,319 jobs across the office, cultural and retail spaces, in accordance with a key theme of the London Plan and Local Plan – Waterloo is identified as a particular location for the delivery of these aims.
- 7.97 The need to conserve and enhance London’s global economic competitiveness is highlighted in London Plan policies GG5, SD4, SD5 and E1³⁵⁹. Local Plan policy ED1 and policy PN1³⁶⁰ seek a key role for the Waterloo and the South Bank. There is no limit on the amount of office development to be provided under these policies. As I have said, Policy SD5 is clear that the strategic functions of the CAZ (of which offices are one) are to take precedence over residential development. There is nothing in the Waterloo OAPF SPD which restricts the level of office development. The Waterloo OAPF³⁶¹ set out an amount of housing and offices (15,000 jobs and 500 homes), but this has been overtaken by the indicative capacities in the London Plan³⁶².
- 7.98 The JLL Report referred to by Mr Oates³⁶³ has made clear the need for high grade offices given the flight to quality (the Applicant’s evidence from Cushman Wakefield adopts a similar approach); Mr Ball accepted that the Arup report he has relied upon³⁶⁴ made similar observations; this document notes the urgent need for change³⁶⁵. There is, consequently, no basis for arguing that there is some notional ceiling for the delivery of offices in the Waterloo area which would be surpassed by this development.
- 7.99 Ms Carney acknowledges that the delivery of offices is a substantial benefit of the scheme. SoS themselves “want to see high quality office floorspace”³⁶⁶ and are not opposed to offices in principle³⁶⁷. There is no basis for Ms Carney’s attribution of limited weight to indirect jobs³⁶⁸; the only basis for that position is that such jobs can be provided with other forms of development³⁶⁹. But that cannot justifiably reduce the weight to be placed

³⁵⁹ Pg.s 24, 70, 79 and 239 respectively, CD 6.03.

³⁶⁰ Pg.s 82 and 245 respectively, CD 6.03.

³⁶¹ CD 14.8, sub-page iv.

³⁶² Pg. 37 and policy SD1, pg. 30, CD 6.02

³⁶³ CD2.12.

³⁶⁴ CD 9.20a.

³⁶⁵ Pg. 62, calling for “immediate action”, CD 9.20a

³⁶⁶ XX, MB.

³⁶⁷ XX MB.

³⁶⁸ PC, pg. 30, CD 5.05.

³⁶⁹ Para. 6.5.1, PC, CD 5.05.

upon this issue – it is the same benefit, whether or not another development comes forward.

- 7.100 **Brownfield Land** The proposal will bring forward sustainable development on brownfield land. As a brownfield site, located in the opportunity area for growth and being very well-connected to transport, the redevelopment of the site as a matter of principle is to be encouraged and its delivery is a benefit to be given very substantial weight (as Ms Carney accepted³⁷⁰).
- 7.101 **Cultural Production Opportunities** The provision of the London Studios will offer cultural production opportunities in accordance with the development plan's objectives for the CAZ and the Waterloo opportunity area. London Plan policy recognises the importance of such cultural facilities, including ensuring the delivery of cultural venues and/or facilities and spaces for outdoor cultural events³⁷¹; this scheme delivers on both those objectives. These aims are repeated in the local plan³⁷². The particular significance of cultural facilities on the Southbank is recognised and its enhancement promoted under the CAZ policies³⁷³. SoS agree that more affordable creative floorspace is welcome³⁷⁴.
- 7.102 **Affordable Workspace** Affordable workspace will be provided in accordance with policies E3³⁷⁵ and E8³⁷⁶ of the London Plan and policy ED2 of the Local Plan. The proposal would deliver 7,344 sqm as affordable workspace.
- 7.103 Ms Carney gave the provision of the London Studios limited weight on the basis that the rental values would still be high³⁷⁷; but it was clear³⁷⁸ that this judgement was based on rental values in Brixton. Ms Carney presented no evidence that the rental levels would be unaffordable as a prime central London location. Ms Carney's objection that the reduced rents would only be for 25 years rather than in perpetuity³⁷⁹ ignores the fact that London Plan policy E3 requires only a period of 15 years.
- 7.104 Ms Carney suggested that the Council had considered the proposal to be contrary to local plan policy E3 because it had assessed the workspace to be *sui generis* rather than that identified in Local Plan policy ED2³⁸⁰ (which says that affordable workspace should be "designed to meet a local need for office, light industrial or research and development"³⁸¹). However, this ignored the Council's assessment that the proposal was in accordance with

³⁷⁰ Pg. 30, PC, CD 5.05.

³⁷¹ Policy HC5, pg. 298, CD 6.02.

³⁷² ED13, part A, pg. 110, CD 6.03 and see policy PN1, pg. 235.

³⁷³ Policy SD4, A and para. 2.4.11, CD 6.02.

³⁷⁴ MB XX.

³⁷⁵ Pg. 244, CD 6.02.

³⁷⁶ Pg. 263, CD 6.02.

³⁷⁷ Pg. 30, CD 5.05.

³⁷⁸ XX.

³⁷⁹ Policy E3, pg. 244, CD 6.02.

³⁸⁰ Pg. 85, CD 6.03.

³⁸¹ Part B, pg. 86, CD 6.03.

the London Plan's definition of affordable workspace and that the site is within a cultural area in part, so that, overall, the proposal was supported by both the London and Local Plans³⁸².

- 7.105 **Public Realm** As has been dealt with above, there will be significant improvements to the public realm.
- 7.106 **Biodiversity** There will be enhanced biodiversity. CSCB's argument that there may be an adverse effect on ecology arising from overshadowing of the Thames³⁸³ has not been substantiated by any evidence and Mr Oates has dealt with this contention in his rebuttal³⁸⁴. Ms Carney has sought to rely upon the fact that the biodiversity benefits were only regarded as "acceptable" in the officer's report³⁸⁵. However, Ms Carney's observation ignores the fact that the ecologist has reported that the scheme delivered the "maximum amount" of biodiversity improvements³⁸⁶. There is no contravention of the urban greening factor – London Plan policy sets out the factor as a target, not a strict requirement³⁸⁷; a target-based approach is repeated in the local plan through the application of the relevant London Plan policy³⁸⁸.
- 7.107 **Construction Jobs** The number of construction jobs which will be provided by this scheme should also be taken into account; Ms. Carney's argument (a repeat of the approach on indirect job creation) that such jobs could be achieved by another form of development³⁸⁹ is not a reason for reducing the weight to this issue.
- 7.108 **Contributions towards Transport needs etc** The development is required to make a number of contributions in order to comply with development plan policy, for example, transport contributions. However, there will necessarily be benefits for existing residents arising from the enhancement of these aspects.
- 7.109 **Conditions and Section 106 contributions** The conditions³⁹⁰ meet the relevant tests and are lawful. The s. 106 obligations are in accordance with regulation 122 of the Community Infrastructure Regulations 2010. A discrete issue has arisen relating to the publicity requirements for approval applications under a condition (for example, the scheme for deliveries in proposed condition 42). The Council is not required to consult the public on such applications (see articles 18 and 27-30 of the Town and Country Planning (Development Management Procedure) (England) Order 2015) and does not do so. Parliament's decision not to require such consultation is

³⁸² OR, CD 3.03, 9.1.5.

³⁸³ PC, para. 5.10.3, CD 5.05.

³⁸⁴ Para. 2.5, CD 8.05.

³⁸⁵ CD 5.05, para. 6.15.1.

³⁸⁶ 9.3.2, OR, CD 3.03.

³⁸⁷ Policy G5, pg. 322, CD 6.02.

³⁸⁸ Policy EN1, pg. 159, CD 6.03.

³⁸⁹ 6.3.1, PC, CD 5.05.

³⁹⁰ CD 14.28.

unsurprising – to do so would involve very significant extra time and resources. In the present case, the lack of consultation does not present an issue since local amenity groups³⁹¹ keep themselves well-informed about such applications and can make representations about them to the Council. It was contended³⁹² that not consulting on such applications would be unlawful, by reference to the decision in *R (Newey) v South Hams* [2018] EWHC 1872. That argument is wrong; the case cited does not support such a proposition – it concerned the reasons for a decision and a failure to take into account a material consideration. The Council’s position is both lawful and justified.

The extent to which the proposed development is consistent with the development plan for the area, and the overall planning balance with regard to the NPPF and any other material considerations.

7.110 Ultimately, the Council has reached the conclusion that the proposed development is in accordance with the development plan when considered as a whole. There will be a contravention of some of the policies of the development plan, namely those relating to the heritage impacts of the scheme (London Plan policy HC1³⁹³ and local plan policies Q20³⁹⁴ and Q22³⁹⁵). However, as Mr Oates has pointed out, the scheme accords with the vast majority of relevant policies. Consequently, the Council’s conclusion that the development plan is complied with is correct.

7.111 Material considerations do not indicate that permission should be refused. Mr Oates considered the heritage impacts against the public benefits under para. 202 of the NPPF and considered that the harm was outweighed. Moreover, even if the development plan is to be regarded as not complied with, ultimately the benefits in this case are material considerations which would outweigh the development plan.

7.112 Overall, the Council says that the planning balance, taking into account the NPPF, is to be struck decisively in favour of the scheme, and the Council believes planning permission should be granted.

8 The Case for CSCB

8.1 This is set out in full in opening and closing statements to the Inquiry as well as the evidence presented. I set out below a summary of the case presented in the closing statement. However, it is essential that the entirety of the evidence presented by the Rule 6 Party is read in full in order to understand the full case presented.

³⁹¹ See Mr Ball on the final day.

³⁹² Mr Streeten, final day.

³⁹³ Pg. 279, CD 6.02.

³⁹⁴ Pg. 211, CD 6.03.

³⁹⁵ Pg. 213, CD 6.03.

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- 8.2 Redeveloping the former London Television Centre site at 60-72 Upper Ground provides a once in a lifetime opportunity. The South Bank, on which it is located, is indisputably one of the most iconic riverside locations in London if not the world.³⁹⁶
- 8.3 It lies in what Sir Denys Lasdun himself described as “a magical position”.³⁹⁷ A magic created in part by the bend in the river, which gives the location a special prominence, and creates a powerful relationship with St Paul’s and the City of London in the east, and Somerset House and Westminster (to which it is joined by Waterloo Bridge) in the West, in what Lasdun called “the triangle”.³⁹⁸ The result is “one of the world’s most recognisable urban vistas”.³⁹⁹ This most sensitive of locations deserves to be developed sensitively, sustainably, and with care, to produce somewhere that contributes to the special character of the South Bank, rather than harming it.
- 8.4 That is not what the proposals achieve. They are greedy in every way: Exceeding the tall building’s allocation both in terms of height and area, pushing the development out to the Site’s boundaries above first floor level by using overhangs, dominating the South Bank, having major adverse impacts on the daylight available to residential neighbours, blocking sunlight to important public open spaces on the South Bank in exchange of mean amounts of public realm provision, so as to realise just under 1 million square feet of commercial space in a building designed, in the words of its architect, to a “maximum development envelope”⁴⁰⁰ so as to “maximise the lettable area of office/ workspace” enhancing the over-all return producing “financial out-performance”.⁴⁰¹ The imperative to achieve this was, the scheme architect accepted, “at the heart of the design response”.⁴⁰² It shows.
- 8.5 Only the Applicant denies that the proposal will cause harm to designated heritage assets of the highest significance. Historic England identify harm to the Grade I listed Somerset House, the Grade I listed St Paul’s Cathedral, the Grade II* listed National Theatre, the Grade II listed IBM Building, and the Roupell Street Conservation Area; Lambeth identify harm not only to the character and appearance of the South Bank Conservation Area – i.e. to the special qualities of the South Bank itself – but also the Grade I listed Somerset House and the Roupell Street Conservation Area; Mr Clemons identifies harm to Grade I listed Somerset House, the Grade I listed St Paul’s Cathedral, the Grade II* listed National Theatre, the Grade II listed IBM Building, the Grade II listed Waterloo Bridge, and to a

³⁹⁶ XX Filskow; XX Black

³⁹⁷ PoE Clemons para. 5.4.5

³⁹⁸ XIC Dillon, quoting William Curtis - *Denys Lasdun: Architecture, City, Landscape* p. 132-134 (see also CD 9.06i p.35)

³⁹⁹ PoE Filskow para. 10.2.1

⁴⁰⁰ XX Filskow (see also PoE 4.4 and 5.5)

⁴⁰¹ PoE Filskow para. 2.1 and 2/3/3

⁴⁰² XX Filskow

number of Conservation Areas; namely the South Bank; Old Bargehouse Alley, the Strand, Roupell Street, Temple, and Whitefriars.

- 8.6 It is unsurprising that the design, and in particular the scale and massing of the development, have been roundly criticised. The Design Review Panel used the euphemism “very challenging”, before describing the development as “jarring” “overbearing”, “bulky”, and “overtly dominant in its context”, noting that the “proposed bulk and mass does not justify its impact”.⁴⁰³ Historic England endorsed these views.⁴⁰⁴
- 8.7 Leading architectural commentators writing in the national press have avoided euphemism. Simon Jenkins described it as the primeval chaos-monster known as a “behemoth”, whilst Rowan Moore said it is simply “a brute”.⁴⁰⁵ The effect of those impacts goes beyond the mere appearance of the building. It will affect people’s every-day lives. All of the experts agree that there will be major adverse effects upon the levels of daylight available in 13 social rented flats in Iroko Housing Co-operative. Only the Applicant’s daylight/sunlight consultant was willing to say those impacts were acceptable, with both Mr Cosgrave of Delver Patman Redler for Lambeth and Miss Chapman of Anstey Horne for Coin Street Community Builders agreeing that given the extent of the adverse impacts the question of acceptability could only be addressed by a planning witness taking into account the benefits of the scheme.⁴⁰⁶
- 8.8 In exchange for all of that harm, the Applicant offers little. The proposed development is an office development, in form and function. Its large podium garden is private; inaccessible to members of the public who cannot be permitted to “climb all over it”, as Mr Filskow, its architect, so memorably put it. This, he agreed, creates the impression of “them and us”. It is far from inclusive.
- 8.9 Notably absent from the development is any housing whatsoever. Not one home. Let alone much needed affordable housing. On one of just 11 sites allocated for development across the whole Borough, and despite the clear requirement in the Local Plan allocation for the site (Site 9) for a mix of uses including office and residential components, and in circumstances where permission for this Site was, as recently as 2018, granted for development including 213 Residential units *and* a new headquarters for ITV, this proposal will not contribute one dwelling towards meeting the acute need for market and affordable housing in London generally, and Lambeth in particular. The direction of travel in terms of housing delivery is clear. There is a national imperative to deliver housing in cities generally, and in London in particular, yet there will be no housing at all on this brownfield site.

⁴⁰³ CD 3.08 paras. 11.1-11.5 and 13.7-13.9

⁴⁰⁴ CD 11.08 para. 30

⁴⁰⁵ CD 5.03 pp. 40-41

⁴⁰⁶ XX Cosgrave (see also PoE 5.39)

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- 8.10 If this application is granted, the opportunity that the potential to redevelop the Site presents will have been missed; and opportunity not just to deliver housing, but to create somewhere which enhances the South Bank and the lives of the many millions of people who live on it, work near it, or visit it. .

Coin Street and the Local Community

- 8.11 Small wonder, then, that the scheme has been subject to such overwhelming local opposition. A notable characteristic of that objection is that no-one is suggesting that the Site should not be redeveloped. Indeed, neither of the Rule 6 Parties objecting to the grant of planning permission for this proposal objected to the grant of planning permission for ITV's redevelopment in 2018. One of the reasons for that was the inclusion of housing in the 2018 proposal; another the retention of ITV's studios in this important cultural location.⁴⁰⁷ This is one of those rare cases where the local community is actively seeking the provisions of large numbers of new homes on its doorstep. Housing contributes seven days a week to the vibrance and vitality of an area. Unlike office space, it does not stand predominantly empty at weekends. Indeed, Coin Street itself actively promotes and delivers such housing, through its housing cooperatives and the development consent it has begun to implement at Doon Street. In relation to the latter, Coin Street is actively seeking to deliver a significant proportion of affordable housing, despite there being no requirement to do so under the planning permission as granted.⁴⁰⁸
- 8.12 The people who object to the current proposals for 72 Upper Ground come from all walks of life. They include locals, like the residents of the social housing at Iroko Housing Co-operative, Jasmine Pasch, the gardener who works at Bernie Spain Gardens, and Ms Quigley, whose moving address to the Inquiry encapsulated the sadness felt by many local people at what is proposed. They include statutory consultees like the 20th Century Society, whose role it is to champion the protection of 20th century architecture. And they include institutions. Institutions like the National Theatre itself, which is so concerned by what is proposed that it has instructed solicitors to present a detailed written objection to the Inquiry.⁴⁰⁹ Many of these stakeholders have fallen under the umbrella of and been represented by Save our Southbank.
- 8.13 Coin Street essentially agrees with the arguments put forward at this Inquiry by Save our Southbank. Coin Street's role as adjacent landowner on three sides of the proposed development, gives it special responsibilities: it must protect the riverside walkway and Bernie Spain Gardens which it owns, manages and maintains for the public; it must stand up for the interests of residents in the social housing developments it leases to Iroko and Mulberry Housing Co-operatives; and must ensure that Prince's Wharf and Gabriel's Wharf are protected so that they can,

⁴⁰⁷ CD 9.10i

⁴⁰⁸ XX Carney

⁴⁰⁹ CD11.19

when possible, be developed to enhance the South Bank, optimising their use in accordance with the policies which are in place when any such decision falls to be made. It is for these reasons that Coin Street wished to present its own case to this Inquiry.

- 8.14 Coin Street is woven inextricably into the fabric of the South Bank's history. Established in 1984, it owns a 13-acre site comprising Oxo Tower Wharf, Gabriel's and Princes' Wharves, Bernie Spain Gardens, Redwood, Palm, Iroko, and Mulberry Housing Co-operatives, the Coin Street neighbourhood centre, and Doon Street - where it is undertaking a phased development including Rambert Dance Company's headquarters and dance studios (completed in 2013), a public swimming and indoor leisure centre, and a substantial number of residential flats. In addition, its sister organisation Coin Street Centre Trust owns the Colombo Sports & Community Centre, the outdoor pitches on Hatfields, and the multi-use courts on Paris Gardens.
- 8.15 Coin Street is one of the key custodians of the South Bank. It was Coin Street which, from 1984-1988, oversaw the completion of the South Bank riverside walkway from Prince's Wharf to Sea Containers House, and the new riverside park at Bernie Spain Gardens. Coin Street manages and maintains both from its own resources, and in 2019 secured planning permission to improve and re-landscape the riverside walkway and Gardens. Coin Street has, for almost 40 years, put the South Bank community at the heart of every decision it has taken, providing inestimable community benefits, including the significant delivery of social housing, to help make the South Bank the vibrant place it is today.

The Importance of Optimisation and the Design Brief

- 8.16 Good Growth underpins the whole of the London Plan. It is the way in which sustainable development in London is to be achieved.⁴¹⁰ Critical to achieving Good Growth, is making the best use of land; as set out in London Plan Policy GG2. That Policy, like many in the London Plan, applies to all those "involved in planning and development". It applies not only to decision makers, but developers and those who act on their behalf: architects, planners, other technical consultants.
- 8.17 GG2 is clear. All those stakeholders must "proactively explore the potential to intensify the use of land to support additional homes and workspaces" (GG2C) and must apply "a design-led approach to determine the optimum development capacity of sites" (GG2D). That is not something which can be done retrospectively, it requires the developer proactively to explore the potential to use land to support additional homes, and to integrate this into a design-led approach to determining the optimum development capacity of a site from the start.
- 8.18 GG4 supports this approach in the specific context of delivering the homes Londoners need. It requires developers to "ensure that more homes are

⁴¹⁰ London Plan (CD 6.02) 1.0.1

delivered” and to “identify... sites to deliver housing locally”. The supporting text reinforces the strategic importance of the Policy: “Few things are as important as a suitable home,” it says, “but for many Londoners...[this] is out of reach”.⁴¹¹ “The lack of supply of the homes that Londoners need has played a significant role in London’s Housing crisis... London needs 66,000 new homes each year for at least twenty years”.⁴¹² To meet this growing need “London must seek to deliver new homes through a wide range of development options”. “Reusing large brownfield sites” is “crucial” and in Opportunity Areas “the potential for new homes is especially high”.⁴¹³

- 8.19 Even policy GG5, which is focussed on growing a good economy, rather than on housing, specifically requires those involved in planning and development to “ensure that sufficient high quality and affordable housing... is provided to support London’s growth”.⁴¹⁴ Without a sufficient supply of homes, sustainable economic growth is impossible. For this reason, the importance of ensuring homes are delivered on all suitable and available sites is hard-wired into the strategy of both the London Plan and the Lambeth Local Plan. Specifically London Plan Policy SD1, which concerns Opportunity Areas, requires that Opportunity Areas fully realise their growth and regeneration potential by maximising the delivery of new homes creating both employment opportunities and housing choice.⁴¹⁵ Specifically, the Waterloo Opportunity Area is intended to deliver 1,500 new homes by 2041.⁴¹⁶
- 8.20 London Plan Policy SD5 (a policy which Mr Goddard appeared wilfully unable to comprehend and the implications of which for this Site he resolutely refused to accept), makes clear that even in the CAZ, there is specific policy support for “mixed use/office/residential proposals” provided there is no net loss of office floorspace.⁴¹⁷
- 8.21 London Plan Policy H1, which is headed “increasing housing supply”, requires boroughs “to optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions”. There is no exception to that policy in the CAZ. It applies to every brownfield site, across London, and especially to sites (like the one in this case) where PTAL levels are at 3-6.⁴¹⁸ Indeed, policy H1F is clear that on sites that are allocated for residential and mixed-use development “developments should be designed to provide a mix of uses including housing on the same site in order to make the best use of land available for development”. Again, that policy applies to all sites allocated for mixed-use, including this one.

⁴¹¹ CD 6.02 1.4.1

⁴¹² CD 6.02 para. 1.4.3

⁴¹³ CD 6.02 para.1.4.5

⁴¹⁴ CD 6.02 GG5D

⁴¹⁵ CD 6.02 SD1A(1), (5), and (7) and SD1B(2), agreed Goddard XX

⁴¹⁶ CD 60.2 p.37

⁴¹⁷ CD 6.02 SD5F

⁴¹⁸ CD 6.02 H1B(2)

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- 8.22 Lambeth Local Plan Policy H1 further reinforces this, making clear that it will “optimise the potential for housing delivery on all suitable brownfield sites”. Again, that applies both outside the CAZ and inside it, specifically to this Site, which Mr Goddard agreed in XX is a brownfield site suitable and available for housing; indeed allocated for a mixed use development, including housing, and with a previous consent (under application reference 17/03986/FUL) for development involving a significant residential component including the delivery of 213 dwellings, of which 22 were to be intermediate rent, and with an off-site affordable housing contribution of £8.745m.⁴¹⁹
- 8.23 London Plan Policy D1 requires boroughs to establish optimised site capacities for site allocations by following the design led approach set out in policy D3. Policy D3 explains how this is to be achieved. The text of the policy itself says that “optimising site capacity means ensuring that development is of the most appropriate form and land use for the site”. The design process concerns not only the form of the development, but the land uses involved. That much should be obvious not least because, as the scheme architect, Mr Filskow, went to some lengths to explain in his evidence, a building’s form is, to a considerable degree, driven by its function.⁴²⁰ How a building looks is a product of what that building does. Both must be considered.
- 8.24 That this is a site with the potential to contribute to the delivery of housing, in the face of a severe housing crisis and in accordance with the above policies, is beyond dispute. First, it has previously benefitted from the grant of planning permission for a mixed use involving a significant residential component, which would have delivered in excess of 200 dwellings. Second, Lambeth Local Plan Policy PN1 makes clear that the area in which it falls is, inter alia, “a mixed residential area” and specifically supports sustainable development for both jobs and homes. It requires the Site’s potential to be optimised for “the full range of central London and town centre activities”, which includes residential uses. Indeed, the 2009 Strategic Housing Land Availability assessment specifically identified the LTV site separately from Princes’/ Gabriel’s Wharf as being suitable and available for housing development.⁴²¹
- 8.25 Third, the site is specifically allocated under the Site 9 Allocation for mixed use, including residential uses. As Mr Goddard agreed in XX, the Site allocation uses the word “and”; it requires the inclusion of residential uses in the mix. To the extent that the Applicant contends that those uses can be delivered on the adjacent Coin Street site at Princes’/ Gabriel’s Wharf, so as to secure compliance with the allocation, that is misconceived. As Ms Carney made clear in evidence, there is no material prospect of housing coming forward on that site in the plan period, or indeed in the foreseeable future, given the absence of funding and the terms of the

⁴¹⁹ CD 9.10i

⁴²⁰ XIC and XX Filskow

⁴²¹ CD 9.10g p.244

current lease. Moreover, London Plan Policy H1F is clear: where a site (like this one) is allocated for a mixed use including residential, “developments” (i.e. all developments) “should be designed to provide a mix of uses including houses on the same site in order to make the best use of land available for development”. The policy is unambiguous, developments on sites with a residential component to the allocation should deliver housing on that site. That accords with the whole structure of the London Plan, including Policies D3 (requiring the optimisation of uses through the design process) as well as GG2-4 and SD1, and with the Local Plan, and in particular Policy H1.

- 8.26 The Applicant’s approach has flown in the face of these policies. From the start, the potential to deliver housing on this site has been ignored. The architect, Mr Filskow, accepted in XX, that before the design competition was even launched, the delivery of housing had been excluded and the objective set of “providing the maximum achievable amount of Grade A office with ancillary retail/ leisure”.⁴²² The Applicant’s Strategic Development brief was clear “focus on how to maximise the net lettable area of office/ workspace... for the successful leasing/ pre-leasing of the scheme to enhance the overall financial return”.⁴²³ As Mr Filskow agreed in XX, he had no doubt about the developer’s number one priority – “maximise the net lettable area to improve the bottom line”. Indeed, in the course of XX it became apparent that, as Mr Filskow conceded: “the price paid for the Site had been driven by a valuation on the basis of office use”;⁴²⁴ and “providing both residential and office development on the site would reduce the achievable level of development because the natural constraints of a residential development require that it is not compromised by other buildings being too close...[which] would limit the extent of the employment space”.⁴²⁵
- 8.27 Lambeth has been complicit in this abject failure even to consider providing housing on a site which is suitable, available, and allocated to deliver new homes. Precisely how or why this happened is unclear. It would appear that “background information” was issued to Lambeth’s Growth Investment Panel in April 2020. What the Growth Investment Panel is remains more than a little murky. It is not a body which (so far as Coin Street can tell) has any formal status under Lambeth’s constitution. When cross-examined neither Mr Black nor Mr Oates could explain precisely who sat on the Panel,⁴²⁶ who had attended it, or how it had reached the decision on the principle of development being predominantly for office, with no housing.⁴²⁷ All that can really be said is that since at least June 2020, before there had been any pre-application discussions with planning officers, Lambeth had excluded the potential to deliver

⁴²² See also PoE Filskow 2.1.1

⁴²³ PoE Filskow 2.3.3

⁴²⁴ See also PoE Filskow 4.2.6-4.2.7

⁴²⁵ See also PoE Filskow 5.2.6

⁴²⁶ Albeit this information was subsequently provided by e-mail

⁴²⁷ PoE Filskow 4.5.2

housing on this Site on the basis of a decision already taken by the Growth and Investment Panel.

- 8.28 In other words, from the very beginning, indeed prior even to acquiring the Site, the Applicant took the decision that, to maximise its financial return, it would ignore the possibility of providing housing on it. In doing so it ignored all of the above Development Plan policies, which require consideration of the ability to deliver residential development on suitable and available brownfield sites like this one, and consideration of how to optimise the use of those sites, including to deliver housing, through the design process. That is a startling approach to take to a Site allocated for a mixed use development, including residential. It has affected every aspect of the scheme: its design, its approach to the circular economy, its impact on designated heritage assets, and the harm caused to residential amenity. In short, it has produced a scheme which not only fails to optimise the use of the Site for the delivery of much needed homes, but which fails to accord with the Development Plan and causes serious harm; harm which far outweighs the benefits of what is proposed. Lambeth has allowed this to happen.

The Circular Economy

- 8.29 The exclusion of housing from the design process and consideration of the optimal use of the Site has had a further unfortunate side effect. In XX, Mr Filskow conceded that the Applicant had commissioned an engineering report into the structural condition of the existing building, and that this had concluded the tower of the LTV building (Kent House) was structurally sound. Indeed, Mr Filskow agreed that it would be possible to re-use Kent House as part of a mixed-use scheme involving residential development. The reason for seeking to demolish the tower is because it is not suitable to accommodate the Grade A office space that the Applicant is looking to deliver.⁴²⁸ In other words, had the Applicant properly complied with London Plan Policy D3, and the other policies identified above, and considered the delivery of a mixed use development including residential on the Site, it would have been possible to design an appropriate scheme that retained the existing tower.
- 8.30 The effect is that the proposed development does not accord with policy SI 7 of the London Plan, read together with Policy D3. The effect of those policies combined is that applicants for planning permission must consider circular economy principles as part of the design and site optimisation process. That is absolutely clear from the supporting text to Policy SI 7, which says: "The successful implementation of circular economy principles will help to reduce the volume of waste that London produces and has to manage. A key way of achieving this will be through incorporating circular economy principles into the design of developments (see also Policy D3 Optimising site capacity through the design-led approach) as well as through Circular Economy Statements for referable applications" and from

⁴²⁸ XX Filskow

the decision tree for design approaches in the London Plan Guidance on the Circular Economy.⁴²⁹

- 8.31 In failing to optimise the development potential of the Site at the design stage, and in particular in excluding the potential to reuse the existing tower for residential redevelopment, the Applicant has missed another important opportunity which, again, brings its proposal into conflict with Development Plan policy.

Design Quality

- 8.32 The Applicant's design evidence was given by two witnesses. Mr Filskow, the scheme architect, who confirmed that the purpose of his evidence was "not to provide an appraisal of the design quality of the scheme" (a task he said he would leave to Mr Finch) but rather "to explain the design rationale and address issues raised through design development",⁴³⁰ and Mr Finch, whose evidence undertook "a review of the proposal...in respect of a series of methodologies for evaluation of Architectural and wider design qualities".⁴³¹
- 8.33 Mr Finch's evidence was a disaster for the Applicant. He had no choice but to concede in XX that his evidence was "littered with a series of unsupported assertions made without any regard to relevant evidence". It was, at best, a superficial expression of opinion which ignored the complexities of the issue which frequently (as he accepted) strayed "outside the scope of his expertise".⁴³²
- 8.34 Even within the scope of his expertise, Mr Finch accepted in XX that He had "not undertaken any sort of character appraisal" regarding the design and development context, nor "any analysis of any of the relevant views identified in the LVMF". The Lambeth Design Review Panel ("**DRP**") provided a "valuable resource for identifying the pitfalls" of a proposal's design. Their comments "should be taken seriously and merited an appropriate response in design terms". The DRP had, on two separate occasions (18th August 2020 and 23rd February 2021), consistently identified a number of clear issues with the designs presented to them. His own evidence included "no analysis explaining [his] view of how or why those criticisms had been addressed" notwithstanding that those concerns were "so obviously important that any truly fair and independent appraisal would have made reference to them".

⁴²⁹ CD 6.21 Figure 4 – in this place: is there an existing building on the site – yes; is it technically feasible to retain the building in whole or in part – yes (conceded XX Filskow); is the building, or parts of the building, suited to the requirements for the site – yes in part (Kent House is suited for residential development which is one of the uses required pursuant to the Site 9 allocation) = retain and retrofit.

⁴³⁰ XX Filskow

⁴³¹ PoE Finch 3.2

⁴³² XX Finch

8.35 In those circumstances, Mr Finch's evidence cannot properly be given any weight. The Applicant has simply failed to present credible evidence appraising the design quality of the proposal; perhaps because, once such an appraisal is properly conducted, the poor quality of the building's design is exposed.

Context and the Design Approach

8.36 The first characteristic of good design is an appreciation of context. That is what the National Design Guide tells us.⁴³³ Well-designed places are "based on a sound understanding of the features of their sites and the surrounding context, using baseline studies as a starting point for design; they are integrated into their surroundings so they relate well to them, influenced by and influence their context positively; and responsive to local history, culture and heritage".⁴³⁴ Development which responds positively to its context, such that it is well grounded in its locality, "helps to foster a sense of belonging and contributes to well-being, inclusion and community cohesion" and "is more likely to be acceptable to existing communities".⁴³⁵

8.37 Given the critical importance of context, it is surprising that nowhere in Mr Filskow's evidence describing the design development is there a section (or even a sub-section) headed 'context' (or words to that effect). The best that can be said is that there are four short paragraphs, taking up approximately half of one of the 130 pages in his PoE, under the heading "response to the architectural character of the South Bank".⁴³⁶ One of these four paragraphs is spent explaining Mr Filskow's undergraduate study of modernist architecture. The remaining three say very little, beyond noting the South Bank Conservation Area is comprised of predominantly 20th Century brutalist buildings, that the Site is at the midpoint between the Waterloo and Blackfriars tall buildings clusters, and that the volume of development presently on the South Bank steps down towards the river, all of which are accurate but obvious observations. There is certainly no reference to the careful analysis including a 'profile' of Waterloo and the South Bank, as well as relevant character areas, contained in the adopted and extant Waterloo Opportunity Area Framework,⁴³⁷ let alone a Context Analysis of the sort contained in the Appendix to Ms Reynolds' PoE.⁴³⁸

8.38 As set out in Section 3 of Ms Reynold's PoE, an analysis of that context shows that opposite the site, to the south of Upper Ground, medium density housing, such as Iroko Housing Co-operative, gives the area a residential and community based character.⁴³⁹ To the north of Upper

⁴³³ CD 6.27 p.10

⁴³⁴ CD 6.27 p.10 para. 40

⁴³⁵ CD 6.27 p.10 para. 39

⁴³⁶ PoE Filskow 5.6.1-5.6.4

⁴³⁷ CD 14.8 p.17-52

⁴³⁸ CD 5.03

⁴³⁹ PoE Reynolds 3.2.9

Ground large footprint public buildings are “all quite low to the ground, with major arrival/ entry points facing the Queen’s Walk”⁴⁴⁰ and with a prevailing height of 5-6 storeys punctuated by the National Theatre fly tower and the LTV tower itself.⁴⁴¹ Tall buildings (both existing and consented) are clustered in two locations – Waterloo and Blackfriars Bridge.⁴⁴² The predominant character of these tall buildings is that of ‘point blocks’ rather than larger slabs which creates space and ease of movement around and between the blocks and means that in close and medium distance views, the separation of blocks is apparent with good views of sky between them, and an experience on the ground of daylight and sunlight between them.⁴⁴³ All of the tall buildings are, with the exception of the fly tower of the National Theatre and Kent House, set back a block: behind the spine route created by Upper Ground, which is precisely what the Waterloo Opportunity Area Framework anticipates.⁴⁴⁴

- 8.39 Finally, there is the River Thames. The River is “a strategically important and iconic feature of London”.⁴⁴⁵ It is “a focal point for London’s identity” and is specifically protected by London Plan Policy SI14, which seeks to safeguard its character and contribution to London’s built, natural, and cultural heritage. More specifically, Policy D9 of the London Plan expressly protects not only the open quality of the river, but the riverside public realm (including Queen’s Walk and Bernie Spain Gardens) against the adverse impacts that tall buildings near the river risk causing. This is reinforced by Policy Q24 (entitled simply: River Thames) of the Lambeth Local Plan, which describes the River Thames as Lambeth’s “window to the city” and requires proposals to “enhance the character of the river frontage, views from the river and the opposite bank”, and to “be contextual”.⁴⁴⁶ By virtue of that Policy, development which “blocks sunlight to the riverside... is considered unacceptable”.⁴⁴⁷ This riverside character is protected even at the most granular policy level. Policy PN1 of the Local Plan singles out the character of the river frontage, Queen’s Walk, and surrounding views for protection, and the Site 9 Allocation also identifies the importance of enhancing Queen’s Walk, and protecting Bernie Spain Gardens from significant overshadowing.
- 8.40 As explained below, the proposed development fails to respond to this context. Its design was not driven by a sensitive contextual appraisal, but by the brief of “maximising the net lettable area”.⁴⁴⁸ To achieve this, as Mr Filskow agreed in XX, the approach was to “define a maximum development volume”,⁴⁴⁹ determined by: Taking the footprint of the Site and limiting the height of the development proposed on it with reference

⁴⁴⁰ XIC Reynolds CD14.5 pp.16-17

⁴⁴¹ PoE Reynolds 3.2.5

⁴⁴² PoE Reynolds Appx Figure 2.7 (CD 5.03)

⁴⁴³ PoE Reynolds 3.4.4

⁴⁴⁴ PoE Reynolds Appx Figure 2.7 (CD 5.03); CD 14.8 p.108

⁴⁴⁵ London Plan (CD 6.02) 9.14.5

⁴⁴⁶ CD 6.03

⁴⁴⁷ CD 6.03 10.121

⁴⁴⁸ PoE Filskow 2.3.3

⁴⁴⁹ See also PoE Filskow 4.4 and 5.5

to the view from the courtyard of Somerset House.⁴⁵⁰ In this regard, it should be noted that Mr Finch conceded that the tall building aspect of the proposal's design would not accord with the relevant Development Plan policy in Lambeth Local Plan Q26 read together with Annex 10. He was right to make that concession. The Applicant ignored the fact that the Development Plan identifies only a small area of the Site (shown as location W1 and approximately equivalent to the location of the current LTV tower) for a tall building.⁴⁵¹

- 8.41 The Local Plan specifically states that what is appropriate is a "point block" building.⁴⁵² The maximum height taken by the Applicant (approximately 109m) was just under 10m above that identified in the relevant Development Plan policy, which referred to 100m AOD (with a tolerance of 5m specifically, as the Tall Buildings Study makes clear, to avoid impacts upon Somerset House).⁴⁵³ Because the proposal exceeds the 100-105m identified in the local plan, the height of the proposal is such as to be visible above the roofline of Somerset House from within the quadrangle. For this reason Historic England, Lambeth, and Mr Clemons all agree that the significance of that Grade I listed building will be harmed.
- 8.42 Removing from the developable area the "no build zone" resulting from the view corridor from Westminster Pier to St Paul's in LVMF View 8A.1,⁴⁵⁴ but not avoiding the appearance of built development on both sides of the dome of St Paul's, notwithstanding that this is the very definition of a canyon effect in the LVMF;⁴⁵⁵ and combining those constraints to give a volumetric box which Mr Filskow terms the "maximum development envelope".⁴⁵⁶
- 8.43 It is for this reason that Mr Filskow believed "any proposal would always be of a similar basic form" with one tall building to the south and a shorter tall building to the north separated by a six storey base.⁴⁵⁷ That is as misconceived as the parameters of the "maximum development envelope", a concept with no basis in policy or other guidance, which the Applicant has defined for itself without proper regard to relevant Development Plan policies, or to the Site's sensitive context.
- 8.44 The Applicant's approach, however, ignores the approach in the Development Plan, which expects a 'point block' tower at a restricted location to the south of the Site, and plainly does not contemplate a building above 45m AOD to the north, let alone the combination of two large slab blocks proposed by the Applicant. It ignores the fact that it is these aspects of the proposal that cause many of the harms arising from

⁴⁵⁰ XX Filskow; See also PoE Filskow 5.5.4

⁴⁵¹ CD 6.03 p.380

⁴⁵² CD 6.03 p.380

⁴⁵³ CD 6.03 p.380; and CD 14.

⁴⁵⁴ PoE Filskow 5.5.3

⁴⁵⁵ CD 6.32 Glossary p.237

⁴⁵⁶ PoE Filskow 5.5.7

⁴⁵⁷ PoE Filskow 4.4.2

the development; for example, absent a tall building to the north: views of the National Theatre would not be obstructed, no canyon would be created around the dome of St Paul's in LVMF View 8A1, and the oppressive and overbearing sense of development adjacent to the river and within the South Bank CA could be avoided. Similarly, if the southern tower were a point block rather than a slab, daylighting impacts upon the living conditions in Iroko Housing Co-operative could be avoided (as they were in the ITV proposal or as they would be if Kent House were retained)⁴⁵⁸ and the overshadowing of Bernie Spain Gardens and Queen's Walk would be much reduced, if not avoided.

- 8.45 Mr Filskow's assertion that any development of the Site would be similar in form to that proposed by the Applicant betrays a fundamental failing in the design approach; it has prioritised maximising the net lettable area to enhancing the financial return, which Mr Filskow agreed in XX is "at the heart' of the scale and massing of the proposal, over responding sensitively to the Site's context.

Scale and Massing

- 8.46 In XX, Mr Filskow candidly conceded that the proposal "is neither a tower nor a horizontal slab block – it is both".⁴⁵⁹ Save the rooftop restaurant, everything above the first floor is private Grade A office space. All the built form above that level is, to use Mr Filskow's word "honest" and "not afraid to be itself".⁴⁶⁰ It is, as he accepted, a physical expression of the maximisation of that office use, which does not express any cultural function but reads as "a major corporate headquarters building" expressing "a large scale office use with high standards of private amenity for those working in the offices".⁴⁶¹ Indeed, the design approach was deliberately to avoid devices like vertical emphases to minimise the appearance of scale.⁴⁶²
- 8.47 The result, Mr Finch conceded in XX, is a building the scale of which does not "respond to the IBM Building or the National Theatre next door" but is "completely different" from those buildings and "is not driven by responding to them". Indeed, a building which, although it contains no major civic function or transport interchange, is on a scale quite different from any of the number of landmark buildings on the South Bank including the National Theatre, the Festival Hall, the IBM Building, and OXO Tower Wharf. A tall building outside the two existing tall building clusters at Waterloo and Blackfriars which does not accord with the relevant local plan policy for tall buildings (Q26 read together with Annex 10).
- 8.48 The truth is that the proposed development is over-large and over-dominant. The building is, as the DRP (echoed by Historic England) put it

⁴⁵⁸ CD 9.10i

⁴⁵⁹ PoE Filskow 3.5.3 and XX

⁴⁶⁰ PoE Filskow 10.8.28

⁴⁶¹ XX Filskow

⁴⁶² PoE Filskow 9.3.2 and XX

“very challenging” and “overly dominant in its context” with a “bulk and mass [that] does not justify its impact on adjacent buildings”,⁴⁶³ or as Rowan Moore put it “a brute”.⁴⁶⁴ This over-dominance could, and should, have been avoided. It is the product, *inter alia*, of the northern tower – a tall building in a location not identified for one in the adopted Development Plan policy,⁴⁶⁵ as well as the general bulkiness of a building which expands in all directions so as to provide as much lettable floor space as it is possible to cram onto the Site; to fill the Applicant’s self-defined and self-serving “maximum development volume”. In short, the Applicant has drawn as big a box as possible, and filled it to the brim with office space.

- 8.49 Indeed, in XX Mr Filskow accepted that, had the proposal been designed to incorporate a residential component, its built form and mass would have been much reduced, for the reasons explained at paras. 5.2.6 of his PoE. This serves only to reinforce the importance of seeking to optimise a site’s use at the design development stage, rather than constraining the design process by requiring the maximum quantum of Grade A office floor space before even instructing an architect.

Form/ Materiality

- 8.50 The key features of the proposal’s design in terms of form/ materiality are, on Mr Filskow’s own evidence: (1) horizontality resulting from the “continuous horizontal glazing alternative with solid white banded panels” and (2) “robust modularity” resulting from the use of blocks to create a complex overall form.⁴⁶⁶ The effect of this horizontality, and modularity is, to exaggerate the mass of the building; that is Mr Filskow said “all part of the honesty of the building”.⁴⁶⁷ But as the DRP identified, “the protruding balconies add to the unwelcome sense of bulk” in circumstances where “simplicity and calm are essential given the sensitivities of the context”.⁴⁶⁸ Perhaps unsurprisingly, Mr Filskow also conceded that he had been wrong, in his PoE at 10.8.10, to suggest that “the proportions of the building’s appearance have a similar scale and modulation to adjacent buildings”. As he accepted, the scale and modulation of the building is very different from the National Theatre or the IBM Building. Reference to “datum” lines shown in Figure 128 were and “an after the event explanation” and not a part of the design process itself.⁴⁶⁹

- 8.51 The materials of the proposed building (glass and white coloured metal) are entirely different from the concrete of the National Theatre and the IBM Building. There is no issue with that *per se*. The problem is seeking to use those materials to create a “similar emphasis” to the National and the IBM. As Mr Filskow conceded: Lasdun described his terraces, with their

⁴⁶³ CD 3.08 paras. 11.1-11.3 and CD 11.08 para. 30

⁴⁶⁴ CD 5.03 pp. 40-41

⁴⁶⁵ CD 6.03 Q26 and Annex 10

⁴⁶⁶ XX Filskow

⁴⁶⁷ XX Filskow

⁴⁶⁸ CD 3.08 para. 12.1

⁴⁶⁹ XX Filskow

horizontal emphasis as “strata” which he said was “a geological term that rather goes with concrete”, the horizontality of the building was “inherently connected with the materials he used”.⁴⁷⁰

- 8.52 As a result, the form and materiality of the proposal have no meaningful relationship with the National Theatre or the IBM Building. Rather they serve only further to emphasise the scale and massing of this office building, distracting from and dwarfing the architectural set piece comprising the National Theatre and IBM Buildings, the latter of which was specifically designed to be subservient to the former because of its function as a private office rather than a civic building.⁴⁷¹ Indeed, the proposal entirely fails to respond even to those most basic elements of the local context identified by Mr Filskow in his PoE at 5.6.1-5.6.4:
- 8.53 It is not ‘modernist’ in style. It is, if anything, an example of ‘structural expressionism’ - so called ‘high-tech’ architecture exemplified by the Lloyd’s Building or the Pompidou Centre. That much is perfectly clear from Mr Filskow’s own evidence which, variously refers to the building as: seeking “honest expression of materiality and construction technology”;⁴⁷² “visually expressing the activities and experiences of the buildings users”;⁴⁷³ representing “the cutting edge of technology”;⁴⁷⁴ and using exposed columns as “an honest expression of structure”.⁴⁷⁵
- 8.54 It does not respond to prevailing building heights in the location. It is not a point block, but a pile of slabs, located amongst the lower rise buildings between the Blackfriars and Waterloo tall buildings clusters. The effect of this, as Mr Black explained in XX, is especially severe because of the stark juxtaposition with the low-rise buildings and open space on the adjacent Gabriel’s Wharf and Bernie Spain Gardens.
- 8.55 It does not ‘step down’ towards the river. On the contrary, it steps up. Although the northern tower is less tall than the southern one, between the two is the 6-storey podium. The effect, as Ms Reynolds explained in evidence, is that the perception is of a building stepping up towards the river, from 6 to 13 storeys butting up against the river. That is entirely out of keeping with the National Theatre and IBM building, both of which grade downwards into the river. Its effect is visible in THVIA View 37.⁴⁷⁶ The proposed development appears to overhang Queen’s Walk, terminating the view in a wall of built form, which conflicts with the DRP’s advice,⁴⁷⁷ obscures the ‘geology’ of Lasdun’s buildings, and seriously harms the South Bank.

⁴⁷⁰ PoE Clemens 5.4.5 and XX Filskow

⁴⁷¹ Agreed XX Tavernor; see also DPR CD 3.08 paras. 12.1-12.2

⁴⁷² PoE Filskow 5.6.4

⁴⁷³ PoE Filskow 6.8.6

⁴⁷⁴ PoE Filskow 9.2.23

⁴⁷⁵ PoE Filskow 10.8.22

⁴⁷⁶ CD 1.20 p.144

⁴⁷⁷ CD 3.07 10.1

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- 8.56 The result is a building entirely out of character with its surroundings. As Rowan Moore said:

“There is no particular magic or logic to the architecture. It takes its blockiness and striations from Denys Lasdun’s National Theatre only at an inflated scale and with less sense of purpose such that it looks parodic rather than respectful”.

Public Realm and Inclusivity

- 8.57 The very first policy in the London Plan (GG1) says “Good growth is inclusive growth”. It goes on to require that developers and their consultants “create places where everyone is welcome, which foster a sense of belonging, community buy-in, and where communities can develop and thrive”. The proposed development in this case roundly fails in this regard.
- 8.58 With the exception of the level 12 restaurant, all of the roof terraces, gardens, and balconies in the proposal will be entirely private space. This includes the large ‘podium garden’ illustrated in Mr Filskow’s Figure 14.⁴⁷⁸ As he accepted in XX, “the perception of these large private amenity spaces above gives expression to the ‘them and us’ nature of the development”. It is as far from inclusive as it is possible to imagine. More troubling still, was the reason Mr Filskow gave for why public access to that podium garden was not possible. It was, he said, because the sort of tenant envisaged for a “major corporate headquarters” would not want members of the public “climbing all over it”. “Sense of belonging” and “community buy-in” have been subjugated to the Applicant’s primary objective – maximising the quantum of lettable Grade A office space to deliver “a commercial product...to enhance the overall financial return”.⁴⁷⁹
- 8.59 The only space outdoor space to which members of the public will have any access is the level 12 restaurant. In his PoE Mr Filskow had sought to make much of this restaurant describing it as allowing “the spectacular views over the river Thames and Central London to be shared by all”.⁴⁸⁰ Upon interrogation, however, it became apparent that both the restaurant and the 435m² terrace associated with it would be operated privately by the restaurant, such that the “all” referred to by Mr Filskow meant “all who could afford the restaurant and were able to secure a reservation”; that, one might think, is really a space available only to a lucky few.⁴⁸¹ Certainly, the rooftop restaurant no more falls within the London Plan definition of public realm than do the retail units at ground floor – i.e. not at all.⁴⁸² This again reflects what appears to be a deliberate decision not to comply with adopted and up to date development plan policy. London Plan Policy D9D (Tall Buildings: Public Access) requires free-to-enter publicly

⁴⁷⁸ PoE Filskow 3.5.4

⁴⁷⁹ PoE Filskow 2.3.3

⁴⁸⁰ PoE Filskow 8.7.4

⁴⁸¹ XX Filskow

⁴⁸² CD 6.02 p.516

accessible spaces to be incorporated into tall buildings, and normally to be located at the top of buildings to afford wider views across London. The Applicant has chosen to keep its rooftops private.

- 8.60 On the last day of the Inquiry before closing submissions, and after the close of all of the evidence, the Applicant sought to change its position and proposed that the planning obligation could be amended to secure free public access to the terrace adjacent to the restaurant. The principle of such access is welcome, and the Applicant's position that it does not meet the test of necessity (given London Plan Policy D9D) bewildering. Neither of the Rule 6 parties had any opportunity to cross-examine or present evidence on this issue, however. Initially, the Applicant (through Mr Warren KC) agreed that the drawings showing the level 12 restaurant would need to be amended. Coin Street pointed out that these are application drawings. No doubt realising the difficulties this causes, the Applicant has changed its position further and now suggests no amendment is required. That does not appear to be correct. Regardless, the fact that the Applicant's last-minute suggestion that public access to the Level 12 terrace *could*, in fact, be provided (despite its previous position that it could not, and its continued resistance to such provision) is characteristic of its approach, which is to refuse to provide that which policy requires until it sees no alternative to doing so. The after the event suggestion of providing some public access to a part of the Level 12 terrace is no substitute for a properly designed development, which embeds an inclusive environment into its design, rather than providing scant access to limited space reluctantly and after the event, for the transparent purpose of facilitating a submission that the policy requirement in London Plan D9D is met.
- 8.61 Regardless, a "them and us" ethos permeates the scheme's design. Another example, which again Mr Filskow conceded, concerns the development's Queen's Walk frontage. A surprising element of the proposed design, identified as a concern by the Design Review Panel,⁴⁸³ is the building's failure to 'reach out' towards one of the world's most iconic riverside boulevards, despite having a boundary which directly adjoins it. None of the entrances to the proposed building are located on Queen's Walk. Rather, what is proposed is a run of retail units, located beneath the protruding upper storeys of the north building. Opposite those units, the Applicant proposes a solid wall, which separates the development from Queen's Walk. The effect, Mr Filskow had no choice but to accept in XX, is that the space alongside the development is "read together with the retail units", and "segregated from the rest of the public realm". This, Mr Filskow agreed, is another example of "them and us". The development essentially turns its back on Queen's Walk and the members of the public who use it.
- 8.62 These failings go beyond a failure to meet the high-minded aspirations of the London Plan. They involve tangible conflict with the policies of the adopted Development Plan. That conflict extends to Policy D5B of the London Plan, which promotes "people focused spaces designed to facilitate

⁴⁸³ CD 3.08 para. 10.8

social interaction and inclusion”, in addition to Policy GG1E, which requires developments to create places where everyone is welcome and which foster a sense of belonging and community buy-in, and GG1H which specifically requires the creation of a “welcoming environment that everyone can use confidently, independently, and with choice... avoiding separation and segregation”. Segregation is exactly what this proposal involves. Mr Oates was right, in XX, to accept a conflict with this policy.

The London Studios

- 8.63 The ‘London Studios’ are vaunted by the Applicant as the great public benefit of its proposed development. Sadly, as the DRP itself made clear, what is proposed falls well-short of meeting what might have been the original “high ambitions”.⁴⁸⁴
- 8.64 In terms of quantum alone, the proposal is disappointing. The useable area is just 38,825sq ft in a building providing approximately 850,000sq ft of Grade A office space.⁴⁸⁵ Indeed, as Mr Filskow accepted in XX, the level 12 restaurant, pod and terrace have a combined area equivalent to the useable area of the London Studios’ ‘Hub’.⁴⁸⁶
- 8.65 The qualitative nature of the provision is also poor. As Ms Reynolds explained in XIC, the ground floor of the ‘Hub’ is confused and encompasses conflicting uses. It is described as galleries and assembly rooms, but is, as Mr Filskow agreed in XX, the foyer to the London Studios. Its layout, shown in Figure 59 of his PoE, seeks to combine studios, seating areas and assembly rooms which do not fit with this function as a foyer. The route through is, Mr Filskow conceded in XX, not a legible one. On the contrary, it is a route from nowhere to nowhere. Its purpose is unclear, save to provide the Applicant with the ability to say it is granting some level of public access to its building.
- 8.66 The Lower Ground floor is little better. It is a windowless basement in which the Applicant proposes to provide studio space – no doubt because the absence of natural light makes it unfit for other uses. As Mr Goddard conceded in XX, the cost of renting that studio space (which will be £10psf)⁴⁸⁷ is more than twice the price of other studio space available in Lambeth.⁴⁸⁸
- 8.67 In addition to this will be the ‘assembly room’, the purpose of which is ill-defined. The space, as Mr Filskow ultimately accepted, is “essentially a small auditorium” which is “not comparable” with the bespoke spaces with large auditoria shown in his Figure 56. The uninspiring depiction of what appears to be a seated audience at a popular music ‘gig’ in Mr Filskow’s

⁴⁸⁴CD 3.08 para. 10.8

⁴⁸⁵ PoE Filskow para. 7.1.5

⁴⁸⁶ See Reynolds RPoE Fig 1.4 (identifying useable space at 8.5% of site area); the combined restaurant and ‘sky pod’ represent about 4.5% and the terrace 4%

⁴⁸⁷ Section 106 Planning Obligation Appendix 6 Table 4.2

⁴⁸⁸ E.g. Grow: Brixton

Figure 58 shows just how little thought has gone into the use of that space. It is simply too small to provide a meaningful cultural facility.

- 8.68 Indeed, the cultural function of the London Studios is barely legible in the building's design. As Mr Filskow accepted in XX, the building's built form expresses its identity as an office building, rather than any cultural function. The only aspect of the design which might be said to provide some glimmer of cultural identity is the signage reading 'London Studios' over the entrance on the east side of the development. Even then, however, the effect of locating the accesses to the London Studios on the eastern and western sides of the building, rather than the north and south facades identified as being appropriate for active frontages in the Site 9 allocation, is to obscure the cultural offer from public view and, as the DRP identified, to allow the corporate character of the building to mask it in a way that will discourage the public from entering.⁴⁸⁹

External Public Realm

- 8.69 The external public realm provided as part of the development is mean. As Ms Reynolds identified in her evidence, there are pinch points on both the eastern and western routes, which are as narrow as 2m on both sides.⁴⁹⁰ This again was an issue specifically raised by the DRP.⁴⁹¹ Indeed, the route to the west includes significant areas of cycle parking at the very point where the route is narrowest. This creates not only a cramped pedestrian experience, but also an obvious risk of conflict between cyclists and pedestrians. On any view, and as Mr Filskow agreed in XX, these are not generous routes through, they are designed to the absolute minimum standards. That accords again with the objective of maximising the lettable area to enhance the overall financial return.
- 8.70 Indeed, the building incorporates significant overhangs to the north, south and east, the effect of which, Mr Filskow agreed, is to maximise the floorplates above allowing the office space to protrude above the public realm at ground level, casting it into shadow for much of the day. This was a concern raised both by the DRP⁴⁹² and by Ms Reynolds.⁴⁹³ It is an obvious design flaw. Certainly, it would be wrong to suggest (and in fairness to the Applicant none of its witnesses did suggest) that the overhangs presented are justified by London Plan policy D8J. The policy requirement is to provide "appropriate shade, shelter, seating, and where possible, areas of direct sunlight to encourage people to spend time in a place". Whilst some shelter may be a benefit, the oppressive sense created by the large overhangs in all directions (covering approximately one third of the external public realm)⁴⁹⁴ does not accord with that policy requirement – it conflicts with it, seriously limiting the availability of

⁴⁸⁹ CD 3.08 para. 10.8

⁴⁹⁰ PoE Reynolds Figure 4.20 and paras. 4.3.34-4.3.35

⁴⁹¹ CD 3.08 para. 10.2 and 13.3

⁴⁹² CD 3.08 10.3

⁴⁹³ XIC Reynolds

⁴⁹⁴ PoE Reynolds Figure 4.18

sunlight to the public realm provided, creating a sense of claustrophobia in the routes to east and west which the DPR said means “pedestrians may not feel safe” and discouraging their use.⁴⁹⁵

- 8.71 As for Upper Ground, the Site 9 Allocation identifies this as a location where active frontages should be provided. That is consistent with the improvements to Upper Ground, which (once a service route) has seen an increase in public facing buildings along it, changing its character.⁴⁹⁶ This is continuing with the changes being made to the IBM Building. The Applicant has not followed that approach. Rather, its treatment of the Upper Ground frontage is regressive, with most of that side of the building taken up with a service bay and access, as with a blank wall resulting from the upper storey of the assembly room. The only glazing is to the west; a side wall to the entrance (which faces away from Upper Ground) with a staircase obscuring any view into the building and planting in front of it. An opportunity to make a real improvement to Upper Ground, consistent with the allocation and with other recent developments in the area, has been missed.
- 8.72 Overall, as Ms Reynolds explained in XIC, the vast majority of the public realm provided is circulation space. The useable dwell space, including the space below overhangs, is just 7% of the Site area, and 17% of the public realm provided.⁴⁹⁷ It comprises, essentially, of the area to the north of the building adjacent to Queen’s Walk, which is little more than the entrance-way leading towards the eastern access and the London Studios. That is not a meaningful level of provision when considered in the context of a scheme on this scale. It simply does not meet the objectives of policy D8 of the London Plan, or of the Site 9 Allocation, which envisage something much more meaningful.⁴⁹⁸

Public Open Space – The Queen’s Walk and Bernie Spain Gardens

- 8.73 All parties agree the Site lies in an area of public open space deficiency, but the proposal does not include the provision of any public open space.⁴⁹⁹ Worse, rather than improving nearby public open spaces, this development damages them.
- 8.74 The Queen’s Walk is, as Mr Filskow agreed in XX, one of the most iconic riverside boulevards in the World. It is also one of the best used, enjoyed by millions of people each year.⁵⁰⁰ With its dappled shade and spectacular views, it is a truly special location, specifically protected in Lambeth Plan policy for that very reason.⁵⁰¹

⁴⁹⁵ CD 10.08 para. 13.3

⁴⁹⁶ XIC Reynolds CD 14.5. p.9

⁴⁹⁷ PoE Reynolds Figure 4.18

⁴⁹⁸ To give just one example, the Site 9 allocation envisages a new riverside playground as part of a much enhanced public realm which replaces and improves the current ‘piazza’ at Gabriel’s and Prince’s Walk.

⁴⁹⁹ CD 3.03 para. 10.5.12 and XX Goddard

⁵⁰⁰ PoE Carney Appendix 2 paras 7.1-7.6

⁵⁰¹ Lambeth Plan Policies Q24 and PN1 (CD 6.03) and P

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- 8.75 Despite its significance, and policy protection, the Applicant did not, as part of the design process or prior to the submission of its planning application, even undertake a detailed analysis of the impact of the proposed development in terms of the overshadowing impacts on Queen's Walk.⁵⁰² Only following a request by Coin Street was that analysis undertaken.⁵⁰³ It shows a significant level of overshadowing to both the Queen's Walk and Bernie Spain gardens, particularly during peak hours of use.
- 8.76 Only the Applicant's witnesses (both Mr Filskow and Mr Webb) thought this immaterial. Mr Filskow suggested that this was so because he could not envisage any perceptible difference from the current position, where shade is cast by the trees along the Walk. That is not a tenable contention, not least given the qualitative difference Mr Filskow accepted (at least when confronted with the poetry of Gerard Manley Hopkins) between the dappled shade beneath a tree and the block of unbroken shadow cast by a building. Similarly, Mr Webb (having said in his PoE at 7.6 that the proposal would result in no noticeable overshadowing) agreed that in real terms the impacts of the proposed development would in fact be "noticeable".
- 8.77 The reality is that, as Mr Cosgrave fairly accepted in XX:Looking at the transient overshadowing study,⁵⁰⁴ there will be material adverse impacts from overshadowing to both Queen's Walk and Bernie Spain Gardens. These include completely covering the 'observation point' (which is especially sensitive) in shadow, including from 1-3pm on 31st March, which covers one of the most popular times of day.
- 8.78 Those impacts would compromise the comfort and enjoyment of these open spaces⁵⁰⁵ and Mr Filskow is wrong to suggest that there would be no material impact. The BRE Guidance specifically states that dappled shade is more pleasant than the "deep shadow" cast by a building.⁵⁰⁶ The seriousness of the impact turns on the sensitivity of a location to shadow. In this regard, the BRE notes that where natural light is of special importance more sunlight may be expected.⁵⁰⁷ The fact that all parties agree Queen's Walk is one of the most iconic riverside promenades in London if not the world is of particular relevance when considering the severity of the impact on these spaces.
- 8.79 The development plan is clear: the amenity of Queen's Walk should be protected and "development that blocks sunlight and daylight to the riverside... [is] considered unacceptable".⁵⁰⁸ All parties agree that this

⁵⁰² XX Filskow

⁵⁰³ poE Chapman 8.53

⁵⁰⁴ CD 10.12(g)

⁵⁰⁵ See also PoE Cosgrave 3.8C(3)(a)

⁵⁰⁶ CD 6.38 para. 3.3.9

⁵⁰⁷ CD 6.38 para. 1.6

⁵⁰⁸ CD 6.03 Q24 and 10.121

development will do so, and there is a clear breach of that policy (Q24) of the Lambeth Plan.

The DRP

- 8.80 None of these design issues are new. They were raised, twice, by the Lambeth DRP, on 18th August 2020 and on 23rd February 2021. Specifically, the Panel on both occasions criticised: The bulk, massing and “over dominance” of the development generally, and in particular the dominance of the northern block, which it said should step back from the riverside to reflect the IBM Building’s sculptural terracing and the scale of the southern block when experienced from the south.⁵⁰⁹ The failure to provide active frontages to Upper Ground, and to integrate the development with Queen’s Walk and provide an entrance in that location, resulting in an emphasis on corporate character and obscuring any cultural offer of the building.⁵¹⁰ The narrowness, useability and “pinched” nature of the north/south route to the east and west of the building.⁵¹¹ The quality of the London Studios and the cultural provision they make which, it was felt, did not live up to its ‘high aspirations’.⁵¹²
- 8.81 Clearly, the DRP was not satisfied with the proposals and expected further changes to be made, ending its second report by stating that it looked forward to reviewing the proposals again.⁵¹³ Regrettably, that opportunity was not taken. Rather, the applicant has not addressed the recommendations of the design review panel. Mr Filskow was unable to point to a document that did so, and Mr Finch accepted in XX that he had failed to do so in his evidence. As Mr Oates conceded in XX, the effect of this is to create a conflict with policy D4E(5) of the London Plan.

Beauty

- 8.82 This is far from a beautiful development. Professor Tavernor accepted in XX that it is not “classically beautiful’. It is not beautifully proportioned. Nor is it beautiful in any other sense of the word.
- 8.83 It is not “calm and recessive” or “responsive to context” (the two definitions of beauty given by Mr Black).⁵¹⁴ Indeed, it is undoubtedly “distracting”, which Mr Black said was the opposite of beauty.⁵¹⁵ In this sense, it is important to distinguish that which is beautiful from that which is memorable. A distinctive and memorable design may be the opposite of beautiful. It may, to use an unfashionable term, be ugly.⁵¹⁶ Indeed, like this proposal, it may be memorably so.

⁵⁰⁹ CD 3.07 para. 10.1 and CD 3.08 at paras 11.3 -11.5 and 13.7-13.9

⁵¹⁰ CD 3.07 para. 11.7 and CD 3.08 para. 10.8 and 11.4

⁵¹¹ CD 3.07 para. 11.3 and CD 3.08 paras. 13.2-13.3

⁵¹² CD 3.07 para. 11.1 and CD 3.08 para. 10.8

⁵¹³ CD 10.08

⁵¹⁴ XX Black

⁵¹⁵ XX Black

⁵¹⁶ XX Finch

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- 8.84 Ultimately, Mr Finch said that a building is beautiful if it lifts the spirits, in the sense that it is pleasing on the eye or stimulating to the mind. In XX he agreed that what is critical is that one's impression of the building is pleasing. That, again, is a definition which this building assuredly does not satisfy. It is far from pleasing or elegant. It is, as the DRP, Historic England, Ms Reynolds and Mr Clemons have all said, bulky, dominant, and overbearing. Memorable, perhaps, but for all the wrong reasons.

The Historic Environment

- 8.85 The Applicant's position, which is that the proposed development will cause no harm whatsoever to any designated heritage asset is utterly absurd. As Professor Tavernor agreed in XX, the Applicant's evidence conflicts with the evidence of all other respected professionals in the field who put evidence before the Inquiry, including: Historic England, who are the Government's advisor on the historic environment and whose views merit particularly careful consideration and carry particular weight.⁵¹⁷ Mr Black, Lambeth's Head of Design and Conservation. The 20th Century Society, the relevant National Amenity Society and a statutory consultee on applications affecting 20th Century listed buildings. Mr Dillon, a noted authority on the architecture and historic significance of the National Theatre, who led Haworth Tompkins' architectural team for its restoration, which was completed in 2015; and Mr Clemons, a highly respected heritage consultant and former head of the Heritage and Townscape team at Savills.
- 8.86 All of those experts, without exception, identify harm from the proposed development to designated heritage assets of the highest significance, as defined by NPPF para. 200(b). On that, there is a "consensus of opinion" amongst experts, with which only Professor Tavernor disagrees. He is, he agreed, in a minority of one.⁵¹⁸

The Proposal in its Historic Context

- 8.87 Historic England's position is clear. What is proposed is a "large and bulky building", "overly dominant in context".⁵¹⁹ That is unsurprising. As Professor Tavernor agreed in XX the scheme involves the development of "a large scale and prominent building on a prominent riverfront site in a Conservation Area". The scale and massing of the proposed development is "completely different" from its listed neighbours – the National Theatre and the IBM building. That scale and massing is not driven by the

⁵¹⁷CD 11.08 - Statement of T Foxall (Head of Region London and South East)

⁵¹⁸ XX Tavernor. The reason he gave for this in XX was that his background was in architectural historic and townscape rather than assessing the historic significance of buildings, which gave him a different perspective. Given the issue for the Secretary of State is the impact on the significance of those buildings, that detracts from rather than improving, Professor Tavernor's credibility.

⁵¹⁹ CD 10.8 para. 31

building's cultural functions, such as they are, but are "an expression of its use as a large-scale office building". The design of the building uses horizontals which exaggerate and emphasise its mass; deliberately avoiding devices like vertical emphases to minimise the appearance of scale.⁵²⁰ These horizontals use very different materials from the National Theatre and IBM buildings, in the design of which the use of horizontal "strata" was inextricably connected with the concrete material and the "geological" effect this created.⁵²¹ It is perhaps little wonder, in those circumstances, that the proposed development causes harm to so many important designated heritage assets.

Somerset House

- 8.88 Somerset House is Grade I listed. It is a building of the highest significance. Historic England, Lambeth, and Mr Clemons all agree that the proposal will cause less than substantial harm to the significance of this building.
- 8.89 The nature of that harm can be understood from View 11 in the THVIA.⁵²² As Professor Tavernor agreed in XX walking into Somerset House through the north entrance from the Strand is an impressive architectural experience. At present, one has "a complete sense of enclosure with an enriched roofline against the sky".⁵²³ The "enriched roofline" is the result of the chimney stacks visible against clear sky. This contributes to the architectural and historic significance of Somerset House.
- 8.90 The contribution to significance arises from the experience of entering Somerset House and perceiving an enclave with the roof against the sky. It is highly sensitive to change.⁵²⁴ There will, as a matter of fact, be a change. As demonstrated by Professor Tavernor's Figure 4-7a, the proposed development will be visible above the south east corner of the courtyard behind the chimney stacks. The area where this will be experienced is apparent from Professor Tavernor's Figure 4-8, and covers a section of the upper terrace of the quadrangle. The change is not positive.
- 8.91 If the change is negative, then there will be harm to an attribute of the building which contributes to the significance of Somerset House as a Grade I listed building; namely the sense of enclosure (removed from the modern world) and the enriched roofline against the sky. This would be consistent with the low levels of less than substantial harm found by Historic England, Lambeth, and Mr Clemons.
- 8.92 As is apparent from the above, in XX Professor Tavernor all but conceded that the proposed development would cause harm to the significance of

⁵²⁰ See also PoE Filskow 9.3.2

⁵²¹ See also PoE Clemons 5.4.5

⁵²² CD 1.20 p.90

⁵²³ See CD 3.03 13.4.2

⁵²⁴ See also CD 1.20 HVIA p.90

the Grade I listed Somerset House. Indeed, having conceded the change would not be positive, he did not assert that it would be a neutral change. Rather he argued that although the change was not positive, it was “negligible”. Having done so, he was forced, however, to accept that a negligible change “isn’t nothing at all”. The reality is that the proposal will cause low levels of less than substantial harm to the Significance of Somerset House. That is a fact, upon which there is a consensus of expert opinion.

- 8.93 Such a finding is also consistent with the Secretary of State’s decision in the Doon Street appeal.⁵²⁵ In that case the Secretary of State made a very clear finding that “views from the upper terrace of the quadrangle are of equal importance to those of the courtyard” (DL29). The visibility of a tall building above the roofline would “detract from an appreciation of the architecture and symmetry of the composition of the building” and so would “fail to preserve a setting appropriate to Somerset House”. Professor Tavernor’s position simply is not consistent with this reasoning.
- 8.94 Harm to the significance of Somerset House automatically creates a strong presumption against the grant of planning permission by virtue of section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Less than substantial harm to the significance of a listed building is not, and should not be confused with, a less than substantial objection to the grant of planning permission.⁵²⁶ Moreover, as a Grade I listed building, Somerset House is a designated heritage asset of the highest significance. The NPPF requires an asset’s significance to be taken into account so as to avoid or minimise any conflict between the asset’s conservation and any aspect of the proposal. Harm to a Grade I listed building should undoubtedly be avoided where possible.
- 8.95 Here, that clearly has not happened. Mr Filskow was unequivocal in XX that the height of the proposal had been determined on the basis that it would not cause harm to the significance of Somerset House. Since it would, that aspect of the design is misconceived. Indeed, as Mr Black conceded in XX, only a very limited reduction in height was required to avoid the impacts of the proposed development on Somerset House altogether. The approach to this issue in the officer’s report could not be explained.⁵²⁷ The report suggests that reducing the height was impracticable because the areas visible contained fixed plant. In a building where the storeys immediately beneath are comprised of identical footplates, such an approach is obviously misconceived. A lower storey would be removed, not the plant at the top. Indeed, Mr Black accepted in XX that such a storey could have been removed and, if it had been, harm to Somerset House would have been avoided.
- 8.96 Such a limited reduction in height (a reduction of just 5m), would also have produced a building consistent with the height identified for a tall

⁵²⁵ CD 12.1

⁵²⁶ CD 12.06 para. 29

⁵²⁷ CD 3.03 13.9.11; XX Black

building on this site, which is specifically identified in development plan policy as being 100m (with a tolerance of 5m), noting that a height of 100-105m would avoid visibility in the quadrangle of Somerset House.⁵²⁸ The Applicant has chosen to ride rough shod over this, without any obvious justification, and in doing so has caused avoidable harm to a Grade I listed building. Providing a single additional floor of office space obviously does not justify the harm to such a significant asset. As was confirmed to the Inquiry (including by Mr Warren KC) there is certainly no suggestion that the proposal as a whole would not be viable. The reason for this harm, no doubt, goes back to the development brief: "maximise the lettable area", "enhance the overall-return" and produce "financial out-performance".⁵²⁹

St Paul's Cathedral

- 8.97 St Paul's is a Grade I listed building and, thus, like Somerset House, is by definition a designated heritage asset of the highest significance. All parties agree it is more than that; it is amongst the most iconic of London's landmarks.⁵³⁰
- 8.98 In XX, Professor Tavernor was forced to accept that the proposal will appear in and change a number of key views of St Paul's, including LVMF View 8A from Westminster Pier. Historic England's evidence is that that change will be adverse, and the proposals will cause less than substantial harm to the building's significance. Nevertheless, the THVIA does not assess the impact of the proposed development on St Paul's.⁵³¹ Nor had he anywhere in his PoE identified the significance of St Paul's or how its setting contributes to that significance.
- 8.99 In those circumstances, Professor Tavernor's evidence on the impact of the proposed development upon the significance of St Paul's carries little weight. In XX, however, he accepted with reference to Historic England's statement⁵³² that in terms of St Paul's significance. It is one of the world's most recognisable buildings and a commanding landmark on London's skyline for over 300 years. Its architectural character is expressed externally by two distinct elements: the monumental dome and the richly modelled west towers. The building is of great scale and deliberately sited on the highest part of the City of London, atop Ludgate hill. All of these aspects of the asset's significance, and in particular the ability to appreciate them over a wide area and at a considerable distance, are key features contributing to the significance of St Paul's.
- 8.100 What professor Tavernor would not agree, was that "an adverse impact on the ability to appreciate one of those features would involve harm to St

⁵²⁸ CD 6.03 Policy Q26 and Annex 10 – location W1

⁵²⁹ PoE Filskow para. 2.1 and 2.3.3

⁵³⁰ XX Tavernor; XX Black

⁵³¹ See also PoE Tavernor para. 4.17

⁵³² CD 11.08

Paul's significance".⁵³³ That, he said, was a "trap" which would require him to accept harm to the significance of St Paul's. But it wasn't a trap – it was simple logic. If development adversely affects the ability to appreciate a key feature contributing to the significance of a listed building, then it harms its significance. That is the effect of the NPPF read together with the PPG. It is also common sense. Professor Tavernor refused to agree the proposition, without good reason and notwithstanding that an answer in the affirmative was a matter of logical necessity, simply because he realised that to accept the proposition would mean an acceptance of harm to the significance of St Paul's. Rather than front up to that harm, Professor Tavernor preferred to present an obviously untenable position. That damages his credibility and reduces the weight that can be given to his evidence.

- 8.101 Moving on, in terms of LVMF Strategic View 8A, as Policy 7.11 of the LVMF⁵³⁴ makes clear, strategic views are located in places which are publicly accessible and well used. They include significant buildings and landscapes that help define London at a strategic level and include linear river views of defined objects. In particular, the LVMF protects Vistas towards Strategically Important Landmarks.
- 8.102 Policy 7.12 of the LVMF is clear that development should not harm the characteristics and composition of strategic views and landmark elements. Fore and middle ground development should not be intrusive or prominent to the detriment of the view, and background development should not harm the composition of the view as a whole. For Protected Vistas, in addition to the above, development should not cause a canyon effect around the Landmark Viewing Corridor. A canyon effect arises when tall buildings are constructed either side of a landmark viewing corridor.⁵³⁵
- 8.103 Turning to View 8A itself, as professor Tavernor agreed in XX Westminster Pier links Westminster to the City: London's centre of Government with its financial district. View 8A symbolises this. It is a view from next to the landmark symbolising Westminster (the Palace) to the building symbolising the City (St Paul's). It is a Linear View including a Protected Vista, of which St Paul's is the focal landmark. The LVMF describes the South Bank in this view as being "unified by Portland Stone" and states that the Festival Hall and Shell Centre 'frame' the building, with the text of the LVMF specifically identifying the importance of maintaining the existing visual frame.
- 8.104 The view (which appears as View 20 in the THVIA)⁵³⁶ is highly sensitive to change. The proposed development will appear in close proximity to the focal point of the view. The north building of the Applicant's proposal would rise above and behind the Royal Festival Hall; would completely obscure what is currently visible of the North West tower of St Paul's; would have a

⁵³³ XX Tavernor

⁵³⁴ CD 6.32(1)

⁵³⁵ CD 6.32(3) p.237

⁵³⁶ CD 1.20 p.110

vertical linear edge rising to above the top of the dome of St Paul's itself, almost to the same height as the lantern atop the dome; and would mean that above the level of the towers, peristyle and balustrade, there would appear built form in close proximity to and north of St Paul's where presently there is none.

- 8.105 The south building of the Applicant's proposal would be of a greater height and width than the current LTV tower and would appear immediately to the south of St Paul's, behind the shell centre. Both the north and the south buildings use the same palate of materials and exterior façade treatments; both clearly form part of the same structures; both will appear either side of and in close proximity to St Paul's; and both will rise behind other built form (the Festival Hall to the North, the Shell Centre to the South) giving the impression of a depth of development on both sides that does not currently exist and creating a loss of sky to the left of the dome and lantern of St Paul's.
- 8.106 In XX Mr Black also agreed that a key part of the significance of St Paul's is the ability to appreciate its landmark roofscape against a clear sky; he agreed that a canyon effect is created where there is the perception of height and depth on either side; and he agreed that the proposal would add to the existing built form around the dome of St Paul's in terms of height, width and depth resulting in a loss of sky. Indeed, he even accepted that although in his PoE at 6.22 he relied simply on the continued *visibility* of the dome as the sole basis for suggesting that impact of the proposal was neutral, he had made no mention of the fact that the view of one of the towers was completely obstructed rendering it invisible. If Mr Black were right, and visibility of the landmark itself were all that mattered, the complete obstruction of the view of that tower would be determinative. That it is not is readily apparent from the decision in the 8 Albert Embankment case, where Mr Black made a similar assertion regarding harm to the Palace of Westminster in LVMF views, asserting that the appearance of a tall building in the view behind the palace did not obscure views of it such that it was "not possible to discern [any] effects".⁵³⁷ That position was roundly rejected by both the Inspector and the Secretary of State.⁵³⁸ Mr Black's approach is not sound. Visibility is not the sole determining factor, just as important is the way in which the context in which the dome of St Paul's is seen affects its appreciation as a landmark in terms of location, scale, and prominence. That accords with the definition of "canyon effect" in the LVMF Glossary.⁵³⁹
- 8.107 Ultimately, in his PoE on p.78, Professor Tavernor had described the existing development as forming a "visual canyon" rather than a "frame" either side of St Paul's. Inconsistently with that (and with the LVMF definition), in XX he initially said the proposed development (despite all the facts identified above) would not result in a canyon effect around the viewing corridor for St Paul's. He changed his position on this when

⁵³⁷ IR 225 – 227 CD 8.04 pdf p.426

⁵³⁸ IR 698-709 CD 8.04 pdf p.520-521; DL 21 – 24 pdf p.368

⁵³⁹ CD 6.32(3) p.237

pressed, however, answering that what the proposal would do is “reinforce” the existing “canyon effect” making it “higher and at greater depth”. This, Professor Tavernor ultimately accepted in XX, reduces the perception of St Paul’s scale and siting at the highest point in the City of London which, it will be recalled, he had already agreed were “key features contributing to the significance of St Paul’s”.

8.108 Having made that concession, Professor Tavernor was then unwilling to express a view on whether blocking the ability to see the north-west tower of St Paul’s at all and to appreciate the positioning, scale and prominence of St Paul’s in this location would harm its significance. He said he was “not willing to express a view”.⁵⁴⁰ Again, that did his credibility no favours.

8.109 What Professor Tavernor did agree is that LVMF View 8A is not the only view contributing to the significance of St Paul’s in which both the Site and St Paul’s Cathedral are visible. This is true of views from Waterloo Bridge, where the prominence and dominance of the proposed development will compete with and distract from St Paul’s as an element in the view.

8.110 One particular example is the view shown in Mr Clemons PoE at Figure 12, in which St Paul’s appears together with the National Theatre. That view, Professor Tavernor said, had not been addressed in the THVIA, or in his PoE, because it was an “incidental view”. With the greatest of respect to Professor Tavernor, that is a long way from the truth.

8.111 Lasdun designed the National Theatre specifically to respond to the intervisibility of its location south and west of St Paul’s.⁵⁴¹ As Mr Dillon explained in chief, by reading from William Curtis’ book *Denys Lasdun: Architecture, City, Landscape*:

“From the moment that he had been offered the site, Lasdun had been much impressed by the relationship to St Paul’s, Somerset House and Waterloo Bridge (he called this ‘the triangle’). Situating the Open [(Olivier)] Theatre in this way involved both a grand gesture and a sculptural response to other points of monumental intensity in the cityscape. The triangular geometry which is felt in every facet and angle of the National Theatre, stems, in the long run, from this.”⁵⁴²

8.112 Lasdun intended the National to be seen with St Paul’s as part of London. He described his design as “a piece of city... [which will] become a fragment of London’s skyline as unmistakable as the dome of St Paul’s”.⁵⁴³ And there even exists a sketch, drawn by Lasdun’s own hand,

⁵⁴⁰ XX Tavernor

⁵⁴¹ As explained in *Concrete Reality* (CD 9.06i), the design of the National Theatre changed significantly following the decision to move its location to the east of Waterloo Bridge so as to respond to its new context. This included the positioning of the fly tower, placed on a diagonal axis at the pivot of King’s reach.

⁵⁴² Dillon makes the same point in his book *Concrete Reality*: CD 9.06i see pp.7 and 35-36

⁵⁴³ CD 9.06i p.7

which specifically identifies the importance of the view from Waterloo Bridge towards St Paul's, seen in concert with the National Theatre.⁵⁴⁴ Indeed, following the construction of the National Theatre, John Betjeman wrote to Lasdun to say that he had "gasp[ed] with delight" at the cube of the National visible in the pale blue sky, with "glimpses of St Paul's" beyond it.⁵⁴⁵

8.113 This interrelationship and these views contribute not only to the significance of the National (discussed below) but also to the significance of St Paul's and the ability to appreciate it as part of London's skyline, together with other landmarks such as the National Theatre.⁵⁴⁶

8.114 The intrusion of the proposed development into that view,⁵⁴⁷ in a way which, as Mr Clemons explained in XIC, will clearly distract from the ability to appreciate the relationship between St Paul's and the National Theatre, again contributes to harming the significance of St Paul's Cathedral. Historic England and Mr Clemons are correct to identify less than substantial harm to the significance of St Paul's Cathedral.

National Theatre, IBM Building, Waterloo Bridge, and the South Bank CA

8.115 There is a clear relationship - historically, architecturally, visually, and spatially - between the National Theatre, the IBM Building, Waterloo Bridge, and the South Bank CA. The significance of these assets, and the way in which the proposed development will affect them, is to some degree interrelated.

The Significance of the National Theatre

8.116 The National Theatre is Grade II* listed. An architectural "masterpiece" representing an internationally significant example of late 20th century modernist architecture,⁵⁴⁸ a prominent London landmark,⁵⁴⁹ and the home of public theatre in England which lies "at the heart of the cultural life of London and of the UK".⁵⁵⁰ It would be possible to write a book on the relevant aspects of the significance of the National Theatre alone. Indeed, there is more than one such volume before the Inquiry.⁵⁵¹ The National is yet another designated heritage asset of the highest significance which the proposed development will affect.

⁵⁴⁴ CD 6.06g

⁵⁴⁵ CD 9.05 para. 46

⁵⁴⁶ The construction of the National Theatre classic example of a change to the setting of an asset (St Paul's) contributing positively to its significance (as to which see HE GPA3 CD 6.30 p.4).

⁵⁴⁷ Location between CD 10.15 p.86 Views P03 and P04

⁵⁴⁸ CD 9.06i p.7 and CD 9.06h p.70

⁵⁴⁹ CD 9.06h p.70

⁵⁵⁰ CD 9.06h p.70

⁵⁵¹ See in particular CD 9.06h p.70 which deals specifically with significance; NB also CD 9.06i – Concrete Reality

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- 8.117 When Lasdun designed the National Theatre the LTV tower did not exist on the Site. It had not even been conceived at that stage.⁵⁵² Rather, the National's immediate context was in flux. Certainly, the National's design was not in any way a 'response' to Kent House. Rather, what Lasdun designed (as Mr Black agreed in XX) was a building which would be strong in the face of future change. Nevertheless, and tellingly, many images of the National Theatre deliberately crop Kent House out of the picture.⁵⁵³
- 8.118 As Mr Black accepted, the National's historic significance derives both from an appreciation of its architectural form and from its status as the nation's theatre, and all the experiences associated with that. Part of its significance arises specifically from its "magical position" on the river.⁵⁵⁴ Its architectural form was intended to give it a specific landscape significance. It was, as Mr Black agreed in XX, carefully designed as part of the cityscape.⁵⁵⁵ Lasdun saw it as forming a "triangle" with St Paul's and Somerset House linked "umbilically" (to use Lasdun's own word) by Waterloo Bridge to the West End -theatreland - and Somerset House, home of the Courtauld and itself a cultural building.⁵⁵⁶
- 8.119 More prosaically, in XX, Professor Tavernor agreed that amongst the factors contributing to its significance are the perception and appreciation of its status as a major national arts venue, and the many associations that brings with it, the perception and appreciation of its prominence on the South Bank, including in views from the North, East, and West; at a location which its architect, Denys Lasdun, himself described as "probably the most beautiful site in London".⁵⁵⁷, the appreciation of its architectural form, particularly against the skyline, to which Pevsner makes specific reference.⁵⁵⁸ The materials used in its construction, and their inextricable relationship with the building's form.⁵⁵⁹ And its group value with the IBM Building and Waterloo Bridge.⁵⁶⁰

The Significance of the IBM Building

- 8.120 The Grade II listed IBM building was also designed by Denys Lasdun. It was his last major work designed to be subservient to the National Theatre in scale and form.⁵⁶¹ Its significance, Professor Tavernor agreed in XX, includes the ability to appreciate the exterior characteristics of its architectural form, including the way in which its geometric terraces step down to the river. This includes the perception of that form in views from

⁵⁵² Lasdun completed his design for the National in 1967 and construction began in 1969, with the Kent House site being acquired by LTV after construction began.

⁵⁵³ PoE Black Figure 20 and para. 6.51

⁵⁵⁴ PoE Clemons para. 5.4.5

⁵⁵⁵ PoE Black 3.8 and see also Concrete Reality (CD 9.06i) p.7

⁵⁵⁶ XX Black and CD 14.32 (Daniel Rosenthal; The National Theatre Story p.137 - referencing a conversation between Lasdun and William Curtis)

⁵⁵⁷ PoE Clemons 5.44 (see also PoE Tavernor 4.55)

⁵⁵⁸ See PoE Tavernor 4.53

⁵⁵⁹ See also PoE Tavernor 4.54; PoE Clemons 4.5.4

⁵⁶⁰ See also PoE Tavernor 4.47

⁵⁶¹ XIC Clemons and PoE Clemons 5.5.1

the North, East, and West. Its group value as a 'set piece' with the National Theatre, with particular reference to its architectural subservience to the National Theatre, which was a deliberate design decision representing the distinction between the public building (the National Theatre) and the private office building (the IBM Building), with the latter properly being subservient in terms of its scale and architectural relationship to the former.

The Significance of Waterloo Bridge

8.121 As for Waterloo Bridge, as Professor Tavernor agreed in XX, its significance lies in its robust, elegant, Giles Gilbert-Scott design, in the fact that it provides an important townscape link between the South Bank and Westminster, including between Somerset House and the National Theatre, and in its significant group value (together with the National Theatre, IBM Building, and Somerset House) as a prominent, integral element of both the Victoria Embankment and the South Bank.⁵⁶²

The Impacts of the Proposed Development: NT, IBM, Waterloo Bridge, and the Southbank CA

8.122 The proposed development will cause less than substantial harm to all of the above designated heritage assets, including harm to the character and appearance of the South Bank CA, which Lambeth itself recognises.

8.123 In terms of that Conservation Area, Professor Tavernor himself agreed that the South Bank CA is highly sensitive to change. In XX he accepted that the impact of the proposed development would be "transformative". He accepted, with reference to THVIA Views 36 and 37,⁵⁶³ that the proposed development would be "prominent, dominant, and conspicuous" and "certainly not recessive"; it would "bring large scale buildings of considerable bulk and mass forwards and at height" creating "the dominant element on the South Bank". Small wonder then, that Lambeth, the GLA,⁵⁶⁴ the 20th Century Society, Save our Southbank, and Mr Clemons all regard the proposed development as causing harm to the significance of the South Bank CA.

8.124 Indeed, even Professor Tavernor, who at times appeared to be philosophically incapable of finding harm to a designated heritage asset, ultimately accepted in XX (first with reference to the increased prominence of the building in View Point 32⁵⁶⁵ and then other view points) that there was harm to the South Bank CA that needed to be "balanced". That balance, he suggested, came from the introduction of a building which (in one of the several moments in his evidence where the level of hyperbole

⁵⁶² See also Tavernor PoE 4.47 and Clemons PoE

⁵⁶³ CD 1.20 p.142-145

⁵⁶⁴ CD 4.02 paras. 51 and 55 describing the proposal as "dominant" and "visually distracting"

⁵⁶⁵ CD 1.20 p.134-135

stretched the bounds of credulity) he suggested would be “equally a draw as St Paul’s”. That assertion is difficult to take seriously. It is not just unjustified, but unjustifiable. That Professor Tavernor would make such an assertion further prevents material reliance on his evidence.

- 8.125 The truth is that (for the reasons explained in Mr Clemons PoE) this development will cause clear, if less than substantial, harm to the character and appearance of the South Bank CA and the significance of the listed buildings which lie within it.
- 8.126 A patent example of that is to be found in the LVMF view from Blackfriars Bridge (14A.1), i.e. View Point 5.⁵⁶⁶ All parties agreed that the sensitivity of that view to change is high.⁵⁶⁷ Professor Tavernor agreed in XX that in that view there is currently an ability clearly to appreciate the architectural form of National Theatre and the IBM Building, linked by the sleek and robust Waterloo Bridge to Somerset House and the north bank of the river. Indeed, the supporting text to LVMF View 14A.1 specifically identifies this, stating in the description of the view that “the elegant arches of Waterloo Bridge link two important historic buildings – the National Theatre, on the south side of the river, and Somerset House to the north”.⁵⁶⁸ It is here that that the “umbilical link” and the relationship between those buildings can best be appreciated.⁵⁶⁹
- 8.127 Professor Tavernor had no choice but to accept in XX that the proposed development would, as a matter of fact, “largely conceal the fly towers of the Grade II* listed National Theatre and... the IBM Building” resulting in “a loss in the ability to appreciate their sculptural forms on the skyline” and “interrupting the ability to appreciate the visible link between the National Theatre, Waterloo Bridge, and Somerset House”. On any rational view, that will harm the significance of all of those assets.
- 8.128 Indeed, Professor Tavernor himself conceded in XX that the development would “Occlude the ability to appreciate the prominence of the National Theatre in views from the east” (which as noted above he accepted contributed to its significance) “eroding an appreciation of [the National Theatre’s] special interest”; Remove “the ability to appreciate [the National Theatre’s] architectural form against the skyline” (which he has also agreed contributed to its significance); “Materially reduce” the ability to appreciate the architectural form of the IBM Building in views from the east (which, again, he had agreed contribute to its significance); and “Seriously inhibit the ability to appreciate the group value of the National Theatre, the IBM Building and Waterloo Bridge in views from the east” (which he also accepted contribute to their significance).

⁵⁶⁶ CD 1.20 p.76

⁵⁶⁷ XX Tavernor; XX Black

⁵⁶⁸ CD 6.31(1) p.129; NB the failure to refer to the National Theatre in the key as a landmark or building in the view was clearly an error.

⁵⁶⁹ XIC Clemons

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- 8.129 Despite conceding all of the above, Professor Tavernor held to his position that the effect of the proposed development on the significance of the assets, and as appreciated in that view, was neutral. That was an obviously untenable position to take. He sought to justify it by saying “the setting of the National Theatre and IBM building would be harmed, but the harm is considered to be balanced by the positive factors brought to the view”.⁵⁷⁰ In doing so, he abandoned whatever vestiges of credibility remained to him.
- 8.130 First, no matter how splendid the architecture of the scheme (and for the reasons already given it is not splendid at all), the fact that it is architecturally pleasing cannot counterbalance its effect in terms of harming the significance of the National Theatre when that effect results from the fact that it prevents the National Theatre from being seen at all. The significance of the National Theatre is not, and cannot be, benefitted in any way by views of it being obscured, regardless of the quality of the architecture doing the obscuring. If views of the National Theatre are occluded, that causes harm and a finding of harm is unavoidable.
- 8.131 Second, it is simply not a tenable position to suggest (as Professor Tavernor accepted in XX he was forced to) that the proposed development so good architecturally – that perceiving it (an office building) in this view, is as significant an experience as seeing the Grade II* listed home of English theatrical creativity, a masterpiece of post-war architecture of international significance, designed by one of the world’s leading modernist architects, in the cityscape setting for which it was designed. Quite obviously, it is not.
- 8.132 The view from Blackfriars’ Bridge is just one example of the profusion of locations at which the harm the proposed development will cause to the significance of these assets can be understood and experienced. The full extent of the harm is impossible to capture in a written closing argument. For example:
- 8.133 Professor Tavernor agreed that the view from the Victoria Embankment towards the National Theatre, IBM building and the South Bank (View 7)⁵⁷¹ is “highly sensitive to change” and that the impact upon it would be “major”. He accepted that the development would be in the foreground of the view, “prominent, dominant and conspicuous”, as well as seen as being of “a scale and mass of an entirely different order from the National Theatre and IBM Building” but “in close proximity to them”. This is the view in which Mr Black accepted that the proposal would be “dominant” and “because of which dominance” he agreed there was harm to the significance of the South Bank Conservation Area.⁵⁷² The GLA agree stating that the building “would become the dominant element on the South Bank” particularly when viewed from the North Bank, and that “the loss of sky and visually dominant building would distract the eye from its

⁵⁷⁰ Cd 1.20 p.76 and XX

⁵⁷¹ CD 1.20 p.80

⁵⁷² PoE 6.159 and XX Black

listed neighbours on the South Bank” and harm the significance of the IBM Building.⁵⁷³ The presence of Bernie Spain Garden serves only to heighten the effect of this increased quantum of development, creating what Mr Black conceded in XX is “a stark juxtaposition”. The truth is that, given the overbearing nature of the proposed development when seen from this location and the way in which it quite plainly competes with and distracts from the National Theatre and the IBM building, applying the principles in Historic England’s GPA 3, the only reasonable conclusion is that the development harms the significance of these assets.⁵⁷⁴

8.134 In views from Waterloo Bridge (THVIA Views 13-15)⁵⁷⁵, including LVMF Views 15B.1-2 the proposal would, as Professor Tavernor again conceded, be “prominent and conspicuous”. As he accepted, in these views the proposal forms an “amalgam” with the Blackfriars cluster, with the effect of visually merging with it and drawing it towards the IBM and National Theatre.⁵⁷⁶ This again applying GPA 3, is plainly harmful to the significance of those designated heritage assets. The proposal competes with and distracts from the assets. It dominates them, in precisely the way Mr Finch said Lasdun himself had said on many occasions he would hate.⁵⁷⁷ It changes their setting in a way which erodes the ability to appreciate their significance.

8.135 In nearer views, including Mr Clemons Figures 8 and 12,⁵⁷⁸ the architectural form and geometry of the National Theatre can presently be appreciated against a clear sky and in its cityscape context, with St Paul’s in the view. The significance of that view has been discussed above in the context of St Paul’s Cathedral. It is even more significant in the context of the architectural and historic interest of the National Theatre. Also of considerable importance is the ability to appreciate the National’s architecture against that sky, which is expressly referred to in Pevsner⁵⁷⁹ and by Betjeman in his letter expressing delight at the then new building.⁵⁸⁰ On the basis of the former, Mr Black conceded that this is a “feature of particular interest”. Professor Tavernor, however, rejected the authority of Pevsner. In his view, the view “does not contribute to significance”. That was another low point in the Professor’s evidence. It was a position he was driven to because, despite the obvious significance of the location, it was one he had ignored in the THVIA and in his PoE,⁵⁸¹ and which Mr Black agreed in XX “perhaps should have been included”. What cannot be denied is that the development will, in that view “rise above the Fly Tower”⁵⁸² such that what is now “skyline would become a roofline against other

⁵⁷³ PoE Black 6.158 and GLA Stage 1 report CD 4.02

⁵⁷⁴ GPA 3 at CD 6.30 see Assessment Step 3 Checklist p.13

⁵⁷⁵ CD 1.20 p.94-101

⁵⁷⁶ XX Tavernor

⁵⁷⁷ XIC Finch

⁵⁷⁸ PoE Clemons pp. 8 and 18

⁵⁷⁹ See PoE Tavernor 4.53

⁵⁸⁰ CD 9.05 para. 46

⁵⁸¹ XX Tavernor

⁵⁸² XX Tavernor

buildings”.⁵⁸³ The same is true of views from Queen’s Walk. View 35 in the THVIA⁵⁸⁴ is agreed to be highly sensitive to change. This is a location where the National Theatre and the IBM Building are seen “together and as the group that they are” and where “the stepping down of the IBM strata are presently seen against a clear sky”.⁵⁸⁵ That would not be the case with the proposal in place. The north tower of the development will, Professor Tavernor agreed in XX, appear behind the IBM Building, seen “together with the bulk and mass of the South Tower” such that given “the design and architectural appearance of the two are the same” they will “read as what they are; two parts of a single large building on a completely different scale from the listed buildings”. The consequence of this, as explained in HE’s GPA 3, is that the significance of both the National Theatre and the IBM Building will be harmed.

8.136 Overall, the proposed development will not only harm the character and appearance of the South Bank CA, but also erode the contribution that the setting of the National Theatre, the IBM Building, and Waterloo Bridge make to their significance. It will disrupt the relationship of those assets to their physical surroundings and to other assets, impacting negatively upon the intangible associations that arise from the patterns of use and harming the way views allow the significance of the assets to be appreciated. That is the very definition of harm to the significance of an asset through its setting, in accordance with GPA 3.⁵⁸⁶

Other Conservation Areas

8.137 In every case, it is necessary to assess the impact of a development upon the significance of a CA as a whole – that is, seen in the round. That should not, however, be confused with the fact that if harm is found to one part of a CA but not to another, such that the CA as a whole still has a special character and appearance, that will not overcome the fact of that harm. Professor Tavernor agreed as much, and he was right to do so. To fail to recognise that harm to one part of a conservation area involves harm to the CA overall would be contrary to the decision of the High Court.⁵⁸⁷

Roupell Street CA

8.138 Historic England, Lambeth, Save our Southbank, and Mr Clemons all agree that the proposed development would harm the Roupell Street CA. That is because, as Historic England accurately describe it, the proposal will introduce “a discordant mass above characterful butterfly rooftops”.⁵⁸⁸ Again, Professor Tavernor is the exception. Whilst even he accepts that the proposal will result in an increase in “scale and prominence” of built

⁵⁸³ XX Black

⁵⁸⁴ CD 1.20 p.140

⁵⁸⁵ xX Tavernor

⁵⁸⁶ CD 6.30 p.10 (Step 2) and p.11 (Step 30)

⁵⁸⁷ *Irving v Mid-Sussex DC* [2016] EWHC 1529 (Admin)

⁵⁸⁸ CD 11.08 para. 18

form, which he accepts is harmful, his position is (again) that such harm is balanced by the architectural quality of the proposed development. On any fair assessment it is not. The effect of the proposal on the character and appearance of the CA, an aspect of which can be appreciated from View Point 28, will be harmed.⁵⁸⁹

Old Barge House Alley CA

8.139 The Old Barge House Alley CA directly adjoins the South Bank CA adjacent to Bernie Spain Gardens. It therefore lies almost exactly in the location where Mr Black and the GLA both identify that the dominance of the proposals will be experienced most severely, as a result of what Mr Black accepted is a "stark juxtaposition".⁵⁹⁰ The impact of the character and appearance of the Old Barge House Alley CA (as shown in View Point 31) will also be adverse.

Whitefriars CA

8.140 Blackfriars Bridge falls within the Whitefriars CA. Essentially for the reasons already explained in relation to View Point 5, the proposal will result in harm to the character and appearance of the Whitefriars CA.⁵⁹¹

Temple CA

8.141 As Professor Tavernor agreed in XX with reference to the Conservation Area Character Summary,⁵⁹² a "prominent part" of the Temple CA is that it "slopes down to the Thames" with gardens forming the largest private green space in the City of London. Those gardens retain a quiet domestic character giving the CA a "unique quality... rarely found elsewhere [and]... reminiscent of an Oxford/ Cambridge Collegiate atmosphere". There is, within the CA, a riverside walk directly opposite the site with clear views out over the proposed development, although none of the View Points in the THVIA assessed this view.⁵⁹³

8.142 The idea that the introduction of such built form just across the river and clearly visible from within the Temple's collegiate environment will amuse no harm to it is difficult to countenance. The ancient, cobbled street of Middle Temple lane runs down directly towards the river and will, if the proposed development is approved, terminate in a view of it. The character and appearance of the Temple CA will be adversely affected.

⁵⁸⁹ CD 1.20 p.126

⁵⁹⁰ PoE Black 6.158 and GLA Stage 1 report CD 4.02

⁵⁹¹ CD 1.20 p.76

⁵⁹² CD 6.53

⁵⁹³ PoE Clemons Figure 23 p.40

Waterloo CA

8.143 The scale, mass and prominence of built form will, Professor Tavernor conceded in XX, change the character and appearance of parts of the Waterloo CA, including in the areas represented by View Points 26 – 27 and 29.⁵⁹⁴ The sensitivity of that character to change is, Professor Tavernor also agreed in XX, high. The magnitude of change he also agreed is high, as a result of the significant increase in the scale and massing of built form. Somewhat euphemistically, Lambeth's Officer Report described the increased prominence and massing of the proposal as "rather bold". It is not just "rather bold"; it is harmful to the character and appearance of the CA and thus to its significance.

Strand CA

8.144 The Strand CA includes Somerset House, and it is difficult to understand how prominent development of the scale, mass, and dominance proposed which intrudes both within the quadrangle of Somerset House and in views from its terraces can be said not to harm the character and appearance of the CA.⁵⁹⁵ In addition, as is apparent from View Point 8 and as Professor Tavernor actually conceded in XX, the proposed development will harm the character and appearance of Arundel Street. That harm, he said, is 'balanced' by the quality of the architecture proposed. For the reasons already discussed, it is not.

Conclusion

8.145 The proposed development will therefore cause less than substantial harm to an inordinate number of designated heritage assets. Those include seven Conservation Areas, including the South Bank CA in which the proposal is located, such that section 72 of the Listed Buildings Act is engaged, and a statutory presumption against the grant of permission arises. They also include several listed buildings, three of which (Somerset House, St Paul's Cathedral, and the National Theatre) are assets of the highest significance (i.e. Grade I or II*). The harm to the significance of every single one of those assets creates a further strong statutory presumption against the grant of planning permission pursuant to section 66 of the Listed Buildings Act. The greater the significance of the asset, and the more it is harmed, the stronger the presumption against grant. Given the significance of assets like Somerset House, St Paul's Cathedral and the National Theatre, the presumption applies with particular force.

8.146 In addition, the effect of this is that the proposals do not accord with London Plan Policy D9C(d) which requires proposals for tall buildings to avoid harm to the significance of London's heritage assets and their settings, with proposals resulting in harm requiring clear and convincing justification, demonstrating that alternatives have been explored; Policy E10B which requires the special characteristics of major clusters of visitor

⁵⁹⁴ CD 1.20 p.122-124 and 128

⁵⁹⁵ CD 1.20 THVIA VP 9-13 p.84ff

attractions and heritage assets (of which the South Bank Conservation Area is undoubtedly an example) to be “conserved, enhanced, and promoted”; Policy HC1C which require development proposals affecting heritage assets and their settings to “conserve their significance”; Policies HC3 and HC4 which protect strategic and local views as well as requiring that development proposals do not harm Strategic Views and are not “prominent to the detriment of” LVMF views, as well as Lambeth Local Plan Policies Q5 (requiring development deviating from locally distinct development patterns to make a positive contribution to its historic context); Q20 (which requires development affecting listed buildings to conserve and not harm the significance and setting (including views to and from listed buildings)); Q22 which requires development proposals affecting conservation areas to preserve or enhance the character or appearance of conservation areas; Q24 (which requires proposals front the River Thames or visible from it and its bridges to show that they enhance the character of the river frontage, views from the river and from the opposite bank); Q25 (which states that Lambeth will resist harm to the significance of strategic views); Q26 which requires that tall buildings proposals do not adversely impact on strategic or local views and to take account of the desirability preserving the setting of heritage assets); PN1 (which specifically requires development to reinforce the South Bank’s distinct identify, respect strategic and local views, and preserve the setting of heritage assets and well as to preserve or enhance the South Bank conservation area and respect the character of the river frontage and surrounding views). For the avoidance of any doubt, these conflicts arise inevitably as a result of the harm to designated heritage assets identified by all parties but the Applicant. To use policy PN1 as an example, development which harms the South Bank CA and views of it, simply cannot be said to preserve or enhance it, regardless of the public benefits of the proposal.

- 8.147 In addition, the NPPF expressly requires harm to designated assets to be minimised or avoided. That has not happened. As Lambeth’s officer’s report noted, the previous ITV consent was able to “replicate” to a large degree the existing built form and to avoid the harm to designated heritage assets arising from this proposal.⁵⁹⁶ As Mr Black agreed in XX, reducing the scale and mass of the proposal would significantly reduce the harm it causes to the historic environment. That accords with the consistent advice of Historic England, who made clear that “harm might have been capable of reduction through changes to scale, massing and architectural design as encouraged by para. 190 of the NPPF, but despite our requests for this to be done both at application and pre-application stages, such steps were not taken”.⁵⁹⁷ Contrary to London Plan Policy D9C(d) that alternative simply has not been explored. No doubt, the reason for this was the Applicant’s desire to “maximise the lettable area” and “enhance the over-all return”.⁵⁹⁸ The consequence is perhaps unsurprising. The harm to designated heritage assets caused by the

⁵⁹⁶ CD 3.03 para. 13.9.12

⁵⁹⁷ CD 11.08 para. 28

⁵⁹⁸ PoE Filskow para. 2.1 and 2/3/3

development is the result of all but ignoring the historic environment when designing the development and seeking to maximise the scale of the building by proposing what Mr Filskow himself conceded in XX is not a tower or a slab, but both. It is the effect of identifying a self-serving maximum development envelope and filling it up, piling slab, upon slab, upon slab.

Living Conditions: Daylight in Iroko Housing Co-operative

8.148 Coin Street is the freehold owner of Iroko, a housing co-operative designed by Haworth Tompkins Architects and completed in 2001. The recipient of a number of design awards, Iroko has been hailed as “a new model for high-density inner-city housing”.⁵⁹⁹ It is, Mr Cosgrave agreed, a relatively rare example of high-quality inner city social housing, sensitively designed for its context with large North-facing windows designed to maximise daylighting for the occupants of the social housing.⁶⁰⁰ This is “all part of what makes Iroko special”.⁶⁰¹

The Impacts

8.149 There is no quantitative dispute between the parties about the impact the proposed development will have upon the daylight levels in Iroko Housing Co-operative.

8.150 In terms of the vertical sky component (“VSC”), 41 windows will suffer adverse effects.⁶⁰² The effect on 22 of those 41 windows will be major adverse.⁶⁰³ Those 28 windows serve 13 separate social rented homes.⁶⁰⁴ The majority of those impacted windows will retain a VSC of between 7% and 9% VSC - and the majority of the rooms affected are not multi-lit.⁶⁰⁵ In terms of No-Sky Line (“NSL”), 21 rooms will suffer an adverse effect, with 16 rooms suffering a major adverse effect.⁶⁰⁶

8.151 There are thus 14 rooms across 9 separate social rented homes that will suffer a major adverse effect in terms of both VSC and NSL, including a number of Living/ Kitchen/ Dining rooms which are the main living space in the property.⁶⁰⁷

8.152 For the avoidance of doubt, Mr Webb’s eleventh-hour attempt to rely on reflected light in his XIC did nothing but highlight his lack of confidence in his position. Despite his suggestion that this was “an important point” in XIC, in XX, he conceded that: (1) the issue was not so important as to

⁵⁹⁹ PoE Cosgrave AC4 - pdf p75

⁶⁰⁰ XX Cosgrave

⁶⁰¹ XX Cosgrave

⁶⁰² XX Cosgrave

⁶⁰³ XX Cosgrave

⁶⁰⁴ XX Cosgrave

⁶⁰⁵ XX Cosgrave; PoE Chapman paras. 8.3 and 8.15

⁶⁰⁶ XX Cosgrave

⁶⁰⁷ XX Cosgrave

merit inclusion in his Report or PoE (or indeed the evidence of any of the other experts appearing before the Inquiry); (2) it is nowhere referred to in the BRE Guidance or any other policy/ guidance document of which he is aware; (3) it is not a matter identified in any appeal decision of which he is aware; (4) he had not conducted any analysis of whether the reflective qualities of the proposed development would result in an improvement over the current position; and (5) as a result of all the above the matter was not one which could be given any material weight.

- 8.153 Rooms which both Mr Webb and Mr Cosgrave have assumed to be bedrooms are in fact used flexibly and in a number of homes are in use as living rooms.⁶⁰⁸ The response of those witnesses was to suggest that the occupants have a "choice" regarding how they use the rooms in their home and could reconfigure them to "locate ancillary uses that have a greater requirement for daylight in bedrooms that do not face the application site".⁶⁰⁹ Indeed, Mr Webb was clear that his view on the acceptability of the proposed development is "predicated on people reconfiguring their homes".⁶¹⁰
- 8.154 That approach is remarkably high-handed. As Mr Cosgrave accepted in XX, and Ms Chapman explained in evidence, on the basis of discussions with Coin Street's Director of Community, David Hopkins (who oversees and manages the social housing) and having herself reviewed a list of tenant names, a number of the properties in Iroko Housing Co-operative are (unsurprisingly for social accommodation) inhabited by large multi-generational families.⁶¹¹ As Mr Cosgrave accepted in XX, in that context reference to "spare bedrooms" is totally inappropriate.⁶¹² The "reconfiguration" suggested simply is not an option.
- 8.155 Even were reconfiguration to be an option, it is a mark of the seriousness of the impacts in this case that both Mr Webb and Mr Cosgrave were forced to accept that their evidence involved impacts on the living conditions of occupiers so severe as potentially to "require people to change how they live to accommodate the development".⁶¹³

Acceptability

- 8.156 As Mr Webb accepted, the effect of the decision in *Rainbird v Tower Hamlets* [2018] EWHC 657 (Admin) at para.112 is that the BRE Guidance, including the VSC value of 27%, applies in urban locations absent special circumstances.⁶¹⁴ Nevertheless, both Mr Webb and Mr Cosgrave sought to rely on an alternative target value of 15% VSC. That is 12% below the BRE Guideline.

⁶⁰⁸ XX Cosgrave; XX Webb (with reference to Chapman RPoE Figure 1 (p.6))

⁶⁰⁹ Cosgrave RPoE 6.4; Webb PoE 6.5.4

⁶¹⁰ XX Webb

⁶¹¹ RX Chapman; XX Cosgrave

⁶¹² XX Cosgrave

⁶¹³ XX Cosgrave; XX Webb

⁶¹⁴ XX Webb – rainbird at PoE Cosgrave pdf p.123

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- 8.157 In more than one recent appeal decision, the Secretary of State has rejected such an approach. As Mr Cosgrave accepted in XX: In the 8 Albert Embankment decision, at IR751, the inspector's reasoning (endorsed by the Secretary of State) was that "nothing in the BRE states that the 27% target for VSC is derived from a suburban location or indicates it is only applicable to developments outside inner city urban environments";⁶¹⁵ and in the Burgess Business Park appeal decision the Inspector (whose reasoning was again followed by the Secretary of State) specifically rejected the appellant's attempt to rely on a 15% target VSC to justify the impacts in that case.⁶¹⁶ On any view, to adopt a target of 15% VSC is to set "a low bar".
- 8.158 In a somewhat desperate attempt to justify the use of a 15% figure, both Mr Webb and Mr Cosgrave sought to rely on the Mayor of London's Housing SPG. Here, the clue is in the name.⁶¹⁷ As Mr Cosgrave agreed in XX. It is not appropriate to apply policies or guidance designed to optimise housing delivery to a development not involving the delivery of housing. The Housing SPG provides guidance on the implementation of housing policies. The development in this case does not propose housing.⁶¹⁸ The section of the SPG upon which Mr Cosgrave relied was Part 1.3. That is headed "optimising housing potential". As para. 1.3.1 of the SPG notes, a key theme of the London plan is optimising the housing potential of sites in the context of a housing crisis. This development does not involve "optimising housing potential" as it includes no housing.
- 8.159 The specific paragraph relied upon by Mr Cosgrave, SPG para. 1.3.45 refers to flexibility specifically in the context of "the need to optimise housing capacity". The proposal in this case does not involve such optimisation. It is thus entirely inappropriate to seek to rely upon the Housing SPG to justify a 15% VSC target as do both the Applicant and Lambeth.
- 8.160 The inappropriateness of that approach is exemplified by the fact that all of the supposedly "contextual" examples relied upon by Mr Webb and Mr Cosgrave involved the delivery of a significant amount of housing. Neither was able to find a case in which a largescale office development with no housing provision had been held to justify major adverse effects on the living conditions of individuals.
- 8.161 Indeed, in the 8 Albert Embankment decision, the Inspector made at IR 757 (endorsed by the Secretary of State) that "there is a danger in placing too much reliance" on other supposedly contextual examples.⁶¹⁹ Indeed, two of the three examples relied upon by Mr Cosgrave (Whitechapel Estate and Graphite Square) were expressly addressed by the Inspector in the 8

⁶¹⁵ See also CD 8.04 p.531

⁶¹⁶ CD 8.04 p.330 para. 445

⁶¹⁷ Cosgrave PoE 3.9-3.11; Webb PoE 1.11

⁶¹⁸ CD 14.15 para. 0.1.1

⁶¹⁹ CD 8.04 p.532

Albert Embankment Proposal (IR 754 and 754)⁶²⁰ and were rejected as relevant to that proposal for development further west along the south bank of the river.

- 8.162 In truth, the “contextual examples” relied upon by both Mr Cosgrave and Mr Webb were nothing of the sort. As Mr Cosgrave agreed in XX: The Whitechapel Estate Appeal Decision⁶²¹ involved the provision of 343 residential units and 168 specialist accommodation units; the Graphite Square Appeal Decision⁶²² involved the delivery of 160 residential units and a replacement Methodist church; and the Doon Street decision involved not only giving “significant weight” to housing benefits of the scheme, but also the delivery and ongoing funding for 50 years at no public cost of a swimming pool complex which would address the lack of sports facilities in what was acknowledged to be an area with a deficit (Secretary of State decision letter para. 47) such that it was “completely different” from what is proposed in this case.
- 8.163 Moreover, the locational context in this case is quite different. As Mr Cosgrave agreed in XX, and by contrast with those examples, the Site lies in a lower density area outside the tall building clusters at Blackfriars and Waterloo where daylight expectations will be different from the less dense area of housing of which Iroko Housing Co-operative forms part.
- 8.164 Similarly, the Hobart House⁶²³ and River Court,⁶²⁴ decisions relied upon by Mr Webb were contextually completely different from the current circumstances. Hobart House was in Vauxhall where there is a tall building cluster and where, as the BRE says, “a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings”⁶²⁵ and where existing VSC reach as low as 4%.⁶²⁶ In that case, again the Secretary of State expressly relied upon the fact that in that case “the benefits [of the scheme] depend[ed] on the intensity of the proposed development in yielding so many housing, affordable housing, economic and social benefits”.⁶²⁷
- 8.165 Not only was Doon Street proposal “completely different” because it was part of a phased development and because of the benefits it delivered, as Ms Chapman explained in RX, it was also (unlike the proposal in this case) a development on a cleared site, where large reductions in VSC are essentially unavoidable because of the absence of development following clearing. Nevertheless, (again unlike the proposals in this case) the design of the Doon Street proposal maximised daylighting by setting back the tower behind the podium element of the building which achieved

⁶²⁰ CD 8.04 p.532

⁶²¹ Cosgrave PoE pdf p.132

⁶²² PoE Cosgrave PoE 202

⁶²³ PoE Webb 5.10

⁶²⁴ PoE Webb 5.13

⁶²⁵ PoE Chapman 8.36

⁶²⁶ PoE Chapman 8.33

⁶²⁷ PoE Chapman 8.38

significantly better retained VSC levels than the Applicant's proposal. The latter (unlike Doon Street) will see significant numbers of single digit retained VSC levels.

- 8.166 It is deeply troubling that, despite Mr Webb suggesting in his PoE and in XX that the Applicant had looked at making the development as acceptable as possible by undertaking assessments at various stages and ultimately reducing the scale of the development "because of potentially unacceptable impacts",⁶²⁸ it has become apparent that the changes made by the Appellant to the proposal did not result in any material improvement to the VSC and NSL impacts on Iroko House. Mr Webb's assertion to the contrary was demonstrably false as demonstrated by the detailed figures for the worst affected properties now supplied by GIA.⁶²⁹
- 8.167 Contrary to Mr Webb's evidence, this is simply not a case where it can be said that "some daylighting impacts must be accepted to facilitate development"⁶³⁰ or that "daylight impacts are inevitable if the development opportunity is to be released".⁶³¹ That is entirely obvious from the fact that Mr Webb's argument was specifically and expressly predicated upon the LTV Consent establishing the appropriateness of high density development on the Site.⁶³² The LTV Consent, however, was for a mixed use scheme involving housing. More importantly, it was entirely BRE compliant and involved no material impact on the daylight conditions of neighbouring residents, including in Iroko Housing Co-operative. Far from supporting Mr Webb's argument that adverse impacts were the inevitable concomitant of development, that decision demonstrates that this Site can be appropriately 'densified' and its development potential optimised without having any impact on the daylight levels of neighbouring occupiers. A residential tower on the part of the Site identified for a tall building would do just that.
- 8.168 Paradoxically, given both Mr Cosgrave and Mr Webb's reliance on the Housing SPG, it is (as Mr Webb conceded in XX) the absence of housing as part of the proposed development which results in the major adverse daylight impacts in this case.⁶³³ This is another example showing that the decision to exclude the potential to deliver housing on the Site before even investigating design options has resulted in a scheme which is far more harmful than had the use of the site been properly optimised.
- 8.169 Even if 15% VSC were an indicator of acceptability in this context, which it is not, the proposed development falls woefully below even that low aspiration. 25 windows across 13 homes fail to meet it, with 22 windows across 11 homes falling below 9%, and with levels falling as low as 6.6%.

⁶²⁸ PoE Webb 3.14-3.16

⁶²⁹ Received by email on 24 January 2023 at 16.44

⁶³⁰ PoE Webb 3.12

⁶³¹ PoE Webb 6.5.14

⁶³² PoE Webb 3.9-3.10

⁶³³ XX Webb

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- 8.170 In those circumstances, it is perhaps unsurprising that Mr Cosgrave did not feel able himself to express the view that the proposed development was contextually appropriate, and rather accepted that the nature and extent of the harm is such that it cannot be regarded as acceptable simply because of the context in which it arises, and rather is a factor to weigh in the planning balance against the grant of planning permission.⁶³⁴ A factor which, he agreed, is capable of carrying very significant weight in the planning balance.⁶³⁵
- 8.171 That accorded with the position of Ms Chapman, and also of Ms Donovan, who had provided Lambeth with independent advice prior to its resolution on the application. Her conclusion was clear "I cannot agree that unacceptable harm would not be experienced".⁶³⁶
- 8.172 It was only Mr Webb who felt able to say that the impacts of the proposed development were acceptable. Of the four experts who had considered the proposal, he found himself (like Professor Tavernor) in a minority of one.⁶³⁷
- 8.173 It is perhaps telling that, despite the fact that he agreed he has given evidence at innumerable public inquiries, Mr Webb was not able to identify a single occasion on which he had found daylight impacts to a residential property to be unacceptable. He simply has never presented such evidence, his opinions are not fair ones and his evidence on this matter can be given very little, if any, weight.
- 8.174 Another issue upon which Mr Webb found himself the outlier was the relevance of the fact that Iroko Housing Co-operative is social housing that, as Mr Cosgrave accepted, "houses families with vulnerabilities with very little choice where they live".⁶³⁸ The fact that the units affected are social housing was, he agreed, "a contextually important factor". That accords with the approach in 8 Albert Embankment where the Inspector's reasoning placed weight at IR 757 (followed by the Secretary of State) on the fact that affected units were social rented units such that occupants have limited choice about where they live and in circumstances where "Evidence that links daylight levels with human health, including mental health and disease resistance is more than anecdotal."
- 8.175 Mr Webb's position was, again, unattractive and high handed. In direct contradiction to the Secretary of State's approach in 8 Albert Embankment referred to above, he took no account whatsoever of the fact that the residential properties worst affected by the proposal in this case were social housing, regarding this as "irrelevant" because "light is light and people are people". That is completely to ignore the general contextual

⁶³⁴ XX Cosgrave

⁶³⁵ XX Cosgrave with reference to 8 Albert Embankment SoS DL para. 26 (PoE Cosgrave pdf p.369).

⁶³⁶ PoE Cosgrave 5.39

⁶³⁷ Agreed XX Webb

⁶³⁸ XX Cosgrave

significance of the fact that social rent tenants often have little choice about where they live such that they cannot 'escape' the impacts upon their living conditions, and the specific significance of Iroko Housing Co-operative's specific and high quality contextual design, which means that the proposal will cause "major adverse effects on social housing designed to provide the opportunity for high quality social housing in Central London".

8.176 In all, the position adopted by Mr Webb simply is not tenable. The impacts of the proposal are contextually unacceptable and carry substantial weight in the planning balance militating against the grant of planning permission. This is contrary to London Plan Policy SD4K, which requires the quality and character of predominantly residential neighbourhoods (in one of which Mr Goddard agreed in XX that Iroko Housing Co-operative lies) to be maintained, and Policy D9C(3) which concerns the daylight impact of tall buildings, as well as policies Q2(IV) (resisting unacceptable impacts on levels of daylight in adjoining properties) and Q26A(V) (requiring acceptable daylight impacts from tall buildings proposals) of the Lambeth Local Plan.

The Development Plan and Planning Balance

8.177 In England and Wales, the planning system is plan led. There is a statutory presumption that development which fails to accord with the development plan will be refused planning permission.⁶³⁹ In this case, the proposed development simply does not accord with the development plan read as a whole.

8.178 First, embedded into the design approach was a decision to exclude residential development. That decision was taken on commercial grounds prior to the instruction of the architect and long before the design process began. The result is a development which fails to optimise the use of the Site, delivering no housing whatsoever and requiring the demolition of a large, structurally sound, concrete tower resulting in the loss of a substantial amount of embodied carbon. For the reasons set out above, this conflicts with policies GG2, GG4, GG5, SD1, SD5, H1, D3, and SI7 of the London Plan as well as H1, PN1, and the Site 9 allocation in the Lambeth Local Plan, as well as with NPPF paras. 15, 63, 68, and 125.

8.179 Second, the proposal does not accord with the Site 9 Allocation in the Local Plan. At the level of principle, that allocation anticipates the delivery of housing on this Site, in accordance with the SHLAA which specifically identified the LTV site (separately from the Gabriel's/ Princes' Wharf Site) as suitable and available for housing. The allocation refers to development being "mixed-use including offices, residential, and active frontages at ground level". The use of the word "and" is clear. All three uses are to be included. The Applicant's suggestion that housing could be delivered on Coin Street's Gabriel's/ Princes' Wharf part of Site 9 fails to satisfy the

⁶³⁹ Section 38(6) of the Planning and Compulsory Purchase Act 2004

requirements of the allocation. It ignores the need to optimise the use of the Site itself, contrary to London Plan Policy. H1F, which expressly requires the delivery of housing as part of all developments on sites allocated for housing or mixed uses including housing, and in any event the Applicant has not put any proposal to Coin Street, it has undertaken no studies to demonstrate how such housing could be delivered by Coin Street, and there is no material prospect of any such development coming forward during the plan period. The daylight/ sunlight implications of the Applicant's proposal upon Coin Street's site and its development potential have not even been considered. All this before one comes to consider the other ways in which the proposed development fails to accord with the Site allocation, including the harm from tall buildings to designated heritage assets, the inadequate nature of the public realm, the poor quality of the linkages provided to east and west, and the failure to provide active frontages along Upper Ground.

8.180 Third, the proposal fails to comply with the tall buildings policies in either the London Plan or the Lambeth Plan. The tall building proposed to the south extends well beyond the location identified for a tall building in Lambeth Plan Q26 and Annex 10 (location W1). It materially exceeds the height specifically identified to protect the significance of Somerset House, and it is not a point block as the policy requires. It plainly conflicts with the policy (and thus with Policy D9B of the London Plan.⁶⁴⁰ The northern building is not in a location identified for a tall building at all. It conflicts with the locational aspect of both policies. Moreover, both the northern and southern tall buildings fail to accord with the criteria-based aspects of both policies. They adversely affect strategic and local views, fail to achieve design excellence, fail to follow the established principles of composition, especially in the context of the existing clusters at Waterloo and Blackfriars), harm the significance of designated heritage assets as well as the open quality of the River Thames and the riverside public realm, and unacceptably affect the daylighting conditions in neighbouring residential premises. In short, they are in serious and direct conflict with both the locational and criteria-based parts of the tall buildings policies in the Development Plan.

8.181 The proposal's design does not accord with the requirements of the Development Plan. The proposal is over-large, bulky, and incongruous in its context. It is not inclusive and harms the character and appearance of the local area. It fails to provide meaningful public realm and open space. On the contrary, it harms the important public open spaces adjacent to it, including the riverside walkway – one of the best used pedestrian routes in the Capital – and the consented Queen's Walk Gardens. This results in a conflict with Policies GG1, D1, D3-5, D8, D9 and HC3-5 of the London Plan and Q1-2, Q5-9, and Q24-25 and PN1 of the Lambeth Plan, as well as NPPF paras 123-136.

⁶⁴⁰ For the avoidance of doubt, this is not a case where the local authority has not identified any locations as being appropriate for tall buildings, and thus the ratio in the *Hillingdon* case (CD 12.12) does not apply.

8.182 The proposed development causes harm to designated heritage assets, including assets of the highest significance such as St Paul's Cathedral, Somerset House, and the National Theatre, as well as a number of conservation areas. This not only engages the strong statutory presumption against the grant of planning permission under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act, but also results in a conflict with Policies HC1, HC3, and HC4 of the London Plan, Q18, Q20, Q22, Q24, and Q25 of the Lambeth Local Plan, and paragraphs 195 and 199-202 of the NPPF.

8.183 Those policies are up to date. They attract full weight. Failure to accord with those policies, and therefore with the development plan read as a whole, militates strongly against the grant of planning permission. Absent material considerations to outweigh the clear departure from the strategy in the development plan proposed by this application, as well as the strong statutory presumption against grant arising from the harm to designated heritage assets, planning permission should be refused.

Planning Balance

8.184 The benefits of the proposed development upon which the Applicant relies as a justification for the grant of consent do not come close to outweighing the harm which the development will cause, and the resulting conflict with the development plan. Even Mr Goddard accepted in XX that, if the Secretary of State concluded that the proposed development was not well designed, harmed designated heritage assets, and had an unacceptable impact on residential amenity, the benefits of the proposed development would not be sufficient to outweigh that harm. He was undoubtedly right to make that concession.

8.185 Taking the benefits identified in turn, the jobs, contribution to the local economy, and the provision of business rates, are as Mr Goddard conceded, the necessary concomitant of delivering the proposed quantum of office space on the Site. The quantum of floorspace proposed as affordable (10%) and level of subsidy (average 50%) are both the minimum requirements imposed by Policy ED2 of the Lambeth Local Plan. Those benefits are not peculiar to the development proposed, and a proportionate level of economic and employment benefit could equally be achieved through a mixed-use scheme, providing both homes and jobs to meet the potential of the Opportunity Area.

8.186 As Mr Goddard conceded, there is nothing in the above which falls outside the scope of the strategy in the Development Plan. On the contrary, this is a case where the proposal's failure to accord with the Development Plan, read as a whole, is determinative of the outcome. Having recognised the policy conflict identified above, the presumption against the grant of planning permission in section 38(6) applies. There are no 'other material considerations' that would justify a departure from the plan.

Conclusion

8.187 The rare opportunity which this Site presents have been wasted. If planning permission is granted, this Site, one of just 11 brownfield sites in Lambeth allocated for development including housing, will be occupied by a behemoth of a building, which bulges in all directions – upwards and outwards, to provide what the architect conceives of as a major corporate headquarters. Not one home will be delivered. The benefits of permitting such a development are limited. But the harm is immense. The special character of the South Bank will be seriously eroded. The significance of landmarks like the National Theatre, Somerset House, and St Paul’s will be harmed. Public areas beside the Thames, like Queen’s Walk and Bernie Spain Gardens will be cast into shade at times when people most want to use them. Adjacent high quality housing co-operative homes will be deprived of daylight. This is not sustainable development. It is development which fails to accord with the development plan and the policies in the NPPF. Coin Street therefore respectfully requests that the Secretary of State refuse to grant the permission sought.

9. The Case for SOS

- 9.1 This is set out in full in opening and closing statements to the Inquiry as well as the evidence presented. I set out below a summary of the case presented in the closing statement. However, it is essential that the entirety of the evidence presented by the Rule 6 Party is read in full in order to understand the full case presented.
- 9.2 Commentators outside this Inquiry have been queuing up to slam this proposal as a slab, a brute, a grotesque hulk and so on. People inside this Inquiry have been doing likewise. Ms Reynolds called it a gorilla with lipstick. Even Professor Tavernor, appearing for the applicant MEC, admitted under XX that this was not a classically beautiful building. You can say that again. Only Mr Filskow, the scheme’s architect, might hazard the claim that it’s actually beautiful, but then he would, it’s his baby, and nobody thinks their baby is ugly.
- 9.3 Does it matter if it’s ugly? Isn’t beauty just a subjective thing? No, it’s not, and Mr Nicholas Boys Smith told us why - he of the Building Beautiful Commission. And yes, it does matter. Not only because the NPPF tells us planning has to consider beauty, but that that is the direction of travel, with a new draft NPPF, published for consultation during this Inquiry, that inserts beauty into the very heart of strategic planning.⁶⁴¹
- 9.4 But the reason it really matters is because of the site, perhaps the most prominent development site in central London, visible for two miles in this world city along the Victoria Embankment, from numerous bridges, across

⁶⁴¹ The consultation document of changes carries very little weight, but if any such changes to the NPPF are adopted prior to a decision by the Secretary of State on this application we reserve the right to make submissions, and would be expected to be re-consulted on this if necessary

open water from St Paul's, from Westminster. And it sits among the crown jewels of Britain's second Elizabethan cultural flowering.

- 9.5 Culture is the UK's greatest export, earning billions, led by Shakespeare - who can imagine global Britain PLC without him? A brand that disseminates our language and culture into every classroom in the world. The National Theatre was dreamt up by dreamers of the Shakespeare revival at the turn of the last century. Generations of dreamers from George Bernard Shaw to Laurence Olivier made solid that dream, on the river's bend, in raw concrete, the all-singing all-dancing NT. And is now that monumental national endeavour to be overawed, overshadowed by an uber greedy office block— an overdeveloped, misshapen lump, an eye-catchingly incomprehensibly ugly office block?
- 9.6 The purpose of this Inquiry is to inform a report to help the Sec of State to make a decision on this application to develop 72 Upper Ground. The Sec of State wants to know about beauty. The design witnesses were all asked their idea of beauty. For Mr Black, Lambeth's defender of the scheme, beauty in the urban realm was calm and recessive. This building is not calm or recessive. Mr Finch for MEC said it is that which lifts the spirits. Would this colossus lift the spirits? Mr Boys Smith unsurprisingly gave the most considered opinion: beauty in the urban realm was a building that makes a place attractive, welcoming, safe or homely and contributes to our personal health and well-being and the ease with which we interact pleasurably and purposively with our fellow men and women. It includes but is not limited to how buildings look. He did not rate this proposal.
- 9.7 These are themes that have cropped up throughout this Inquiry, whether in considering townscape and strategic views, daylight and residential amenity, public realm and placemaking, carbon emissions and sustainability, and the original reason it was called in, the impact on heritage. I will take the main issues in turn, starting with the reason for call-in.

The effect of the proposal on the significance of designated heritage assets derived from their settings, with particular regard to the listed buildings, the viewing corridor from Westminster Pier to St Paul's Cathedral and other Strategic views

- 9.8 These are two fundamentally different considerations, set out in two different sets of policies. However, in this case an assessment of the Strategic Views informs the assessment of the impact of the development on the setting of heritage assets.
- 9.9 The ITV 2018 permission had demonstrated that a building of 108m would be visible from within the courtyard of Somerset House, which had been deemed to cause heritage harm by Historic England and Lambeth Council⁶⁴². Lambeth had also found the ITV 2018 scheme caused heritage

⁶⁴² CD9.10i, 6.4.56

harm to the protected LVMF linear view of St Paul's from Westminster Pier.⁶⁴³

- 9.10 MEC has designed two tall buildings, slightly taller and considerably wider than that permitted for exactly the same location in 2018. MEC mistakenly considered that since the 2018 scheme had been approved it could no longer be considered to cause heritage harm, and that a little bit of heritage harm would prove equally acceptable when weighed against its benefits⁶⁴⁴. This demonstrates the design team's cavalier approach to heritage.
- 9.11 The Planning (Listed Buildings and Conservation Areas) Act 1990 (section 66(1)) places a statutory obligation in respect of listed buildings to pay '*special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*'. The NPPF states that when considering the impact of proposed development on designated heritage assets "*great weight*" should be given to the asset's conservation⁶⁴⁵, and that any harm to the significance of a designated heritage asset (including its setting) should require clear and convincing justification⁶⁴⁶. Lambeth's evidence is that "*the statutory and national policy presumptions in favour of protection of designated heritage assets and their settings runs as a thread through the statutory local development plan*"⁶⁴⁷.
- 9.12 The design team did not pay *special regard* or place *great weight* on the conservation of various assets' settings. They did the opposite. They misinterpreted the ITV 2018 permission as a licence to cause some heritage harm, and then pushed the envelope a little further. This is unsurprising since the project brief revealed in Mr Filskow's Proof prioritizes "*enhanc[ing] the overall financial return*"⁶⁴⁸ and says nothing about heritage harm.⁶⁴⁹

The heritage assets

- 9.13 The assessment of significance is based on the criteria set out in Annex 2 of the NPPF. This states that "*The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.*"
- 9.14 The development lies within the setting of some of the nation's most loved heritage assets including 7 conservation areas, three Grade I listed

⁶⁴³ CD9.10i, 6.4.58-9

⁶⁴⁴ Filskow in XX

⁶⁴⁵ CD6.01 (NPPF) 199

⁶⁴⁶ CD6.01, 200

⁶⁴⁷ CD8.3, 6.197

⁶⁴⁸ CD10.03 pg 14

⁶⁴⁹ Set out in my Rebuttal CD9.16 , 2.3

buildings, several Grade II* listed buildings, numerous Grade II listed buildings, the River Thames and a collection of strategic views. There is no disagreement between the parties of the extent of those assets, most comprehensively described in Mr Clemon's Proof.⁶⁵⁰ For brevity I will highlight aspects of three heritage assets.

- 9.15 **St Paul's Cathedral** Historic England's pre-app advice comments "*The cathedral has one of the world's finest and largest domed structures... the masterpiece of Sir Christopher Wren. It is one of the most famous and most recognisable sights of London and has dominated and defined the City skyline for over 300 years. This significance is recognisable in the way the Cathedral is visible in river views in the context of the development site.*"⁶⁵¹
- 9.16 The LP designates St Paul's as one of three 'Strategically-Important Landmarks'⁶⁵² and many of the Linear Views, River Prospects and Panoramas protected in the LVMF centre on the dome of St Paul's.
- 9.17 **South Bank Conservation Area.** Mr Dillon's Proof sets out how the war-time planning of the LCC led to the nation's greatest collection of twentieth century masterpiece public buildings - characterised by Mr Clemons as pavilions⁶⁵³ - set in extraordinarily generous public spaces on the ground and on terraces adjacent to the double tree-lined mile of Queen's Walk.⁶⁵⁴ The river's bend provides unparalleled views into and out from the Conservation Area across the longest stretches of open water in central London at this bend in the Thames. According to Lambeth it is "*London's cultural and leisure heart... an architectural showcase for the post-war period, promoting the public over the private; progressive, modern and innovative.*"⁶⁵⁵ Mr Dillon concludes "*The South Bank Conservation Area is of outstanding importance and of very HIGH significance when considering all four criteria in the NPPF. The architectural, artistic and historical qualities of the Conservation Area are of the very highest value.*"⁶⁵⁶
- 9.18 **National Theatre.** According to Mr Dillon, who led the architect's team which most recently refurbished this Grade II* listed national asset, it has "*become a fragment of London's skyline as unmistakable as the dome of St Paul's*"⁶⁵⁷ and is "*one of the relatively few [modernist buildings in the UK] which would be included in any global survey of twentieth century architecture.*"⁶⁵⁸

⁶⁵⁰ CD5.04

⁶⁵¹ CD4.54 pg 2

⁶⁵² CD6.02, 7.3.3

⁶⁵³ CD5.04, 5.4.2

⁶⁵⁴ CD9.05 22-39

⁶⁵⁵ CD6.09 2.26

⁶⁵⁶ CD9.05, 39

⁶⁵⁷ ibid 46

⁶⁵⁸ ibid, 42

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- 9.19 Mr Dillon's Proof explains the NT's significance and Lasdun's intentions, as the most prominent British Modernist chosen to design this national institution following a 70 year gestation. The NT's civic importance needed a suitable monumental framework; this was contradicted by a contemporary scepticism of the permanent housing of institutionalised culture. Lasdun *"sought to reconcile the need for an iconic identity with the democratic, non-institutional ideals of the NT as an organisation."*⁶⁵⁹ Key to the solution was the idea of 'architecture as urban landscape': *"The paramount importance of landscape and surroundings in the NT's concept. The design was based on a vision of 'urban landscape': a human-made object whose flytowers evoked mountains, and whose terraces represented contours surrounding them... spreading seamlessly out into the city... [connecting] with London's natural landscape... The terraces and foyers were conceived by Lasdun as the 'fourth theatre'"*⁶⁶⁰
- 9.20 Regarding the location of the site on this prominent bend in the river *"Lasdun described it as 'a magical position, probably the most beautiful site in London'... The relationship between the National Theatre and St Paul's is key:.. John Betjeman sent an ecstatic letter to Lasdun: 'I gasped with delight at the cube of your theatre in the pale blue sky and a glimpse of St Paul's...'"*
- 9.21 Mr Dillon concludes *"The NT is a public building of national importance which deserves to be highlighted as such in the cityscape. This point is recognized by the design of the IBM building, which is clearly designed to be subordinate to the NT. It is easy to conclude that any proposal which asserts dominance over the NT will damage its significance."*⁶⁶¹
- 9.22 Mr Black for the LPA highlighted the relationship with Waterloo Bridge and Somerset House as well as St Paul's, and noted that *"the architectural special interest of the exterior of the NT in particular the successful compositional interrelationship between the horizontal strata of the terraces and the vertical forms which rise up from it. ..."*⁶⁶²
- 9.23 For Mr Black and Mr Dillon this is closely followed by the character of the concrete: *"Lasdun's use of concrete generated a building whose architectural language is inseparable from its structural system.... The NT is the UK's pre-eminent 20th-century example of a limited material palette use to maximum architectural effect."*⁶⁶³
- 9.24 Lasdun's IBM building list description identifies group value with the NT as one reason for listing: *"together forming a cohesive composition"*.⁶⁶⁴ Even

⁶⁵⁹ CD9.06h, pg24

⁶⁶⁰ CD9.05, 43; CD9.06h pg 28

⁶⁶¹ CD9.05, 45-6, 48

⁶⁶² CD8.03, 6.37-9

⁶⁶³ CD9.06h 32, 34

⁶⁶⁴ CD6.47

with the upward extension currently being implemented, it will remain subordinate to the NT.⁶⁶⁵

Strategic Views

- 9.25 It would be useful to consider the strategic views before assessing the impact on the heritage assets of the proposals. The exceptional quality of this site cannot be overstated, visible for several miles in many directions, amidst the crown jewels of the nation's heritage. Quite separate from heritage, the London Plan seeks to protect the composition and character of key views which make a significant contribution to the image and character of London at the strategic level, because of composition, legibility of the city, or because they provide an opportunity to see key landmarks in a broader townscape. Views of St Paul's are the very stuff of experiencing London, for example. Where development is likely to compromise the setting or visibility of a key landmark, it should be resisted.⁶⁶⁶
- 9.26 Strategic Views include significant buildings, urban landscapes or riverscapes that help to define London at a strategic level.⁶⁶⁷ The views are identified in the London Plan Policy HC3 Table 7.1. They are seen from places that are publicly-accessible and well-used. Within the designated views, the Mayor has identified landmarks that make aesthetic, historic, cultural or other contributions to the view and which assist the viewer's understanding and enjoyment of the view.
- 9.27 LP Policy HC3 (A) states that "*Development proposals must be assessed for their impact on a designated view if they fall within the foreground, middle ground or background of that view.*"
- 9.28 LP Policy HC4 (LVMF) states that "*(A) Development proposals should not harm, and should seek to make a positive contribution to, the characteristics and composition of Strategic Views and their landmark elements... (B) Development in the foreground, middle ground and background of a designated view should not be intrusive, unsightly or prominent to the detriment of the view*". Part D requires management of river frontages and key landmarks in River Prospects, and the management of views of specific buildings within the surrounding environment in Linear Views. The application impacts on 5 strategic views:

Linear View 8: Westminster Pier to St Paul's Cathedral

- 9.29 Part (D) (3) of LP Policy HC4 states that "*Linear Views should be managed so that the ability to see specific buildings, or groups of buildings, in*

⁶⁶⁵ CD8.03, 6.74

⁶⁶⁶ CD6.02 (LP) 7.3.1

⁶⁶⁷ CD6.02 Policy HC3 (A)

conjunction with the surrounding environment, including distant buildings within views, is preserved."

- 9.30 Part (F) states "*Where there is a Protected Vista... (2) development in the Wider Setting Consultation Area should form an attractive element in its own right and preserve or enhance the viewer's ability to recognise and to appreciate the Strategically-Important Landmark. It should not cause a canyon effect around the Landmark Viewing Corridor*" (my emphasis)
- 9.31 The LVMF says "*Linear Views that focus on St Paul's Cathedral incorporate a Protected Vista.*"⁶⁶⁸The Management Plan for this view notes that St Paul's is framed by middle-ground buildings formed by buildings "*unified by the Portland stone façades of the former County Hall, the Royal Festival Hall and the Shell Centre group*".
- 9.32 The Management Plan further notes that "*The two buildings that frame St Paul's Cathedral allow an unimpeded view of the peristyle, upper drum and dome, silhouetted against the sky. This is a key attribute of this view.*"⁶⁶⁹ (my emphasis)The Management Plan requires, with regard to development in the middle ground, that "*A landmark viewing corridor will maintain the existing visual frame around the Cathedral created by the middle ground buildings*"⁶⁷⁰ (my emphasis).
- 9.33 The proposed development would appear in the middle ground of the view to the left of the Strategically-Important landmark of St Paul's. The proposal does not maintain the existing visual frame. The RFH which frames the left-hand side of the view in the middle ground rises to be in line with the Upper Balustrade of St Paul's. The proposed Northern (riverside) tall building rises in the middle ground behind the RFH to the middle of the lantern, way above the dome of St Paul's, i.e. almost to the top of the finial⁶⁷¹. The 'key attribute' of the '*unimpeded view the peristyle, upper drum and dome silhouetted against the sky*' is severely diminished. Furthermore, in being of radically different material than the "*unifying Portland stone*", and being more reflective, the proposed development would be visually prominent.
- 9.34 Historic England's initial assessment concluded "*The proposed 13 and 26 storey buildings would create a canyon effect here, diminishing the viewer's ability to recognise or appreciate the cathedral. This would cause some harm to its significance... We continue to encourage you to explore refinements to the design to minimise harm [sic] the harm identified, including careful consideration being given to a reduction in the height and massing of the proposed buildings.*"⁶⁷² (my emphasis)

⁶⁶⁸ CD6.32, 66

⁶⁶⁹ CD6.32, (LVMF) 167

⁶⁷⁰ CD6.32, 169

⁶⁷¹ CD9.15 pg 3

⁶⁷² CD4.10 (HE 4/08/21)

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- 9.35 Their advice was ignored. In making representations to the Inquiry Historic England comments: "*The architectural character of the Cathedral is expressed externally by two distinct elements which comprise its celebrated silhouette – its monumental dome and its richly modelled west towers. ... The viewing corridor created between Westminster Pier and St Paul's Cathedral runs right through the middle of the appeal site. Although the two tallest elements of the proposals would sit on either side of the dome in this view, they would create the effect of a canyon around it. This canyon would diminish the Cathedral's dominance in this view and create the appearance of an artificial and contrived view, rather than one that has evolved naturally as part of the rich character of London... .In conclusion, Historic England considers that the proposals would cause harm to designated heritage assets of the highest significance, and therefore do not appear to accord with the NPPF, London Plan and, additionally in the case of St. Paul's Cathedral, the guidance set out in the LVMF.*"⁶⁷³
- 9.36 The applicant acknowledged that this is a highly sensitive view and that the effect of change is significant, but claims it's already a canyon: saying "*existing development forms a visual canyon either side of St Paul's, described as framing in the LVMF, which the proposal would positively add to*".⁶⁷⁴
- 9.37 This is a misunderstanding of the LVMF. 'Framing' does not mean 'a canyon'. The LVMF Glossary defines a canyon as where "*tall buildings are constructed either side of a Landmark viewing corridor.*"⁶⁷⁵ There is a tall building (ITV) to the right side of the Linear view of St Paul's, but there are currently no tall buildings to the left side of the view of St Paul's⁶⁷⁶ The proposal is to develop a tall building on the left hand side (riverside) of the Landmark viewing corridor: *ipso facto* a canyon is created by the development. Policy is clear: development should not create a canyon effect on the Protected Vista of a Strategically-Important Landmark.
- 9.38 Mr Black for the LPA argued the opposite: that since the proposed Northern (riverside) tall building is not taller than the finial (the very top of the Cathedral) the 'canyon' is somehow *avoided*⁶⁷⁷. Again, this is contrary to the definition of a canyon in the LVMF. The LPA admitted that "the proposed development of the site would result in a moderate / minor effect on the view"⁶⁷⁸, but, despite its high sensitivity, "no harm will result to the view".
- 9.39 They are both in denial of the plain facts. The significance of this Strategically-Important landmark could not be higher, and the prominence of the proposal will create a canyon effect which significantly impacts on St

⁶⁷³ CD11.08 (HE 17/10/22) paras 12, 16

⁶⁷⁴ CD 10.07 (Tavernor Proof) Fig 5-2 last column, pg 78

⁶⁷⁵ CD6.32 pg 237

⁶⁷⁶ CD9.15 pg 2

⁶⁷⁷ CD8.03 6.191

⁶⁷⁸ CD3.03, 12.1.9

Paul's "visual dominance in the skyline and the ability to appreciate its architecture and scale will be severely affected."⁶⁷⁹ The strategic view would not be preserved.

River Prospect 14: Blackfriars Bridge

- 9.40 Part (D) (2) of LP Policy HC4 states that "*River Prospects should be managed to ensure that the juxtaposition between elements, including the river frontages and key landmarks, can be appreciated within their wider London context*"⁶⁸⁰ The LVMF description of this "impressive" view of the Thames from the Assessment point at the centre of the bridge refers to "*The elegant arches of Waterloo Bridge link two important historic buildings – the National Theatre, on the south side of the river, and Somerset House on the north. The larger-scale, predominantly 20th Century elements on the South Bank create an unequal balance to the prospect. Waterloo Bridge forms a middle ground threshold. Beyond it there are some of central London's principal riverside buildings... combining to create a strong silhouette against the sky, terminating with the finials and spires of Whitehall Court.*"⁶⁸¹
- 9.41 The visual management guidance is categorical that "*New development in the foreground and middle ground should not obscure the landmarks in this view, and their scale, form, orientation and materials should reference the scale and orientation of the river and the associated landscape.*"⁶⁸²
- 9.42 The proposed Northern (riverside) tall building doesn't obscure so much as obliterate any view of the landmark National Theatre from the Assessment point. (As quoted, the text explicitly references the NT as one of "*two important historic buildings*", but fails to include the NT in the list of landmarks. This is clearly an error.) The centrepiece of the view - the link between the NT and Somerset House via the elegant modernist bridge - is broken. The height, bulk and scale of the proposed riverside tall building would dwarf the delicate finials and spires of Whitehall Court. The existing "*unequal balance to the prospect*" wrought by the larger-scale elements of the South Bank would be considerably exacerbated by this out-of-scale office block. The proposed riverside tall building would dominate the view. The C20th Society's evidence is that "*The NT's underlying concept is based on it dominating the bend of the river and commanding views downstream. Blocking those views will seriously harm the National Theatre by degrading its connection with the very riverscape it was designed to relate to....If the proposed development went ahead, the National Theatre would be obscured and its relationship with Somerset House on the bank opposite seriously compromised... By adding additional height and bulk to the riverfront of the South Bank, the proposed development would further*

⁶⁷⁹ CD5.04 (Clemons Proof) 5.2.16

⁶⁸⁰ CD6.02(LP)

⁶⁸¹ CD6.32 (LVMF) 241-2

⁶⁸² *ibid* 243

upset this balance. It is our opinion that the development would cause serious harm to this designated view. ⁶⁸³

- 9.43 Although the LPA cannot bring themselves to admit the views of the NT are obliterated, they do consider that the “*reduced visibility*” is “*regrettable*”⁶⁸⁴ but then hide behind the clear textual error in the LVMF referred to above.⁶⁸⁵ The applicant admits that the riverside tall building “*would largely conceal*”⁶⁸⁶ the NT and that the NT’s “*obscuration in the views is considered a loss*”⁶⁸⁷; but claims that the harm the setting of the NT would be “*balanced by the positive factors brought to the view by the Application scheme*”⁶⁸⁸. This claim is irrelevant to the requirements of the HC4 that development should not harm the characteristics and composition of the view, and LVMF guidance that “*new development in the middle ground should not obscure the landmarks in the view*” (my emphasis). The proposal fails these simple policy tests. Furthermore, both proposed tall buildings would be out of scale for the view.
- 9.44 The LPA claim that “*the proposal will read as part of the emerging Blackfriars tall building cluster*”⁶⁸⁹ in neighbouring Southwark. This may be how it reads, but that is not a good thing - the proposal is very much not part of the Blackfriars cluster, in fact it is 0.4 mile from the centre of that cluster, and would therefore confuse legibility. The reason it might read as part of the cluster is because its height, scale and huge bulk would be consistent with a tall building cluster; and because despite being in the middle ground, several hundred metres behind the foreground of Sea Container’s House, it appears to be the of same scale and therefore reads as a foreground building. All of this confusion would take prominence over and diminish the centrepiece of the Strategic View, the “*elegant arches of Waterloo Bridge linking two historic buildings*”, the NT and Somerset House. Again, the proposal fails the policy. In a desperate attempt to avoid this conclusion, the applicant proposes an alternative verified view from the northern end of Blackfriars Bridge. However from this perspective all but a sliver of the NT would remain obscured - the view at dusk shows that most clearly, with the NT lit up red.⁶⁹⁰ Furthermore, from this viewpoint the groundscrapping 6-storey podium comes into full view connecting the bulky towers, creating a massive office structure dominating the middle ground and taking prominence in the view. This wouldn’t “*reference the scale and orientation of the river and the associated landscape*”⁶⁹¹ rather than squat atop the landscape, like a giant

⁶⁸³ CD9.05 (Dillon Proof) 91-3

⁶⁸⁴ CD3.03, 2.1.14

⁶⁸⁵ CD8.03 (Black Proof) 9.83

⁶⁸⁶ CD1.20 (THVIA) pg 126

⁶⁸⁷ CD10.07 (Tavernor Proof) 4.57

⁶⁸⁸ *ibid*

⁶⁸⁹ CD8.03, pg 141

⁶⁹⁰ CD1.20 (THVIA) View 04A dusk pg 74-5

⁶⁹¹ CD6.32, 243

crouching toad on a riverbank, diminishing the “impressive” river itself. Policy is thrice ways failed.

River Prospect 15B: Waterloo Bridge

- 9.45 Being at the centre of the 90 degree bend in the river, Waterloo Bridge provides the best 360 views of central London from a bridge, including that of St Paul’s, Palace of Westminster, Somerset House, and the unique collection of modernist listed public buildings on the South Bank. This Prospect has two Viewing Locations: 15A (upstream) and 15B (downstream). 15B in turn has two assessment points, from the north end of the bridge and from the centre. Although the overall panorama is of centred on St Paul’s, the LVMF describes: “*The river frontage buildings on the Westminster and Southwark sides of the Thames frame the middle ground views and the river dominates the foreground... The view of the south side of the river includes several large individual buildings, including the Shard. There is little sense of a coherent composition of buildings at this location*”.
- 9.46 The LVMF text was written prior to the construction of any of the emerging Blackfriars tall building cluster, which has brought coherence⁶⁹². The NT and the ITV and IPC towers (now South Bank tower) are mentioned in the view. The Visual Management guidance states “*Development proposals must show how they contribute to the settings of spaces and buildings immediately fronting the river...*”
- 9.47 Of the current view of the southern side of the river, the Grade II* listed NT and river dominates the foreground, while the Blackfriars cluster dominates the middle ground. There is a welcome and extensive break in the urban fabric between the Blackfriars vertical cluster and the horizontal strata of IBM and the National Theatre, which announce the start of the South Bank’s parade of listed riverside buildings. This break in the relentless urban density either side is essential for the composition, and for the legibility and hierarchy of buildings. It is composed of Bernie Spain Gardens, Gabriels and Princes Wharf, and the lower studio podium of the former ITV buildings. It provides space and calmness, essential for the well-being of local residents but which visitors and workers also value, evidenced by the number who linger in this urban break. Standing alone in this break in the urban fabric is the current “*crisply detailed*”⁶⁹³ 25m wide point block ITV tower (now in a deliberately sorry state), clearly lower than the cluster and set apart.
- 9.48 However, being twice the height and triple the volume of the Grade II* listed NT or Grade II listed IBM, and appearing from either assessment point as several times fatter than any of the tall buildings in the cluster, the proposed two tall buildings would merge into a confused abandon of blocks. They would appear the most bulky quantum of development in the

⁶⁹² CD8.03 (Black Proof) 7.28

⁶⁹³ CD6.10 (SBCA) pg 28

view, and would dominate the middle ground. They would definitively not “contribute to the settings of spaces and buildings immediately fronting the river” - indeed the existing space would be completely filled by their colossal bulk, and the listed buildings rendered submissive.

- 9.49 The applicant claims that the proposed riverside tall building “would relate to the lower datum of singular cultural buildings lining the Queen’s Walk”.⁶⁹⁴ This is palpably untrue. In the verified view from assessment point 15B.1⁶⁹⁵ the proposed riverside building would appear much taller and more substantial than IBM or NT in the foreground, or the Oxo tower and Sea Container’s House further back. The real height of the terraces of the NT and IBM reach to 25m; the NT’s vertical flytower rises to 47m; the IBM equivalent rising to 39m: all are far below the proposed riverside tower rising its full bulk to 60m. From assessment point 15B.2 at the centre of the bridge all of these negative elements would worsen⁶⁹⁶: the proposed towers looming bulk would dominate the view, diminish the NT and simply belittle the listed IBM building. This is not “contributing to the settings of spaces and buildings immediately fronting the river”, it is simply filling in that space and sky, smudging into the Blackfriars cluster, and creating the appearance of a wall of riverside development. The view at night could be worse still⁶⁹⁷, with the internal office lighting of the tall buildings spilling out of the ubiquitous glazing, again diminishing the imaginative external lighting of the NT’s two flytowers.
- 9.50 The LPA failed to even consider this LVMF view in the officer’s report to Committee or its voluminous Addendums⁶⁹⁸. For this Inquiry Mr Black considers the appearance of merger of the tall buildings with the Blackfriars cluster as a “positive contribution”.⁶⁹⁹ This is odd. The site is definitively not part of the cluster. In fact it is exactly midway between the Blackfriars cluster and the Waterloo cluster, located in that part of the South Bank which has the welcome break from the super-density of either cluster of tall buildings. So why would the optical illusion of “the proposal reading as an outlier to the Blackfriars tall buildings cluster”⁷⁰⁰ be positive? It both renders the city less legible, and turns a tight cluster into an apparently sprawling riverside wall of development.

River Prospect 17B: Golden Jubilee/ Hungerford Footbridges

- 9.51 The Hungerford Footbridge is the only bridge arriving directly in the cultural quarter, connecting the pedestrian terraces from the NT to

⁶⁹⁴ CD1.20 (THVIA) pg 94

⁶⁹⁵ ibid pg 94-5

⁶⁹⁶ ibid pg 100-1

⁶⁹⁷ ibid pg 98-9

⁶⁹⁸ CD3.03, CD3.04, CD3.05

⁶⁹⁹ CD8.03 pg 141

⁷⁰⁰ ibid

Charing Cross without crossing a road. It is used only by those wishing to enter into or traverse the SBCA.

- 9.52 From the two Assessment points at the Viewing location 17B, looking downstream *"The footbridge provides enhanced views east towards the City of London owing to its elevated position... The riverside buildings, such as Shell Mex House, to the left, and the Royal Festival Hall to the right, frame the view. The dominant element in this view is the expanse of the river, which forms a very wide foreground and middle ground. Waterloo Bridge, and trees on the Embankment, are significant elements of horizontality"*⁷⁰¹
- 9.53 Landmarks identified include NT and the RFH, and the Visual Management guidance states *"There are opportunities for additional development in the background if it is of a high quality, and if it makes a contribution to the existing characteristics and composition of the view. In particular, proposals for tall buildings in the Waterloo Opportunity Area should be designed to relate to and strengthen the composition of the group of buildings in the middle ground on the South Bank without overpowering other elements of the view or harming the setting of the Royal Festival Hall or the National Theatre."*⁷⁰² (my emphasis)
- 9.54 The applicant admits that the proposal would appear as two separate tall buildings.⁷⁰³ The riverside tall building would appear to stand alone as if on a promontory into the river, a solid cube with limited balconies, taller than the NT flytower, overwhelming the generous terraces of IBM and the NT. The southern tall building would appear at twice the height, lowering over the listed Lasdun buildings, diminishing the flytower of the NT. It would almost completely obscure views of both South Bank tower and the sliver of One Blackfriars, the apex of the Blackfriars cluster. It would heavily emphasize the vertical and give the false appearance of being part of the Blackfriars cluster. The existing characteristics and composition of horizontality with the solid cuboids of the flytowers atop would be overwhelmed by this vertical emphasis. These dominating glass office buildings would diminish the concrete national public buildings. The C20th Society are categorical that *"the proposed scale and mass of the development means that it would overpower the Lasdun buildings and cause harm to the setting of these listed buildings."*⁷⁰⁴
- 9.55 This was another LVMF strategic view which the LPA failed to report on to the Committee. Again Mr Black backfills by suggesting that it should be taken as a positive that the proposal would read as part of the Blackfriars cluster. And since the cluster is already the backdrop to the listed Lasdun buildings, this addition can only be 'neutral'⁷⁰⁵. He overlooks the fact that the proposal is nothing to do with the cluster, that the apex of the cluster

⁷⁰¹ CD6.32 (LVMF) 298-9

⁷⁰² ibid 304

⁷⁰³ CD1.20 (THVIA) pg 104

⁷⁰⁴ CD9.05, 102

⁷⁰⁵ CD8.03 pg 146

is half a mile from the NT - after all, it is referred to as the Blackfriars cluster, not the Blackfriars to Waterloo Bridge sprawl. In fact the proposal is on the site adjacent to IBM. This adjacency would be evident to anybody looking from this LVMF strategic viewpoint.

River Prospect 20B: Victoria Embankment between Waterloo and Westminster Bridges - Cleopatra's Needle

- 9.56 The strategic viewpoint around Cleopatra's Needle provides the best view of the South Bank Conservation Area in its entirety. The Landmarks identified in the LVMF include Waterloo Bridge (II*), Royal National Theatre (II*), Royal Festival Hall (I), The London Eye, Golden Jubilee/Hungerford Footbridges - all within the SBCA - and the Shard. *"The view is of a series of post-war object buildings, mostly with a strong horizontal massing in contrast with the Shell Tower... The London Eye and the ITV tower, though towards the periphery of the view, are strong visual elements in the wider townscape".*⁷⁰⁶
- 9.57 The Visual Management guidance states that new development within the OA in the view *"respects the heritage assets in this view and their settings and does not compromise or dominate the composition of the landmark buildings that characterise the South Bank".*⁷⁰⁷
- 9.58 The characterization of the South Bank is set out at length in the Conservation Area statement and Mr Dillon's Proof. Behind a broad pedestrian avenue of trees lie major public buildings, terraces and walkways with a strong horizontal emphasis, in concrete or Portland stone, interspersed with occasional vertical elements such as the NT flytowers; behind this behind the spine route are two clusters of tall buildings at Waterloo (137m) and Blackfriars (170m), with only the lower ITV tower (88m) in between, and another standalone tower approved for Doon St. All of these existing or permitted tall buildings are on the south side of Belvedere Road or Upper Ground (the 'Spine Route') apart from the ITV tower, which is only just on the north side of this historical route.
- 9.59 The proposed tall buildings would appear much taller, bigger and bulkier than any of the major public buildings, or anything on the river side of the spine route. They are vertical. There are no public terraces, just private balconies. They don't look like public buildings, but commercial offices. They are primarily glazed. They do not preserve the setting of this basket of heritage assets, filling the sky behind the Lasdun buildings, the proposed Southern tower being 23% taller and over 40% fatter than the *"strong visual element"* of the existing ITV building, blocking views of the Shard. Their over-inflated bulk is at odds with the sleek modernist Grade II* listed Waterloo Bridge. And viewed from Cleopatra's Needle, even in the cumulative view, they would appear as neither part of the Blackfriars

⁷⁰⁶ CD6.32 (LVMF) 349-50

⁷⁰⁷ *ibid* 352

cluster nor sufficiently distant from it. They would appear an anomaly of the townscape on all counts.

- 9.60 Yet again, the LPA failed to provide any assessment when recommending approval to their planning committee. Yet again backfilling, Mr Black bizarrely claims that the 109m South tower “reads as low and horizontal”⁷⁰⁸. Such a claim couldn’t even apply to the riverside tower, which is 35m above the NT’s upper terraces. Mr Black claims that the “proposal strengthens the [Blackfriars] cluster... The consolidation of the cluster as a grouping of tall buildings will be beneficial in the view in relation to the landmarks as the current backdrop is somewhat incoherent”.⁷⁰⁹ This is nonsense. In the existing view of the cluster from Cleopatra’s Needle⁷¹⁰, South Bank tower and One Blackfriars appear as a separate coherent grouping leaving a clear gap of sky between the cluster and the start of the South Bank Conservation Area’s collection of modernist buildings. The riverside tower would fill the gap completely, creating incoherence. The proposal would be very prominent, dominating and diminishing the Lasdun Landmarks simply through being out of scale. The applicant meanwhile claims that the proposed tall buildings would appear as two buildings. This is palpably not the conclusion to draw from the THVIA.⁷¹¹
- 9.61 The point has frequently been made that views are kinetic. I have seen people observing and taking pictures from these assessment points, but it is right that for many of us going about our daily business views come and go as we move. The implication of the point is that we shouldn’t be too fixated on the assessment points.⁷¹² In fact the opposite implication should be drawn. In order to assess multiple kinetic impacts, which would take forever, we have agreed through the London Plan key points to test, which are intended to cover the range within the strategic view of a Strategically-Important Landmark. For example, there are glorious kinetic views of St Paul’s moving between LVMF views 20A and 20B along the Victoria Embankment, around the RAF Memorial. These views of St Paul’s would be obscured by the riverside tall building proposed. But they are not explicitly protected as Assessment Points, and no verified view of the proposal is provided. Mr Black points out a ‘magical glimpse’ of Big Ben from the northern head of Blackfriars Bridge and a glimpse of the Elizabeth Tower of Westminster Palace from around the Temple Gardens, and judges the development would obscure both views⁷¹³, but neither are available from the Assessment Points.
- 9.62 It is precisely because of the kinetic nature of much of our experience of views that potential negative impacts on our agreed points of Assessment

⁷⁰⁸ CD8.03, pg 160

⁷⁰⁹ CD8.03 pg 158

⁷¹⁰ CD1.20 pg 102

⁷¹¹ CD1.20 pg 103

⁷¹² e.g. Mr Black CD6.03, 6.159

⁷¹³ CD8.03, 6.12-3, Fig 12-4

should be taken very seriously as evidence representing a potentially much more widespread impact on the strategic view.

Conclusion on strategic views

9.63 The LVMF views make a significant contribution to the legibility of London at a strategic level, and the LP Policy HC3 and HC4 require the protection of their composition and character. The LPA failed when advising Committee with regard to LP Policy HC3 (A) by not providing any assessment for three of the five views affected. The belated assessment of Mr Black is clearly backfill, littered with spurious claims. The composition and character of the South Bank is unique and remarkably consistent, as are the LVMF views of it. The application breaches guidance on each of the five views assessed. It fails these LP policies.

Heritage impacts

St Paul's Cathedral (Grade I)

9.64 The supplementary views provided for the Inquiry evidence that the Betjeman view of St Paul's and the NT from Waterloo Bridge is not impacted. The key impact on St Paul's is to the strategic view from Westminster Pier. The applicant agrees that the viewpoint is very popular with visitors, residents and workers, and that this exceptionally important landmark has a high sensitivity.⁷¹⁴

9.65 As set out above, Historic England is of the view that this proposal would create a canyon, contrary to policy. This would cause less than substantial harm.

9.66 The applicant and LPA disagree with each other on this: the former claims there is already a canyon, the latter that no canyon would be created.⁷¹⁵ They both clutch at straws. The double tall building development creates a canyon, by definition. Mr Clemons concludes that the ability to appreciate the architecture and scale of this Strategically-Important Landmark would be significantly affected, resulting in a high level of less than substantial harm. We concur.

National Theatre and IBM

9.67 I have already set out the harmful impacts to the strategic views from five protected LVMF viewing points. In each of these the setting of the NT is harmed. From the Blackfriars Bridge viewing point the view of the NT is obliterated. From both Hungerford footbridge and Cleopatra's Needle the

⁷¹⁴ CD1.20 pg 110

⁷¹⁵ See above

riverside tall building would jut out as if on a promontory into the river, a solid cube with limited balconies, taller than the NT, overwhelming the generous terraces of the NT. At over twice the height, the southern tall building would lower over the listed Lasdun buildings, diminishing the monumentality of the NT. It would make a negative contribution to the setting of these riverfront buildings. Along the northern half of Waterloo Bridge the height and massing of the proposed development would be out of scale with the NT (and IBM). From the north end it would dominate the view south east, diminishing the NT. From the centre it would appear the dominant building, with the Olivier and Lytleton flytowers subordinate, and the IBM tower subordinate to both.

- 9.68 There are various other views of the proposal within the setting of the NT along the 1.5 mile stretch of the Victoria Embankment, which, as Mr Dillon sets out, all demonstrate some level of harm.⁷¹⁶
- 9.69 Mr Black for the LPA considers these '*distant*' views less important "*because distance diminishes the ability to appreciate the architectural sophistication of the buildings or materiality*"⁷¹⁷ He proposes other assessment points closer to the building where the significance of the NT can be appreciated. Most of these were not provided in the application. How the LPA assessed the impact on the NT without these remains unexplained.
- 9.70 Fortunately Mr Filskow has provided some of them for the Inquiry.⁷¹⁸ Going further south from the centre of Waterloo Bridge, the development increasingly looms over the NT and IBM in the view.⁷¹⁹ Mr Black provides the Vu city model of the classic view of the NT from when the bridge first sails over the Queen's Walk (and for the first time St Paul's is revealed down to the balustrade), which shows the scale of the proposal overpowering the NT and IBM.⁷²⁰ Mr Black argues that the bold symmetry of the listed buildings and their coherence and robustness can withstand such major increases in bulk and mass since they are "*calm, banded and recessive*"⁷²¹ - Mr Black's characterisation of beauty. But it is the sheer incongruity of scale, materials, design and use which causes harm: after all, the Secretary of State considered the infamously robust Tower of London would be undermined by a slim Tulip in the background.
- 9.71 The applicant provides the alternative defence, that the "*layered composition, horizontal expression and terracing would clearly relate to the architectural language*" which would bring it "*into the ribbon of key buildings which make views to the South Bank so memorable of the NT and IBM*"⁷²². But this is to express "ignorance of the principles on which

⁷¹⁶ CD9.05 94-7

⁷¹⁷ CD8.03, 6.120

⁷¹⁸ CD10.15, CD10.16

⁷¹⁹ CD10.16, PO1, PO2, (PO3 obscured by tree cover)

⁷²⁰ CD8.03 Fig 43

⁷²¹ CD8.03 6.99, 6.128, 6.107

⁷²² CD1.20 pg 42, 94

the NT is based"⁷²³ and its significance: its 'urban landscape' of terraces connecting directly with the surroundings; its location commanding the bend of the river, responding - as the embodiment of our nation's most prized cultural asset - to the dome on the hill and the former palace across the river: *"The massing of its flytowers must continue to be the dominant feature of views from the adjacent bridges. This would no longer be the case if the proposed scheme went ahead. The proposals would reduce the National Theatre from a public landmark, and architectural masterpiece, to one of a so-called 'ribbon of buildings'"*.⁷²⁴

9.72 The National Theatre themselves consider this harm substantial.⁷²⁵ This is a high bar, but to be reduced from a national architectural masterpiece to a mere part of a 'ribbon of buildings' is a heavy declension, and we agree the harm is substantial. The NT also object to the inadequacy of the environmental information regarding noise during construction impeding the delivery of their internationally renowned cultural operations from the listed building, contrary to paragraphs 93 and 187 of the NPPF, and propose additional conditions.⁷²⁶

9.73 This appraisal equally applies to the group value with the IBM building according to Historic England: *"The cohesive sculptural forms created by the complementary National Theatre and IBM building would be dominated by the disproportionate scale and massing of the proposed new buildings and would diminish their presence on the river. Historic England considers this to cause some harm to their significance."*⁷²⁷

South Bank Conservation Area (SBCA)

9.74 Besides the Lasdun buildings, the development also harms the setting of the Grade I listed RFH and of the Grade II* listed Waterloo Bridge, a sleek modernist masterpiece oft overlooked due to its humble everyday usefulness. The harms are caused by obscuring or blocking existing fine views of the heritage assets, or by the incongruous juxtaposition of the bulky proposal with the RFH or Waterloo Bridge. These multiple harms can be seen from many of the proposed views in the HTVIA, particularly views from Hungerford Bridge, Cleopatra's Needle, and Victoria Embankment/ Temple Gardens.⁷²⁸ They are detailed by Mr Dillon⁷²⁹ and each harm contributes to the overall harm to the Conservation Area.

9.75 The South Bank Conservation Area is unique. It contains an extraordinary collection of listed buildings, but is more than a sum of its parts, with the

⁷²³ CD9.05, 94

⁷²⁴ CD9.05, 125

⁷²⁵ CD11.19: 2.5.2, 2.6

⁷²⁶ CD11.19 sections 5,6,7

⁷²⁷ CD4.10 pg 24

⁷²⁸ CD1.20 views 2, 7, 7A, 16, 17, 18

⁷²⁹ CD9.05 para 116-125

public spaces between buildings bringing a communal cultural sensibility. This was planned. It continues to evolve, such as NT Future project changes⁷³⁰, or the introduction of the London Eye, but always within that sensibility. The South Bank Conservation Area Statement states that *"Most buildings ... are post war, monumental in scale yet relatively low in height, they typically have a linear character and are set within plots each easily distinguishable... The area is highly legible from across the Thames and thus makes a city-wide contribution"*.⁷³¹

- 9.76 The GLA consider that *"the proposed building would become the dominant element on the South Bank"*, would *"distract the eye from its listed neighbours on the South Bank"* and *"would result in loss of sky and sense of spaciousness to the view of the riverside."* It would therein cause harm.⁷³²
- 9.77 The applicant cannot but agree that the proposal would be visually prominent and change the South Bank frontage, but argues that the high quality responds to the particular character of the South Bank Conservation Area .⁷³³ How? Are they national civic buildings? No, they are private office buildings. Are they lower and horizontal in form? No, they are two tall buildings. Do they merge into the landscape with the use of connected terraces? No, they rise above it. Are they are materially of modernist Portland stone or exposed concrete? No, they are primarily glazed frontage. Do they provide generous public spaces all around? No, merely a couple of metres to the riverside and Upper Ground. Are they subordinate? No, they would be visually prominent, the dominant element, more or less visible in every view.
- 9.78 The applicant claims that the two tall buildings would bring urban coherence to their part of the South Bank Conservation Area ⁷³⁴, yet at the same time state that they would often appear at times as part of the Blackfriars cluster of tall buildings, and at other times would appear part of "a ribbon of buildings" on the river. But the Blackfriars cluster is 300m from the nearest edge of the South Bank Conservation Area: the proposals would not bring coherence, but confusion and a sense of the ubiquity of tall buildings encroaching into the South Bank Conservation Area. The existing arts complex of civic buildings at the heart of the South Bank Conservation Area do not form a 'ribbon': the civic buildings (NT, RFH, BFI, Queen Elizabeth Hall, Purcell Rooms, Hayward Gallery) are in a deep cultural partnership, conjoined around the river's bend by terraces connecting multiple entrances horizontally, with large public spaces all around (Theatre Square, Festival Square, Jubilee Gardens, the Queen's Walk). Viewed from the north on the Victoria Embankment the distance from either tall building cluster would be perfectly evident, and there would be a gruesome incongruity between the tall buildings to the low

⁷³⁰CD9.05 128

⁷³¹ CD6.10, 2.13

⁷³² CD4.02 para 51

⁷³³ CD1.20: 6.15

⁷³⁴ CD1.20 pg94

buildings of Princes Wharf evident in HTVIA view 7. Even Mr Black admitted some harm to the Conservation Area from this stark juxtaposition.⁷³⁵

- 9.79 The scale, the height, the massing, the design, the materials, and most especially the front-loading of the development simply has no relationship with the South Bank Conservation Area other than incongruity. The relationship of the 60m riverside commercial tall building to the Queen's Walk and river would be like nothing else in the Conservation Area, and more like the riverside walk at the Vauxhall Nine Elms Battersea (VNEB) Opportunity Area. The kinetic experience of the Queen's Walk would be transformed by this overbearing glazed office frontage lowering over the public realm, dwarfing and overshadowing the trees and Queen's Walk gardens. Being far and away the single largest development in the South Bank Conservation Area, it substantially and unarguably harms the significance, legibility and character of the Conservation Area.

Roupell St Conservation Area

- 9.80 Historic England set out that the "*Roupell Street Conservation Area, situated to the south of the site, remains one of the best areas of late-Georgian working-class housing in south London*".⁷³⁶ The Conservation Area statement emphasizes "*Small scale townscapes of traditional housing of this nature are extremely sensitive to the impact of tall buildings. Not only the setting of the conservation area but also the amenity and outlook of its residents can be adversely affected by tall buildings. The existence of tall buildings should not be used as a justification for further intrusive or harmful development.*"⁷³⁷
- 9.81 Historic England, the LPA and the Rule 6 parties all agree heritage harm from its impact. The existing point block would be replaced by a building 23% taller, twice the width in its appearance above the roofs of Theed St, and much busier, with four elements hanging off a central core. Historic England consider it "*would further detract from the small-scale intimacy of the conservation area, causing some harm to its significance*".⁷³⁸ The proposal will be more visually dominant and draw the eye despite a '*particularly characterful street*' admits Mr Black.⁷³⁹

Somerset House

- 9.82 Somerset House is listed Grade I and is one of the most important Georgian public buildings in Britain characterised by remarkable stylistic

⁷³⁵ CD8.03, 6.158

⁷³⁶ CD11.08, 14

⁷³⁷ CD6.07, 4.7

⁷³⁸ CD4.10, pg 25

⁷³⁹ CD8.03, 6.138

unity, planned around a single large courtyard. Looking south from within the courtyard the sense of enclosure from the modern city is complete, with no intrusion above the roofline. This is increasingly unusual in central London bristling with tall buildings.

- 9.83 The proposal would intrude and break the spell. The symmetrical composition would be interrupted. As Historic England commented, this could be easily avoided with minor design changes.⁷⁴⁰ Historic England, the LPA and Rule 6 parties are agreed there is heritage harm.
- 9.84 Only the applicant disagrees: yes, it's in the view, but only a very little bit, and there's plenty else in the courtyard to draw the eye so you won't notice, and Doon St would make a much bigger impact⁷⁴¹. This is trivialising whataboutary. Yes, Doon St would also encroach on the asset: but it hasn't been built after 15 years, and there's a good chance it may never be. The landowner CSCB are not property developers. They are prohibited from developing the land for commercial gain. They cannot sell it. The fact of the potential encroachment of Doon St is the potential unintended consequence of balancing a harm against a benefit. It doesn't give cover for approving other encroachments, or mitigate the harm of this proposal's encroachment.
- 9.85 The proposed southern tall building encroaches into the view - in a very asymmetrical way - and as such does heritage harm, quite unnecessarily, with no clear and convincing justification for why it can't be just a few metres shorter or less wide. There is a wilful lack of special regard to the desirability of preserving the setting of Somerset House and its outstanding feature of historical and architectural interest. Somerset House is an irreplaceable resource of the highest importance, and great weight should be given to its conservation.

Conclusion on heritage harm

- 9.86 The two proposed tall buildings cause a multitude of heritage harms to a large number of heritage assets of the very highest kind - local, regional, national and international. The harm ranges from the low end of less than substantial - but of assets of great importance - to substantial harm to the SBCA and international NT. The harm is largely due to the outlandish scale of the proposals, which creates an incongruity exacerbated by inappropriate design, and emphasises the inappropriate single use of 100% of the development visible in all the settings harmed in the most important cultural quarter and urban pedestrian area in the country.

Heritage benefits

- 9.87 The existing studios are considered to have a negative impact on the South Bank Conservation Area and so their removal would be a benefit.

⁷⁴⁰ CD4.10, pg 27

⁷⁴¹ CD10.07, 4.35-9

However, since the proposed replacement would be a significantly greater harm, and since the general principle is not to demolish a building in a Conservation Area without approving its replacement, the removal of the studios in these circumstances turns out to be of no benefit whatsoever.

- 9.88 The public realm benefits stretch to a new east-side route to the riverside, an improved west-side route, a relatively modest public space at the north east corner of the site, and the greening of all of these. This would be in keeping with the public realm and almost complete pedestrianisation of the South Bank Conservation Area. It doesn't begin to outweigh the multiple heritage harms identified.

The effect of the proposal on the townscape character and appearance of the area (design)

- 9.89 Most of the impacts which are considered unacceptable or unnecessary and objectionable by SOS are related to issues of design, including tall buildings. The Inquiry heard from Mr Boys Smith that there is a growing emphasis in planning policy on good design, design quality, beauty and placemaking. There is new design focus in the NPPF in paras 126-129 and 134, which partly emanates from the '*Living with Beauty*'⁷⁴² report of the Building Better Building Beautiful Commission which Mr Boys Smith co-chaired. The London Plan prioritises some of these themes, such as the design-led approach to optimising sites of LP Policy D3, but also policy on tall buildings.
- 9.90 Mr Boys Smith presented a wealth of research and evidence that good design is not subjective, that it can be measured, and that some core findings of research is that green is good for both mental and physical well-being; that gentle density can optimise between well-being and sustainability; that tall buildings can be part of the city or a city apart, with the most malign elements occurring where high rise meets low rise; that façades impact behaviour and edges matter, enabling sociability and walkability; that place satisfaction matters for happiness and mental health, and that '*people consistently prefer moderate levels of visual complexity but also tend to like inherent order*'⁷⁴³, which Mr Boys Smith dubs coherent complexity, involving coherence, complexity, identifiability, and mystery; that spatial enclosure and height to width ratios are particularly important in the public realm; that mixing up land use works; and that better places create financial as well as social value. The design was strongly critiqued by the two un-concluded Design Review Panels, including some of the issues highlighted below. I will return to this later with regard to design process and policy compliance, and will do likewise with the issue of tall buildings. Aside from these areas, Mr Boys Smith assessed the shortcomings of the design:

⁷⁴² CD6.43

⁷⁴³ CD9.03, 4.5.5, 4.5.8

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- The building is monumental and coarse-grained, failing to break up the site, and obscuring the setting of what is already there⁷⁴⁴
 - It's identity close or far has no reference to the context of the South Bank, the river or London
 - The proposals are of an overwhelming scale, with a floor/site area ratio of 8.74, which is completely out of kilter with the SBCA, the NT having a ratio of 2.73 and IBM (post extensions) of 3.21⁷⁴⁵
 - The proposals create an inhospitable cliff edge along Upper Ground, with a height to width ratio of 1:0.15⁷⁴⁶
 - The design accentuates the bulk and mass of the building along its main public edges, on Upper Ground and the Queen's Walk, rather than the tall element being set back on a podium, exacerbating microclimate issues and overshadowing⁷⁴⁷
 - Meanwhile, the entrances are not clearly marked through the architecture and are located to the side of the building, not facing either the street or the Queen's Walk and river, undermining coherence and visual logic⁷⁴⁸
 - The designers proclaimed 'unique typology of building form adopts a ziggurat type form by visually stacking horizontal blocks, eschewing the context of a slender point block as existing or as the Hopkins scheme'⁷⁴⁹
 - The stack of abstract rectilinear boxes is attention seeking rather than deferential to its listed neighbours and fails to respect the predominant datum along the river front⁷⁵⁰ and has no relationship whatsoever with the well-regarded Iroko housing across the road⁷⁵¹; it compares unfavourably with its reference, the Interlace in Singapore, which is bounded by forest and roads, rather than very popular public spaces and heritage assets⁷⁵²
 - The design team muddle public realm, public space, and open space⁷⁵³ (each defined separately in the LP and LPG⁷⁵⁴); the public space is not a defined square with edges, would not create 'quiet and intimate spaces' and only amounts to 6% of the site⁷⁵⁵; the rest of the public realm is necessary and welcome permeability as well as access and egress to the main entrances on the sides of the building, with overhanging forms intruding⁷⁵⁶
 - Most of the public realm is hardstanding, and the greenery is minimal - the public greening fares poorly in comparison with the ambitions for the Queen's Walk Gardens or with the publicly inaccessible 6th floor terrace, contrary to NDG for well-designed places⁷⁵⁷

⁷⁴⁴ ibid 5.3.2 and image pg 34

⁷⁴⁵ ibid 5.4.3

⁷⁴⁶ ibid 5.3.1 and diagram pg 32

⁷⁴⁷ ibid 5.4.3, 5.4.8

⁷⁴⁸ ibid 5.4.2

⁷⁴⁹ ibid, image pg 36

⁷⁵⁰ Ibid 5.4.5; CD9.12, 1.2

⁷⁵¹ CD9.12, 1.3

⁷⁵² CD9.03, 5.4.5-6

⁷⁵³ CD9.12, 1.4

⁷⁵⁴ CD6.02 glossary and CD14.25 glossary

⁷⁵⁵ ibid pg 44 plan; CD9.12, 1.1

⁷⁵⁶ ibid 5.5.3

⁷⁵⁷ ibid 5.2.1, 5.5.2

- The proposals negatively impact on the Queen's Walk, overhanging, overshadowing, overbearing
- Extensive dead frontage of staircases, fire escapes, cores and servicing fail to animate the length of Upper Ground, do not create welcoming public space or a clear street identity⁷⁵⁸

9.91 In Mr Boys Smith's judgement, all of these shortcomings amount to a faceless, lopsided, over-heavy design which does not meet the National Model Design Code, fails the aspirations of the NPPF to create 'high quality, beautiful and sustainable buildings'⁷⁵⁹ or the LP Policies D3, D4, D8 and D9, or the LLP Policies EN1 and Q7.

The effect of the proposal on the living conditions of nearby residents in terms of daylight/sunlight and outlook

9.92 There is no disagreement among the parties about the amount of daylight in homes of nearby residents which would be lost as a result of the development. There is no disagreement about the methodology for calculation and the established industry standard when assessing schemes, in particular the BRE guidance 'Site Layout Planning for Daylight and Sunlight'. But there is very great disagreement as to the acceptability of that loss. Why is this?

9.93 Access to natural daylight in everyday life is a birthright of every human being for mental and physical health. It's not something that can be compromised without having a long-term deleterious effect. The Inspector at 8 Albert Embankment noted "*Evidence that links daylight levels with human health, including mental health and disease resistance was referred to by LV [Lambeth Village R6], and is more than anecdotal. Material reductions in daylight should not be set aside lightly*".⁷⁶⁰

9.94 At all levels of policy there is a reasonable expectation that in normal circumstances the residential amenity of existing residents should not be adversely impacted by loss of daylight. This is particularly true where residents have little or no choice as to where they live and the daylight and sunlight that they receive, as is the case for many residents of social housing. This point was accepted by the Secretary of State at 8 Albert Embankment, the most recent called-in decision to major on daylight, who "*attache[d] very significant weight to the harm to the occupiers of these two properties*"⁷⁶¹, social housing properties about which the Inspector had concluded: "*Some of the affected accommodation around the appeal site houses families with vulnerabilities, who have little choice about where they live. ...I attach very significant weight to the harm to the occupiers of these two properties.*"⁷⁶²

⁷⁵⁸ *ibid* 5.6.1, 5.7.2

⁷⁵⁹ CD6.01, 126

⁷⁶⁰ 8 Albert Embankment IR 757 in Cosgrave CD8.04 Appendices pg 532

⁷⁶¹ *ibid*: DL 26 in CD8.04 pg 369

⁷⁶² *Ibid*: IR 757, 759 in CD8.04 pg 532-3

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- 9.95 Social housing tenants have no recourse to Right to Light or financial compensation for harm caused to the properties in which they reside, and they rely upon the planning process to protect their amenity. In planning policy, the NPPF recognises the importance of daylight and sunlight in providing acceptable living standards. LLP Policy Q2 Amenity attempts to avoid poor outcomes by protecting visual amenity, privacy, overlooking, daylight and sunlight, noise, and amenity space. The BRE guidance is referenced within that policy; the BRE guidance was comprehensively revised in 2022.
- 9.96 The BRE guidance states that 27% VSC would normally provide enough daylight in a standard room. It is recommended that any reduction below this target value should be kept to a minimum. Furthermore *"if the VSC, with the new development in place, is both less than 27% and less than 0.8 times its former value, then the occupants of the existing building will notice the reduction in the amount of skylight"*.⁷⁶³ So the aim is also to avoid anything over a 20% reduction in daylight to existing dwellings.
- 9.97 Dr Littlefair, author of the BRE guidance, gave evidence to the Inquiry regarding 8 Albert Embankment, pointing out: *"Where the loss of daylight does not meet the guidelines in the BRE report, the impact is assessed as minor, moderate or major adverse... [But] a minor impact can still be seen as significant."*⁷⁶⁴ He went on to cite a recent case where the daylight impact was minor adverse but the Inspector concluded it would cause significant harm. From the applicant's evidence⁷⁶⁵: 41 windows of 41 rooms in the Iroko housing block would suffer losses of over 20%, affecting 17 co-op homes, all breaching BRE guidelines and classified as adverse. The majority of windows (28) are classified major adverse, with losses between 40% and 63.8%. 5 windows would lose 30% - 40% (moderate adverse) and 8 windows would lose up to 30% of their existing daylight (minor adverse)
- 9.98 This is a slightly more widespread major adverse impact than that considered unacceptable at 8 Albert Embankment, where 24 windows were considered major adverse. However, the retained daylight in all but one of the windows in Iroko is considerably worse than that considered unacceptable at 8 Albert Embankment, where the lowest retention was 16.6% VSC. At the Iroko homes only one of the 41 windows is left above that (with 17.7%), the rest far below: 27 out of 41 rooms (i.e. two thirds) are left with less than 10% VSC. The worst are reduced by 64% from an inadequate current VSC of 18.9% to the miserable gloom of 6.8% VSC, leaving the room to receive only a quarter of what is deemed sufficient in the BRE guidance.
- 9.99 Thirteen co-op homes would suffer the worst major adverse impact. It is our lived experience that in these cases the retained levels of light would not be enough to maintain acceptable living standards. The major adverse

⁷⁶³ CD6.38, 2.2.7

⁷⁶⁴ CD9.10j, 3.18, 3.20

⁷⁶⁵ CD10.12d

impact is demonstrably worse than that at 8 Albert Embankment. This contravenes the NPPF.

- 9.100 The BRE guidance for Environmental Impact Assessments (Appendix H) states that *"Factors tending towards a major adverse impact include a large number of windows or large area of open space are affected, the loss of light is substantially outside the guidelines, all the windows in a particular property are affected and the affected indoor or outdoor spaces have a particularly strong requirement for skylight or sunlight e.g. a living room in a dwelling or a children's playground."*⁷⁶⁶ All four of these criteria are in play: there is a major adverse impact to the Iroko co-op block. This development would not protect residential amenity, and threatens the mental and physical health of over 50 people, including children.
- 9.101 The BRE guidance was comprehensively revised in 2022. Nevertheless the applicant and the Council continue to seek ways to sidestep or belittle the guidance. They suggest that the BRE guidelines were developed for suburban conditions and should be therefore interpreted much more 'flexibly', by which they mean that their targets should not be taken seriously. They know that the premiss is not true. The judge in Rainbird commented *"There is in fact nothing in the BRE Guide that states that this value in the VSC guideline is derived from a suburban development or that indicates that its guidelines are only applicable to developments outside an "inner city urban environment", much less only to those in non-urban locations"*⁷⁶⁷
- 9.102 The author of the BRE guidelines, Dr Paul Littlefair, has given evidence in numerous cases, including to the 8 Albert Embankment Inquiry, explaining clearly that they were not developed for suburban conditions specifically, that the BRE guidance (of 27% VSC) was based upon the science of what is generally required to produce a good level of daylight in a normal room. Whether someone is a city or a country dweller, a room is well-lit or not well-lit, or something between. If the argument is that city-dwellers in general have less access to adequate light in their homes due to increased densities, it begs the question of whether access to basic daylight in homes shouldn't be considered more important in an urban area than in a suburban area? In any event, there is no planning policy which supports a different level of amenity or expectation between city and country dwellers.
- 9.103 In fact the area isn't abnormally dense for central London, and the flats in Iroko and Mulberry on Upper Ground have good daylight, as do residents in Redwood (Oxo tower), Palm (beside Bernie Spain), as do residents further away such as in South Bank tower or the listed Georgian terrace on Stamford Street. This is partly the result of good planning and good design. Iroko, Mulberry and Palm were designed to the existing ITV tower, and in the expectation that other development would come forward. South Bank tower and the White House were office conversions designed to

⁷⁶⁶ CD6.38, Appendix H, para H7 pg 92

⁷⁶⁷ Rainbird 112 in Cosgrave Proof CD8.04 Appendix 5 pg 123

provide good light and not to impact further on neighbours by not getting fatter by extensions (which were vertical instead).

- 9.104 The context is the current situation are the homes at Iroko, Mulberry, Palm, Stamford St, South Bank Tower, the White House. The applicants have provided figures for the existing daylight for the most affected properties: they show that currently a third of 43 Mulberry (Upper Ground) windows currently exceed 27% VSC; half currently enjoy between 20% and 27% VSC; a sixth of the windows are currently just below 20% VSC, a quarter of Iroko (Upper Ground) windows currently exceed 27% VSC; two fifths are currently between 20% and 27% VSC; a third are below 20% VSC Both Mulberry and Iroko have flats facing in other directions where current daylight is likely to be generally better, Palm faces west on Bernie Spain Gardens, so enjoys good daylight currently South Bank Tower and the White House are tall buildings with generally good daylight.
- 9.105 This isn't a context Mr Webb wants to explore. Instead he cites cases elsewhere in different contexts. Hobart House is at the very centre of the designated Vauxhall tall buildings cluster, with the 190m Vauxhall tower immediately SW and two towers over 150m currently being constructed to the south⁷⁶⁸. It is a 50m high element among a series of connected buildings at St George's Wharf approved in 2001. It faces east onto 8 lanes of the Vauxhall gyrator y, beyond which is a large tract of land cleared and grassed as open space by the GLC in 1985. Hobart House was designed with relatively small windows to minimize the traffic impact while able to enjoy reasonable daylight from the open space opposite. Proposals for two towers up to 142m on that open space were supported by Lambeth but called in by the Sec of State in 2019. At the subsequent Inquiry there was little local opposition, and on the daylight issue, no witness to counter Mr Webb. As the Inspector commented "*No expert evidence has been produced or submitted to counter that produced by the Applicant on the matter of daylight and sunlight in apartments at St George Wharf and other buildings. There is no reason therefore not to give that evidence significant weight.*"⁷⁶⁹
- 9.106 River Court is also in the centre of a designated cluster of tall buildings, this time at Blackfriars. Permission was first granted for three tall buildings at 1 Blackfriars and 18-20 Blackfriars following a call-in in 2008. WCDG was the Rule 6 party opposing these first tall buildings permitted in the cluster. We withdrew our objections on daylight issues when we saw the daylight evidence resulting from some clever design work creating relatively slim buildings. A series of subsequent permissions has gradually increased the scale of the proposed buildings.
- 9.107 Mr Webb tries to make the familiar but discredited claim a different way. He cites an Appeal in Hertford: "*In this case, the Inspector considered that a minimum VSC value of 21.6% would be appropriate in the county town*

⁷⁶⁸ CD10.11, Fig 19

⁷⁶⁹ APP/N5660/A/112157961, IR para 117

of Hertford. It would follow that the expectation for dense urban areas and Opportunity Areas would fall below this minimum VSC value."⁷⁷⁰

- 9.108 This is an odd case to choose. Daylight was not a central issue. The daylight in question was that received by canal boats used as residences, moored nearby. The Inspector noted that *"there is no policy or guidance dealing with residential boats;... the boats can be easily required to move;...some boats have portholes: doubtless this gives a degree of natural light, but this would be far less than a conventional window... The BRE approach to VSC should be assessed 1.6 metres from ground level – but this is not possible in the case of canal boats"* ⁷⁷¹ The Inspector concluded *"Overall, because of the peculiarities of this particular case as summarised above, I find that the very limited numerical infringement of the VSC in some cases to be such that it would be difficult to allege harm to living conditions on that basis."*⁷⁷²
- 9.109 I can only presume that this is the best case Mr Webb can find to make his case. His case is not made. But Mr Webb tries again by reproducing Fig 14 from the BRE guidance - a schematic image of a dwelling to illustrate the methodology - and notes that this *"is the starting point provided within BRE guidelines from which to assess"* and concludes *"It is clear from the image [of a house] that this principle has not been developed with urban town centre locations in mind"*⁷⁷³. This is silly. You could equally take the cover image of a 30 storey tower and dense development adjacent to open water, or Fig 2, 3, or 13 which show mid-rise buildings of around 10 floors, and conclude the guidance is all about dense urban development.
- 9.110 Mr Webb then tries to characterise the BRE guidance as an ideal: *"it is well acknowledged that in [urban] situations there may be many other conflicting and potentially more important planning and urban design matters to consider other than just the provision of ideal levels of daylight and sunlight."*⁷⁷⁴ 27% VSC is not an 'ideal' amount of daylight, but an adequate one. What could be more important in planning than the mental and physical well-being of existing and future residents through the provision of adequately lit dwellings? Quoting from the Burgess Business Park Appeal - where once again there were claims that Camberwell is more 'urban' than the BRE guidance allows - Mr Webb prepares the ground for proposing an alternative target value 15%. Unfortunately the beginning of the paragraph he quotes from the Inspector's Report undermines his case: *"In terms of residual values, I do not consider that adopting a mid-teen approach to VSC would be appropriate as a test for acceptability."*⁷⁷⁵ Currently 83% of Mulberry homes along Upper Ground 'enjoy' levels of daylight of 20% VSC, a third over 27%. At Iroko two thirds of homes

⁷⁷⁰ CD10.11, 4.34

⁷⁷¹ CD12.09, para 54

⁷⁷² Ibid para 58

⁷⁷³ CD10.11, 4.45

⁷⁷⁴ CD10.11, 4.60

⁷⁷⁵ CD12.11, 445

enjoy over 20% VSC, and only 10% of the windows are less than 15% VSC.

- 9.111 Planning policy is about protecting resident amenity, and many residents in the immediate area currently enjoy an adequate level of daylight in their homes – despite the fact that the homes are close to an existing 88m high office block. In his evidence in chief Mr Cosgrove suggested 27% VSC was akin to “*back to backs in Salford*”, not high density in London - yet that is precisely what is achieved in over a third of Mulberry homes, despite their tall building neighbour. He proposed the issue in moral terms: homes developed on the boundary of their site were taking light which was not their fair share, and it would not be fair of them to expect such light. At the same time he considered that it was ‘fair’ for a wall of building 70m wide at base and rising to 109m, set back only a few metres, should reduce daylight by over 63% in the homes of tenants of 20 years standing.
- 9.112 The well-designed residential buildings at Iroko and Mulberry deliver reasonable daylight and other quality of life basics, and could tolerate judicious well-designed development. This was demonstrated by the ITV permission, which doubled the amount of development on the application site without any impact on adjacent residents. This was in this respect at least a good design. The application is not good design. It is notable that the Design Review Panel raised their concerns as far back as August 2020 about the potential impact of such a large bulky proposal on neighbouring residents’ amenity. Like much else of the DRP process, those concerns weren’t heeded.
- 9.113 The impact of the development has been demonstrated to result in an unacceptable loss of daylight and sunlight to neighbouring property. Such impact is not acceptable by the most fundamental purpose of planning as defined in the NPPF, to support strong and healthy communities and meet the social objective necessary for sustainable development.
- 9.114 The impact is the direct result of the design of the proposals. It is a function of the very fat tall building. The application should be refused by reason of its impact upon the levels of sky light and sunlight received to neighbouring properties, contrary to fundamental policy presumptions.

Whether the scheme’s sustainability and its whole life carbon assessment provide an appropriate strategy in terms of climate change mitigation

- 9.115 Besides the various harms already considered, there is another very substantial harm and policy conflict arising from this application, which concerns the effect of the proposals on the UK government’s legally-binding commitment to transition to a zero-carbon economy. We have the highest emissions reduction target set by a major economy to date. The

NPPF sets out the government’s planning policies on the delivery of sustainable development.⁷⁷⁶

- 9.116 In order to make this transition, the LP requires major applications adopt the principles of the Circular Economy, which are embedded in the designed approach to optimising site capacity, a key component of achieving Good Growth. A hierarchy of building approaches places retention, refurbishment and re-use as the most preferable option for maximising use of existing materials.⁷⁷⁷ Deciding on the best use of the land and the most appropriate form of development involves consideration of whether to refurbish or rebuild: there will be cases where the best use of land and form of development is a refurbishment, and the converse.
- 9.117 Ms Reynolds provided extensive evidence that the existing 50 year old tower lends itself to residential re-use⁷⁷⁸, and of similar projects in central London⁷⁷⁹. No physical impediment to such re-use has been suggested by any party. But MEC have not provided necessary evidence on options for maximising re-use of the existing buildings and thereby minimising the emissions of construction. The planning application includes a Circular Economy Statement (CES) which sets out a Method Statement which doesn’t include retention in the development brief⁷⁸⁰, and the issue wasn’t even considered until a late stage in the project, when re-use was dismissed as “*not considered feasible if the project brief was to be satisfied*”.⁷⁸¹ There was nothing in the Circular Economy commitments. No Pre-Redevelopment audit was provided (which considers options) but a Pre-Demolition audit was referred to (which considers demolition recycling). An ‘Existing tower reuse analysis by Make’ was said to “*exist*” but was not provided with the application.⁷⁸² There was no mention of re-use in the Sustainability Statement.⁷⁸³ The Design & Access Statement claimed that a variety of retention options were explored but these were solely regarding office use and only considered “*preserving the existing tower with extensions to the east*”.⁷⁸⁴
- 9.118 More information was released for the Inquiry through the evidence of Mr Filskow and of Mr Collinson. It emerged during the Inquiry that the ‘Strategic Development Brief’ was established by March 2020, prior to the appointment of architects or engineers; it didn’t include re-use or optioneering, and, contrary to the site designation of mixed use including residential, set a commercial office land use without considering options or Circular Economy principles⁷⁸⁵. Mr Filskow conceded that the tower could be reused and re-clad as a residential building, but this was not

⁷⁷⁶ e.g. para 152

⁷⁷⁷ CD6.02, 3.3.12

⁷⁷⁸ CD5.02, sec 4.9

⁷⁷⁹ CD5.03, sec 4

⁷⁸⁰ CD1.16 pg2

⁷⁸¹ CD1.16 pg 3

⁷⁸² CD1.16, pg 14

⁷⁸³ CD1.34

⁷⁸⁴ CD1.14, pg 192

⁷⁸⁵ CD10.03, 2.1.1, 2.3.3

investigated because it would "limit the extent of employment space possible"⁷⁸⁶ - despite the fact that the ITV/ Hopkins approval had already demonstrated it was possible to include both a residential tower on the site of the existing tower of the same proportions plus sufficient office floorspace elsewhere on the site to create a total development 98% the size of the current application⁷⁸⁷. Make's 'Existing Re-use Study'⁷⁸⁸ did not consider residential re-use options. This Study is dated Dec 2020, nearly a year into the project, and in response to the GLA draft guidance on CES⁷⁸⁹ and WLCA⁷⁹⁰ published in Oct 2020, and following the Circular Economy workshop of Nov 2020⁷⁹¹

9.119 Being in the CAZ and Waterloo OA, MEC argues that the strategic brief determined best use of this site is the maximization of grade A office, not the preferred use of the LLP site allocation for residential mixed-use. The design team therefore only explored options to retain the tower as part of an office development. This would require adding extensions to the tower to match the quantum achievable with new build. Mr Filskow claims that his design is 2,777 tonnes of carbon emissions lower than the re-use alternative.⁷⁹² But the comparison with an unpublished office-only 'Retention Scheme' which involves adding a major extension to the existing tower, with, according to Mr Collinson, all the "*inherent inefficiencies of incorporating an existing building with limited storey height into a wider scheme*"⁷⁹³: the major increase in GIA "*leads to inefficiencies in both construction and operation of the building.*"⁷⁹⁴ In short, this is a straw man comparison, created nearly a year after the project started, long after all options should have been considered and the potentially large carbon savings from re-using the tower for residential could have informed a review of the best use of the land according to the principles of LP Policy D3 and the strategic brief.

9.120 Ms Balson presented evidence that the application fails to comply with policy and guidance. No pre-redevelopment audit has been provided, as required by the CE LPG⁷⁹⁵. This is a "tool for understanding whether existing buildings, structures and materials can be retained, refurbished or incorporated into the new development... including analysis that fully explores options for retaining existing structures".⁷⁹⁶ It is also required by the WLCA LPG: "if substantial demolition is proposed, applicants will need to demonstrate that the benefits of demolition would clearly outweigh the benefits of retaining the existing building or part of the structure".⁷⁹⁷

⁷⁸⁶ D10.03, 5.2.6

⁷⁸⁷ CD9.10i, pg 3 ITV approval for 88,643m2 GIA

⁷⁸⁸ CD2.18

⁷⁸⁹ CD6.58

⁷⁹⁰ CD6.59

⁷⁹¹ CD1.16 Appx A

⁷⁹² CD10.03, 5.2.15

⁷⁹³ CD10.09, 2.3.4-6

⁷⁹⁴ *ibid*

⁷⁹⁵ CD6.21

⁷⁹⁶ CD6.21, 4.6.2-3

⁷⁹⁷ CD6.23, 3.1.3

Without this it is simply impossible to evidence that the application proposal minimizes the emissions across the whole lifecycle of the building. In term of excavation waste: LP Policy SI7 sets a target of 95% of excavation waste put to beneficial use. The two level basement proposed across the majority of the site would generate around 23-24 Olympic pools amount of soil to be removed from site and put to beneficial use. Being right beside the UK's biggest waterway should help - but we learnt on the penultimate day that the developer is so committed to cutting emissions that he can't be bothered to take the waste away by barge, instead using thousands of trucks to drive it through central London and out of town. The basement is to be constructed out of numerous concrete piles around the perimeter of the site: *"a justification for provision of this basement should be given considering the scale of additional embodied carbon incurred, waste related environmental impact, added construction energy use"*⁷⁹⁸. In term of Bill of Materials: these should be aligned across the CES and WCLA⁷⁹⁹; they are not, with discrepancies of up to 83%⁸⁰⁰. This undermines the possibility of benchmarking to reduce emissions.

9.121 Mr Collinson in rebuttal argued that the application met the requirements of the draft guidance in place at the time of the submission of the application in June 2021⁸⁰¹, and that the guidance cannot be applied *"retrospectively or require work already undertaken to be undone"*.⁸⁰² However, that does not assist MEC's case: firstly, the Inspector must consider the application against the adopted guidance as it applies today; secondly, the guidance explicitly states that *"Applicants are encouraged to keep returning to the WLC principles throughout each stage of the WLC assessment so that they continue to inform the design of the development as it evolves."*⁸⁰³ MEC have had nine months since the publication of the guidance to undertake a full and frank consideration of all options prior to this Inquiry, and demonstrate their commitment to Circular Economy principles. They have refused that opportunity, with key documents released right up to the middle of the Inquiry.

9.122 SOS's case has been questioned as wrongly interpreting policy, and that there is no requirement in planning policy to justify demolition.⁸⁰⁴ This is not our position. It is that policy requires the optimisation of sites and minimization of carbon emissions. SOS also recognises the difference between guidance and policy: guidance sets out how to assess whether a policy has been complied with; and a failure to meet guidance can be relevant when assessing whether policy is met.

⁷⁹⁸ CD9.01, 5.5

⁷⁹⁹ CD6.23, Box 4 (pg 25-6)

⁸⁰⁰ CD9.01, 5.10

⁸⁰¹ CD10.17, 2.2.6, 2.3.3, 2.3.4

⁸⁰² CD10.17, 2.1.3

⁸⁰³ CD6.23, 3.1.5

⁸⁰⁴ CD10.05, 8.6

9.123 The CES and WLCA guidance is often technical and has evolved from drafts in October 2020 to final versions in March 2022. But one principle is simple: *“retaining existing built structures for reuse and retrofit, in part or as a whole, should be prioritised before considering substantial demolition, as this is typically the lowest-carbon option.”*⁸⁰⁵ This principle was established in the LP (first published in this form in draft in 2019), which promotes *“a hierarchy for building approaches which maximises use of existing materials. Diminishing returns are gained by moving through the hierarchy outwards, working through refurbishment and re-use through to the least preferable option of recycling materials produced by the building or demolition process.”*⁸⁰⁶ There has been multiple breaches of the guidance, and a failure to fully explore retention of the existing tall building such that an appropriate Whole Life Cycle Carbon assessment has not been submitted to comply with policy. Therefore MEC cannot demonstrate actions taken to reduce life cycle carbon emissions. That is our case, and we are invite you to conclude that this breaches LP Policy SI2 (F).

9.124 Mr Goddard claims⁸⁰⁷ that the application meets this Policy with the inclusion of a LCA⁸⁰⁸ but nowhere does the submitted LCA mention re-use, retention or refurbishment. It is true that the best use of the land needs to be taken into consideration when deciding whether to retain existing buildings in a development. It is equally true that the carbon savings from retention need to be taken into consideration when deciding the best use of land. It is an iterative process. MEC have provided no evidence of such iteration. They determined the brief from the off from a commercial perspective, as Mr Filskow evidenced in ‘the development assessment’: *“Before MEL bought the site in 2018 [referring to prior to purchase, which was in 2019], Make Architects ... looked at a variety of massing options including mixed use and residential, but these options did not generate sufficient interest and were not progressed... Subsequently [MEC] took an interest in the site and undertook a feasibility study of providing a new workspace-led development... This study established a commercially viable proposition that informed the sale value... Effectively, this competitive bidding process naturally sought the best value for the site, and the conclusion of the feasibility and development model therefore generated a baseline brief for any new design.”*⁸⁰⁹

9.125 This betrays a complete absence of Circular Economy considerations. The commercial valuation process determined the strategic brief, which then constrained options, regardless of relative carbon emissions, regardless of the site allocation, regardless of the desperate need for housing. And now the developer seeks to constrain use of Circular Economy principles of

⁸⁰⁵ CD6.23 Table 2.1

⁸⁰⁶ CD6.02, 3.3.12

⁸⁰⁷ CD10.05, 6.110

⁸⁰⁸ CD1.33

⁸⁰⁹ CD10.03, 4.2.1-7

retaining and re-using buildings where possible. It flies in the face of guidance for London Plan Policy D3 (Fig 3.2) is given in the CE LPG:⁸¹⁰

"retaining existing built structures totally or partially should be prioritised before considering substantial demolition";⁸¹¹

"proposals that are further down the hierarchy will require more detailed and compelling justification";⁸¹²

"applications should robustly explore the options for retaining existing buildings";⁸¹³

"applicants should set out how the options for retaining and reconstructing existing buildings have been explored and discounted"⁸¹⁴

9.126 MEC have failed to "prioritise" retention, and have not given the required "detailed and compelling justification" for demolition. There has been no evidence "robust exploration" of options for retention for residential.

The extent to which the proposed development is consistent with the development plan for the area

9.126 The starting point of the development plan are the LP Good Growth policies. In his XX Mr Goddard referred to this as 'Motherhood and Apple Pie' i.e. effectively a truism, a grounding or starting point that cannot be questioned because it appeals to universally-held values. They are precisely not that. The London Plan seeks "Good Growth – growth that is socially and economically inclusive and environmentally sustainable"⁸¹⁵, to plan for which "it will be important to think about what the purpose of economic growth actually is. A failure to consider this fundamental question has led to some of the most serious challenges London faces today."(1.0.7-8)

9.127 For the past 20 years the housing crisis has been exacerbated by flats built and left empty, used as assets not homes. That infection is spreading to office development, where it was invented, at Centre Point in the 1960s. More, bigger development is not necessarily good growth: " Good Growth – sustainable growth that works for everyone using London's strengths to overcome its weaknesses."⁸¹⁶

9.128 Much of this Good Growth is focused on Opportunity Areas, the Central Activities Zone (CAZ) and town centres. Waterloo is in the CAZ (Policy SD5) and is an Opportunity Area, as set out Policy SD1.

⁸¹⁰ D6.21, 2.4.2 - 4

⁸¹¹ Ibid 2.4.2

⁸¹² Ibid 2.4.3

⁸¹³ Ibid 2.4.5

⁸¹⁴ ibid

⁸¹⁵ CD6.02, 1.0.1

⁸¹⁶ Ibid 1.0.9

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- 9.129 The first Good Growth policy GG1 is 'Building Strong and Inclusive communities', and the very first paragraph of the justification for the policy says "*Planning for Good Growth means planning with these communities – both existing and new – making new connections and eroding inequalities*"⁸¹⁷ Waterloo has a long history of an active community made up of residents and workers and landowners and developers and visitors, and now a thriving Neighbourhood Forum and two BIDs. We have pursued mixed use and a healthy residential population when these were considered radical. Now mixed-use is mainstream and even the most monolithic monoculture sites like the Shell Centre have been transformed into a mix of uses. Mixed-use sites have become the successful form across the CAZ. As a result the Waterloo OA is the most successful of the four in London South Central because of the ongoing residential and business engagement with development. The major open spaces are delivered and managed not by the LPA but by the community, at Jubilee Gardens, BSG and Millennium Green.
- 9.130 This Inquiry has been presented with evidence that the applicants held off revealing the overwhelming bulk, lumpy massing, hulking design and excessive everything for over a year, that their consultation was disingenuous.⁸¹⁸ An on-line survey of 1,891 people limited responses: there were no options for affordable housing, or even housing, or even open space. And for all the pie charts, the responses they got back from the public event were just 6.⁸¹⁹ After a year the full enormity of the proposals was presented in a mere four slides out of 36.⁸²⁰
- 9.131 The NPPF at 126 says effective engagement between applicants and communities is essential for achieving good design. And this is the opening policy of the London Plan: Good growth is inclusive growth and "*those involved in planning and development must (A) encourage early and inclusive engagement with stakeholders, including local communities*". Architects are not clairvoyant, and they shouldn't be designing from first principles, but from a deeper understanding of the context, garnered through engagement.
- 9.132 It is quite obvious from the evidence presented that Mr Filskow believes that there is a relationship between his design and Lasdun's listed buildings while Mr Dillon and others do not, that the comparisons are entirely superficial. Clearly enough people have questioned the design for this application to be called in. Full and frank early consultation could have avoided this. There was never an implacable hostility. But at the late stage when the massing was revealed the concerns were air-brushed aside.
- 9.133 In fact, the problem began before even a design team was appointed. The Inquiry learnt how early the key decisions were made by the applicant, long before anyone was consulted. The decision about not developing any

⁸¹⁷ Ibid 1.1.1

⁸¹⁸ CD9.09, 5.11-16

⁸¹⁹ CD1.35, pg 20

⁸²⁰ Ibid pg 88-9

housing or any genuine mixed use; the decision about demolition without exploring retention; the decision about the massive uplift and quantum of development; the decision about establishing parameters based upon a level of heritage harm they thought they could get away with. The applicant took these decisions prematurely, have effectively refused to revisit them, and will brook no suggestion that it is incumbent upon them to fully review them in the wake of multiple harms.

- 9.134 The second Good Growth policy is 'Making the best use of land', which seeks to address the massive development London needs (49,000 additional job spaces a year, 52,000 homes a year) by "*creating places of higher density in appropriate locations to get more out of limited land, encouraging a mix of land uses and co-locating different uses*"⁸²¹; it advocates that "*all options for using the city's land more effectively will need to be explored*"⁸²², but that the "*special features that Londoners value about a place, such as cultural, historic or natural elements, should be used positively to guide and stimulate growth*"⁸²³:
- 9.135 GG2: "*To create successful sustainable mixed-use places that make the best use of land, those involved in planning and development must... (C) proactively explore the potential to intensify the use of land to support additional homes and workspaces, promoting higher density developments... (D) applying a design-led approach to determine the optimum development capacity of sites...*"
- 9.136 This is then further detailed in Policy D3 'Optimising site capacity through the design-led approach'. Policy D3 provides that "*all development must make the best use of land by following a design-led approach that optimises the capacity of sites... Optimising sites means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options... that best delivers the requirements set out in part D" (my emphasis) – which consists of 14 requirements, including the principles of the circular economy. The explanatory text of this policy at 3.3.12 and Fig 3.2 show a hierarchy of building approaches from retention through refit and refurbish to reuse and recycle: "*the best use of land needs to be taken into consideration when deciding whether to retain existing buildings*". The preferred use in the LLP site allocation is mixed use including residential.*
- 9.137 So, to recap: the objective is the best use of land; this is achieved and defined by a 'design-led approach'; the design-led approach should optimise capacity; the design-led approach requires a consideration of design options to determine the most appropriate form of development; the design-led approach requires that design options are considered in terms of the requirements of Part D, which includes to "*take into account the principles of the circular economy*"

⁸²¹ CD6.02, 1.2.2

⁸²² Ibid 1.2.5

⁸²³ Ibid 1.2.7

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- 9.138 The design-led approach leads to the best use of land, and requires optimising capacity by considering various factors including the circular economy in an optioneering process. The optioneering which leads via the design-led approach cannot be precluded and constrained by a prior decision about the best use of land. But, as set out already, this is exactly what MEC did. It is simply not possible to determine the best use of land solely on the basis of the commercial or other preferences of a landowner. The evidence has piled up during the Inquiry that the applicant did not explore all of the refurbishment options before determining the use of land which they wished to pursue. The key elements required by the applicant were always (i) offices only (with ancillary retail and affordable workspace as required by policy) (ii) maximizing the amount of development and the range of floorplates, as part of its marketing strategy as well as part of its intention to maximize the financial return.
- 9.139 A brief was established to appoint designers which was focused on maximising return through quantum's of office space, and was prior to any design-led analysis of all the options in terms of the circular economy and the hierarchy of building approaches.
- 9.140 The shortcomings of the brief have been listed⁸²⁴: It says nothing about mixed use or residential, It says nothing about creative industries , It says nothing about affordable except that there is a policy requirement, It says nothing about community engagement, It says nothing about placemaking It says nothing about heritage , It says everything about the over-riding financial driver: *"the project will look to meet the above aspirations but will focus on how to maximise the net lettable area of office/workplace, gross/net efficiencies ... to enhance the overall financial return"*⁸²⁵
- 9.141 Was the applicant's decision to not consider housing 'design-led'? No. Was the decision to not follow the planning designation (of preferred mixed-use including housing) design-led? No, and obviously wasn't plan-led. Was the massive increase in quantum of development design-led? No. Was the decision to demolish rather than retain design-led? No. This is not the design-led approach required by policy D3, but old school financial return-led approach. No evidence has been provided that at that point in the decision-making timeline, alternative land uses were considered in terms of retention of buildings. The applicant will brook no suggestion that it is incumbent upon them to fully review these decisions in the wake of multiple harms, despite the requirements of policy at the time and emerging since i.e. re the WLCA and Circular Economy guidance of March 2022.
- 9.142 In view of their inadequate consideration of refurbishment options, the applicants have failed to show that the scheme makes *"the best use of the land"* and is *"the most appropriate form of development"*. For the reasons set out in relation to policies SI2 and SI7, the development also does not deliver requirement D3(D)(13), which is to aim for high sustainability

⁸²⁴ CD9.16, 2.3

⁸²⁵ CD10.03 pg 14

standards, taking into account the principles of the circular economy. This is the basis upon which the Inspector is invited to find a breach of LP policy D3.

- 9.143 The fourth good growth policy is 'Delivering the homes Londoners need' and this is an extraordinary challenge which in many ways defines the whole of the LP. The SHMA identified that 66,000 additional homes are required per year over 20 years to address the huge and growing shortfall (4.1.1), and around 47% of those need to be low cost rent, and a further 18% intermediate (SHMA 2017, 0.20). The SHLAA shows a capacity of 40,000 new homes a year on large sites – such as the application site – plus 12,000 new homes a year from unidentified small sites (4.1.8). However, the real challenge is that completions in London have been running at an average 21,000 per annum for the past decade (DLUHC: Live tables on housing supply, Table 217) – although according to the Housing SPG (CD14.15) the average is 27,000 homes completed per annum (1.1.34) – but it is at best only 50% of the LP target, that is the amount required and possible according to the SHLAA.
- 9.144 The design-led approach is the way London can accommodate the growth identified in the LP – both housing and jobs. London needs to develop 49,000 workspaces a year LP (1.2.1) and 52,000 homes a year: but an office job space is around 14m², an average dwelling is around 80m², so, very crudely around 80% of development needs to be residential. Some residential needs to be considered on every possible site, but particularly on those sites where residential is part of the preferred use, and a scheme has been previously permitted which demonstrates that residential can be accommodated along with other uses, and on a site in an **Opportunity Area** which seeks to increase both residential and employment uses by substantial amounts.
- 9.145 The OAs "*have the potential to deliver a substantial amount of the new homes and jobs that London needs*"⁸²⁶ and Waterloo should be able to deliver 1,500 more homes as well as 6,000 more jobs – except that it's already met the latter with the permissions and resolutions for Elizabeth House and Royal St.⁸²⁷ The Shell development showed the correct approach, cramming 877 homes onto what was already one of London's biggest office sites, and also added 73,000m² of office (6,000 jobs). As the LP and Waterloo OAPF is clear, the OA is aiming at a mixed and balanced growth of offices and housing. The general thrust of the OAPF remains very relevant. Initial indicative estimates of growth of 15,000 new jobs and 500 new homes has been upped, and, with over 1,000 homes and many jobs already delivered or in the pipeline, the housing has been upped to 1,500 new homes, and the jobs to 6,000. The Opportunity Area is delivering and it is maturing. It does not need this application to kickstart regeneration or the OA.

⁸²⁶ CD6.02, 2.0.4

⁸²⁷ CD9.09, pg8 table

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- 9.146 To justify this office only approach reference has been consistently made by MEC to the CAZ. It is true that it is *“one of the world’s most attractive and competitive business locations. It accommodates one third of London’s jobs and generates almost 10% of the UK’s output. It contains the seat of national Government and is internationally renowned for its culture, night-time economy, tourism, shopping and heritage.”*⁸²⁸ It is vital to protect its strategic functions, but it is not monolithic; it contains 230,000 residents and is a *“vibrant mixed-use area”*⁸²⁹ containing a diversity of employment uses, culture, entertainment, social infrastructure, all in a series of overlapping villages or sub-areas and uses.
- 9.147 These sub-areas are sometimes given specific status in the LP, as with the South Bank cultural area. But Waterloo also contains the UK’s biggest station, Europe’s biggest arts centre, London’s most popular pedestrian area, one of central London’s hospitals, half of London’s second oldest university, South London’s oldest building, one of London’s oldest adult education centres, as well as hundreds of shops and restaurants, schools, homes and parks.
- 9.148 There is no justification in policy or need or the OA or CAZ for the site allocation to be overturned. This application is over 90% office. It would not replace office, but a television production factory with 6 studios and all the space for back office and headquarters functions, employing over 1,000 technicians, actors, prop-makers, gaffers, designers, and ancillary office functionaries. The television factory was classed as *“not defined”* in the officer’s report for the 2018 ITV approval. It definitely was cultural, and it definitely was commercial (that is, not publicly funded). It was not corporate office.
- 9.149 Such uses are befitting to the South Bank cultural area. A huge office block is not. What about IBM next door? Well, apart from IBM being part of an overlapping series of digital uses, the offices are around one third the size and as a ground-scraper, far less conspicuous. Mr Filskow questioned our fixation with retaining ITV on the site, suggesting that this was just another corporate HQ and could be Netflix⁸³⁰. It was not. There are no television production studios proposed. ITV was in the CAZ because of its strategic function. Netflix have a lease running to 2035 and currently require only 100,000sq ft for their HQ operation, so there would have to be four or five other global companies of equal size joining them to fill the space,⁸³¹ and this would not be a creative use fitting with the South Bank cultural area. Mr Filskow revealed his belief in the essential fungibility of all HQs and offices. Although he mentioned Netflix, essentially any HQ could go into his proposed stack of boxes. But fungibility works entirely against placemaking.

⁸²⁸ CD6.02, 2.4.1

⁸²⁹ Ibid 2.4.6

⁸³⁰ Filskow XX

⁸³¹ CD10.06b pg 15

9.150 MEC have also argued that LP Policy SD5 Offices provides a free pass on mixed use. This is to misunderstand the policy. Although part C says “offices and other CAZ strategic functions are to be given greater weight relative to new residential development in all areas of the CAZ...” (the exceptions don’t apply) it then goes on in part F and G: “*F In areas where offices and other CAZ strategic functions are given greater or equal weight relative to new residential development (as defined in Part C), mixed-use office/residential proposals should be supported where there is an equivalent or net increase in office floorspace.*” No one is proposing a net loss of office floorspace. The ITV permission increased the amount of employment space by around 20% . The unwelcome riverside tall building in the ITV scheme could have been considerably reduced without any loss of office.

9.151 I have already set out how, regarding carbon, the application fails to meet the requirements of LP Policy D3 Optimising site capacity, as well as LP policy SI 7 Circular Economy, and the Whole Life Cycle Carbon assessment required by LP Policy SI 2 Minimising Greenhouse gas emissions, and specifically the detailed guidance for WLCA and the Circular Economy. I set out in our Statement of Case⁸³² how the Hopkins scheme was permitted despite causing heritage harm and was effectively a permission personal to ITV, who everyone was keen to retain on site. The previous ITV use was not offices but *sui generis*. This was not a permission MEC could implement, but Lambeth officers and members and Historic England all believed it was extant when first engaging with the current proposals at pre-app. Even as late as August 2022 the GLA referred to the permission as extant on 4 occasions in their Stage 2 decision report.⁸³³ The ITV application did demonstrate that (i) housing could be provided without compromising the delivery of significant office (ii) a tall building of around 60m on the riverside would cause heritage harm (iii) a strong list of public benefits could outweigh such harm.

Tall Buildings

9.152 There has been a point block tall building of 88m on the south west corner of the site since 1972. In 2018 ITV gained permission for a scheme for a replacement residential tall building of 108m on the same footprint as the existing tower, and a separate second tall building of 59m on the riverside, with a 6 storey podium behind.⁸³⁴ The LP Policy D9 (A) requires boroughs to define tall buildings in their local plan, (B) requires boroughs to identify suitable locations for tall buildings in their local plan, (C) identifies criteria against which the impacts of tall buildings should be assessed, and (D) makes provision for public access. Part (B) explicitly states that “Tall buildings should only be developed in locations that are identified as suitable in Development Plans”. Used here, the verb ‘should’ and adverb ‘only’ clearly imply “and nowhere else besides”. Nevertheless, as set out in

⁸³² CD9.22, 3.3

⁸³³ CD4.03

⁸³⁴ CD9.10i (LBL Officer’s Report for 17/03986/FUL, 06/02/18), 6.4.6 and Fig 2.3 at 2.1.1

the Hillingdon Master Brewer case⁸³⁵, there may be occasions where there are other policies pulling in a different direction in the LP - such as the contribution of much-needed housing, or other material considerations - such that a tall building proposal for a location not identified as a suitable location in the local plan should be nevertheless assessed against the criteria in (C).

- 9.153 This is the approach of the LLP. Policy Q26 defines tall buildings in the north of the borough as over 45m; then (A) proposes to support tall buildings at locations identified in Annex 10 which meet a number of assessment criteria including those in LP D9 (C); and (B) requires that tall buildings proposed outside suitable locations identified in Annex 10 should provide a *“clear and convincing justification and demonstrate the appropriateness of the location for a tall building with regard to the impact on heritage assets, the form, proportion, composition, scale and character of the immediate buildings and the character of the local area, as well as the criteria”*⁸³⁶ set out in (A).
- 9.154 LLP Annex 10 identifies 16 locations across the borough appropriate for tall buildings, including the location on the south west part of the application site, where the existing tall building stands: *“W1, Former ITV tower; 100m AOD point block”*⁸³⁷. No other part of the site is proposed as a suitable location for a tall building in the development plan. Annex 10 was taken directly from Appendix 3 of the Waterloo Tall Buildings Study, which states, with regard to the existing tall building location on the application site, that *“Extensive testing for a tall building was undertaken for the recent [ITV] approval and that resulted in a replacement tower at 108m AOD which had very slight visibility from within the courtyard of Somerset House. Given the amount of modelling already undertaken and the approved height aligning with the height identified by Miller Hare no further modelling has been undertaken. To avoid visibility from Somerset House the height has been capped at the lower end of the Miller Hare height range.”*⁸³⁸
- 9.155 However, in granting approval to ITV 2018, the second tall building of 59m, set directly onto the Queen’s Walk, was never assessed as a tall building.⁸³⁹ Although clearly a blunder, it is consistent with the fact that the Tall Buildings study did not consider any other part of the site as a suitable location for a tall building, and hence consistent with Annex 10 of LLP. Lambeth acknowledge that the application has two tall buildings, a North building (60m on the riverside) and a Southern building of 109m on Upper Ground.⁸⁴⁰ This is confirmed by the applicant in the SoCG.⁸⁴¹

⁸³⁵ CD 12.12

⁸³⁶ CD 6.03 (LLP)

⁸³⁷ CD 6.03 Annex 10 pg 380

⁸³⁸ CD 14.6, pg 9 Conclusion: site 1

⁸³⁹ CD 9.10i (LBL Officer’s Report for 17/03986/ FUL, 06/02/18), 6.4.4 - 6.4.8

⁸⁴⁰ CD 8.3 (Proof of Black), 4.2

⁸⁴¹ CD 10.02, 9.4.2

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- 9.156 The North tall building is *prima facie* a departure from LP policy D9 Part (B): “*tall buildings should only be developed in locations that are identified as suitable in Development Plans*”. This riverside location is not so identified. That engages part (B) of LLP Policy Q26, the requirement for clear and convincing justification and assessment against criteria. However, no “*clear and convincing justification*” is provided specifically for this second tall building; no specific demonstration of “*the appropriateness of the location for a tall building with regard to the impact on heritage assets, the form, proportion, composition, scale and character of the immediate buildings and the character of the local area*”; no systematic analysis of the elements in LP Policy D9 (C) or LLP Q26 (B) is undertaken for this tall building proposed at a location not identified as suitable for a tall building.
- 9.157 The riverside tall building rises out of the 6 storey/ 28m high podium. Between the 6th and 13th floors it provides around 100,000 sq ft NIA of office, about 15% of the total NIA office area provided in the scheme.⁸⁴² Together with the 8,516 sq ft NIA for the restaurant and pavilion on the top floors of the riverside tall building, it provides 17% of the total development by NIA. No business case has been made for the exceptional need for additional 100,000 sq ft of office floorspace provided by this second tall building in what would already be one of the largest office buildings outside of the City. No evidence has been provided that a development of ‘only’ 537,000 sq ft NIA in one tall building astride a podium would not be viable, or would not perform as well in the market as two tall buildings providing 637,000 sq ft NIA. No evidence has been provided that this additional 100,000 in a second tall building would meet urgent demand, or that the indicative targets for the OA would not be met without this.
- 9.158 It is argued that commercial research commissioned by LBL and themselves demonstrates that despite the recent pandemic and changes in working practices, there is significant demand for prime grade A office space and a “flight to high quality, amenity rich sustainable office floorspace”⁸⁴³. We dispute that the evidence is so clear: Lambeth’s JLL report is over two years old, evidences the potential of over-supply, the move to smaller footplates, and the expected under-performance of top-end rents⁸⁴⁴.
- 9.159 But this is a prime brownfield site in the CAZ and OA whose planning designation is mixed use including office, and there is demand for office, as the various commercial reports concur. Significant office development is entirely laudable. But no clear and convincing commercial justification is given for the additional 100,000 sq ft in a riverside tall building over and above the 537,000 sq ft achievable in a single tall building. Since the second tall building proposed is at a location not identified for a tall building, the applicant needs to satisfy part B of LLP Policy Q26 “to

⁸⁴² CD1.36 Area Schedule

⁸⁴³ CD10.05, Goddard Proof, 8.34

⁸⁴⁴ CD9.19, 2.10-12

provide a clear and convincing justification and demonstrate the appropriateness of the site for a tall building having regard to the impact on heritage assets, the form, proportion, composition, scale and character of the immediate buildings and the character of the local area”.

9.160 Since MEC don't clearly acknowledge that there is a second tall building (despite the SoCG) they hope to avoid providing a clear and convincing justification in terms of design benefits, or heritage benefits or the benefits of strategic views, or demonstrate the appropriateness of the site for a tall building. SOS did undertake such an exercise.⁸⁴⁵ The evidence has heaped up throughout the Inquiry, that the riverside tall building causes multiple heritage harms and is unhelpfully prominent in strategic views. The conclusion must be that the riverside tall building departs from policy: it is not at a location identified for a tall building, no clear and convincing justification is provided, and by the assessment of its impact it is found wanting. The application for the tall building at Upper Ground exceeds the maximum height of Annex 10 by 9%. The direct impact of that is to cause less than substantial harm to the setting of Somerset House according to Historic England and Lambeth Council.

The weight to be given to the public benefits of the proposal and whether the public benefits would outweigh any harm identified in the heritage balances

9.161 The applicant claims a number of benefits in the Planning Statement. **High quality employment floorspace** - This is of some benefit, but it is part of the indicative growth planned in the Opportunity Area. Furthermore, It would be generic office, not the creative and cultural factory it was with ITV, it would be equally achievable in an appropriate policy compliant mixed-use scheme, albeit with a lower quantum of office floorspace – which would be beneficial. The quantum is so enormous it is difficult to imagine a tenant who would be appropriate for the South Bank Cultural Area – certainly not Netflix there is no shortage of high quality employment space currently available or in the pipeline locally or across the City Lambeth's Commercial Office Baseline Report warns of the danger of over-supply⁸⁴⁶ Pre-let is probably essential⁸⁴⁷ despite the reassurances of the developer that they have the capital to build in any circumstance – not a reassurance which can be captured in the planning process) and rents at the top end are not likely to perform well⁸⁴⁸ With the post-pandemic WFH and downsizing, there is a move towards smaller footplates⁸⁴⁹ The latest report from Central London Forward concludes central London office markets and local economies are most exposed to the new working patterns of office workers⁸⁵⁰ Our experience through the

⁸⁴⁵ CD9.09, 5.67

⁸⁴⁶ CD9.19, 2.11

⁸⁴⁷ *ibid.*19, 2.09

⁸⁴⁸ *Ibid* 2.12

⁸⁴⁹ *Ibid* 2.10

⁸⁵⁰ *Ibid* 3.1

Business Improvement District WeAreWaterloo is that there is a shortage in Waterloo for smaller cheaper offices and creative spaces. The extraordinarily large footplates below the 6th floor will have an unhealthy lack of access to natural daylight - referring to the considerably shallower floorplates at IBM, Mr Cosgrove said that the very deep floorplates made it difficult to get daylight into the building⁸⁵¹

- 9.162 **1,714 temporary construction jobs per year, plus construction apprenticeships** the construction jobs are temporary not specific to this development, but would result from any development of the site, the need for which is not disputed. This is a fact of development, not a benefit of this scheme. This cannot be weighed the permanent harm which could be avoided with an appropriate scheme which would employ construction workers. WCDG has managed projects placing local people in construction apprenticeships and supporting them, and know how valuable such programmes can be – but again, they can flow from a more appropriate construction.
- 9.163 **Generate an estimated 4,319 total jobs on-site** The permanent office jobs are not a function of this development, and we fear that it could remain a valuable asset kept empty, or as an implemented but unbuilt permission; it would result from any appropriate development of the site – albeit there would be less office space and therefore fewer jobs in a mixed-use scheme of more appropriate proportions. The sheer number of workers coming to the site will bring problems which are not sufficiently mitigated with open space for example The quantum is so enormous it threatens the cultural character of the area - it will be far more than are employed across the entire arts centre (the NT employs around 1,000 people as a theatre factory, for example). This benefit could be delivered with a more appropriate scheme.
- 9.164 **Affordable workspace support creative, cultural, digital and technology industries, generating the scheme's cultural placemaking programme** We've heard a lot about the London Studios, the creative affordable workspace. And it is creative, a work of fiction. It doesn't exist; it's not part of the application, it is purely indicative, what could go in the space reserved for affordable workspace. Except it's not even that: it can't be actualised, because it is contradictory. There are two undertakings in the s106, for the ground floor - one third of the affordable workspace - to be used as affordable workspace, and for it be a piece of 'indoor public realm', a space where the public can wander freely and perch and read and meet and work and chat, like the BFI said Mr Warren. But it simply can't be both. The affordable workspace policy defines affordable workspace as "workspace that is provided at rents maintained below the market rate for that space for a specific social, cultural or economic development purpose."⁸⁵² This can't at one and the same time be space in which anyone can freely enter and hang out. So I withdraw the claim that it is a creative act of imagination, of fiction, because you

⁸⁵¹ In reply to question from Inspector

⁸⁵² CD6.34, Glossary pg 19

can't imagine a contradiction, it can't be thought. It therefore remains unclear how much affordable workspace would actually be created. Only around two thirds of the purported affordable workspace actually fits the bill – the least valuable space in the basement and in the mezzanine.

- 9.165 The affordable element cannot be simply considered a public benefit to weigh against the heritage harm, since an element of affordable workspace is a requirement of any major office application, and any developer should be starting from the assumption that the requisite element of affordable workspace will be provided. If they then consider this a public benefit which can be balanced against heritage harm, effectively that would mean that all major office development can cause a modicum of heritage harm, since it would be providing a public benefit of affordable workspace which could outweigh that harm. That would be an absurd place for planning to be.
- 9.166 That's not to say that it isn't a public benefit. It is, and it should be weighed in the planning balance, but this needs to be treated extremely cautiously. I should add it would only be for 25 years: the harm would last forever. Furthermore, 50% of the market rates in new Grade A workspace would be significantly far more than workspace in Brixton, which was used by MEC as an example. Recording studios in Brixton are cheap (£100 for 4 hours recording studio time including sound engineer), and there is a competitive market: Brixton Recording Studios, Brixton Hill Studios, Wolf studios, Dairy studios, and they claim clients from Ed Sheeran downwards. However, none of this clear: nothing is definitive.⁸⁵³ A more convincing approach is taken by HB Reavis at One Waterloo Place (Elizabeth House) in its link up with the South Bank Centre to form a Culture/Business network.⁸⁵⁴ Furthermore, there is a very extensive existing community cultural offer, including support for young creatives such as Tomorrow's Warriors or the National youth Orchestra, the New Poet's Collective and Photo Fantastic – all based at the SBC. The BFI and NT run lots of youth programmes, as does the Old Vic's 'The Hub' and the Young Vic's Creators Programme, the Tate Collective, Ballet Rambert, and even local social enterprises are involved, such as the Oxo Tower Wharf graduate residency programme and St John's Waterloo Artist in Residence. Then there are lots of activities to inspire children and young people and young adults, from the SBC, NT, BFI, Old Vic, Rambert, Central School of Ballet, Coin St themselves have collaborated with Iconic Steps and Waterloo Community Theatre and Futures Theatre Company. And then there is space for creative events at all the institutions I've mentioned plus Morley College, Skypark gallery, 1901 Arts Club, Network Theatre under the station, Waterloo Action Centre, the newly refurbished and extended St John's Waterloo, and Old Paradise Yard the other side of the station which is home to over 50 creative businesses, makers, artists, and creative entrepreneurs. Then there's the Bargehouse, The Vault Festival, House of Vans.⁸⁵⁵

⁸⁵³ CD9.21, 1.4

⁸⁵⁴ Ibid 2.1

⁸⁵⁵ CD9.21, section 3

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- 9.167 What is not questionable is that, like the construction workers, the benefit is temporary. Presumably the placemaking benefits of this creativity will also be temporary, and the identity of the building will be just another office after 25 years. In that context this is not such a significant benefit.
- 9.168 **Culture & Innovation Hub in South Bank Cultural Quarter** The applicant claims that the space will provide an ever-changing mix of art, culture, ideas and enterprise, but did not provide sufficient details in the application to assess this. Referring again to the 15 pages in my Rebuttal of numerous creative activities, the area is awash with arts organisations providing the mix of art, culture and ideas. It is not clear how this proposal will complement the existing mix. What is clear is that whatever the benefit, it is only temporary.
- 9.169 **Substantial greening** As noted by the DRP a year ago, the plans for greening are not wholly convincing. We have a history of developer's promises of extensive attractive green spaces being embarrassingly miserable empty spaces with a few dismal shrubs e.g. at One Blackfriars or at the Shell Centre
- 9.170 **Enhancing the South Bank Conservation Area, celebrating its riverside location and the modernist architecture** We entirely dispute those claims – this will not enhance, but detract and distract. It is precisely the harm caused by this which needs to be balanced against any benefits!
- 9.171 **Sustainability, circular economy, minimising embodied carbon impact** Again, we dispute those claims, which are at best not evidenced. The 150,000 tonnes of CO2 emissions unnecessarily generated by the demolition and construction will further damage the planet in the short term.
- 9.172 **Public transport accessibility, commuting by bicycle** The CO2 generated by the construction in the first few years would be far more than that saved by people not driving to work in their private car.
- 9.173 **Public realm works covering 40% of the site** The evidence presented is that only about 11% of the site will be genuine public space rather than access and egress and navigation around a very large building. None of the purported public space is to be covered by the Public London Charter under Policy D8 Public Realm section H, and by GLA guidance Public London Charter 2021. The Hopkins scheme proposed routes through to the South Bank either side of the buildings, plus a public square on Upper Ground. Is the Make scheme an improvement on this? It similarly sets back on its eastern and western perimeter by between 2m and 6m. This is pretty much the minimum any building of scale would require to be set back from its curtilage, especially given the height. It has to be set back from the IBM building, mirroring its set back. Similarly it has to be set back from Princes Wharf. It is not set back to the north of the site, and only slightly on the southern edge. In both schemes this set back creates a space between the buildings which provide the routes through to the

Queen's Walk. This space between the buildings is public realm, according to the definition in the London Plan. This public realm is simply two routes in the Hopkins scheme. The Make scheme claims something more for this, but in fact its identical in form (landscaping?). The difference is in the two wider spaces at the south west and north east corner.

9.174 **New links and access around the site** The public accessibility of the 'creative hub' is questionable. The 'new route' to the West is the route that has always existed, guaranteed by IBM. Only the eastern route is genuinely new and potentially beneficial.

9.175 **Conclusion on benefits** None of these benefits come anywhere near balancing the multiple harms to heritage assets, to the local neighbourhood, to the amenity of residents, or to the aspiration for net zero.

The extent to which the proposed development is consistent with the development plan for the area, and the overall planning balance with regard to the NPPF and any other material considerations.

9.176 The proposals fail to meet the requirements of the development plan in critical ways. They significantly harm a multitude of nationally important heritage assets, contrary to LP Policies HC1, HC3, and HC4 and LLP Q20, Q22, Q24, and Q25, and fail the statutory presumption against the grant of planning permission under sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act. They significantly harm the townscape, legibility and enjoyment of public space of national significance, and fail to provide good growth contrary to LP policies GG1, GG2, GG4, D3, D5, D8, D9, HC3, HC4 and LLP Policies Q5, Q6, Q7, Q9, Q24, Q25, Q26, PN1.

9.177 They fail to protect the amenity of resident's daylight, contrary to LLP Q2. They fail to evidence the minimisation of CO2 emissions required in this climate emergency contrary LP GG6, D3, SI2, SI7 and LLP EN4, Q27. The land use is inappropriate contrary to PN1, Site 9 allocation.

9.178 All of which is unsurprising, since the fundamental principles of these proposals were developed by MEC prior to even appointing a design team, let alone having any meaningful engagement. The harms are multiple and very significant. The benefits are at best limited – particularly by time - or questionable and not evidenced. Such modest or temporary benefits cannot possibly outweigh the heritage harms, which require special regard. They also fail to outweigh the other harms. The application is not in conformity with the development plan when considered as a whole.

9.179 "In the judgement of beauty we are 'suitsors for agreement', and even if that judgement begins in a subjective sentiment, it leads of its own accord to the search for consensus. What people want are buildings that reflect the history, character and identity of their community and that belong in

their surroundings: somewhere, not anywhere.”⁸⁵⁶ We ask for beauty, the benchmark that all new developments should meet. We invite the Secretary of State to refuse this ugliness, and refuse this application.

10. Oral Representations to the Inquiry

- 10.1 The proposal generated significant interest at both the application and call in stages, including objections from the local MP, Florence Eshalomi. A number of other parties made submissions verbally to the Inquiry. I set out below a summary of these representations. Where provided, I have also included the written submissions that contributors spoke to at appendix 5 to this report.
- 10.2 **Gillian Melling** is a local resident who has lived locally for over 30 years. She expressed concerns regarding the design of the proposals which she described as an ikea flatpack, cheap and would not relate to the South Bank. Modern thinking should be to recycle not demolish. The 4000 jobs referred to by the applicants would only be for those who could afford to travel and concerns regarding more eateries.
- 10.3 **Dearbhla Malloy** is a local resident who lives on Upper Ground in the Iroko Housing Coop. Tabled photos⁸⁵⁷ from inside her property and expressed particular concerns regarding the reduction in light levels to her living room which is not dual aspect. The properties accommodate multi generational families who have little choice as to where they live.
- 10.4 **John-Henry Barac** gave his views as a local resident and as regular walker along the river walkway. He expressed how this was a rare stretch of London and represents part of the lungs of the Capital. The national theatre was not everyone’s cup of tea but for him it’s an elegant and great building which steps back from the river creating a large open space. The IBM building is less elegant but acknowledges the sense of the view of the sky. It steps back and has a social scale. The existing building is of a scale that enhances that relaxed sense of peace. In contrast, the proposed building is imposing and rude in its ignorance. This part of the river has a relatively low rise skyline that enhances the experience for Londoners, visitors from other parts of the country and tourists. If the development goes ahead people passing by will be hemmed in by a building three times the height of the existing structure. This scheme takes little account of the human experience, and at a time when there is more awareness of our need for a better relationship with our natural environment than ever before in our history, this needs to be taken into account.
- 10.5 **Matthew Demwell** lives on Penhurst Place, a short distance from the Southbank. His focus was on the poverty of the public realm and the lost opportunity. He moved to the area in 2000 and now loves the Southbank. He visits with his grandchildren and has picnics in Bernie Spain Gardens.

⁸⁵⁶ CD6.43, pg 1, 22

⁸⁵⁷ CD 14.14

The development would blight the Southbank , turning sunny gardens dark and damp and will create a sense of being hemmed in. The proposed public space is both poor quality, there is no amenity in public space which is loomed over by enormous ugly slabs. Consultation with the community could have resulted in a plan which would enhance the areas. Lambeth has a high level of poverty and the Counsel for the applicant highlighted the bonanza that this proposal will deliver to Lambeth. Lambeth could not help but be influenced by its financial desperation.

- 10.6 **Cllr Sarina da Silva** is the local Councillor for Waterloo and South Bank Ward, she has lived in Waterloo for 2 years raised a number of points including concerns regarding carbon omissions. Agrees the plot needs redeveloping but the proposal brings no benefit to the area. Waterloo is not a goldmine for developers and the Council, it's a residential area where people live. The only real benefit is the affordable creative workspace but only for 25 years. It still won't be affordable as its in Waterloo. There are lots of other existing developments offering similar underfunded local community assets. Trends in office base working have changed. The Doon Street proposal was approved 10 years ago and is irrelevant.
- 10.7 **Richard Wollard** is a Waterloo resident and architect as well as a committee member to Waterloo Community Development Group. The architects claim their proposals reflect the horizontal sculptural form of Lasdun's IBM and National Theatre. Lasdun used to talk of strata and layers and of an urban landscape. Breaking these Upper Ground towers up into separate lumps hardly echoes Lasdun's concept. The scale and massing of the proposed towers would visually overwhelm Lasdun's buildings when seen from across the river. It would greatly detract from a rather wonderful array of significant twentieth century buildings. The architects have a tendency towards gigantism, the pedestrian feels particularly dwarfed.
- 10.8 **Canon Giles Goddard** is the Vicar of St John's Church , the parish church of the application site and chair of the SoWN environment Group. Explained he is not a nimby but wants good development which really benefits the area and the city. Recognises that the plans include measures for sustainability: but the embodied carbon at 135,000 tonnes will take decades to offset, and the demolition of the ITV tower is not the right way forward. The proposals represent over development. The community and arts provision of the scheme was produced with very little consultation. There is already a huge arts and excellent outreach programme in the area. There are many questions about the affordable workspace and what benefits it would bring. There is a desperate shortage of good affordable housing in London, which is holding the city back. If the ITV tower was converted to affordable accommodation this would bring real and long term benefits to the whole of London.
- 10.9 **Tom Keller** is a local resident who moved to Waterloo 40 years ago. He is proud of the area and the community. In this time the area has changed for the worst. Two of the best changes have been the opening of the

riverwalk and Bernie Spain Gardens. This office development has not come from the community. The development will cast shadow over Bernie Spain Gardens. Concerned regarding views from Waterloo Bridge, people do view from a static position. It takes several minutes to cross the bridge and you don't average out views along the way. Wants change that has charm and character.

- 10.10 **David Kesby** spoke representing Lambeth Estates Resident's Association and used to work at ITV. Objects to what he considers to be a massive over development. Roupell Street is arguably the jewel in Lambeth's Conservation Crown. The views down Theed Street and along Windmill Walk and Cornwall Road would be seriously impacted by a new building. Historic England agree there would be harm to the Roupell Street Area. Being able to enjoy Queen's Walk and Bernie Spain Gardens is vital for everyone's well being. With working patterns changed following the Covid pandemic, questioned whether London really needs another massive office block and whether the claimed new jobs are real. This landmark position in one of the world's great capital cities, deserves better.
- 10.11 **Ivor Dembina** has lived at Edward Henry House for the last seven years. The residents here vary from senior citizens to young families. He tabled four photographs⁸⁵⁸ showing various viewpoints from Edward Henry House and set out comments on the impact of the scheme on these views.
- 10.12 **Jenny O'Neill** lives on Upper Ground in Mulberry Housing Coop and is joint chair of Save Our Southbank. From her house she looks across to the High Court and the treed front of Temple. Particularly concerned regarding the view from there as you walk from Blackfriars Bridge and the north and south merge. Recognises that covid kicked in early in this planning process but considers that the design development process was purposefully kept from residents by the developers in the way they chose to present their case in limited circumstances that were not public. When IBM and ITV moved out Upper Ground lost its vibrancy and interconnectedness. Positive about the need for development and change but not for what has emerged. It would create domination and oppression of the entire neighbourhood. Corner houses will suffer great loss of daylight. Also concerned about the loss of sunlight, biodiversity on riverside and park, loss of sky, well being and mental health, embodied carbon, wind, flooding, climate change, and construction traffic. The previous consented proposed development felt more "gracious" than this proposal and had a good openness to Upper Ground.
- 10.13 **Baroness Kate Hoey** spoke as the former MP for Vauxhall for 30 years. Has have seen enormous changes to the area over those 30 years, especially along the river. Some of the developments she hasn't liked at all but some have been really beneficial. This particular part of the South Bank used to be a bleak and hostile place with people coming only to hear a concert and then get out as quickly as possible. That has all changed, and crucial to this has been the role of the local community who live here.

⁸⁵⁸ CD 14.13

In terms of the consultation on this proposal, by the time the local community were involved, the key decisions had been taken about the size, what was going into it, and about the public space. When there is so much shortage of housing, how could this scale of building be built without housing in it? I genuinely cannot see how anyone can say this will be a beautiful building. It is very grossly overdeveloped, on a very important site. We really need to look at what could be built here to add not just some desperately needed housing and genuinely open public space but also something that will add beauty to this truly historic area.

- 10.14 **Jasmine Pasch** was unable to attend in person but her statement was read out by Ms O'Neill. She tabled a photo⁸⁵⁹, spoke about the importance of light for health and well being, as well as how soil temperature can be effected by shade and light and thus plant growth. In her view, residents want to preserve the quality of the open space and light they see.
- 10.15 **Parvez Sheikh Taj** lives at 73 Upper Ground and has lived in the area since 1988. He fully realises the corporate and financial value this development will bring to the area and how it will create jobs. But it will come at a great cost: Quality of Life. It's not the absence of affordable housing but the sheer size and monstrosity of the building that'll completely distort the current architecture of the South Bank.
- 10.16 **Dom Bouffard** has been a member of Redwood Housing Coop since 2020. The area is a place for People and there is nothing like it anywhere. He objects to the proposed development for several reasons: Firstly, the scale of the project is ludicrous and the works will take years, destroying the ambience of the South Bank, the quality of life of residents, and the experiences of visitors. Secondly, the need for new office space post Covid is highly questionable, since we all know people who have switched to remote working and have not gone back. Thirdly, the development will not serve a public interest. It is a greedy and unimaginative proposal focused purely on scale and maximisation of profit for the developers and council, rather than quality or public need.
- 10.17 **Florence Eshalomi MP** spoke as the MP for Vauxhall since 2019. Agrees that the site in question must be developed. It is a prime location in an iconic area of London. There is a real opportunity to deliver a project which enriches the lives of local communities while complementing the cultural heritage of the surroundings. Welcomes the sustainability aspects of this proposal and the funds it would generate in developer contributions towards important public realm improvements and transport accessibility, which are much needed. However, she thinks it is possible to retain these benefits in a way that is more aligned to local need than what has been proposed. There is an urgent need to provide quality affordable housing to meet the needs of the Lambeth's growing population. Does not believe that a proposal solely based on office and retail units is the best use of this prime space. This is especially relevant given the long-term growth in home working after the pandemic. The commitment to affordable

⁸⁵⁹ CD 14.17

workspace included in this proposal is only marginally above the minimum proportion of 10% as set out in Lambeth Council's policy.

- 10.18 She has been contacted by large numbers of concerned residents within the housing co-operatives adjacent to 72 Upper Ground. She is very concerned about the severe impact that this proposal will have on the levels of daylight received in properties to the south of the site. Also concerned that both the Greater London Authority and Heritage England have identified notable harm to a number of vital cultural assets in the immediate proximity of the site. This is caused by the inappropriate scale, bulk and massing of this proposal. Does not believe that the merits of this application outweigh the significant number of negative consequences she has set out.
- 10.19 **Hannah Quigley** lives on the Peabody Estate and has lived in Waterloo for 35 years. Believes that this important part of London and the UK deserves a better development in design - in relationship to its setting by the River Thames in a community that has a mix of housing, culture and offices. A number of photographs were tabled⁸⁶⁰ from various view points and specific concerns were raised regarding the impact of the proposal from both Waterloo and Blackfriars Bridges. The public realm is inadequate and not a public benefit that gets anywhere close to outweigh the harm that this proposed development would have. Concerned how the retail, commercial office entrance and outdoor public realm are going to interplay. This area works on a fine balance between visitors, workers and residents. Green space which is deficient in this area will have more demands on it. Also noted that in relation to the current ITV tower it is the only building of this height on the north side of Upper Ground and even then it is away from the river, nearer the road.
- 10.20 **Babara Weiss** is an architect and Co founder of the Skyline Campaign. The scheme submitted by Mitsubishi Estate is not higher than others in the immediate vicinity and would replace the existing ITV tower. The main problem with this scheme is instead in relation to its overall excessive bulk and massing, and to how its gauche and graceless outline inserts yet another incongruous shape into an area that has rapidly become another prototypical London 'asparagus patch', further and negatively impacting on a portion of skyline that is already desperately chaotic. The building is clumsy and lacking in design quality. If indeed one bothers to look *honestly* at the quality of what has been built to date along the river, from Wandsworth to Battersea to Greenwich, from Nine Elms to the Isle of Dogs, and well beyond - there can be no doubt that - tragically - over the last few decades any duty of care for the Thames has been intentionally and arrogantly ignored by the powers that be.
- 10.21 **Jeremy Cross** has been a resident in Waterloo for over 30 years and is a Chartered Surveyor. Particular concerns regarding affordable housing and green open space. A priority for Waterloo is to secure more affordable

⁸⁶⁰ CD 14.20

housing. The proposal will cause significant harm to the green open space adjoining the site and Queen's Walk itself.

- 10.22 **David Clarson** is the Secretary to the Steering Group of South Bank and Waterloo Neighbours. Has found no one in the South Bank and Waterloo communities that supports it in its current form. Does not go through all the arguments of why this proposal does not enhance the character of the area, nor contribute all it should to the open space. The quality of the consultation with the developer on 72 Upper Ground has been most disappointing and there was no real dialogue at all in the way experienced with other developers. Affordable housing is the highest local priority expressed by the residential community, and the lack of it in this development is extremely disappointing. It was hoped that some provision could be achieved rather than a development solely providing more office space.
- 10.23 **J Mayhook** is a local resident who previously lived in the Oxo Tower and now in Mulberry with his wife and children. Concerned regarding the design of the proposals describing it as ugly and set out how busy the public outdoor spaces are particularly in the summer months.
- 10.24 **Kathryn Jackson** moved to the South Bank in the 1990s and grew her business from there. Enjoys daily walks along the South Bank. Not a nimby but the proposals is an ugly filing cabinet. An elegant replacement should be provided.
- 10.25 **Karen Stanway** tabled 2 photographs of the South Bank at night. She explained how as an American, she appreciates the architecture and vibrant colours of the South Bank at night. The proposal is too imposing. The applicant should revisit the use of glass as glass of at night can cause light pollution. The mass of the building is too dominant.

11 **Written Representations to the Inquiry**

- 11.01 A large number of written representations were received. The large majority of these were opposing the application on grounds which in the round reflect those issues raised by the two Rule 6 Parties. In summary, these issues included heritage impacts, daylight, sunlight and overshadowing, impact on local green space and public realm, the cultural offer, design and scale concerns. These concerns broadly reflect the objections considered at the Inquiry.
- 11.02 Letters of support were received from Young Creators and Iconic Steps, both creative agencies who expressed particular support for the London Studios element of the proposal and referenced the positive engagement with the applicants prior to the application submission. Letters of support for the application proposal were also received from local residents on the grounds that the proposal would deliver innovation and activity in the neighbourhood which would represent an improvement to Upper Ground, as well as stating that objections represent Nimbyism.

12 Conditions

- 12.01 A draft list of conditions was included within the SoCG agreed between the Council and the applicant. In addition, SOS prepared a separate schedule of comments in relation to this list. Both of these documents informed the round table session concerning conditions at which all the main parties contributed. Following this, a final list of suggested conditions was submitted to the Inquiry⁸⁶¹.
- 12.02 I have had regard to the advice contained within the Framework⁸⁶² in relation to conditions. Conditions that are required to be discharged before development commences should be avoided, unless there is clear justification. Footnote 25 of the Framework points out that Sections 100ZA (4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement, unless prescribed circumstances apply. I confirm that the applicants have provided this written agreement.
- 12.03 Conditions are required to deal with the commencement of development, to set out the approved plans as well as the phasing of the development⁸⁶³. Given the proximity of residential properties along Upper Ground as well as other potential noise and general amenity sensitive neighbours such as the RNT, conditions are necessary and reasonable to require the following: demolition management plan⁸⁶⁴, construction environmental management plan⁸⁶⁵ noise and vibration attenuation scheme⁸⁶⁶ construction logistics management plan⁸⁶⁷ details of internal and external plant specification⁸⁶⁸ acoustic impact of internally and externally located plant⁸⁶⁹ full details of kitchen fume extraction and filtration equipment⁸⁷⁰, estate management plan⁸⁷¹ opening hours of the flexible use units⁸⁷² delivery and servicing management plan⁸⁷³, lighting scheme for internal and external lighting⁸⁷⁴, noise and vibration attenuation measures⁸⁷⁵ and scheme for noise control and mitigation in respect of the Assembly Room area⁸⁷⁶.

⁸⁶¹ CD 14.34

⁸⁶² CD 6.01

⁸⁶³ Suggested conditions 1, 2 and 3

⁸⁶⁴ Suggested condition 4

⁸⁶⁵ Suggested condition 12

⁸⁶⁶ Suggested condition 13

⁸⁶⁷ Suggested condition 15

⁸⁶⁸ Suggested condition 18

⁸⁶⁹ Suggested condition 20

⁸⁷⁰ Suggested condition 19

⁸⁷¹ Suggested condition 36

⁸⁷² Suggested condition 38

⁸⁷³ Suggested condition 41

⁸⁷⁴ Suggested condition 39

⁸⁷⁵ Suggested condition 21

⁸⁷⁶ Suggested condition 37

12.04 It is necessary and reasonable to include conditions to address the submission of samples of materials⁸⁷⁷ to ensure the external appearance of the building is acceptable. For the same reason, a condition preventing the fixing of vents, plumbing and pipes other than those approved is also required⁸⁷⁸. Conditions to deal with the submission and implementation of the full hard and soft landscaping details⁸⁷⁹, arboricultural method statement⁸⁸⁰, ongoing maintenance⁸⁸¹ and wayfinding signage⁸⁸² are necessary and reasonable given the importance of these aspects of the design to the overall character and appearance of the area. For the same reasons, it is also necessary to include conditions to cover the detailed specification of the green roof and walls⁸⁸³ as well as the replacement planting of such items if necessary⁸⁸⁴.

12.05 Submission of the species mitigation and enhancement measures identified within the preliminary ecological appraisal are necessary in the interest of biodiversity⁸⁸⁵. In the interest of crime prevention and security, conditions to require details of security measures⁸⁸⁶ to be implemented as well as a condition that requires the scheme to demonstrate it has achieved the agreed crime prevention and security measures⁸⁸⁷ are also necessary.

12.06 In order to cover any potential contamination issues, conditions to cover the site investigation works based on the submitted ground contamination preliminary risk assessment⁸⁸⁸ and the submission of a verification report⁸⁸⁹ as well as a remediation strategy⁸⁹⁰ are necessary. In the interests of sustainable transport, conditions are necessary to cover a travel plan⁸⁹¹, the cycle parking⁸⁹², short stay valet cycle parking management plan⁸⁹³ and car parking needs⁸⁹⁴ to be secured by an appropriately worded condition. Conditions are also necessary to cover the installation of electric charging plugs and electrical infrastructure for both the cycle parking⁸⁹⁵ and car parking⁸⁹⁶.

⁸⁷⁷ Suggested condition 22

⁸⁷⁸ Suggested condition 24

⁸⁷⁹ Suggested condition 26

⁸⁸⁰ Suggested condition 27

⁸⁸¹ Suggested condition 28

⁸⁸² Suggested condition 23

⁸⁸³ Suggested condition 29

⁸⁸⁴ Suggested condition 30

⁸⁸⁵ Suggested condition 31

⁸⁸⁶ Suggested condition 32

⁸⁸⁷ Suggested condition 33

⁸⁸⁸ Suggested condition 8

⁸⁸⁹ Suggested condition 9

⁸⁹⁰ Suggested condition 10

⁸⁹¹ Suggested condition 42

⁸⁹² Suggested condition 43

⁸⁹³ Suggested condition 44

⁸⁹⁴ Suggested condition 46

⁸⁹⁵ Suggested condition 45

⁸⁹⁶ Suggested condition 47

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- 12.07 A condition which will ensure suitable access is created through the development is necessary to ensure that all access needs are properly addressed⁸⁹⁷. Details of surface water drainage⁸⁹⁸ as well as the management and maintenance plan of the final surface water management system⁸⁹⁹ need to be submitted for the approval of the Council and implemented in accordance with the approved details. To ensure the development does not harm groundwater sources, a condition requiring a piling method statement⁹⁰⁰ as well as a condition requiring a basement impact assessment to consider flooding and groundwater flows⁹⁰¹ is necessary. A development and infrastructure phasing plan is covered by condition⁹⁰² to ensure the development can be adequately accommodated within the existing infrastructure network. A condition is necessary to cover the submission of a waste and recycling management plan⁹⁰³ to ensure sustainable management of waste.
- 12.08 In the interests of sustainable development, a number of conditions are necessary to cover the GLAs whole life carbon assessment⁹⁰⁴, compliance with the Circular Economy statement⁹⁰⁵, post construction monitoring report⁹⁰⁶ details of the developments energy efficiency measures⁹⁰⁷ as well as submission of the GLAs Be Seen Spreadsheet and a scheme for photovoltaic panels⁹⁰⁸ and a reduction in baseline water consumption.⁹⁰⁹ For the same reasons, a number of conditions⁹¹⁰ are necessary to ensure that the proposal meets the desired BREEAM ratings.
- 12.09 A condition relating to wind microclimate mitigation⁹¹¹ is necessary to ensure the proposal has an acceptable impact in this regard. Three conditions⁹¹² are included in relation to the class E use in order to ensure that the mix of uses is appropriately managed.
- 12.10 Given the proximity of the appeal site to the River Thames and in the interests of flood defences, it is also necessary and reasonable that a condition to ensure the development does not encroach further towards the tidal River Thames flood defences⁹¹³. A further condition is necessary

⁸⁹⁷ Suggested condition 25

⁸⁹⁸ Suggested condition 16

⁸⁹⁹ Suggested condition 34

⁹⁰⁰ Suggested condition 7

⁹⁰¹ Suggested condition 11

⁹⁰² Suggested condition 35

⁹⁰³ Suggested condition 40

⁹⁰⁴ Suggested condition 48

⁹⁰⁵ Suggested condition 49

⁹⁰⁶ Suggested condition 50

⁹⁰⁷ Suggested condition 51

⁹⁰⁸ Suggested condition 52

⁹⁰⁹ Suggested condition 53

⁹¹⁰ Suggested conditions 54-59 inclusive

⁹¹¹ Suggested condition 17

⁹¹² Suggested conditions 60,61 and 62

⁹¹³ Suggested condition 64

to ensure the proposal is implemented in accordance with the submitted flood risk assessment⁹¹⁴. To address any potential mitigation necessary in terms of archaeological matters, a condition⁹¹⁵ is necessary to require a written scheme of archaeological investigation as well as a public engagement framework⁹¹⁶ pertaining to the site's archaeological program of works.

13 The Obligation

- 13.01 As I have referred to above, a draft of the Agreement under s.106 was available for the Inquiry and this document, along with comments from CSCB and the Council's CIL compliance statement formed the basis for the round table discussion on this matter. I allowed the parties time after the Inquiry closed to complete and sign the document. A final version was received on 6 February 2023.
- 13.02 The Framework is clear that planning obligations must only be sought where they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. A CIL Compliance Statement⁹¹⁷ provides details from the Council in relation to the obligations sought and an assessment of how the obligations meet the CIL tests.
- 13.03 In terms of sustainability, a carbon offset contribution is necessary. This is included within the obligation set at £2850 per tonne of carbon. The amount of contribution is based on the price of carbon as recommended via the LonP and policy SI 2. This contribution is necessary as the development will generate carbon emissions which would need to be offset through the contribution identified. In my view, this contribution would be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. Taking these matters into account, the obligation would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).
- 13.04 The obligation includes a contribution of £250,000 towards the provision of maintenance or improvement of parks and/or open space within the vicinity of the site. The Council have explained how this figure has been arrived at with reference to the amount of public realm and communal open space to be provided on the site, as well as reflecting contributions recently sought at other nearby developments such as IBM and Elizabeth House. In light of the evidence presented on this issue, I am satisfied that the contribution sought is reasonable in terms of scale and kind. Relating to wider public realm matters, the obligation also includes provision for a Public Realm Delivery Plan as well as Public Realm Management Maintenance and Security Plan which includes setting out public access to

⁹¹⁴ Suggested condition 63

⁹¹⁵ Suggested condition 5

⁹¹⁶ Suggested condition 6

⁹¹⁷ CD 14.29

both the public realm and foyer area. Given the requirements of the relevant development plan policies, including policy P2 of the SoWNP and LP policy EN1(d)(ii) the obligation would as a whole meet the test. Taking these matters into account, the obligation would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).

- 13.05 CSCB made the case⁹¹⁸ that the application should cover the cost of the consented Queen's Walk Gardens improvement works in full, CSCB suggest that the cost of these works would be in the region of £2.5 million. Clearly such a suggestion would fail to meet all of the tests identified above – it would not be necessary to make the development acceptable in planning terms, it would fail to be directly related to the proposed development and would not be fairly and reasonably related in scale and kind to the development proposed.
- 13.06 Provision is made within the Agreement for a tree replacement contribution as well as a plan to secure the transplantation of the tree as identified on plan 5 within the Agreement. The tree replacement contribution would be paid in accordance with the standard asset valuation of amenity trees and will be applied to the loss of the value of the existing trees fronting Upper Ground. The contribution would be applied by the Council to the maintenance or improvement of trees or planting within the Borough. These obligations would be in accordance with LonP G7 and LP policy Q10. They are directly related to the proposed development and fair and reasonable in terms of scale and kind. Taking these matters into account, the obligations would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).
- 13.07 A contribution of £20,000 is necessary towards Legible London Signage. This requirement accords with policy T1(a) of the LonP as well as policy P16 of the SoWNP. The contribution has been calculated by Transport for London and would assist the overall wayfinding of the development and future users. This contribution would be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. Taking these matters into account, the obligation would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).
- 13.08 A contribution of £1,157,247.71 is included towards the South Bank Spine Route. This is a Council regeneration project that will include public realm improvements to Belvedere Road and Upper Ground to improve the pedestrian and cycling environment along this route. The scheme is divided into parcels and the Council have clearly identified which parcels the contribution would be towards. These would form routes that would be used by the building occupants and visitors as well as servicing and delivery vehicles. The Council have identified the cost of the works to the parcels effected, as well as setting out the contributions sought at the recently approved IBM extension works. They have then applied a rate equivalent to the uplift in development on the site. This contribution accords with policies D3 and D4 of the LP. This contribution would be

⁹¹⁸ CD 5.09

necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. Taking these matters into account, the obligation would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).

- 13.09 A £350,000 contribution is included towards the Council's active travel zone assessments which would be distributed as follows - £200,000 towards improvements to Cornwall Road. The improvements would cover the provision of better cycle infrastructure between Stamford Street and Upper Ground, support the healthy route (C10) which runs from the South Bank to Bermondsey and other measures which may include the removal of parking and the installation of low level cycle infrastructure, the closure of Cornwall Road (south) at the junction with Stamford Street and making the current temporary traffic orders permanent. £150,000 would go towards improvements to Sandell Street. Again, the obligation identifies in detail what these works would entail, namely provision of better walking infrastructure between Waterloo Road and Cornwall Road to reflect the likely walking route and other measures as identified within the Active Travel Zone assessment which may include a preferred route over Alaska Street, the resurfacing and expansion of pavements and/or improving the green infrastructure along this stretch of the road.
- 13.10 This contribution relates to the active travel assessment submitted with the application which identified that there would be significant additional pedestrian and cycle movements on these routes. The contribution is therefore necessary to mitigate these impacts. This contribution would be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. Taking these matters into account, the obligation would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).
- 13.11 A further contribution of £763,964 to facilitate step free access to the northern line as well as a Travel Plan Monitoring fee £5300 are also included. The step free access contribution would relate to the provision of step free access at Waterloo Station which is expected to be the main station used by the occupants of the development. The Council have identified how this figure has been arrived at, with specific reference to policy T4 of the LP as well as other recently consented schemes in the vicinity and a calculation based on trip generation rates. This contribution would be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. The monitoring fee relates to the cost of officer time monitoring the travel plan over a period of five years. This contribution would also be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. Taking these matters into account, the obligations would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).
- 13.12 The obligation also includes for a car park management plan relating to the two disabled parking spaces. Should demand for additional spaces arise as a result of the development, a contribution of £10,000 per additional disabled parking space in the vicinity of the development would be payable. The approach accords with LP policy T6. This contribution

would also be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. An obligation would also restrict the occupiers of the development from securing a business parking permit. Given that the development is intended to be car free, this is clearly a necessary obligation. Taking these matters into account, the obligations would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).

13.13 Finally in relation to sustainable travel measures, a contribution is sought towards Cycle docking (£175,000) and Cycle parking (£20,400). In terms of the cycle docking figure, this contribution figure has been provided by Transport for London based on an estimate of trip generation and pressure on existing docking stations in the vicinity. The figure has been arrived at with reference to a proportionate approach based on the amount recently secured on neighbouring developments. This contribution would also be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. In terms of cycle parking, this contribution would be towards alternative visitor cycle parking provision in the wider South Bank Area. This contribution is necessary as the onsite provision results in a shortfall of 136 cycle parking spaces on site provision. This contribution would also be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. A commitment is also included in relation to Cycle Hire membership which would provide for free membership for at least 10% of the occupiers of the office and cultural space of a self service bicycle sharing scheme operated by Transport for London for a minimum period of 3 years commencing from the first occupation of the office and cultural space. Given that this obligation would contribute towards meeting sustainable travel objectives, I am satisfied that it would meet the necessary tests. Taking these matters into account, the obligations would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).

13.14 A contribution of £151,875 is specified towards the South Bank/Waterloo Area Construction Co-Ordinator Contribution. This obligation has been calculated on the basis that the role would cover 4 sites based on an estimate of the cost per service year. The obligation is necessary in order for the construction impacts of the scheme to be mitigated against when considered with other schemes in the area. The obligation also includes for a Waterloo Maintenance Group to be established which would, amongst other things, advise on the coordination of construction programmes of significant schemes within the Waterloo Area in order to maintain accessibility. This contribution and the associated Maintenance Group would also be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. A commitment to provide a deliveries and servicing management plan is also contained within the obligation which would accord with LonP policy T7 as well as LP policy T7. This would enable deliveries and servicing impacts to be managed which is reasonable given the scale of the development proposed. Taking these matters into account, the obligations would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).

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- 13.15 As the development is a riverside development, the obligation includes a contribution of £7000 towards riparian life saving equipment. This would accord with LP policy Q24 part D. The contribution has been arrived at by the Port of London Authority and equates to the cost of the equipment referred to. This contribution would also be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. Taking these matters into account, the obligations would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).
- 13.16 In accordance with policies ED15 and D4 of the LP, there is a need for an Employment and Skills contribution of £1,078,733.77. The development will generate jobs through both the construction phase and end phase and the Lambeth Plan has a target of 25% jobs for local people. This contribution has been arrived at using annex 9 of the Lambeth Plan, which calculates the level of contribution sought according to the size of the development. This contribution would also be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. Taking these matters into account, the obligations would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).
- 13.17 In order to ensure the delivery of on site affordable workspace, a workspace management plan as well as monitoring a contribution of £39,556.02 is sought. This is in accordance with LonP policy E3 and well as LP policy ED2. This figure has been arrived at reflecting the proportion of affordable workspace and the duration it will be provided for. This contribution would also be necessary, directly related to the proposed development and fair and reasonable in terms of scale and kind. A commitment to provide a Cultural Implementation Plan which will set out how the affordable workspace and public realm within the development will be laid out and used is also included. This would be directly related to the development and would ensure the delivery of these aspects of the scheme in order to maximise the function of these aspects of the proposal in accordance with LP policy PN1(f). Taking these matters into account, the obligations would clearly meet the tests set out in paragraph 57 of the Framework and Regulation 122(2).
- 13.18 Finally, a monitoring fee for the Agreement itself is included at £45,123. This figure has been arrived at through agreement between the Council and the Applicant as a proportionate response to the monitoring requirements necessary. I am satisfied that these obligations meet the tests set out at paragraph 57 of the Framework as well as Regulation 122(2).
- 13.19 Schedule 14 sets out an obligation to provide public access to the level 12 terrace. This would be to the area as indicated on plan 8 contained within the agreement and would be subject to a Terrace Management Plan, the detail of which is defined within the Agreement. The arrangement would be similar to the viewing area currently provided within the Oxo Tower. Both CSCB and SOS were supportive of the overall approach, although raised specific concerns regarding the operation of such an arrangement.

To my mind, the obligation sets out clearly how the space would operate. Given the requirements of LonP policy D9 (D) it is my view that this obligation meets the tests set out at paragraph 57 of the Framework as well as Regulation 122(2).

13.20 To conclude, all of the obligations contained within the s106 Agreement meet the tests of the Framework and the requirements of Regulation 122 of the CIL Regulations 2010.

14 **Inspector's Conclusions**

14.01 From the evidence before me at the Inquiry, the written representations, and my visits to the site and surrounding areas, I have reached the following conclusions. Where necessary, references to earlier paragraphs within this report, in particular the relevant parts of my policy analysis as well as the main parties' cases are covered by **[-] square brackets**.

Preliminary Matters

14.02 It is clear that the proposal has generated a significant amount of local opposition. This was evident from the oral representations received at the Inquiry. On this basis, it is necessary for me to make clear that my assessment below has been based on a very careful consideration of all of the evidence presented, as well as being informed by numerous and extensive site visits to the application site, relevant viewpoints and surrounding area.

14.03 It is also evident that many of the issues concerning heritage, townscape and design overlap. In order to avoid duplication, I have made it clear within my assessment below which particular aspects of these issues my decision addresses, however these sections and the conclusions drawn should be read as a whole.

The main considerations and structure of these conclusions

14.04 Taking account of the matters upon which the Secretary of State (SoS) particularly wished to be informed on, the oral and written evidence to the Inquiry as well as my own observations, I find the main considerations in this appeal are as follows:

- **Consideration 1** - The effect of the proposal on the setting and thereby the significance of a series of designated heritage assets: Somerset House, RNT, RFH, Waterloo Bridge, IBM Building, St Paul's and to the following Conservation Areas – Old Barge House Alley, Waterloo, Strand, Roupell Street, Temple, Whitefrairs, South Bank, including whether the public benefits would outweigh any harm identified in the heritage balance(s);
- **Consideration 2** - The effect of the proposal on the townscape character and appearance of the area (design);

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- **Consideration 3** - The effect of the proposal on the living conditions of nearby residents in terms of daylight and sunlight;
 - **Consideration 4** - Whether the proposed public realm improvements provide a satisfactory environment;
 - **Consideration 5** - Whether the scheme's sustainability and its whole life carbon assessment provide an appropriate strategy in terms of climate change mitigation; and
 - **Consideration 6** - The extent to which the proposed development is consistent with the development plan for the area, and the overall planning balance with regard to the NPPF and any other material considerations.

Consideration 1 - The effect of the proposal on the setting and thereby the significance of a series of designated heritage assets

Introduction and the approach to assessment of harm

14.05 The heritage assets of concern are set out above. The parties have expressed differing views on the heritage assets and the extent to which, if any, the contribution that the setting makes to the overall significance and the extent to which this maybe affected by the application proposal. I have already summarised the relevant policy and legislative position **[5.60, 5.61, 5.15, 5.39, 5.40]**. I deal with each of the assets in turn, firstly in terms of the factors which contribute to the setting, then the assessment of impact on the setting as a result of the proposal and finally the assessment of harm arising (where relevant). Following this assessment, and in accordance with paragraph 202 of the Framework, I then balance any less than substantial harm arising with the public benefits of the scheme.

14.06 It is also worth setting out how I have approached the assessment of harm. I am aware that whether a proposal causes substantial harm will be a judgment for the decision maker and that in general terms, substantial harm is a high test⁹¹⁹, such that a good deal (or all) of the significance of a designated heritage asset would have to be removed for it to be reached. A finding of less than substantial harm can be very broad from a harmful impact that is hardly material all the way towards something just below that very high bar. Where I have found any harm arising at the level of less than substantial, I have set out where along this scale I consider the level of harm to be.

St Paul's Cathedral Grade I

⁹¹⁹ CD 6.28, CD 12.04

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- 14.07 St Paul's Cathedral is a Grade I listed building that is internationally recognised. As Historic England (HE) summarise⁹²⁰, the Cathedral has one of the finest and largest dome structures and is one of the most famous and recognisable sights of London **[8.97, 9.15, 9.16]**.
- 14.08 In terms of its setting, both its immediate and wider environment make a significant contribution to its overall setting. This is because of the historical significance of the building to London as a whole. The building also has a strong interrelationship with other landmark buildings in London such as those in Westminster. This relationship is demonstrated through the Linear View 8A.1 Westminster Pier to St Paul's Cathedral and it is this view which is the focus of my assessment of the effect of the proposals on the setting of this heritage asset **[6.90]**.
- 14.09 The applicant's appraisal of this view is set out within the THVIA⁹²¹ as view 20 and the view is described within the LVMF SPG⁹²². The bend in the river is noted as bringing the cultural attractions of the South Bank into a relationship with the City beyond. St Paul's Cathedral is framed by middle ground buildings formed by the former Shell Building and Royal Festival Hall. The South Bank is unified by the Portland stone façades of the former County Hall, the RFH and the Shell Centre. In the middle ground, the interaction between the London Eye and St Paul's Cathedral is noted with the capsules skimming the dome of the Cathedral.
- 14.10 The two buildings that 'frame' St Paul's Cathedral allow an unimpeded view of the peristyle, upper drum and dome, silhouetted against the sky. This is identified as a key attribute of this view. The most southerly of the western towers of the Cathedral partially obscures the peristyle, while the northern tower is largely hidden behind the Royal Festival Hall. The London Weekend Television (ITV) tower is also seen in the backdrop of the Shell Centre building.
- 14.11 In terms of the visual management guidance, the guidance notes that in the foreground and middle ground, the clear view of the Cathedral should not be obscured by tree growth in either the foreground or middle ground and a landmark viewing corridor will maintain the existing visual frame around the Cathedral created by the middle ground buildings. From what I saw on the site visit, there is currently no clear view of the Cathedral from this viewpoint because of tree growth. This position is clearly at odds with the LVMF Guidance. In relation to the background of the view where the application site is located, development should preserve or enhance the viewers ability to recognise or appreciate the dome, peristyle and south-west tower of St Paul's Cathedral. These elements should generally remain with a clear sky backdrop.
- 14.12 The proposal would see development either side of the viewing corridor and I note that concerns have been expressed by HE regarding the

⁹²⁰ CD 4.08 - CD4.12

⁹²¹ CD 1.20 page 110

⁹²² CD 6.32 page 83

development creating a 'canyon' effect which in their view would diminish the viewers ability to recognise or appreciate the Cathedral and conflict with strategic policy 7.12. However, part F of policy 7.12 (b) refers to the creation of a canyon effect in relation to development within the Wider Setting Consultation Area. The application site does not fall within the Wider Setting Consultation Area. The relevant part of this policy is 7.12 part C which advises that development proposals in the background of a view should give context to landmarks and not harm the composition of the view as a whole. Kent House is visible in the background of the view, and this would be replaced with a taller building (the south building). This building would be largely obscured in the view by the London Eye and Whitehouse Apartments. Similarly, the north building would be positioned to the left of the view within the middle ground. However, it would be positioned behind and above the RNT and the building does not encroach closer than the RFH. The RFH would retain its prominence in the foreground of this view. For these reasons, I differ from the conclusions reached by HE. The proposal would not, therefore, create a canyon effect in any event **[6.91, 6.92, 7.13, 7.14, 8.101, 8.102, 8.103, 9.34]**.

- 14.13 It's height and positioning would mean that the existing visual frame around St Paul's would be maintained. In particular, the ability to recognise and appreciate the dome, peristyle and south-west tower of St Paul's Cathedral would be retained. In this view, these are the attributes which contribute to the setting and thereby significance from this viewpoint. The development would maintain the existing visual frame around the Cathedral created by the middle ground buildings (Shell Building and the RFH). This is the element of the view which is identified as the key attribute. The development would be below the threshold defined within the LVMF and as a result the framing of the view of St Paul's and thereby its setting would be maintained. It would have no adverse effect on the ability to appreciate and recognise the strategically important landmark in this view.
- 14.14 Specific concerns have also been expressed regarding an accumulation of harm to this view as a result of other consented schemes, most notably the Doon Street scheme. However, I am unable to see any assessment of the Doon Street proposals as part of view 8A.1 LVMF within the decision⁹²³. The Doon Street proposals would appear to the right of the south building. Whilst the scale of these buildings would be visible, they would not affect the prominence of the buildings within the foreground of St Paul's. In light of my assessment above, the significance of St Paul's would be preserved. The development would cause no harm to the characteristics and composition of the strategic view. The proposal would preserve the viewers ability to recognise and appreciate St Paul's in this view. The proposal would have no adverse impact on the setting of St Paul's and there would be no heritage harm arising as a result of the application proposal. In this way, the proposal would accord with LonP policies HC3, HC4, HC1 (C) as well as policy Q20 from the LP.

⁹²³ CD 12.01

Royal National Theatre (RNT) Grade II & IBM Grade II*

- 14.15 I have chosen to assess these buildings collectively as the contribution setting makes to their significance is, to large degree, concerned with their coherence as a group.
- 14.16 The RNT was designed by Denys Lasdun. It was constructed between 1969 and 1976. It is a Grade II* listed building, widely recognised as one of the most important of Lasdun's designs. The evidence of Mr Dillon on behalf of SOS provides interesting background⁹²⁴ to the design from conception in the form of Mr Dillon's book '*Concrete Reality*'. The vision for the building is summarised as the creation of a cityscape on a metropolitan riverside site which can be enjoyed by people all year around, day and night, whether they are going to the theatre or not. A series of terraces which in turn step down to the riverside, with the overhanging planes providing shelter and shade. In essence, an extension of the urban landscape. The significance of the building is derived from its cultural and civic significance as well as a number of dominant parts of the design. These include the Olivier theatre auditorium and fly tower as well as the fly tower of the Lyttleton theatre, which has a clear subservient role. The use of concrete is also a dominant part of the overall presence and design. The horizontal strata of the terraces also forms a key component of the buildings significance **[7.15, 8.116, 8.118, 9.19, 8.120]**. In this way, I concur with the view expressed by the witness for SOS that the building was designed to be a dominant building on a dominant site.
- 14.17 The IBM building was constructed in the early 1980's and was also designed by Lasdun. The building is noted for its architectural interest. It has a distinctive exterior character and form which contrast but respects the treatment of the neighbouring theatre as well as historic interest being the last major work by Sir Denys Lasdun. This clear link is summarised within the listing description for the IBM building⁹²⁵. As referenced within the Council's PoE⁹²⁶, the ethos behind the design and construction of the IBM building was always intended to strengthen the relationship of both buildings to ensure the buildings could 'hold their own' against planned development coming forward in the area and the buildings clearly achieve this. The materials, horizontal strata and terraces, height and massing

⁹²⁴ CD 9.06i

⁹²⁵ CD 6.47

⁹²⁶ CD 8.03 page 77

mean there is a clear cohesive composition between the two buildings however the IBM building is deliberately subservient to its larger and more dominant neighbour. The recently permitted works⁹²⁷ [3.2] to the IBM building will make the building more prominent along Queen's Walk. In light of the above, both the RNT and IBM are noted for their historic and architectural interest as well as group value and both buildings are considered to make a positive contribution to the South Bank Conservation Area. In my view, a key contributor to the significance of these properties is their shared architectural detailing in terms of form and material [6.14].

- 14.18 Figure 2.3⁹²⁸ of A Reynolds PoE provides a useful overview of site context which is helpful in understanding what was in place at the time the RNT was constructed. The aerial photograph from 1969 clearly shows the appeal site including Kent House more or less completed, with the RNT complex under construction. It also shows the absence of the IBM building and Queen's Walk which were much later additions to the area. The image demonstrates the existing context of Kent House along Upper Ground. As set out within the Council's evidence⁹²⁹, it is also worth noting that the RNT was originally designed to be located between County Hall and the Hungerford Bridge (what is now Jubilee Gardens) and where the Shell Centre would have also been a prominent tower in the backdrop to the setting of the RNT. The building needed to be a robust presence in view of this development behind and it is fair to say the design achieves this.
- 14.19 It was broadly agreed between the parties that one of the most important views of the RNT is from the southside of Waterloo Bridge. This was reinforced by a sketch⁹³⁰ produced by Denys Lasdun during the construction of the RNT. Whilst there was much debate regarding the precise location and back story behind the sketch, in my judgement the view is composed from the southside of Waterloo Bridge. It is broadly comparable with views 13,14 and 15 from the Townscape & Heritage Visual Impact Assessment (THVIA⁹³¹). Here, the façade treatment to the western elevation is perhaps most greatly appreciated with both the stratification and layering clearly visible and the RNT is clearly articulated to face Waterloo Bridge in this location, not surprising as the public walkway terminated at the RNT at the time of construction. The terracing provides routes to access the building and a direct route from the Waterloo Bridge itself. This successfully reinforces the objective that the building should be viewed as part of an extended urban landscape.
- 14.20 However, the importance of St Paul's Cathedral which appears to the west of the view provides a pleasant framing to the overall composition. In this view, what is important is the clearly defined bulk and massing of the RNT within its overall wider setting of the Queen's Walk, the River Thames and

⁹²⁷ CD 2.10 and CD 2.11

⁹²⁸ CD 5.02 page 8

⁹²⁹ CD 8.03 page 6

⁹³⁰ CD 9.06g

⁹³¹ CD 1.20 pages 94-100 inclusive

the City, denoted by St Paul's in the distance. Kent House appears to the east of this view in the distance. In replacing Kent House, the part of the application site which would be visible from this viewpoint would be a glimpsed view of the South Building fronting Upper Ground. It would in no way detract from the significance or setting of the RNT in this location and the importance of the link between the RNT and the City beyond **[8.112, 8.134]**.

- 14.21 Much was made of the triangle - the relationship between St Paul's, Somerset House and Waterloo Bridge and the importance of these landmarks to the location of the RNT **[8.3, 8.111, 8.118]**. As the RNT was never originally designed for its current location, I am not convinced that there is any evidence to suggest the design specifically responds to this intervisibility and therefore I question the importance of this as an overall concept. Nevertheless, I acknowledge that it is reported that Lasdun embraced the new location with enthusiasm⁹³². In any event, the proposal would not undermine this relationship. The intervisibility between these three landmarks when viewed from Waterloo Bridge would remain. The proposal would be seen as no more than part of the wider townscape of the South Bank as a whole.
- 14.22 Turning to consider the impact on the setting of these assets when viewed from Blackfriars Bridge, these are illustrated through the THVIA⁹³³ at views 04, 04A and 05. At present, both the fly towers of the RNT as well as the stair towers of the IBM Building are visible from this location over the tops of the trees. I accept that these views are kinetic and are subject to change from the numerous vantage points along the bridge. I also accept that the visibility of these features at present is largely due to the low rise nature of the river frontage buildings, which are noted as being of little architectural interest. I also accept that in all likelihood there is nothing to indicate that the view from Blackfriars Bridge informed the design, given the clear way the RNT fronts to Waterloo Bridge **[7.20]**. However, this fact alone does not mean that the view from Blackfriars Bridge does not contribute to the significance of the listed buildings.
- 14.23 I note that neither the RNT or IBM are identified as landmarks within the LVMF. Nevertheless, the visibility of the fly towers is an important part of the significance of the RNT and ensures it is readily identifiable on the South Bank as part of the established townscape. The sculpted form of the IBM building performs a similar function. The north building would largely conceal these features when seen from Blackfriars Bridge, views which allow the significance of the heritage assets to be appreciated within the townscape of the South Bank as a whole. This would perhaps be most noticeable during the evening when the illuminated Olivier fly tower would be largely obscured and at best only seen in glimpsed views beyond the north building. As a result of the loss of visibility of these elements of sculpted form, there would be a harmful impact on the setting and thereby the significance of the RNT and IBM Buildings as a result of the proposal.

⁹³² CD 9.06i page 36

⁹³³ CD 1.20 pages 72-76 inclusive

This harm would be both individually to the designated heritage assets as well as collectively as a coherent group. In Framework terms, this harm would be less than substantial.

- 14.24 When viewed from Queen's Walk itself, the architectural significance of these buildings is clearly evident. In particular, the horizontal strata can be readily appreciated. The significance of both the RNT and IBM in this immediate context would still be clearly evident with the application proposal and there would be no harm to this part of their setting [**6.82, 8.126, 8.127**]. I have already concluded that the principal viewpoint of the RNT is from Waterloo Bridge. The views from Blackfriars Bridge are only one view. In the views along Queen's Walk, Upper Ground and from Waterloo Bridge, the proposal would have no harmful impact on the setting of either of these assets from these viewpoints. From the Embankment, the proposals would be seen within the wider South Bank townscape [**7.27**]. The civic and cultural significance of the RNT and group value with IBM would remain. There would be no harm to the setting of the designated heritage assets either individually or as a group in relation to this river view. As a result, the harm that would be caused to the setting and thereby the significance of both the IBM and RNT would be at the absolute lowest end of the scale of this less than substantial harm.
- 14.25 I have also given careful consideration to the scale and massing of the application proposal and its position next to the RNT and IBM Buildings. As stated above, these buildings have been designed to 'hold their own'. They are not subtle buildings, nevertheless any development of the application site needs to respond in a sensitive manner to the heritage assets concerned. Kent House already provides a significant tall building next to these properties, forming part of the established townscape when the RNT was constructed. The design and materials used would ensure that the proposals would strike an appropriate balance next to these important heritage assets. The composition and materials used would ensure that the proposals would sit alongside the IBM Building as a clear and separate form and as part of an overall urban experience. As a result, the application proposal would be readily distinguishable from both the RNT and IBM building and would preserve the civic, cultural and overall significance of the RNT and IBM buildings.
- 14.26 In reaching this view, I am mindful of the Secretary of State's (SoS) conclusions reached in relation to the Doon Street proposals⁹³⁴ which include a tower at a height of 140m immediately behind the RNT. In relation to that scheme, as set out at paragraph 28⁹³⁵, the SoS considered that the tower would be readily distinguishable from the RNT. It would intrude on it's setting; however the effect would not be to overwhelm the listed building. The civic and cultural significance of the RNT would not be greatly diminished and overall, the development would preserve the setting of the listed building [**6.78**]. That scheme will in my view appear as a significant addition sited directly behind the RNT in both its immediate

⁹³⁴ CD 12.10

⁹³⁵ CD 12.10

context as well as some of the most important views of the heritage asset from Waterloo Bridge. In light of this and taking into account the assessment I have made above, it would in my view be illogical to conclude that development to the east of the RNT, which would be less prominent in some of the most important views of the RNT from Waterloo Bridge, could cause substantial harm to this heritage asset.

14.27 Mr Dillon argued that the Council's approach had been to deal with these heritage assets as 'second class' assets as they represent 20th century architecture. The assessment carried out by Mr Black on behalf of the Council comprises a considered and comprehensive approach which demonstrates to me a very clear understanding of the historical development of the area, and the role which both the RNT and IBM have played in this evolving context. I therefore find this assertion totally unfounded and without substance **[7.3, 7.4, 7.24]**.

14.28 I therefore conclude that the proposal would result in less than substantial harm to the setting of the RNT and IBM. In this way, there would be conflict with policy Q20 (ii) of the LP as well as LonP policy HC1 (C). In accordance with paragraph 202 of the Framework, I shall go on to weigh this less than substantial harm against the public benefits of the proposal.

Royal Festival Hall (RFH) Grade I

14.29 This building was constructed during the late 1940s and was extended and remodelled in the mid 1960s. It was designed by London County Council's Architects Department as their contribution towards the Festival of Britain. In common with other established buildings along the South Bank, the main elevation of the building faces the river frontage. The significance of the building is derived from its architectural quality, form and massing and in particular its distinctive curved copper roof. Significance is also derived from its cultural and historical importance to the South Bank as a whole. The building is situated to the west of the appeal site, and is separated by the IBM, RNT, Waterloo Bridge and Queen Elizabeth Hall complex which includes the Hayward Gallery and Purcell Rooms. The perceived separation in a visual sense is exaggerated by the bend in the river in this location. Nevertheless, the existing ITV tower forms part of the wider urban setting and it follows that parts of the application site would be visible in views of the RFH **[6.88, 6.89, 7.8]**.

14.30 In terms of the wider views and visibility, I have already concluded in relation to the visual impact of the development in relation to LVMF view 8A.1. In essence, the application proposal in this view would not detract from the distinctive curved roof line of the RFH and the RFH would retain its established prominence when seen from Westminster Pier. There would be no harm to the setting of the RFH as a result.

14.31 Other views of the RFH which could potentially impact on the setting are set out within the THVIA. THVIA view 16 illustrates the view on Victoria Embankment at Cleopatra's Needle. This is an extract of LVMF 20B.1. Here, the RFH is visible clearly to the right of the view and in the foreground. The application site is situated beyond the bridge to the left of

the view, some distance from the RFH and would be read as part of the Blackfriars tall buildings cluster. The special interest of the RFH would be preserved and there would be no harm to the setting of the RFH from this view **[9.56, 9.57]**.

- 14.32 The site is also visible in the background in River Prospect View 17: Golden Jubilee/Hungerford Footbridges and viewing location 17B (views 17 and 18 in the THVIA⁹³⁶). RFH is noted as a landmark within the view and the description of the view focuses on the view east towards the City. The existing ITV Tower is not noted as being within this view however the site is visible to the far right of the view. The proposal would be seen here as two distinct buildings. The expanse of river, which is the dominant element of this view, would remain. The view emphasises the separation between the RFH and the application site. There would be no harm to the setting of the designated heritage asset in relation to this river view **[9.51, 9.54]**.
- 14.33 In relation to River Prospect 20: Victoria Embankment between Waterloo and Westminster Bridges (THVIA view 19⁹³⁷), the view is described as a series of buildings, the principal elements of which are the former County Hall, the Shell Centre, the London Eye and the two Bridges. The river dominates the foreground and the buildings are described as having visual strength as separate objects rather than continuity. The southern building of the proposed development would be visible to the very far left of the view. The north building would only be glimpsed in this view. The proposal would not dominate the horizontal emphasis provided by the landmark riverside buildings but would add to the visual variety of the skyline in a considered way. Again, this view emphasises the separation between the RFH and the application site. As a result, there would be no harm to the setting of the designated heritage asset in relation to this river view.
- 14.34 To conclude, there would be no harm to the setting of the RFH. The legibility of the RFH would remain as a prominent landmark in the key river views identified. Its cultural and historical significance to the South Bank as a whole would also remain unaffected. At most, the application proposal would be seen in the background of these views as part of the overall townscape and skyline which would reinforce the established and emerging townscape pattern of development. In this way, the proposal would accord with LonP policies HC3, HC4, HC1 (C) as well as policy Q20 from the LP.

*Waterloo Bridge Grade II**

- 14.35 Waterloo Bridge is a Grade II* listed bridge designed by Sir Giles Gilbert Scott. The significance of the bridge is derived from both its historic and architectural interest. The historical significance relates to part of the bridge's construction taking place during WWII, the architectural significance relates to the elegant spans and Portland stone finish and innovative engineering techniques used during construction. It represents

⁹³⁶ CD 1.20 pages 104-107 inclusive

⁹³⁷ CD 1.20 page 108

a prominent structure on the Victoria Embankment and is visible from both the river itself, the Embankment, South Bank as well as more distant views from other bridges which cross the Thames. In terms of its setting, the principal contributor is the vast expanse of the River Thames across which it spans. The bridge is also noted for its group value being located amongst several listed buildings including the RFH (Grade I) and the RNT (Grade II*).

14.36 The proposal would not affect these key factors which contribute to the setting of the bridge. Specifically, the important relationship of the bridge with the river and both the Embankment and South Bank will remain. The application site is visible from the bridge as explained in the river prospect views section of my report, however the development does not impact on the setting or the significance of the structure. Similarly, there would no cumulative effect in terms of setting when the listed buildings which sit close to the north and south bank entry points to the bridge are taken into account (Somerset House and RNT) As such, there would be no harm to the setting or thereby the significance of the bridge as a result of the application proposal [6.93, 7.6, 7.7, 8.12]. The proposal would accord with LonP policy HC1 as well as policy Q20 from the LP as a result.

Somerset House Grade I

14.37 Somerset House is identified as one of London's most important Palladian buildings. It was designed and built by William Chambers, a prominent eighteenth century architect and this represents one of the most impressive examples of his work. The building is important for its exceptional historical and architectural interest. The setting provides an important part of the significance of the building, the scale and width of the river frontage is extensive as is the central courtyard area around which the main buildings are arranged. These are both important elements of the overall composition of the building.

14.38 I have assessed the proposal from the Somerset House terrace fronting the Embankment. This is shown as view 10 from the THVIA⁹³⁸ as well as image 10 within the supplementary visual material⁹³⁹. From here, the application site is seen across the river as part of the wider South Bank townscape. The development would be largely screened by the existing tree coverage which dominates the outlook from the terrace and when visible, would provide an architectural composition reflective of the established townscape character of the South Bank. There would be no harm to the setting of Somerset House from this viewpoint.

14.39 THVIA view 11⁹⁴⁰ demonstrates the view taken from the central courtyard, main entrance. This is an important view as one is able to appreciate the overall architectural composition from this viewpoint. The top of the south tower would be visible to a very limited extent from within this central

⁹³⁸ CD 1.20 page 88

⁹³⁹ CD 10.15 pages 8-11 inclusive

⁹⁴⁰ CD 1.20 page 90

courtyard area, presenting itself to the top left corner between the existing chimney stacks and behind existing safety rails. In my view, the extent of the visibility of the south building from the central courtyard would vary from totally obscured to minimal glimpsed views (as shown by view 12 of the TVAI northwest corner) at most. These views are also explored in further detail through the additional images from the courtyard as set out within the supplementary visual material⁹⁴¹. From this view, the existing central cupolas clearly draw the eye as do the highly detailed elevations at ground level which face onto the courtyard. Nevertheless, the proposal would result in some harm to the overall composition of this view. My view is consistent with that of HE in that the proposal would cause less than substantial harm to this heritage asset. Given the low level of visual intrusion this would cause at the roof level it would in my view, be at the absolute lowest end of less than substantial harm. In reaching this view, I have also had regard to the consented Doon Street tower and the cumulative impact of this tower on the setting of Somerset House. The Doon Street tower will be seen as a clear visual interruption of the skyline and prominent addition to the roofline directly to the left of the main cupola. As a result, the proposal would conflict with LonP policy HC1 as well as policy Q20 from the LP **[7.5,8.89,9.82,9.84]**. In accordance with paragraph 202 of the Framework, I shall go on to weigh this less than substantial harm against the public benefits of the proposal.

Conservation Areas – Introduction

14.40 The THVIA ⁹⁴² helpfully sets out at page 16 the application site relative to the 7 Conservation Areas assessed below. This is useful in terms of understanding the context and relationships between the various Conservation Areas assessed.

South Bank Conservation Area

14.41 The South Bank Conservation Area extends from Bernie Spain Gardens down following the bend of the river and concludes at Westminster Bridge Road. It covers by far the largest area relative to the other Conservation Areas listed and encompasses many of the visitor and cultural attractions along this stretch of the South Bank such as the Royal Festival Hall, London Eye, Royal National Theatre and Hayward’s Gallery. The designation report⁹⁴³ notes that a majority of the buildings were intended as public, cultural or commercial single use buildings. I also note that historically, as noted by the London County Council⁹⁴⁴, the pattern of high class commercial development migrating from the northern part of London to the South Bank was noted as a desirable trend to be stimulated under the South Bank proposals of the time **[6.12]**. The designation report also recognises that the Conservation Area as a whole does not display the

⁹⁴¹ CD 10.15 pages 61-71 inclusive

⁹⁴² CD 1.20

⁹⁴³ CD 6.09

⁹⁴⁴ CD 9.06 appendix 12

usual characteristics of a Conservation Area in that nearly all of the buildings are new.

- 14.42 I note the Council advise that the area has evolved and seen significant change over the last 15 years, for example the emergence of the Blackfriars Road tall buildings cluster as well as the Shell Centre redevelopment, to the extent that the Council consider the Conservation Area Statement should not be viewed as up to date. Nevertheless, I am still of the view that the document provides useful background and context, particular in terms of the emergence of the Conservation Area.
- 14.43 In relation to Queen's Walk, the Conservation Area Statement⁹⁴⁵ notes that the RNT is set back along Queen's Walk and both this building and the IBM Building have a similar finish in colour and recessed tiered character, giving a unity to the built form in this location. The document notes that the walkway narrows at the north end of the IBM Building creating a pinch point which then opens up again outside of the application site and the existing ITV site is noted as being largely screened by trees.
- 14.44 The document notes the entirely different character of Gabriel's Wharf and Bernie Spain Gardens from the rest of the Conservation Area. The ITV tower is noted as being 'reasonably attractive' and makes a neutral contribution to the Conservation Area. but the lower buildings are of little architectural interest. From what I saw on the site visits, I would concur with this assessment. Indeed, the site allocation of the application site as well as these neighbouring buildings within the Local Plan for preferred uses as mixed use including offices, residential and active frontages at ground floor level supports the development opportunity which the site presents overall.
- 14.45 However, I would also add that from Queen's Walk, the existing site adds very little in terms of any sense of arrival to the South Bank and significantly detracts from this part of the Conservation Area. The existing building turns its back on the Queen's Walk to such an extent it provides a stark and oppressive environment. It is totally at odds with the high amenity value of the Queen's Walk. The application proposals would provide a clear sense of place and arrival, through the setting back of the building line, the enhanced public realm to Queen's Walk, the introduction of active frontages and the London Studios entrance. In particular, the architectural treatment to the north building in this corner, including the exposed soffit from the upper floor overhang, articulated support columns and visible balconies and terraces on the upper floors would create a welcoming and attractive entrance to this part of the Conservation Area. Mulberry Walk and the additional pedestrian walkway to the west would add to the enhanced pedestrian movement opportunities in the area, and the public squares would also add to the existing opportunities for performance and arts related activities related to the London Studios and the wider arts function of the South Bank as a whole **[6.98, 7.31]**.

⁹⁴⁵ CD 6.10

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- 14.46 The proposal would also add to the bulk and massing of the site, particularly to the Queen's Walk frontage, however it would not dominate the Conservation Area. Tall buildings are a clear part of the established character of the area. In addition, the effect of the bulk and massing is heightened by the immediate neighbour of Gabriel's Wharf and Princes Wharf, elements of the Conservation Area which are noted as being entirely different to the Conservation Area as a whole. This increase in bulk and massing must be read in the context of the established character of post war architecture **[6.97, 8.136, 9.17]**.
- 14.47 Turning to consider Upper Ground, whilst I agree with the Council's assessment in that Kent House makes a neutral contribution to the Conservation Area, the service bay and drop off area detract from the Conservation Area as does the clear lack of permeability around the site. The proposals would see the office entrance located to Upper Ground, remove the service bay entirely from this location and would increase permeability through the north/south pedestrian movement walkways.
- 14.48 In terms of the views of the South Bank Conservation Area from Waterloo Bridge, I have already covered views 13, 14A/B and 15 of the THVIA in terms of my assessment of the views of the RNT and IBM from these locations. I do not intend to repeat those conclusions here save to say that the proposal would preserve the character and appearance of the South Bank Conservation Area when viewed from these locations. I have also addressed River Prospect View 20B which is the view from Cleopatras Needle **[9.59, 9.61]**.
- 14.49 I am mindful of the conclusions I have reached above in relation to the effect of the proposal on the RNT and IBM Buildings, both designated heritage assets within this Conservation Area. The harmful impacts I have set out would be isolated and limited to the views to the South Bank Conservation Area from Blackfriars Bridge and specifically the appreciation of the heritage assets from this locality. Given the size and scale of the Conservation Area as a whole, and the very many weighty benefits and enhancements the scheme would deliver to the character and appearance of the South Bank Conservation Area, the views from Blackfriars Bridge make a very limited contribution to the significance of the Conservation Area as a whole. In my view, these enhancements would balance out the harmful impacts. Considering all of these factors together, the proposal would preserve the character and appearance of the Conservation Area. It would therefore accord with policy Q22 of the LP.

Old Barge House Alley Conservation Area

- 14.50 This Conservation Area was designated in 1983 and is a relatively small and self-contained area which lies within the neighbouring borough of Southwark. It includes the Oxo Tower as well as two historic through fares of Barge House Street and Barge House Alley. View 37 of the THVIA⁹⁴⁶

⁹⁴⁶ CD 1.20 pages 144 and 145.

provides a view from this Conservation Area. It is characterised by the refurbished Oxo Tower Wharf building as well as the Queen's Walk. In a majority of the views which involved the Queen's Walk frontage, the trees to Queen's Walk are the dominant feature and will remain as so, the visibility of the north building is therefore somewhat limited. However, even where views of the north building are possible, they would be seen as part of the established townscape of the area and are neutral in terms of the effect on the Old Barge House Alley Conservation Area as a whole **[7.33, 8.139]**. It would therefore accord with policy Q22 of the LP.

Waterloo Conservation Area

14.51 The Waterloo Conservation Area lies to the north of Waterloo East station, stretches from Waterloo Road in the west to Duchy Street in the east ⁹⁴⁷ and encompasses parts of the Peabody Estate. Stamford Street provides the northern boundary. The Conservation Area Statement⁹⁴⁸ provides a comprehensive summary of the designation of the area, including a street-by-street analysis of the individual elements which make up the overall character. The area is mixed in character comprising a mixture of architectural styles, building types and land uses including educational and residential land uses.

14.52 The viewpoint at Stamford Street at the Cornwall Road junction affords the opportunity for views across to the application site and the existing Kent House is clearly visible in these views (THVIA⁹⁴⁹ view 27). The proposals would add to the bulk and massing of this view when seen from this location. The views out of the Conservation Area as a whole do not contribute to its significance. However, it is primarily the absence of a building on this corner which would allow for the full elevation of the south tower to be visible. The special character of the Waterloo Conservation Area would be retained in these views as they do not contribute to the overall significance of the Conservation Area which is very much focused on the buildings, land uses and existing architectural character **[8.143]**. It would therefore accord with policy Q22 of the LP.

Strand Conservation Area

14.53 The Strand Conservation Area is located directly opposite on the north bank of the River Thames and comprises the area between Waterloo Bridge and Temple within the City of Westminster. The Conservation Area Audit⁹⁵⁰ notes the two main routes of the Strand and Embankment, substantial buildings such as Somerset House as well as smaller grain areas most notably in the south east including Chancery Lane. Victoria Embankment is noted as being heavily trafficked which forms a physical

⁹⁴⁷ CD 6.40

⁹⁴⁸ CD 6.42

⁹⁴⁹ Cd 1.20 page 124

⁹⁵⁰ CD 6.52

and visual barrier between the Conservation Area and the Thames. In light of the level changes between Somerset House and the Embankment, I agree that this is an accurate reflection of the Conservation Area as a whole. In terms of important local views, the view from the Embankment to the RNT is noted. Trees form an important part of the Conservation Area and offer significant amenity value. I have already assessed the view from Somerset House Terrace (THVIA view 10) as part of my assessment of the impact of the development on Somerset House. In summary, there is limited visibility of the appeal site from this location due to the extensive tree coverage. The proposal when visible would be seen as part of the established townscape of the South Bank.

- 14.54 Kent House is clearly visible at the end of Arundel Street (⁹⁵¹THVIA view 8) and the existing Kent Tower is visible through the mature trees along the Embankment. In common with the Temple Conservation Area, the application site is seen within the wider context of the townscape of the South Bank as a whole. The application proposal would mean a change to these views. However, the proposal would continue to be seen as a comfortable addition to the townscape of the South Bank as a whole. In relation to Arundel Street in particular, the replacement of Kent House with the South Building would mean that the view at the end of this street would be of a larger building. However, that change in itself should not be confused with harm **[7.34]**. The proposal would preserve the character and appearance of the Strand Conservation Area from this locality **[8.144]**. It would therefore accord with policy Q22 of the LP.

Roupell Street Conservation Area

- 14.55 This Conservation Area lies to the south of the Waterloo Conservation Area. Like Old Barge House Alley, it covers a compact area comprising Theed Street/Whittlesey Street and Roupell Street. Unlike the South Bank Conservation Area, Roupell Street has a very clear overriding character comprising tight formal 19th Century Streets of terraced housing and Peabody Flats. The Conservation Area Statement⁹⁵² notes that the area is typified by a tight urban grain in the form of single bay housing. The land use is predominantly residential although there are pockets of retail use as well as public houses.
- 14.56 The application site is visible through views looking north where Kent House is evident in glimpsed views. In common with the South Bank Conservation Area Statement, the area surrounding Roupell Street has seen significant change since the statement was written, most notably the emergence of the tall building clusters at both Waterloo and Blackfriars which are readily visible from within the Roupell Street Conservation Area and form an important part of the established townscape character of the area.

⁹⁵¹ CD 1.20 page 84

⁹⁵² CD 6.07

14.57 THVIA⁹⁵³ view 28 demonstrates how this view would change from Roupell Street at the corner of Threed Street. Due to its increased height and bulk, the South Building would be a more a visible feature in the backdrop of this vista, however the eye remains drawn to the Georgian terraces in the foreground. It is important to note that tall buildings form part of the existing character outside of the area, and in the case of the application site, Kent House forms a distinctive part of the character and appearance of the South Bank Conservation Area. The height and scale of the proposals as well as the materials used would ensure it appears as a tall building of appropriate character and quality in this river front location. Given the separation distances involved and the fact that the building would be visible within this overall context, the change would not result in harm to the Conservation Area. In essence, a tall building is already visible, and this would be replaced with a tall building of contemporary design. For these reasons my view differs from that of HE who consider there would be some harm to the Conservation Area.

14.58 As a result, I conclude that the proposal would preserve the character and appearance of the Roupell Street Conservation Area **[6.100-6.102 inclusive, 7.35, 8.138, 9.80]**. It would therefore accord with policy Q22 of the LP.

Temple Conservation Area

14.59 The Conservation area lies on the north side of the River Thames within the City of London. The Conservation Area Statement⁹⁵⁴ notes that the Conservation Area has a private quality, emphasised by its gated entrances with most buildings being designed to face the interior of the Temple. It is a combination of buildings and spaces with a character and environmental quality that is reminiscent of the collegiate atmosphere of Oxford and Cambridge. The areas character is significantly influenced by the legal profession uses which dominate the area. I would concur with this assessment and the fact that the Conservation Area as a whole is indeed inward facing.

14.60 THVIA⁹⁵⁵ views 6 and 7 are taken from within this Conservation Area. The views out from the Conservation Area towards the Embankment and beyond to the River Thames are dominated by heavy and mature tree planting. Beyond the Embankment and the River Thames, Kent House is clearly visible as a large landmark however the remainder of the frontage is dominated by the existing tree canopy of the Queen's Walk. The site is seen in the context of the wider riverside vista including the Blackfriars tall buildings cluster to the west and the RNT to the east and beyond. Given the acknowledged inward looking nature of the Conservation Area, the presence of the application proposal on the South Bank would not have any effect on the significance of the Temple Conservation Area as a whole **[6.104, 7.36, 8.14, 8.142]**. The proposal would preserve the character

⁹⁵³ CD 1.20 page 126

⁹⁵⁴ CD 6.53

⁹⁵⁵ Cd 1.20 pages 78 and 80

and appearance of the Temple Conservation Area from this locality, it would therefore accord with policy Q22 of the LP.

Whitefriars Conservation Area

14.61 The Whitefriars Conservation Area lies to the east of the Temple Conservation Area fronting Victoria Embankment and includes the full length of Blackfriars Bridge. The Character Area Summary and Management Strategy⁹⁵⁶ notes that the area is characterised by a mixture of high quality late Victorian and Edwardian commercial and institutional buildings and a grid like layout to the streets. From what I saw on the site visit, this is an accurate description. The application proposal would be visible in some glimpsed views out of the Conservation Area towards the South Bank. However, in this context and in common with the Temple Conservation Area, the application proposals would be seen in the context of the wider riverside vista as a high quality new development and integral part of the South Bank townscape when read as a whole. There would be no harm to the Whitefriars Conservation Area as a result and the proposal would preserve the character and appearance of the Whitefriars Conservation Area **[7.37, 8.140]**. It would therefore accord with policy Q22 of the LP.

Conclusion on heritage harm

14.62 I have concluded that the application would cause less than substantial harm to the significance of the following designated heritage assets:

- The setting of RNT and IBM
- The setting of Somerset House

14.63 I have concluded that this harm would fall at the lowest end of the scale of less than substantial harm. There is a statutory requirement to attach considerable importance and weight to this less than substantial harm in the planning balance as a result of the workings of s.66(1) of the Act. As a result and as identified by the guidance contained within the Framework, I attach great weight to this less than substantial harm I have identified, which should be weighed against the public benefits of the proposals in terms of the planning balance.

14.64 With regards to LonP policy HC1, it does not in my view accord with the Framework in that it seeks to conserve the significance of heritage assets, without making provision for any harm to significance to be outweighed by public benefits. As I have already concluded the proposal would cause some harm to the setting of the above heritage assets, the proposal in the strictest sense would therefore fail to accord with policy HC1. It would also conflict with policy Q20 of the LP.

⁹⁵⁶ CD 6.54

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- 14.65 Finally, I turn to deal with the views of Historic England (HE)⁹⁵⁷, the Government's advisor on the historic environment. HE have identified less than substantial harm (and at the lower part of the range of such harm) to the setting of St Paul's, as well as harm to the Roupell Street Conservation Area, Somerset House, IBM and RNT. I have already set out above my assessment of the heritage issues at play here and shall not repeat that.
- 14.66 HE acknowledge the prominence and high visibility of the site, and state that the proposals would have wider effects on the character of London and of views of some of its most important heritage assets. Despite this, HE make no assessment of the impact of the proposal on the South Bank Conservation Area where the application site is situated, but instead focus their assessment on the Roupell Street Conservation Area located to the south of the site. I believe this omission to be particularly important as it does not illustrate to me whether any assessment of the many tangible benefits the scheme would deliver to the South Bank Conservation Area have been considered. They also make no assessment of any of the other Conservation Areas which have been assessed by both the Council and applicant. This is a surprising omission as in their view, both the RNT and IBM building are best appreciated from the river or from the Embankment which would encompass the Savoy/Strand/Temple and Whitefrairs Conservation Areas. Without such an assessment, it is difficult to understand if HE have fully assessed the degree to which these Conservation Areas make a contribution to the significance of the heritage assets or indeed allow significance to be appreciated. On this basis, these omissions may go some way towards explaining why I have reached a different conclusion to the consultation responses from HE in relation to this application.

Public Benefits

- 14.67 There are a number of public benefits which I now consider and balance against the less than substantial harm I have identified, in accordance with paragraph 202 of the Framework. This balancing exercise needs to be undertaken in the context of paragraph 199 of the Framework, namely when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation (and the more important the asset, the greater the weight should be).
- 14.68 The RNT is a Grade II* building, the IBM Building is a Grade II building and Somerset House is Grade I. There is a statutory requirement, also reflected in policy, to attach considerable importance and weight to these heritage assets in the planning balance as a result of s.66(1) of the Act. The Planning Practice guidance provides a useful reference for what is meant by the term public benefits. It makes it clear that public benefits could be anything that delivers social, economic or environmental

⁹⁵⁷ CD 4.10, CD 4.12, CD 4.54, CD 11.08

objectives. It goes on to note that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits **[7.95-7.109 inclusive]**.

- 14.69 The proposal would deliver substantial benefits to the public realm of the area, through the delivery of new public squares and enhanced permeability around the site. However, these benefits extend beyond the ground level public realm. The proposal would deliver opportunities within the external space of the building itself to appreciate a significant number of the heritage assets in the vicinity from new vantage points. This would include the shared terrace on level 6 looking to the north-east towards St Paul's and beyond⁹⁵⁸, the Sky Pod/roof top terrace on level 12 and also the vista towards St Paul's and the City beyond⁹⁵⁹. Furthermore, the significant amount of amenity space provided through balconies and landscaped terraces for all of the upper floors of the scheme would open up new vantage points from which to appreciate both the IBM building, RNT and the wider South Bank Conservation Area beyond. Indirectly, these high-quality terraces and balconies which would form an integral part of the office accommodation would relieve pressure on the existing amenity spaces in the area such as Bernie Spain Gardens. These are all very significant and weighty public benefits for the historic environment which also deliver a number of social, environmental and economic objectives. Attached to these public realm benefits, the proposal would provide for active frontages to Queen's Walk, a clear positive contributor to the South Bank Conservation Area, which would follow the established townscape pattern of the area along this stretch of the South Bank and forms a key component of the river walkway in this location.
- 14.70 A number of parties have stated that any scheme could deliver these benefits. I disagree. The design, scale and overall massing enables these views to be opened up and the setting back of the building allows the ground level public realm to be maximised. They are integral design components of the scheme. I have no evidence before me to support the assertions that an alternative lower rise scheme could maximise the opportunities for these enhancements. The weight I can place on these arguments is therefore limited.
- 14.71 The proposal would remove buildings described as a neutral contributors to the South Bank Conservation Area as well as the lower rise building fronting Queen's Walk. The mix of the uses, and in particular the London Studios would reinforce the cultural offer of the area which is a key component of the South Bank Conservation Area. In this way, the proposals would complement and enhance the existing cultural offer of the area, important contributors to the historical significance of the heritage assets overall.
- 14.72 In light of these public benefits, I am satisfied that in this case, the public benefits would very clearly outweigh the less than substantial harm I have

⁹⁵⁸ CD 10.04b

⁹⁵⁹ CD 10.04b

found. The proposal would therefore accord with paragraph 202 of the Framework **[7.38, 7.39, 7.40]**.

Consideration 2 - The effect of the proposal on the townscape character and appearance of the area (design)

14.73 I have already concluded in relation to the extent of heritage harm with specific reference to the heritage assets concerned and the relevant Conservation Areas under consideration 1 above. Whilst there are inevitably some areas which overlap, I now turn to consider the overall design of the proposal and the impact the scheme would have on the townscape and character and appearance of the area.

Design Development

14.74 The applicant has set out in some detail the design evolution for the site **[6.38-6.40 inclusive]**. This included as a starting point an assessment of the relevant planning policy as well as a review of the previous consent granted for ITV which comprised offices, tv studios and residential use. Much has been made of the previous redevelopment proposals only being permitted on the basis of the end user being ITV. In my view, the permission provides a useful context to the design development of this scheme. Whilst it is clear that the scheme was tailored to ITV as its end user, it was not a personal permission and cannot be considered as such **[9.149, 9.151]**. In so far that the applicant took into account the then extant consent for demolition of Kent House and the redevelopment of the site for a 14 and 31 storey tower on the site, this was an entirely reasonable approach to take **[6.36,6.37, 6.50, 7.79, 7.80, 7.81]**.

14.75 Through the design competition process which the architects were appointed, the strong emphasis of the early iterations of the scheme was a design that would respond to and complement the distinctive modernist architecture of the South Bank. This was expressed through the strong horizontal layered form. The sketches and models produced demonstrated this composition and character and the relationship with the South Bank, immediate and wider context and the River Thames. In placemaking terms, the emphasis was on a mixed use workspace with complementary cultural, leisure and retail uses. The design demonstrated how it could deliver high quality office floorplates to meet occupier demand, whilst achieving the highest standards of sustainability. It was on this basis that the scheme design was then taken forward for consultation with Officers, stakeholders and local interest groups as well as the Design Review Panel (DRP). Again, this appears to me to be an entirely reasonable approach to take.

14.76 Officers have set out clearly the role of the DRP, the details of the meetings held with the DRP between August 2020 and February 2021 and the feedback given. Full details of the minutes of these meetings have been provided⁹⁶⁰. A significant number of design changes were brought

⁹⁶⁰ CD 3.07 and CD 3.08

about following the feedback from the DRP. In summary, these included enlarging the public realm, replacement of the central courtyard with the publicly accessible cultural hub, changes to the massing in terms of setting back of the east facades between 7.5-9m in width with resultant improvements in daylight to surrounding residential properties, remodelling the massing and form of the blocks to change the proportions in particular providing a smaller square form to the middle block on the south building, reducing the size of the sky pod and setting it back as well as adding balconies to both buildings for amenity and articulation purposes. Figure 37 of Mr Filskows PoE⁹⁶¹ provides a useful summary of the design progression by elevation. A comprehensive summary of the DRP comments and applicants responses is also attached⁹⁶². This process demonstrates to me the proactive early engagement envisaged by the Framework.

14.77 Notwithstanding this, the position of both Rule 6 parties is that that the DRP were anticipating a further review of the scheme before application submission, an assertion that the suggestions had not been satisfactorily addressed and significant unresolved concerns regarding the scheme design remained **[8.81]**. I am unable to agree with these statements. As explained by the Council's witness on this matter, the role of the DRP is advisory only – in that they provide independent design advice to applicants prior to an application being made. It is not absolute and remained an iterative process throughout this period with full engagement from the officers involved. The decision as to whether an additional meeting was necessary was made by the officers and rightly so. It is unreasonable to assume that every comment would be addressed prior to the application submission. It is the role and function of the officers to provide the necessary feedback as was the case here. There is therefore no merit in the suggestion that any failure to change the scheme to address these comments means the scheme would warrant a refusal on this basis. Turning to the matter of unresolved concerns, I recognise that there were a number of suggestions put forward by the DRP which were not addressed as part of the application submission. However, I am satisfied that where this was the case, the applicant has set out in a clear and comprehensive manner why this is the case.

14.78 In terms of ongoing consultation with relevant statutory bodies and community groups, the full details of the consultation undertaken are set out within the statement of community involvement (SCI) ⁹⁶³. In summary, this process included a significant number of pre application meetings with Ward Councillors, local community groups, businesses and organisations. The SCI includes the full details of survey work undertaken to understand the views of the various stakeholders and this was an extensive exercise. Subsequent newsletters were issued to set out how the applicant had considered the consultation responses and next steps. Direct mailshots were used to contact the residents of Iroko House given the

⁹⁶¹ CD 10.03 page 36

⁹⁶² CD 10.04A

⁹⁶³ CD 1.35 and CD 1.36

proximity of this building to the application site. The views expressed were appropriately summarised as part of the application submission. Even though there remain clear areas of disagreement, this does not mean that effective engagement has not been undertaken.

- 14.79 In reaching these conclusions, I have given full consideration to the concerns raised by SOS regarding the level of consultation and engagement with local community groups prior to the application being submitted **[9.131]**. Paragraph 39 of the Framework is clear that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. It goes onto note that good quality pre-application discussions enables better coordination between public and private resources and improved outcomes for the community.
- 14.80 The applicant has outlined **[6.43-6.48 inclusive]** within the SoCG⁹⁶⁴ the scope of the consultation undertaken and the detail of this process is outlined within the SCI⁹⁶⁵ which was prepared in June 2021. The list of stakeholders identified was comprehensive and proportionate given the importance of the site's location within the local area. The officers report to committee also provides a useful summary of the consultation undertaken. It notes how the schemes design has evolved during this time. From the evidence presented, I concur with this view. In my view, the nature of this consultation was proportionate and appropriate given the covid 19 social distancing guidance which was prevalent at that time. There is no conflict with the Framework in this regard.
- 14.81 Drawing the above points together, and from the oral and written evidence presented on this matter, I am content that the design of the proposals has evolved through a very careful consideration of the site and its context. To my mind, the consultation sets out a comprehensive approach in line with both LonP policies D3, D4, D5 and D9, LP policies D2, Q5, Q6 and Q7 as well as paragraph 130 of the Framework.

Layout

- 14.82 The proposed layout provides a rational, positive response to the existing context of the local area and in particular the riverside which is characterised by large buildings set in single plots. The layout has been informed by a thorough assessment and understanding of primary movement routes in the area whilst optimising opportunities for public realm enhancements through the creation of pedestrian access around the whole perimeter of the building, two new public squares and two new pedestrian routes to the west and east providing strong linkages between Upper Ground and Queen's Walk. From this, the relationship of the layout to the local surroundings has developed including the end function and uses proposed. Positioning the office entrance to Upper Ground affords the opportunity to make the most of existing movement patterns whilst the

⁹⁶⁴ CD 10.02

⁹⁶⁵ CD 1.35 and CD 1.36

retail and restaurant focus is towards Queen's Walk where a majority of the leisure footfall flows. This coherent and logical approach to site layout allows the building to benefit from the existing pedestrian footfall along the Queen's Walk, maximising the opportunity for the new public realm to integrate and enhance the existing offer. In this way, the layout provides an appropriate response to the overall local context and maintains a strong sense of place. It also provides active frontages as envisaged by LP policy PN1 **[7.82]**.

14.83 In terms of the internal layout, the applicant has explained in some detail⁹⁶⁶ how the design responds to occupier needs and employee wellbeing. The proposal optimises the office floorplates, the southern building would provide a variety of floorplates providing choice and flexibility for future needs in the form of high quality workspace with direct access to outdoor space, the terraces and balconies on the upper levels maximising the connectivity of the scheme to connect to the outside. The cultural space in the form of the London Studios with the associated affordable workspace provides an important vibrant new destination which would complement the existing cultural offer of the South Bank. The entrances to the London Studios have been positioned centrally to the east/west axis and by the new public squares which not only maximises visibility from Queen's Walk but also maximises the opportunity for linkages to the wider public realm in the area. In doing this, the layout also ensures the London Studios central role to the overall function of the building.

14.84 In this way, the proposal strongly relates to both its immediate context as well as the wider townscape and public realm beyond. As a result, the proposal accords with both policy PN1 of the LP as well as policy Q6.

Is the site an appropriate location for a tall building?

14.85 The site is a significant and prominent riverside site and the river forms an important part of that existing overall context. The proposed riverside building (north) would have a maximum height of 60.1m AOD and the proposed south building fronting Upper Ground would have a maximum height of 109.4m AOD. In this context, both buildings would meet the tall buildings threshold as set out within the LonP D9 and Q26 of the LP. Both buildings are unified at their base through a six storey podium at 28.4m in height. The two towers are similar in height to the now lapsed planning permission on the site which provided for a 59m AOD tower on the river frontage and 108m AOD tower on the Upper Ground frontage.

14.86 The height of the podium has been dictated by the LVMF strategic view 8A.1 which passes through the site from Westminster Pier to St Paul's. As set out above in relation to design development, the scale and massing has also been informed by the previous planning permission for the site. The existing Kent House, at 89.3m AOD in height forms an important part of the established character of the area. As with the previous lapsed

⁹⁶⁶ CD 10.03 page 37 onwards

permission for the site, the proposal increases the scale of the building fronting Queen's Walk.

- 14.87 In terms of the north building which would front Queen's Walk, this building has taken height references and horizontal datums from along the river frontage, for example Sea Containers House (approximately 60m AOD) and the Oxo Tower although the application site proposal is set back from Queen's Walk by some considerable distance when compared with these nearby buildings. This is explained in some detail through the DAS⁹⁶⁷ and the review of immediate context. The height of the north building has also been informed by the previous consent for the site which sat at around 59.79m AOD (the proposals being 60.1m AOD) **[6.52, 6.55, 7.90]**. In this way, the north building clearly responds to the established local context and would provide a building of sufficient height to provide a strong edge to this important frontage which would be entirely in keeping with the scale and massing of its surroundings **[6.16, 8.55]**.
- 14.88 In terms of the south building, this would see the building step up away from the river frontage to the boundary with Upper Ground, in much the same way as the existing Kent House. This also ensures that no canyoning effect is created along the river. Although taller than the existing tower, this appears to me to present an appropriate design response to this location, with the buildings simple form and rectangular character relating well to the surrounding buildings along Upper Ground. The buildings would remain subservient to the Waterloo and Blackfriars tall buildings clusters. The scheme would also aid legibility and wayfinding marking this important and prominent riverside location.
- 14.89 The approach adopted in terms of the Queen's Walk frontage building provides an active frontage and to my mind an appropriate balance in the context of the river walk beyond the appeal site, mirroring the existing arrangements of retail and restaurant uses 'spilling out' onto this area. This is a positive aspect of the proposal which would deliver public realm, townscape and wider benefits to this important riverside location.
- 14.90 There was much debate at the Inquiry as to whether a point block would be a more suitable design response in this location. In particular, reference was made to the existing tall buildings located within the Blackfriars cluster. Notwithstanding the fact that there is no policy basis for such an approach, in my view, a point block here would be entirely at odds with the existing urban form, in particular the immediate neighbours of IBM and RNT. This is because these buildings have strong horizontal emphasis and take up almost the full width of their plots. Furthermore, other tall buildings in the vicinity which form an important part of the established character such as the Shell Centre are significant in both height and width. The width of the proposal provides an appropriate and considered design response. The scale and mass of the proposal need to be set against the wider townscape **[7.91, 8.38, 8.44]**.

⁹⁶⁷ CD 1.14 pages 49 and 50

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- 14.91 In policy terms, policy Q26 of the LP addresses the Lambeth approach to dealing with Tall Buildings. Part A of the policy advises that proposals for tall buildings will be supported where they are, amongst other things, in locations identified as appropriate within annex 10 and subject to other defined assessment criteria **[5.43]**. The Former ITV Tower is identified at annex 10 as an appropriate location for a tall building. With reference to annex 10 of the LP, this refers to 100m as a general building height. Paragraph 10.129 of the supporting text is clear that the heights identified should be considered as indicative as careful siting and massing informed by detailed site-specific analysis might show greater heights can be achieved without harm. The 100m is therefore no way defined as a maximum height and the explanation provided within the LP makes this clear **[6.17, 6.61, 7.42, 7.43, 9.89]**. Similarly, in terms of the site allocation and policy PN1, part E of the policy refers to promoting and supporting development and uses of an appropriate height, scale and form to reinforce Waterloo and South Banks distinct identity, in accordance with LP policy Q26 and annex 10 **[5.25-5.27 inclusive]**.
- 14.92 Drawing these points together, the provision of a tall building in this location would accord with policy D9 of the LonP **[5.11-5.12]**. It would also accord with policy PN1, site allocation 9 of the LP as well as policy Q26 of the LP.

Scale and Mass

- 14.93 I recognise that many of the representations made do not favour the overall scale and mass of the development. The scale and massing are larger than the existing buildings on the site as well as the previous permission for the site. However, in a location which is a prominent riverside plot where the development plan objective is to optimised site capacity this is to be expected and does not in itself equate to harm. In reaching a view on this matter, I have carefully considered all of the representations made including the supportive views expressed by the GLA and LB Lambeth Officers. In particular, I note that the GLA consider the proposals would deliver landmark quality buildings that would benefit the sites prominent location⁹⁶⁸. I would concur with this assessment. The scale of the building and proposed massing provides an appropriate response to the site and the wider local context **[6.53, 6.56]**. Both buildings will afford the opportunity to maximise the development potential of the site whilst providing an appropriate design response to both the immediate and wider townscape **[6.107, 6.108, 6.109, 7.88, 8.48]**.
- 14.94 I note the concerns expressed by SOS in relation to the creation of a canyon effect along Upper Ground with specific reference to the streets height to width ratio. However, it is important to note that the existing Kent House is a significant tall building along Upper Ground which forms part of the established local context and character. Notwithstanding my view that a true canyon effect could only be created with tall buildings on

⁹⁶⁸ CD 4.02 and CD 4.03

both sides of Upper Ground, the architectural treatment and detailing to Upper Ground including additional landscaping and planting and enhanced public realm, feature columns and the office entrance as well as the highly composed nature of the elevation and strong horizontal bands would ensure that an environment which is human in scale is created and that there is would be no canyon effect [6.99]. At street level, the office entrance with generous windows would mean that active frontages will be established here which will enliven and enrich this part of the townscape.

14.95 The scale and massing have also clearly been informed by aspirations for the redevelopment of Prince's and Gabriel's Wharf next door. This site is leased to ITV until 2029 and from the evidence presented, I understand this site is unlikely to come forward before this date. There can therefore be no merit in the suggestion that the application proposal would in anyway prejudice development on this site. Notwithstanding this position, illustrative proposals tabled at the time of the design development⁹⁶⁹ show two buildings on the site comprising residential, nursing home and enabling workspace uses. These proposals indicates a 10-storey development along Upper Ground and fronting Bernie Spain Gardens, with a 7 storey building fronting Queen's Walk. Whilst clearly only conceptual, the sharing of information between CSCB and the applicants at this stage of the design process demonstrates collaborative design development.

14.96 The design of the application proposal would mean that development on Princes Wharf could accommodate windows to the north, west and southern elevations. I have no doubt that any development here would seek to maximise views out towards the River Thames and the City beyond and in particular St Paul's and rightly so. The development would also have the opportunity to face towards the existing open space at Bernie Spain Gardens which would present a pleasant and open outlook. I can find no merit in the assertion put forward by CSCB that the development at the application site would in anyway be premature or prejudice the development of Princes and Gabriel's Wharfs.

14.97 In summary, the proposal would provide a development of an appropriate scale and massing. It would as a result accord with policy D3 of the LonP which requires, amongst other things, optimising site capacity through a design led approach. Given the sites location within the CAZ and Waterloo Opportunity Area, there is a high priority for intensification of the site as a large brownfield development site.

Effect on Townscape

14.98 In terms of townscape, I have addressed in some detail the visibility or otherwise of the scheme from a number of the key viewpoints – Westminster Pier, Embankment, Waterloo Bridge and Blackfriars Bridge under issue 1 and I do not propose to repeat these points here. The

⁹⁶⁹ CD 10.03 page 28

existing Kent House is a highly visible tower in both short, medium and longer-range views. It is important to note that the application is supported by a very detailed visual assessment⁹⁷⁰. I was able to consider the site from all of the viewpoints I was asked by the main parties to consider. However, in dealing with the remaining viewpoints below, it is important to note that the exercise above demonstrates that views are dynamic and kinetic in nature and are subject to change as a result.

Views from Queen's Walk (east)

14.99 View 36 of the THVIA⁹⁷¹ shows the approach to the site from the east. As demonstrated by the supplementary visual material⁹⁷², the dense tree cover along Queen's Walk would largely obscure the north building in the summer months. In the winter months, the north building, along with the new landscaping, would create a high-quality addition to the urban townscape from this view. The public realm additions would transition through to the existing Queen's Walk and the active frontages to Queen's Walk would provide an attractive addition to this heavily used pedestrian route. The north building is articulated along this elevation through the copper metal soffits and the visibility of the sky pod restaurant would create a visually attractive addition to this part of the South Bank. The overall effect on the townscape would be positive.

Views from Queen's Walk (west)

14.100 View 35 of the THVIA⁹⁷³ shows the approach to the site from the west. The original character of the IBM building fronting Queen's Walk is 'defensive' with sloping brick walls and limited accessibility from this area. The IBM extension works currently being implemented include vertical columns and a new flexible retail/restaurant unit fronting Queen's Walk on the ground floor. This will transform the frontage of this building to Queen's Walk. The works also include a southern extension towards Upper Ground and an eastward extension to the upper floors. Importantly, the entrance would be located directly off Upper Ground. Part of the works also include the repurposing of the terraces to the upper floors to provide amenity and landscaped areas. To my mind, these works demonstrate an approach to modernising the building and allowing the existing building to function and evolve in meeting modern demands. They will vastly improve the frontage to Queen's Walk and permeability of the site overall.

14.101 The application proposals would achieve many similar objectives and would serve to complement these recent changes to the IBM Building. In a similar

⁹⁷⁰ CD 1.20

⁹⁷¹ CD 1.20 page 142

⁹⁷² CD 10.15

⁹⁷³ CD 1.20 page 140

manner, the ITV studios provide no active frontage to Queen's Walk reflective in part of the television studio use. The application proposal allows for the opening up the frontage to Queen's Walk, creating new public realm and vastly improving pedestrian permeability through the creation of new access routes from Upper Ground to Queen's Walk. Furthermore, the London Studios use with its entrance to Mulberry Walk will enhance the overall cultural offer in this important location. These works would strengthen the relationships between the two buildings and deliver vast improvements to the overall streetscape.

- 14.102 The north and south building would be visible behind the IBM building, the south building replacing the existing Kent House and the north building stepping down towards Queens Walk. They would appear as a high quality addition to the urban townscape from this vantage point. The overall effect on the townscape would be positive.

Views from the Embankment

- 14.103 It is possible to view the application site from a number of vantage points along the Embankment as illustrated within the THVIA⁹⁷⁴ (07,09,10,13). It is important to note that from any number of vantage points along the Embankment, the significant width of the River Thames and the visual separation this provides between the north and south of the river bank is the dominant part of the townscape. Furthermore, the heavily trafficked nature of the Embankment and the dense tree cover in place along the Embankment and Queen's Walk itself also present dominate parts to the overall townscape experience. Set within this context, the proposal would be read as a prominent addition to the immediate townscape of the South Bank. Nevertheless, the scale would be consistent and present an appropriate design response when considered with other neighbouring riverside buildings. The South building would step up away from the river, and would be lower than the Doon Street tower which will also be prominent as well as the emerging Blackfriars cluster. The proposal would therefore provide an appropriate design response when viewed from this location. The overall effect on the townscape would be neutral.

View from Waterloo Bridge

River Prospect Views 15B.1 and 15.B2 Waterloo Bridge

- 14.104 Both of these views are reflected within the THVIA⁹⁷⁵ as views 13 and 15 respectively. As with the Blackfriars Bridge views, the river prospect view has been cropped. Viewing location 15B.1 is located close to the Westminster side of the bridge. Viewing location 15B.2 is at the centre of the bridge. The description of the view is noted as providing an important view east towards St Paul's Cathedral and the City. The viewer's eye is drawn to towards Temple Gardens, St Paul's Cathedral and the City financial district. The view of the south side of the river includes several large individual buildings, including the Shard. There is little sense of coherent composition of buildings in this

⁹⁷⁴ CD 1.20 pages 80, 81, 82, 83, 86, 87, 88, 89, 94, 95

⁹⁷⁵ CD 1.20 pages 94, 95, 100, 101

location. The landmarks identified are St Paul's Cathedral, Somerset House and the Shard. The LVMF notes that new tall buildings should seek to complement the City's eastern cluster of tall buildings with buildings of height appropriate to their site and of high architectural quality. New development should preserve or enhance the view of St Paul's. A canyon effect caused by the addition of buildings too close to the left of the Cathedral should not be accepted.

14.105 The proposals would be perceived as two separate contemporary and coherent buildings in both of these views. The north building, which would be more prominent in view 15B.2 which is at the centre of Waterloo Bridge, clearly takes its river front position and relationship from Sea Containers House and the Oxo Tower. The south building clearly steps up away from the river and appears secondary to the Blackfriars cluster which appears dominant in the background of the views **[9.48]**.

14.106 From both of these views, the proposal would have no harmful impact on the landmarks identified. The development would preserve the views of St Paul's being set well to the left of the application site and would be unaffected by the proposals. For these reasons, the proposal would accord with policy HC4 of the LonP and in particular part D (2) which advises, amongst other things, that river prospect views should be managed to ensure that the juxtaposition between elements, including the river frontages and key landmarks, can be appreciated within their wider London context. The overall effect on the townscape would be positive.

View from Blackfriars Bridge

River Prospect View 14: Blackfriars Bridge

14.107 This view is a panoramic view from the centre of Blackfriars Bridge. It encompasses elements of both the north and south bank of the river looking upstream. The part of the view on the South Bank which would be affected by the application proposal is covered by view 05 within the THVIA⁹⁷⁶ and is from the centre of Blackfriars Bridge looking upstream. In terms of the description of the view, the LVMF⁹⁷⁷ summarises both visibility to the north and south. To the south, paragraph 242 notes that the larger scale, predominantly 20th century elements create an unequal balance to the prospect. Waterloo Bridge forms a middle ground threshold. The key landmarks within the view are the London Eye, Whitehall Court, Waterloo Bridge and Somerset House. Other buildings noted as being also in the view include Sea Containers House, Oxo Tower and the ITV Tower (Kent House). New development in the foreground and middle ground should not obscure the landmarks (listed above) within this view and their scale, form, orientation and materials should reference the scale and orientation of the river and associated landscape.

14.108 In terms of the background, the text notes that there are opportunities to develop sites on and behind the river frontages in views from this location.

⁹⁷⁶ CD 1.20 pages 76 and 77

⁹⁷⁷ CD 6.32 page 127

Any such development should be mindful of the contribution made by the prominent buildings within the view, their prevailing scale and height, and their relationship with the river. It should also contribute to the richness of the skyline. It should not dominate the relationship that buildings have with the river.

14.109 I have carefully considered the impact of the application proposal on the landmarks identified within this view. The proposal would not obscure any of these identified landmarks within this view. The proposals would be seen clearly as two separate buildings in this view. The south tower would sit behind the Oxo Tower. The white core and material would mean that the Oxo Tower would remain clearly distinguishable in this view. The north building would largely cover the existing fly towers of the RNT and also the stair towers at the neighbouring IBM building. I note that neither of these buildings are identified as landmarks within the LVMF. The fact that they are not identified as such is not, as some have suggested, an error. To my mind, it demonstrates that these buildings are clearly not the focus of the view. This is further reinforced by the fact the LVMF recognises that opportunities exist to develop sites on and behind the river frontage and has set clear guidelines for assessing such proposals. As to whether this view contributes to the significance of the RNT and IBM buildings, I have addressed and concluded on this above within my heritage assessment. **[7.21, 9.42, 9.43]**.

14.110 The north building would clearly reference the scale and orientation of the river and the associated landscape, setting back the building line and being reflective of the prevailing height and scale as shown by Sea Containers House and the Oxo Tower. Both buildings, through their scale, form and massing would contribute to the richness of the skyline and would not dominate the relationship to the river. They would both relate to the established character of the area. When considered in the context of the view as a whole, the proposal would be an appropriate addition to the South Bank. Having regard to the width of the river, the distances involved as well as the dense tree cover along this route, the effect of the proposal on the townscape would be neutral.

Local Views

14.111 In terms of local views, I have also had regard to policy Q25 of the LP referred to at part (viii) which refers to view N and E from RNT terraces to the North Bank of the Thames including St Paul's Cathedral. The policy advises, amongst other things, that the Council will seek to protect the general composition and character from harm. The extent of this view is set out in draft form only within the Lambeth Draft Local Views SPD⁹⁷⁸ and states in terms of visual management guidance that the value of the view comes from the combination of the tree canopy of Queen's Walk, the distance created by the River Thames, the bridges, the tree lined embankment, the attractive landmark buildings and clear sky that form the silhouette. As this is an emerging SPD, I attach only very limited weight to it. Whilst the extent of the view eastwards from the RNT terrace would change, this change to the general composition and character does not equate to harm.

⁹⁷⁸ CD 6.36

14.112 To conclude, the proposal would provide a positive contribution to the townscape of the South Bank and would as a result accord with policies Q22, Q25, Q7 and Q26 of the LP.

Architectural Quality and Materials

14.113 The applicant describes the proposal as a sculpted composition with a singular architectural identity. SOS argue the building is attention seeking. The building is located in a prominent riverside location which needs to deliver a high-quality development in both the immediate context as well as longer range views. The proposal achieves this by providing a distinctive visual presence. In longer range views, as I have explained above, it will successfully mediate between the scale of the taller buildings within both the Waterloo and Blackfriars tall buildings clusters, as well as the Doon Street tower as part of the emerging context. In the more immediate context, the horizontal layering coupled with the composition of the varying heights will ensure the proposal provides a coherent and appropriate response to the local context.

14.114 The proposal has drawn many criticisms, likening the design to a 'stack of boxes' and 'slab'. Interestingly, I note the stack of boxes description was also directed at the IBM Building when completed. To my mind, the horizontal layering provides a considered response to the architectural language of the neighbouring Lasdun buildings as well as the detailing to other riverside buildings such as the Oxo Tower and Sea Containers House. Instead of a vertical emphasis, the building is divided up into a series of horizontal layers which enhance the functioning of the internal space by providing flexible floorplates. In particular, the horizontal balcony features would provide an important amenity function for the occupiers of the building. The balconies and overhangs provide a coherent and elegant approach to the buildings overall design. These are expressed at a human scale. The prevalence of terraces and outside space ensures connectivity and will maximise opportunities for well-being in terms of the future occupiers. In addition, elements such as the Sky Pod would be highlighted through copper coloured metalwork which is set back but would remain as a visible public destination from Queen's Walk, adding variety and interest to this corner of the building and the visibility from ground floor level. The south building has more vertical characteristics and emphasis which provides an appropriate balance within the wider urban context **[8.54]**.

14.115 Much criticism was directed at the proposed overhangs. From what I saw on my site visits as well as the evidence presented, these are a clear feature of the existing local context. In particular, at both Sea Containers House and the Oxo Tower, overhangs and columns add to the sense of enclosure along this part of the riverside walkway. To the west of the application site, there are clear overhangs at the RNT as well as further along the South Bank **[7.85]**.

14.116 In terms of materials, there is a delicate balance to be struck given the surrounding palette of materials, particularly in relation to the RNT and IBM. There was limited criticism of the proposed palette of materials, and it was

broadly agreed that the materials proposed would be very high quality. The proposal focuses on the use of a lightweight palette of materials including glass which would provide a less solid finish than the existing concrete as well as a darker pallet of stone for the recess points with copper coloured elements to act as a feature which would add interest particularly at street level. This approach provides for a restrained and simple approach. As expressed by the Council witness, it would be an inappropriate design response to mimic the existing palette of material at both the IBM and RNT Buildings. I find the use of accents of copper colour a measured response. The materials and overall design quality minimise solar gain and energy consumption. It allows the neighbouring heritage assets to stand proud, whilst providing a suitably balanced approach within the wider vista between Blackfriars and Waterloo Bridges **[8.51]**. In this way, the architectural quality and materials proposed would deliver an attractive and distinctive development which responds to the local context.

Would the scheme be beautiful?

14.117 The Inquiry grappled with the concept of beauty. Unsurprisingly, this resulted in more than one approach to its definition. I have two brief points to make in this regard: Firstly, the concept of beauty is for some clearly a subjective one. Labelling the building as 'ugly' or 'fat' only goes to reinforce my view of the subjective nature of such a narrow definition. Secondly, assessing whether the building achieves a high-quality design is an objective process.

14.118 Of the wealth of evidence presented on this issue, the rationale presented by Mr Boys Smith was most compelling in this regard **[6.119-6.126 inclusive]**. In summary, the research presented as part of his evidence demonstrates that the most attractive places in London were best predicated by the following: distance to a listed building, high built-up area and density, richness of land uses and urban furniture, the immediate presence of a listed building, richness of commercial activities, a high average proportion of pre-1939 buildings and generous proportions between footways and carriageways. With the exception of the proportion of pre 1939 buildings, the proposal would respond positively to all of these factors. Whilst I have drawn a different conclusion to Mr Boys Smith on this matter, for the reasons I have set out above, by responding positively to these factors and local context, the proposal would meet a very high quality of design and would deliver a well-designed, sustainable and distinctive building. It would respond positively to this prominent South Bank location. In this way it would accord with the advice contained within the National Design Guide, National Model Design Code as well as the Framework **[7.83, 8.82, 8.84]**.

Conclusion on Consideration 2

14.119 I therefore conclude that the proposal would have an acceptable effect on the townscape character and appearance of the area. The proposal would respond positively to the local context and it would as a result accord with LonP policies D3, D4, D5, D9, HC3 and HC4 as well as LP policies D2, Q5, Q6, Q7, PN1, Q26, Q25 and Q24.

Consideration 3 - The effect of the proposal on the living conditions of nearby residents in terms of daylight and sunlight

- 14.120 Before commencing my assessment, it is worth noting that whilst SOS provided extensive commentary on Daylight and Sunlight issues within their closing statement **[9.92-9.114 inclusive]**, SOS presented no evidence⁹⁷⁹ to the Inquiry in relation to daylight and sunlight matters and relied instead on the data provided by the applicants consultants as well as noting the evidence and judgement of the CSCB witness on this matter.
- 14.121 The Council, Applicant and CSCB set out within a SoCG⁹⁸⁰ the principal dwellings effected by the application proposal. It also summarises the agreed position in terms of the appropriate methodology for assessing the potential impacts of the proposed development with reference to the Building Research Establishment (BRE) Guidelines⁹⁸¹ Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice.
- 14.122 There was significant common ground between the parties on this issue which I summarise below. Firstly, daylight, sunlight and overshadowing assessments were undertaken in support of the application using the methodology advocated within the BRE Guide. In terms of sunlight, it is agreed between the parties that the impact on sunlight to the adjoining residential properties would be within the BRE's default numerical guidelines. It is also agreed that the proposal would not cause any increase in overshadowing or reduction in sunlight access to the communal residential amenity areas of Iroko House⁹⁸². The parties agree that the proposal would result in some impacts to the Mulberry Bush at 89 Upper Ground, 1 Coin Street, 91 Upper Ground and 93 Upper Ground however the parties agreed these are not of material concern. I can see no reason to disagree with these conclusions. My assessment below therefore focuses on the windows/properties effected at 95-97 Upper Ground (Iroko House). It was also agreed that the two stage approach set out within the Rainbird decision⁹⁸³ should be followed as the Council have summarised **[7.51]**. In the first instance, to assess whether there would be a material effect on daylight or sunlight and secondly whether the level of impact is acceptable.
- 14.123 All parties agree that due to the sites location within the CAZ and Waterloo Opportunity Area, the BRE Guide needs to be treated with its intended flexibility. I agree with this approach. I am mindful that the BRE Guide should not be seen as an instrument of planning policy, and that the numerical guidelines should be interpreted flexibly since natural light is only one factor in site layout planning. I also concur that material reductions in daylight should not be set aside lightly. Section 2.2 of the BRE Guide deals with existing

⁹⁷⁹ CD 9.09 page 35

⁹⁸⁰ CD 14.11

⁹⁸¹ CD 6.38

⁹⁸² I deal with the issue of overshadowing to the existing public realm and public amenity areas under issue 4 below.

⁹⁸³ CD 8.04 AC5

buildings. The guide notes that the numerical values provided within the document are purely advisory. In common with the Inspector at the 8 Albert Embankment appeals ⁹⁸⁴, I am of the view that the BRE guidelines are to act as an aid to analysing effects. They are not standards which, if not complied with, indicate a scheme must fail.

- 14.124 Iroko House is a social housing development of 59 dwellings located on Upper Ground. It comprises a mix of 5 bedroomed houses, maisonettes and flats. The dwellings have gardens/terraces and/or balconies overlooking a communal courtyard garden with a play area to the rear. The elevational treatment acknowledges the dual aspect of the scheme, addressing the dense urban environment on the outside and the private landscaped green space on the inside. The scheme is exemplar in design, and in recognition of this, has received a number of design awards over the years **[8.148]**. Fronting Upper Ground, the units comprise three storey houses with two storey maisonettes above.
- 14.125 The assessment considers the potential daylight impacts of the application proposals on Iroko House by assessing the impacts in relation to a total of 104 windows, utilising the vertical sky component (VSC) and no-sky line (NSL) tests recommended within the BRE guide. In terms of VSC, 63 windows would meet the numerical guidelines within the BRE Guide. They would therefore be unlikely to experience any noticeable loss of daylight reaching the window. In terms of NSL, a total of 78 rooms were assessed, of which 57 would meet the BRE Guide and would therefore be unlikely to experience any noticeable reduction in daylight distribution inside the room.
- 14.126 Of the 41 windows which would see a reduction in daylight outside of the BRE Guide, a total of 28 windows would see a greater than 40% reduction (major adverse impacts), 5 windows would see a reduction of between 30-39.9% (moderate adverse) and 8 windows would see a reduction of between 20-20.9% (minor adverse). It should be noted that within these figures, the corner units and windows effected serve dual aspect corner units (3 bedroomed dual aspect corner maisonettes, 1st and 2nd floor 1 bedroomed dual aspect corner flats) which either have an additional aspect to the east or west. In view of this, I do not consider the impacts of the proposal on these corner units would be so severe. In NSL terms, 16 rooms would experience major adverse impacts, 2 rooms would be moderate adverse, and 3 rooms would be minor adverse. In summary, 9 of the 59 units at Iroko House would suffer a major adverse effect in terms of both VSC and NSL.
- 14.127 The analysis in support of the application was based on a combination of an assessment of the relevant floorplans as well as site visits. In particular, the VSC and NSL window map⁹⁸⁵ clearly annotates the primary use of the rooms fronting Upper Ground. With the exception of the corner units, the living/kitchen/dining rooms are located on the 3rd floor with the remainder of the windows serving bedrooms and bathrooms.

⁹⁸⁴ CD 8.04 APP/N5660/V/20/3254203 and APP/N5660/V/20/3257106

⁹⁸⁵ CD 8.04a

14.128 I was able to visit 3 properties during my site visit. These were flat 7 (2 bed unit on the 4th floor) and Flat 8 (1 bed unit also on the 4th floor). Both of these units are dual aspect maisonettes. I was also able to visit unit 95A which comprises a 5 bed dual aspect house. Access to these properties provides an insight into the pattern and layout of the properties which would experience the greatest levels of light reduction as a result of the application proposal. I accept that the site visit to these 3 properties only provides an indication of the possible layout and use of the individual rooms concerned. Nevertheless, it was a useful exercise to inform my assessment which I set out below.

14.129 In terms of the flats, although the main pedestrian access to the stairwell is from Upper Ground, the walkway and front doors are positioned to the rear of the properties overlooking the open amenity space. The windows which would be most severely affected by the development provide light to a bedroom and living/kitchen/dining area fronting Upper Ground. The BRE Guide advises at paragraph 2.2.10 that within houses, bedrooms should be analysed although they are less important. There was much debate at the Inquiry regarding the use and configuration of these 'bedrooms' and whether they should be treated as 'multifunctional' rooms. In my view, many properties utilise bedrooms for other activities such as study and homeworking, this is not a unique position. The use of the rooms within the individual properties concerned is a matter of personal choice for the occupiers.

14.130 In both flats, the living/kitchen/dining room follows a similar layout in terms of kitchen area to the rear of the room and living space by the two windows facing Upper Ground. I acknowledge that the application proposal would reduce the daylight received by these two windows and have a major adverse impact using the BRE Guide. This reduction would in my view be more noticeable on darker days when the use of lights and lamps maybe more necessary. However, it is also important to acknowledge the exemplar design of these units and the size of the windows relative to the rooms which are very large, almost the full width of the room. In both of the flats, the room also benefits from a partly glazed internal door between the kitchen/living room and hallway. The entrance door is also partly glazed. This adds to the ability for the kitchen/living space to benefit from light from the rear elevation which is south facing. It should be noted that the VSC assessment cannot take into account window size or the fact that a room may well be multi lit. In terms of the bedroom space in both of the flats, again the individual use and configuration of these rooms is a matter for the occupier. For example, in the case of the one bedroomed property, the bedroom is a dual aspect room being the entire length of the property with a window facing Upper Ground and one facing the rear elevation (south facing) including amenity space in the form of a balcony to the rear of the property. The current occupier has a desk positioned close to this rear window which maximises the use of natural light and outlook from the room from the southern aspect. In the case of the two bedroomed property, there was one bedroom facing Upper Ground and another bedroom facing the rear elevation (south facing) which includes amenity space in the form of a balcony.

14.131 In terms of 95A, the house was occupied on the day of my site visit by a multigenerational family. The living/kitchen/dining area on the ground floor is south facing to the rear with large patio doors and would not be impacted by

the proposal. A total of 3 windows serving the bedrooms to the front of the property would be affected. As above, I acknowledge the fact that these rooms may well be used for home study or home working. The amount of light received by these rooms would be adversely affected by the application proposal. As is the case with the flats outlined above, it is important to acknowledge the quality of the accommodation provided by the property as a whole. Contrary to the views expressed by CSCB **[8.153]** there is no evidence before me to suggest that any of the bedrooms need to be used as additional living space.

- 14.132 Considering all of these factors together, I summarise the position as follows. Firstly, the properties facing Upper Ground are located within a dense urban environment. Given that the site is located within the CAZ and Waterloo Opportunity Area, there is an expectation in planning policy terms that development on the application site will be optimised and the existing ITV tower is identified as being suitable for a tall building. As a result, it is my view that the BRE Guide needs to be applied as flexibly as possible in this location. There is no distinction made between social or private housing in planning terms to the application of the BRE Guide or planning policy **[6.130, 6.131, 6.132, 7.64, 7.65, 8.175, 7.58, 7.59, 7.60]**.
- 14.133 Secondly, the internal layout of the properties including the fact that they are dual aspect properties which benefit from direct light from the southerly aspect overlooking the communal garden means that the properties have a high-quality aspect to the rear which provides an additional light source and would not be common place with many other housing schemes in this locality. Thirdly, the rooms are well proportioned with relatively large windows serving them, a factor which is not taken into account through the VSC analysis.
- 14.134 Fourthly, with the exception of the 1 bedroomed flats (in which the bedrooms are dual aspect) the properties benefit from bedrooms to both the front facing Upper Ground and also to the rear which are south facing directly over the communal open garden area. This affords the occupiers a degree of flexibility in terms of the configuration and use of the bedrooms. For example, those choosing to utilise the bedrooms for home working may do this from the south facing bedrooms at the rear where the degree of natural light is greater and using the north facing front bedrooms primarily for sleeping **[8.153, 8.154, 8.155]**. This approach was evidenced on the site visit when the north facing bedroom was being used for a baby to sleep during the day with all blinds shut.
- 14.135 Taking all of these factors into account, I am not of the view that these residents would experience unacceptable levels of loss of daylight. The impact of the application proposal would therefore not be unreasonable.
- 14.136 I have been referred to a number of other appeal decisions in relation to the approach to the assessment of daylight impacts. In relation to the 8 Albert Embankment appeals⁹⁸⁶ it would appear to me that the Inspector had specific evidence before him concerning families with vulnerabilities. There is no such

⁹⁸⁶ CD 8.04 APP/N5660/V/20/3254203 and APP/N5660/V/20/3257106

evidence before me in relation to this appeal. In relation to the specific commentary regarding Whitgift House and 2 Whitgift Street, there is nothing contained within those decisions which would indicate to me that the form and layout of those properties effected is similar to the locational characteristics of Iroko House in terms of orientation, size of windows and the presence of rear south facing windows which overlook a shared amenity area. I have formed this view based on my reading of the Inspectors decision as well as the evidence contained within Mr Cosgrave's PoE⁹⁸⁷ which sets out aerial photographs, street view photographs as well as lease plans obtained from the land registry. In addition, the windows at 2 Whitgift appeared to be set under large curved balconies. In terms of Whitgift House, the front elevation faces south and appears to accommodate all of the flats principle habitable rooms. The similarities I can draw between the specific locational characteristics of this appeal and the application proposals effects on the Iroko House properties is therefore limited.

14.137 I have also had regard to the other comparable schemes referred to within the evidence in order to provide some comparable typologies and circumstances and therefore suggested alternative target values which have and have not been found acceptable by both previous Inspectors as well as the SoS. Whilst I find these to be useful background, in the round I agree with the conclusions reached by the witness from CBCB, namely each proposal needs to be considered against its own contextual streetscape as I have done here. In my view, the examples referred to within the London Borough of Lambeth provide the most useful comparisons, namely the Doon Street Proposals and the scheme at 8 Albert Embankment. In relation to the Doon Street⁹⁸⁸ proposals, the scheme here also impacts the same residential dwellings at Iroko House, albeit it the western block. There is no cumulative impact with this application scheme to consider **[7.63, 8.157]**.

14.138 The evidence of CSCB also states that the application proposal would significantly limit the future light level potential of any residential development coming forward on the Gabriel's Wharf/Princes Wharf site. This assertion is not supported by any technical analysis. Nevertheless, the site has frontages to the north, east and south. In my view, it would be entirely reasonable and possible to design a scheme which maximises the opportunities for daylight, sunlight and residential amenity by orientating the building to these frontages, making the most of the extensive views towards the City and over the public open space at Bernie Spain Gardens. As a result, I do not agree that the application proposal would in any way hinder the development of this adjoining site.

Conclusion on Consideration 3

14.139 Taking all of these factors together, it is my view that the proposal would not have an unacceptable impact on the levels of daylight and sunlight of the adjoining properties. I do not consider the proposal would result in conflict with LP policy Q2 (iv) in this regard.

⁹⁸⁷ CD 8.04

⁹⁸⁸ CD 12.01 paragraph 15.151 page 121

14.140 My attention has also been drawn to a number of other policies in relation to this issue. CSCB [8.176] allege conflict with policy SD4 (K) of the LonP, which requires the quality and character of predominantly residential neighbourhoods, where more local uses predominate, should be conserved and enhanced. I do not consider this area to be a predominantly residential neighbourhood [2.4-3.3 inclusive]. In any event, the quality and character of the area would be conserved and enhanced. With reference to policy D9 (C)(3) of the LonP, this policy concerns daylight impacts on open spaces and is not relevant to this consideration. Policy Q26 (A)(V) of the LP cross references policy D9C of the LonP and does not add any additional assessment not already covered by policy Q2 of the LP. There would be no conflict with this policy. I have also been referred to the GLA SPG on Housing, 2017⁹⁸⁹. Whilst I note the document refers to the application of the BRE Guide flexibly, the document as a whole is focused upon providing guidance in relation to housing delivery, viability and land values. I therefore attach only very limited weight to this document in reaching the conclusion I have above.

Consideration 4 - Whether the proposed public realm would provide a satisfactory environment

14.141 The existing site makes no contribution to the public realm of the South Bank. In particular, the existing building with lack of active frontages presents a closed and harsh built frontage, particularly to the well-used Queen's Walk frontage. It is in stark contrast to the legible frontages along the remainder of this stretch on Queen's Walk where retail, restaurant and foyer and concourse areas extend seamlessly into the existing urban grain and present an extensive and popular piece of urban form which adds a tangible public benefit to the area.

14.142 With the exception of Bernie Spain Gardens and Jubilee Gardens, the prevailing character of public realm along the South Bank is one of a range of diverse spaces primarily of hard landscaping with accents of soft landscaping which provide flexible opportunities for pedestrian movement and use. The importance of indoor public foyer spaces is also fundamental to the character of the area.

14.143 In assessing the public realm which the scheme provides, I have used the LonP definitions which fully align with the Lambeth Plan – that is to define public realm as publicly accessible space between and around buildings including streets squares, forecourts, parks and open spaces. The application proposal would open up the site from Upper Ground to Queen's Walk through the introduction of two new north-south routes. The route to the western boundary would sit alongside the existing IBM boundary and the proposal affords the opportunity for an integration of the public realm in this locality. The route on the eastern boundary would run parallel to Princes Walk. The proposals would also deliver two new public squares. The two new squares would provide important linkages between the building and public realm beyond and would be landscaped with soft planting. On the north eastern

⁹⁸⁹ CD 14.15

corner, the square would aid pedestrian flow between the London Studios entrance and the Queen's Walk and river walkway beyond. On the south west corner of the site, off Upper Ground, the second public square would create a generous pedestrian approach to the office entrances as well as the western entrance to the London Studios. This is a logical approach given this represents the most direct route from Waterloo Station.

- 14.144 SOS argue the public squares do not form public squares in a traditional sense. However the National Design Guide ⁹⁹⁰ is clear that public spaces which comprise streets, squares and other spaces are the setting for most movement. I agree the squares would not have continuous building lines around them, nor do they include facilities for various types of outdoor events such as tiered seating. However, these are not common permanent features along the South Bank public spaces and due to the volume of pedestrian movement in the area, would not provide the flexibility required for these multifunctional spaces. The spaces would function as many of the other successful public spaces along the South Bank do without continuous building lines around them. The size and location of these squares would allow flexible and functional spaces to operate to the benefit of the immediate local context and beyond **[6.117, 6.118, 7.71, 7.72, 7.73, 7.74, 7.75, 7.86]** and would provide a positive addition to the ground floor public realm in this locality.
- 14.145 The frontage to Queen's Walk would seamlessly link through to the east/west movement route as well as extensive outdoor seating areas associated with the active frontage uses on the ground floor. This area would align with the recently consented CSCB scheme which comprises raised planters to be positioned along this boundary. In my view, this makes the most of this most active frontage with the highest footfall facing the Queen's Walk and there is little merit in the suggestion that this frontage should accommodate building entrances. To do this would be entirely at odds with the prevailing urban form of the area and the South Bank which is characterised by active frontages spilling out onto the Queen's Walk. It would also undermine the London Plan strategy of creating people focused spaces designed to facilitate social integration and inclusion.
- 14.146 The setting back of the building line on all the edges of the site means the proposal would permit pedestrian access around the whole perimeter of the building. In addition, the ground floor of the London Studios would be publicly accessible. This would mirror other publicly accessible foyer areas along the South Bank such as the National Theatre and Royal Festival Hall.
- 14.147 Overall, these ground floor spaces would total some 4020sqm, around 40% of the site area. However, this assessment warrants more than a mere mathematical exercise. In qualitative terms, soft planting would deliver significant benefits to the overall greening of the area and biodiversity value of the public realm as a whole. The proposal includes a mixture of planters, new tree planting as well as within the terraces and balconies, green walls and a wetland roof area. In my view, the design, location and layout of the public realm maximizes the opportunities for public realm enhancement in this

⁹⁹⁰ CD 6.27

location. They will significantly reinforce the visual and physical permeability of the site as well as integrating with the existing outdoor movement routes in this locality.

- 14.148 Aside from the ground floor public realm, the proposal includes for a publicly accessible terrace on the 12th floor. This would be secured through the Section 106 agreement and would operate in a similar manner to the roof terrace at the Oxo Tower. It would add to the variety of public realm which the site offers in a positive way **[6.137]**.
- 14.149 Concerns have been raised regarding the new north/south pedestrian access which would run parallel with Prince's/Gabriel's Wharf and is referred to as Mulberry Walk as well as the western walkway. In particular, concerns have been expressed regarding the width of these walkways and pinch points which in the case of Mulberry Walk, could obscure the river setting. As a result of the stepped site boundary to Princes Wharf, there is no direct line of sight between Queen's Walk and Upper Ground. However, the stepped nature affords the opportunity for soft planting and seating along this route. The route is designed as a pedestrian movement route not a shared cycle route. Taking Mulberry Walk as a whole, and even with associated planting and cycle parking, I am of the view that this route would provide a well-designed and positive piece of public realm to this boundary. In the case of the western walkway, the route which abuts the IBM boundary is of a sufficient width to provide an appropriate and proportionate piece of public realm along this boundary. In reaching this view, I have also had regard to the existing north/south pedestrian accesses which run between Upper Ground and Queen's Walk. These walkways are precisely that – they are not intended to create a boulevard feel and to do so would be entirely at odds with the existing urban grain of the area **[7.76]**.
- 14.150 The scheme incorporates overhangs to the north, south and east. These spaces would provide a generous space and would have detailing such as 'Y' columns which add legibility and assist in wayfinding. There is also some merit in the suggestion that these aspects of the design provide an appropriate reference to the imposing buttress columns visible at the RNT **[8.70]**. They would provide a sheltered area which given the UK climate could only be seen as a benefit. The scale and mass of these overhangs would not result in an oppressive or claustrophobic environment. The site is located within an area of open space deficiency. The proposal would also provide for a significant amount of private amenity space for the office occupiers in terms of balconies and terraces as well as a rooftop terrace to be located on the podium which separates the north and south buildings. These spaces would total some 5304sqm. These terraces would include significant planting, paved walkways, and seating areas and with direct views towards the City and beyond would provide for a range of amenity uses for the occupiers. There would also be a sunken garden which would add to the depth and variety of this space. These communal areas would only be accessible to the office occupiers however would add to the choice of amenity space for workers in the area and would undoubtedly ease pressures on existing public open spaces such as Bernie Spain Gardens. Nevertheless, the Section 106 Agreement includes for a contribution towards enhancement and maintenance of nearby open spaces. This space on the upper floors would in my view complement the ground floor

public realm, enhancing the function of the building and positively contribute to a vibrant overall public realm.

14.151 In light of this approach, I am satisfied that the public realm and open space requirements for the site are satisfactorily addressed by the scheme before me and would satisfy the requirements of policy D4 and D8 of the LonP **[5.10, 5.36]** as well as policy Q6 of the LP **[8.62]**. It would achieve safe, social and inclusive public spaces which are accessible as envisaged by the National Model Design Code. In reaching this conclusion, I am mindful of the former use of the site by ITV, the significant number of employees who used the site and the fact that the existing scheme provides a very limited offer in terms of private amenity space other than service bays, refuse areas and vehicular drop off zones.

14.152 In terms of overshadowing, there have been particular concerns expressed regarding the impact of the proposals on both Queen's Walk and Bernie Spain Gardens. The transient overshadowing assessment⁹⁹¹ explains how sun on the ground tests have been undertaken for both Queen's Walk and Bernie Spain Gardens as well as the amenity space within the application site. This assessment shows that for Bernie Spain Gardens, the figure would exceed the 50% BRE guideline of sun on the ground in March. The areas would therefore receive good levels of sun on the ground. There would be small periods of additional overshadowing along Queen's Walk, however these impacts would still mean the BRE Guidelines would be met, and in any event from what I experienced on the site visits I agree with the Council that shadowing is a particular feature of the Queen's Walk in any event. The effects would be localised and would be minor adverse (not significant). There is in my view no substance to the assertion that the proposal would have an adverse impact in terms of the overshadowing of existing public realm in the area **[6.138, 6.139, 6.140, 7.69, 7.70, 8.75, 8.77, 8.78]**. The proposals would therefore accord with policy Q2 of the LP.

Conclusion on Consideration 4

14.153 In summary, I conclude that the public realm would deliver a high quality and accessible public realm to the South Bank. The proposal would also have an acceptable impact in terms of overshadowing to other public realm spaces next to the site. It would accord with the policy objectives outlined within both the LonP policies D8, D9(D) and GG1(H) as well as LP Policies PN1, Q6, EN1 and Q2.

Consideration 5 - Whether the scheme's sustainability and its whole life carbon assessment provide an appropriate strategy in terms of climate change mitigation

14.154 The application proposals would achieve a BREEAM rating of 'Outstanding' for the office areas and 'Excellent' ratings for the cultural and retail uses. This would be secured through suitable conditions. The Circular Economy Statement, Life Cycle Assessment and Energy Strategy demonstrates how the

⁹⁹¹ CD 10.11 and CD 10.12G Appendix 7

proposal would include a number of specific sustainability measures such as passive and active overheating mitigation, the use of natural ventilation for the offices and an enhanced glazing system which optimises energy performance for each façade based on its orientation. In terms of the cooling hierarchy, active cooling measures would include simultaneous heat pumps which would operate by transferring heat rejected from the cooling system into the heating systems as well as high efficiency air source chillers. The site would address net zero carbon emissions through a carbon off set payment which would be made through the Section 106 Agreement. The proposal would minimise water consumption which would be secured through an appropriately worded condition.

14.155 The proposals would be located on a brownfield site, allocated for development in the development plan. In terms of urban greening, the scheme would deliver a number of measures such as green roofs and green walls with intensive planting, a biodiverse wetland roof at level 13 on the north building and new tree planting across the site to create new green chains. In terms of sustainable travel, the site is located within an area with a PTAL rating of 6b and suitable measures would be taken to encourage journeys either on foot or by cycle, including securing a travel plan through the Section 106 agreement as well as extensive on site secure short stay and long stay cycle parking. Issues concerning light spill from the office accommodation can be controlled by an appropriately worded condition.

14.156 In terms of the whole life carbon assessment, the round table discussion which covered both the circular economy and whole life carbon assessment was informed by the 'Towards a SoCG⁹⁹²' document. Only SOS sought to object to the technical analysis undertaken to support the application. Many of the criticisms focused on the use of relevant templates, format and presentation of the conclusions drawn. The requirements in terms of presentation have indeed evolved since the GLA guidance on this matter has been adopted however this in no way undermines the very clear conclusions reached on the Circular Economy and Whole Life Carbon Assessment undertaken. Furthermore, discrepancies were alleged with the material quantity data used within the circular economy statement and the whole life carbon assessment. Again the applicant has addressed these points comprehensively through the rebuttal evidence⁹⁹³. **[6.141, 6.143, 6.144, 7.94, 9.120, 9.121, 9.122]**

14.157 Much of the criticism levelled at the scheme by SOS focuses on the fact that the assessment of the reuse of the tower did not consider alternative uses such as residential **[6.34]**. However, there is no policy basis for requiring such an approach to be undertaken. The detailed analysis undertaken and endorsed by both the Council and the GLA follows the correct approach according to the Framework and the relevant development plan policies as well as the relevant SPGs on this matter **[5.21, 5.55, 5.56, 5.57]**.

⁹⁹² CD 14.12

⁹⁹³ CD 10.17

14.158 The assessment of the reuse of the existing tower ⁹⁹⁴ provides comprehensive evidence on the potential reuse of the tower including an analysis of the existing small floorplates and low floor to ceiling heights as well as detailed consideration of a number of refurbishment options within the document. This report demonstrates in some detail that the retention and conversion of the building would not be suited to the requirements of the site – that is to achieve the best use of land by following a design led approach which optimises site capacity in accordance with development plan policies. The proposal would not result in a building which would meet modern office floorspace needs. A summary of the comparison assessment⁹⁹⁵ also demonstrates that the whole life carbon assessment is very similar for both schemes, with a marginal whole life carbon benefit delivered by the new build scheme. This is primarily due to the inefficiencies in both the refurbishment of the existing tower as well as operational inefficiencies due in part to the limited storey heights.

Conclusion on Consideration 5

14.159 Taking all of these issues together, the proposal would deliver high sustainability standards and take account of the principles of the circular economy. The application clearly demonstrates a policy compliant approach to meeting the circular economy objectives. The proposal would as a result comply with LonP policies D3, SI 5, SI 7 as well as LP policy EN4. For the same reasons, the proposal would also comply with the relevant GLA SPG Guidance on this issue.

Consideration 6 - The extent to which the proposed development is consistent with the development plan for the area, and the overall planning balance with regard to the NPPF and any other material considerations

14.160 I have considered the mix of uses proposed and whether the mix of uses would accord with LonP policy D3(A) **[5.9, 8.178, 9.136, 6.24-6.35 inclusive]**. The emphasis within the policy is on optimising site capacity through a design led approach, including site allocations. Optimising site capacity means ensuring the development is of the most appropriate form and land use for the site. There is a clear priority for office uses to be prioritised over residential development within this part of the CAZ as set out at policy SD5 of the LonP **[5.8, 5.9, 7.49]**. The delivery of high quality employment floorspace is supported by both the evidence before the Inquiry as well as the development plan policies SD5, E1, E2 and E11 of the LonP as well as policies P12 and P14 of the SoWNP. **[9.161]**. Whilst I note concerns have been raised regarding the demand for new office floorspace, there is no policy basis requiring the demand for the office floorspace to be justified as it accords with the development plan policies. In any event, the evidence before the Inquiry⁹⁹⁶ is that there is demand for the floorspace proposed **[6.153, 6.154, 6.155, 7.96-7.99 inclusive, 9.158]**.

⁹⁹⁴ CD 2.18- CD 2.20

⁹⁹⁵ CD 10.09 page 6

⁹⁹⁶ CD 10.06b

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- 14.161 My consideration of optimising the capacity of the site in the context of this policy wording is precisely what the application has achieved, taking into account the design led approach adopted and readily endorsed by both the LonP and the LP. The site is located within the CAZ and a priority area for employment generating uses **[5.13, 5.14, 6.150, 6.154, 6.156]**. The site is also a key riverside location within the Cultural Quarter. Whilst I acknowledge the importance of residential development in meeting housing needs, this does not in my view override other policy considerations which are relevant to the assessment of the application proposals. The proposal would deliver an appropriate balance and mix of uses which would accord with the development plan when taken as a whole **[5.18, 5.19, 5.25 – 5.31 inclusive, 7.46, 7.47, 7.48, 8.178, 8.179]**.
- 14.162 In terms of the wording of site allocation 9, the site includes both the application site as well as the neighbouring Princes and Gabriel's Wharf up to the boundary of Bernie Spain Gardens. The preferred uses identified by the policy wording state mixed use including offices, residential and active frontage uses at ground floor level. Signalled as 'preferred' uses, the policy does not dictate uses in absolute terms, nor does it stipulate where these uses should be located across the allocation as a whole. The rationale that the remainder of the site could provide for some form of residential use, in the same way it could also provide a mixed use scheme is a reasonable and logical approach to take. There is also no merit in the suggestion that the development of the application site would mean the remainder of the site would need to ensure it delivered a residential scheme – the decision on any future development of that site is not a matter before me. The mere fact that the proposal does not include residential floorspace does not render the proposal in conflict with this policy.
- 14.163 The development would deliver affordable workspace and cultural floorspace in the form of the London Studios. There is clear policy support for both of these uses in the form of policies SD4 HC5 and ED13 of the LP and the amount of affordable workspace provided by the scheme exceeds the policy requirements set out at policy ED2 of the LP by some margin **[6.156, 9.164, 9.168, 7.101, 7.102, 7.103, 7.104]**. In terms of the site allocation, the proposals would also accord with site allocation 9 of the LP and policy PN1 of the LP **[7.45]**.
- 14.164 The proposal would provide for the reuse of a vacant brownfield site which would meet a number of clear policy objectives identified within both the LonP as well as the LP. Specifically, the proposal would fully accord with the good growth policies of the LonP GG1, GG2 and GG5 as well as the policies of the LP concerning the delivery of sustainable development and the strategic objectives of the plan, namely D1, D2, D3 and D4 of the LP. The proposal would also accord with policy SD1 of the LP which seeks to realise the growth of opportunity areas.
- 14.165 The proposed scale and high-quality design would be an appropriate addition to this important prominent site on the South Bank and would as a result accord with policies D1, D3, D4, D5, D9 of the LonP as well as Q6, Q7, Q22, Q24, Q26 and EN1 of the LP **[8.180]**. Importantly, the proposal is supported by a clear and convincing justification sought by policy Q26 of the LP. I have

also had regard to the policy requirements of LonP policies HC3 and HC4 relating to the LVMF as well as LP policy Q25. The proposals would have an acceptable impact in this regard and there would be no policy conflict.

- 14.166 I have set out above how the proposal would result in less than substantial harm to the setting and thereby the significance of the RNT, IBM and Somerset House. The harm to these assets would be at the lowest level within the spectrum of harm. This conclusion must attract great weight, or considerable importance and weight in any balancing exercise. It also leads me to the conclusion that the proposal would conflict with policy Q20 (ii) of the LP as well as LonP policy HC1 (C). In the case of this application, there would be significant public benefits arising from the development to which I have attributed significant weight and which would more than sufficiently outweigh this harm. Notwithstanding the conclusions I have reached in relation to heritage matters, it is of course open to the SoS to disagree with the conclusions I have reached in relation to the level of harm that would be caused to the designated heritage assets.
- 14.167 The public realm would deliver a high quality and accessible public realm to the South Bank. The proposal would also have an acceptable impact in terms of overshadowing to other public realm spaces next to the site. It would accord with the policy objectives outlined within both the LonP policies D8, D9(D) and GG1(H) as well as LP Policies PN1, Q6, EN1 and Q2 and policies P2 and P16 of the SBWNP.
- 14.168 The application demonstrates a policy compliant approach to meeting the circular economy objectives. The proposal would as a result comply with LonP policies D3, SI 5, SI 7 as well as LP policy EN4 as well as the relevant GLA SPG Guidance on this issue.
- 14.169 The proposal would provide an acceptable level of amenity to the existing residents at Iroko House and would in this way accord with policy Q2 of the LP.
- 14.170 In terms of other material considerations, the proposal would deliver significant public realm and permeability benefits to the area, as well as improvements to urban greening and biodiversity of the site. The public realm strategy would deliver significant placemaking benefits and accordingly, I attach substantial weight to this benefit. The proposal would deliver significant employment generating opportunities for the borough, this would be both through the construction phase as well as operational phase of the development. I attach substantial weight to both of these benefits. The commitment towards an employment and skills strategy over and above the policy requirements as well as the provision of affordable creative workspace also attracts moderate weight.

Conclusion on Consideration 6

- 14.171 To conclude, I am of the view that the proposal complies with the development plan when taken as a whole. There are no other material considerations which would warrant a conclusion other than planning permission should be granted.

15 **Recommendation**

15.01 I recommend that planning permission should be granted for the proposal, subject to the conditions set out at Annex 1 and the Agreement under Section 106.

C Masters

INSPECTOR

Appendix 1: Suggested conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the approved drawings listed in this decision notice, other than where those details are altered pursuant to the requirements of the conditions of this planning permission.
- 3) The phasing of the development hereby permitted shall be carried out in accordance with the approved phasing plans SK002 (Phase 01), SK003 (Phase 02) and SK004 (Phase 03) with Phase 01 being the first phase to commence.
- 4) The demolition works hereby approved shall be carried out in accordance with the Demolition Management Plan prepared by McGee (ref: DMP-21104-V10) dated: 07/12/2021), and 8 weeks prior to commencement of work a detailed scheme of noise and dust monitoring shall be submitted in writing for approval of the local planning authority. The scheme shall include but not be limited to:
 - i. Reporting of the baseline monitoring survey.
 - ii. Location of continuous noise, vibration and dust monitoring stations (including monitoring at the National Theatre), the proposed monitoring methodology for those stations, and any anticipated changes that may be required to these as the development proceeds.
 - iii. Compliance thresholds to be monitored for noise, vibration and dust exceedances in accordance with BS5228 and the Mayors SPG 214 for Control of dust during construction.
 - iv. Complaint recording and monitoring with a record of any actions arising and communication with the complainant.
 - v. The form and method of monthly reporting of all data collected from the approved monitoring stations and vi. the means of recording and reporting any associated corrective action that is taken to minimise and control the impacts of the demolition and piling phase of the works.
 - vii. Suitable controls of the removal and control of the spread of any invasive plants including butterfly bush currently present on the Site in accordance with the Preliminary Ecological Appraisal (ref: VISTA-ARUP-XX-XXRP- YE-000002 - dated: July 2021).
 - viii. A point of contact for the purposes of monitoring and managing noise impacts on the National Theatre who will be available during demolition works and whose details shall be provided to the National Theatre.
 - ix. Details of prior consultation with the National Theatre on those elements of the scheme, including noise, vibration (and associated monitoring) and access, relevant to potential impacts on the National Theatre before its submission to the local planning authority.

x. Details of mitigation measures to reduce impact on the National Theatre including during performances.

xi. The scheme must also set out details of how reasonable measures will be undertaken to minimise the impact on performances at the National Theatre.

The measures as approved by the Local Planning Authority shall be maintained and retained for the duration of the demolition and piling works. All monitoring records, records of complaints received and actions arising as a result shall be kept for the duration of the development and made available to council officers on request.

- 5) No development (other than demolition to car park level at existing basement level) shall commence until a written scheme of archaeological investigation (WSAI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSAI, no development shall take place other than in accordance with the agreed WSAI, which shall include the statement of significance and research objectives, and:
- A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSAI. NOTE: The WSAI will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 6) No development shall commence (other than demolition works) until details of the public engagement framework pertaining to the site's archaeological program of work have been submitted and approved in writing by the local planning authority. The details shall have regard to Historic England's Guidelines for Archaeological Projects in Greater London, which provides advice on popular interpretation and presentation options. The development shall be carried out in accordance with the approved details.
- 7) No piling shall take place until a Piling Method Statement has been submitted to and approved in writing by the local planning authority. The details shall be assessed by the local planning authority in consultation with Thames Water and the Environment Agency. The Piling Method Statement shall:
- a) detail the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works.

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- b) demonstrate that there is no resultant unacceptable risk to groundwater. Any piling must be undertaken in accordance with the terms of the approved Piling Method Statement.
- 8) No development other than demolition shall commence until the following components of a scheme to deal with the risks associated with contamination of the site have been submitted to and approved in writing by the local planning authority:
- i) A site investigation scheme, based on the submitted 'ground contamination preliminary risk assessment' by Ove Arup & Partners Ltd (dated 01 July 2021 with reference VISTA-ARUP-XX-XX-RP-YE-000003, Issue 1), to provide information for a detailed assessment of the risks, including specific consideration of asbestos and organic compounds to all receptors, including those off-site, that may be affected, as well as groundwater.
 - ii) The site investigation results and the detailed risk assessment resulting from i);
 - iii) An options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken; and
 - iv) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in iii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The development shall thereafter be implemented in accordance with the details and measures approved.
- 9) Prior to occupation of any part of the development, a verification report on contamination demonstrating completion of the works set out in the approved remediation strategy under Condition 8 paragraph (iv) and the effectiveness of the remediation shall be submitted to and approved in writing by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.
- 10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the local planning authority for, an amendment to the remediation strategy detailing how this unsuspected contamination will be dealt with. The remediation strategy shall be implemented as approved.
- 11) No development other than demolition shall commence until a Basement Impact Assessment (BIA) considering flooding, groundwater

flows and the effects on neighbouring structures including historic structures has been submitted to and approved in writing by the local planning authority. The BIA shall be carried out by a suitably qualified person and shall include details regarding:

- (a) Detailed site-specific analysis of hydrological and geotechnical local ground conditions;
- (b) Analysis of how the excavation of the basement may impact on the water table and any ground water floor, whether perched water is present and confirmation of estimates of ground water flow rates and potential mounding effects;
- (c) Details of how flood risk, including risk from groundwater and surface water flooding has been addressed in the design, including details of any proposed mitigation measures;
- (d) Details of measures proposed to mitigate any risks in relation to land instability from any unacceptable ground water flows identified;
- (e) Demonstration of how cumulative and seasonal effects have been considered; and
- (f) A comprehensive non- technical summary document of the assessments provided and information submitted against (a) to (e) of this condition.

- 12) No development other than demolition shall commence until a Construction Environmental Management Plan (CEMP) based on the principles of Section 10 of the Arup Noise and Vibration Assessment of Volume 1 of the Upper Ground Environmental Statement has been submitted to and approved in writing by the local planning authority. The CEMP shall include details of the following relevant measures for both construction phases of the project (Phases 02 and 03):
- I. A description of the main contractors management responsibilities including complaint recording and management;
 - II. A description of the construction programme which identifies activities likely to cause high levels of noise or dust and the specific mitigation measures to be employed for each phase identified.
 - III. A named person for residents to contact within the main contractors organisation.
 - IV. Detailed site logistics arrangements;
 - V. Details regarding parking, deliveries, and storage;
 - VI. A suitably qualified person shall develop a scheme of ongoing continuous monitoring and reporting of construction noise and dust impacts against suitable targets in accordance with BS5228 Code of Practice for Noise and Vibration control and the Mayor of London's SPG 2014 and provision of monitoring results and including any actions arising to the local planning authority;
 - VII. Site delivery hours and other measures to mitigate the impact of construction on the amenity of the area and safety of the highway network;
 - VIII. Communication procedures with the LBL and local community regarding key construction issues - newsletters, fliers etc.;
 - IX. An Air Quality and Dust Management Plan (AQDMP) in accordance with Control of Dust and Emissions during Construction and Demolition SPG 2014;

X. Details of prior consultation with the National Theatre on those elements of the CEMP relevant to potential impacts on the National Theatre, including noise, vibration (and associated monitoring), before its submission to the local planning authority;

XI. Details of mitigation measures to reduce impact on neighbours including National Theatre including during performances;

XII. Details of liaison with the National Theatre including through a point of contact for the for the purposes of monitoring and managing noise impacts on the National Theatre who will be available during construction works and whose details shall be provided to the National Theatre;

XIII. Details of a programme and methodology of noise and vibration monitoring at the National Theatre during construction; and

XIV. The CEMP must set out details of how reasonable measures will be undertaken to minimise the impact on performances at the National Theatre.

The construction work within Phase 02 and Phase 03 shall thereafter be carried out in accordance with the details and measures approved in the CEMP, unless the written consent of the Local Planning Authority is received for any variation (following further prior consultation with the National Theatre on any variations to the elements of the CEMP relevant to impacts on the National Theatre including noise, vibration and associated monitoring) and provided always that any variation would not give rise to any materially and unacceptable or materially worse new adverse noise and vibration impacts on the National Theatre, including during performances save to the extent that such impacts are mitigated through mitigation measures approved as part of such variation.

- 13) Prior to the commencement of construction within Phases 02 and Phases 03 of the development, a Phase specific scheme of noise and vibration attenuation shall be submitted to and approved in writing by the Local Planning Authority based on the principles detailed in BS5228 and established in the scheme of ongoing continuous construction monitoring as approved in Section VI of Condition 12 (CEMP). The approved noise and vibration attenuation measures shall thereafter be retained and maintained in working order for the duration of construction within Phases 02 and Phase 03 in accordance with the approved details.
- 14) No non-road mobile machinery (NRMM) shall be used on the site unless it is compliant with the NRMM Low Emission Zone requirements (or any superseding requirements) and until it has been registered for use on the site on the NRMM register (or any superseding register).
- 15) No development other than demolition shall commence until a Construction Logistics Management Plan (CLMP) has been submitted to and approved in writing by the local planning authority. The details shall be assessed by the Local Planning Authority in consultation with TfL and the London Borough of Southwark. The CLMP shall include details of the following relevant measures for the construction phase of the project:
 - i) Construction vehicle routing;
 - ii) Frequency and timing of deliveries;
 - iii) Pedestrian and cyclist safety measures.

The construction work shall thereafter be carried out in accordance with the details and measures approved in the CLMP, unless the written consent of the Local Planning Authority is received for any variation.

- 16) No development other than demolition shall commence until a detailed design for the surface water drainage system and associated pipework presented in Flood Risk Assessment and drainage strategy (Doc reference: VISTA-ARUP-XX-XX-RP-C-000001) has been submitted to and approved in writing by the Local Planning Authority. The scheme for the surface water drainage shall be carried out in accordance with the approved details before the development is first put in to use/occupied.
- 17) Prior to the commencement of Phase 03, a scheme of mitigation of the local wind microclimate shall be submitted to and approved in writing by the local planning authority. The scheme shall include a detailed modelling assessment of effects and mitigation measures for:
- a. the public realm; and
 - b. the communal terraces and balconies within the proposed development.

The scheme submission and detailed modelling assessment shall take account of BRE Digest DG520 (Wind Microclimate Around Buildings). The scheme shall include elevational drawings of any structures or screens and any further supporting assessment to ensure that all external spaces achieve the relevant standards set out in the Lawson Comfort Criteria, allowing for cumulative development.

The scheme of mitigation shall be implemented in accordance with the approved details, and they shall be fully installed prior to occupation and permanently retained and maintained for the duration of the use and their operation. Any variation to the layout or built form of the development shall be accompanied by a revised Wind Microclimate Assessment prepared by a competent person, which includes a revised additional detailed modelling assessment and fully identifies any additional adverse wind microclimate impacts. Any additional steps required to mitigate these impacts shall be detailed and implemented, as necessary. The revised assessment shall be submitted to and approved by the Local Planning Authority and the details as approved shall thereafter be permanently retained.

- 18) Prior to the commencement of Phase 03 a scheme providing full specifications of internal and external plant, flues, extraction and filtration equipment (including elevational drawings) shall be submitted to the local planning authority for approval. The scheme shall also include a tabulated schedule of all plant (and the associated noise data) with a sound power level of more than 75dBA. All flues, ducting and other equipment shall be installed in accordance with the approved details prior to the use commencing on site and shall thereafter be maintained in accordance with the approved details and the manufacturer's recommendations.

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- 19) The use hereby permitted shall not commence until details and full specifications of kitchen fume extraction and filtration equipment, and ongoing maintenance plan, have been submitted to and approved in writing by the local planning authority. The scheme of filtration shall take account of the odour risk as assessed in accordance with Appendix 3 of the EMAQ Control of Odour and Noise Guidance and where necessary shall include supporting external and internal elevational drawings and plans of the proposed ventilation layout. The use hereby permitted shall not commence until the approved details are fully implemented. The approved fume extraction and filtration equipment shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.
- 20) No development other than demolition shall commence until a scheme of an assessment of the acoustic impact arising from the operation of all internally and externally located plant has been submitted to and approved in writing by the local planning authority. The assessment of the acoustic impact shall be undertaken in accordance with BS 4142: 2014 (or subsequent superseding equivalent) and other relevant measures and shall include a scheme of attenuation measures to ensure the rating level of noise emitted from the proposed building services plant is 5dbA less than background. The operation of any relevant part of the building services plant, shall not commence until a post installation noise assessment has been carried out to confirm compliance with the approved noise criteria. The scheme shall be implemented in accordance with the approved details and attenuation measures, and they shall be permanently retained and maintained in working order for the duration of the use and their operation.
- 21) Prior to the commencement of Phase 3 a TM52 Overheating Assessment and a scheme of noise and vibration attenuation and ventilation sufficient to prevent overheating and maintain thermal comfort shall be submitted to and approved in writing by the local planning authority. The scheme of noise and vibration attenuation and ventilation including performance details and a glazing plan shall achieve the habitable and commercial room standards as detailed in BS8233:2014 with no relaxation for exceptional circumstances including suitable consideration of L_{Amax} and must include details of post construction validation. All work must be carried out by suitably qualified person and the approved noise, vibration attenuation and ventilation and TM52 Overheating Assessment measures shall thereafter be retained and maintained in working order for the duration of the use in accordance with the approved details.
- 22) Notwithstanding the details hereby approved, prior to the commencement of Phase 03, drawings (at 1:10 scale [including sections] showing all external construction detailing), for the relevant part of the development have been submitted to and approved by the local planning authority in writing, unless otherwise agreed in writing by the local planning authority. The drawings shall include details of:
- a) A technical specification schedule of the external materials, including but not limited to building facades, soffits, copings, terraces and

balustrades, entrances and external doors, roof treatments, plant screens, and boundary treatments.

b) Sample panels to be made available on site (or another convenient local location), at a scale of 1:1, for inspection showing 'typical' façade construction and illustrating the materials and their construction detailing.

c) A photographic record of the sample panels, taken on site at midday. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.

- 23) Prior to first occupation of the development hereby permitted, a Wayfinding Strategy including details of the building signage strategy and Legible London Signage shall be submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details and retained for the lifetime of the development.
- 24) No vents, plumbing or pipes, other than those approved, shall be fixed to the external faces of the building.
- 25) Full wheelchair accessibility to points of access, car parking, cycle storage, building entrances, internal access, sanitary facilities, and means of escape shall be provided in accordance with the approved drawings and as set out in Section 08 (Inclusive design and access) of the Design and Access Statement (prepared by Make) Issue: 01 - Dated: 30/06/2021.
- 26) Prior to commencement of the landscaping works hereby permitted (forming part of phase 03), a detailed hard and soft landscaping scheme shall be submitted to and approved in writing by the local planning authority. All tree, shrub and hedge planting included within the above scheme shall accord with BS3936:1992, BS4043:1989 and BS4428:1989 (or subsequent superseding equivalent) and current Arboricultural best practice. The details shall demonstrate that net biodiversity gain has been achieved. The details shall include:
- a) The treatment of all parts of the site not covered by buildings including walls and boundary features;
 - b) The treatment of the communal podium/roof terrace areas;
 - c) The quantity, size, species, position and the proposed time of planting of all trees and shrubs to be planted including details of appropriate infrastructure to support long-term survival;
 - d) An indication of how all trees and shrubs will integrate with the proposal in the long term with regard to their mature size and anticipated routine maintenance and protection including irrigation systems;
 - e) Details of infrastructure to maximise rooting capacity and optimize rooting conditions;
 - f) All hard landscaping including all ground surfaces, planters, seating, refuse disposal points, short stay ground level cycle parking facilities, bollards, vehicle crossovers/access points;
 - g) The design and treatment of the boundary features along the western boundary of the site, and demonstrate that these boundary treatments integrate with the boundary treatments on the adjoining site;

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- h) The landscaping mitigation and enhancement measures as set out in section 6.1.1 the Preliminary Ecological Appraisal (ref: VISTA-ARUP-XX-XX-RP-YE-000002 - dated: July 2021);
 - i) Details of the ongoing maintenance and management of the landscaping across the site.

The detailed landscaping scheme hereby permitted shall be thereafter carried out in accordance with the approved details prior to first occupation, or within the first planting season thereafter at the latest, of any part of the site unless an alternative temporary landscaping and phasing scheme has otherwise been submitted to and agreed by the local planning authority.

- 27) Prior to the commencement of Phase 01 (excluding demolition) of the development hereby approved, an Arboricultural Method Statement in accordance with BS5837:2012 shall be submitted to and approved in writing by the Council. The Arboricultural Method Statement should provide information relating to:
 - a) Groundworks within the Root Protection Area of retained trees for any construction activity (including the installation of hard surfaces);
 - b) The installation of all service and utility routes within the Root Protection Area of all retained trees;
 - c) Details of tree protection measures and tree protection monitoring; and
 - d) Include details of all proposed pruning work as referenced in the approved document Arboricultural Impact Assessment Report (prepared by Treework Environmental Practice - dated: 02/07/2021, ref: 210702-1.3-LTVS-PVAIA- MS). Thereafter, the respective Method Statements shall be implemented in strict accordance with the approved details.
- 28) All planting, seeding or turfing comprised in the approved details of landscaping, including the new street trees along the 72 Upper Ground frontage, shall be carried out in the first planting and seeding season following the occupation of the development hereby permitted or the substantial completion of the development, whichever is the sooner. Any trees, hedgerows or shrubs forming part of the approved landscaping scheme which within a period of five years from the occupation or substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 29) Prior to commencement of Phase 03, a detailed specification of the green roofs and walls shall be submitted to and approved in writing by the local planning authority. The specification shall include details of the quantity, size, species, position and the proposed time of planting of all elements of the green roofs, together with details of their anticipated routine maintenance and protection. The green roofs shall be implemented and thereafter maintained in accordance with the approved details for the lifetime of the development.
- 30) If within 5 years of the installation of the green roof any planting forming part of the green roof shall die, be removed, or become seriously damaged

or diseased, then this planting shall be replaced in the next planting season with planting of a similar size and species.

- 31) Prior to commencement of the landscaping works (forming part of Phase 03), details of the recommended species specific mitigation and enhancement measures as set out in Section 6 of the Preliminary Ecological Appraisal (ref: VISTA-ARUP-XX-XX-RP-YE-000002 - dated: July 2021) shall be submitted to and approved by the local planning authority. The details as approved should be implemented prior to completion and occupation, or at the latest within the first planting season thereafter, and retained thereafter for the lifetime of the development.
- 32) Prior to commencement of Phase 03, details of security measures to minimise the risk of crime and to meet the specific security needs of the development in accordance with the principles and objectives of Secured by Design measures shall be submitted to and approved in writing by the local planning authority. Details of these measures shall include the following:
- a) Mitigation of potential blast impacts prepared by a Structural Blast Engineer;
 - b) Hostile Vehicle Mitigation;
 - c) Upstand to glazed frontage;
 - d) Loading bay access control; and
 - e) Capability to securely lock down.

The approved details must be fully implemented prior to occupation. The development shall be carried out in accordance with the approved details and maintained for the lifetime of the development, unless otherwise agreed in writing.

- 33) Prior to first occupation, evidence of the development having achieved the agreed crime prevention and security measures shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details and maintained for the lifetime of the development, unless otherwise agreed in writing.
- 34) The development shall not be brought in to use/occupied until a management and maintenance plan of the final surface water management system and associated pipework has been provided for approval by the local planning authority. The plan must consider the management and maintenance for the lifetime of the development which shall include the arrangements made to secure the operation of the scheme. The approved plan shall be implemented in full in accordance with the agreed terms and conditions.
- 35) The development shall not be occupied until confirmation has been provided and approved by the local planning authority in consultation with Thames Water that either:
1. Capacity exists off site to serve the development; or
 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation

shall take place other than in accordance with the agreed development and infrastructure phasing plan; or

3. All wastewater network upgrades required to accommodate the additional flows from the development have been completed.

- 36) Prior to occupation of the development an Estate Management Plan for the ground floor external spaces and the Level 12 terrace shall be submitted to and approved by the local planning authority. The plan shall include but not be limited to:

- i. Customer management of patrons when attending and leaving events.
- ii. The type and frequency of events to be held in the public realm on site.
- iii. The scheme of monitoring management and reporting of noise impacts at nearby sensitive receptors from organised events held in the public realm on site and the metrics by which noise impacts shall be assessed.
- iv. Details of how complaints shall be recorded and reviewed, and suitable corrective action identified.
- v. Hours of use.

The plan shall provide details of the role and contact information of the person who will be responsible for maintaining the Estate Management Plan. Where any management practices give rise to complaints of a substantiated adverse impact on local amenity as may be received by the operator, this must be brought to the attention of the Local Authority's environmental protected team to agree any necessary changes to the management plan.

- 37) Prior to commencement of construction above ground of the Assembly Room Area (forming part of Phase 03) a scheme of noise control and mitigation in respect of the Assembly Room Area shall be submitted to and approved in writing by the local planning authority. The scheme shall be written by a suitably qualified person and shall be undertaken in accordance with the principles of BS 4142: 2014 and BS8233 (or subsequent superseding equivalent) and other relevant standards, and shall include but not be limited to;

I. Detailed design measures for a scheme of acoustic separation between the Assembly Room area and adjoining or nearby sensitive receptors including but not limited to the use of Lobby doors and the sound attenuation and mitigation to be provided by the glazing system to be used.

II. The noise level at which amplified music will be played in the ground and low floors

III. Details of the in-house music system to be used including a schematic layout of the speaker and amplifier system to be used

IV. Details of how 3rd parties will play music through the system

V. A complaint recording and management plan.

VI. The frequency with which live amplified music will be played and the proposals to limit disturbance from live bands.

The predicted acoustic impact shall not exceed NR25 in neighbouring noise sensitive rooms and nearby residential receptors and the use of the Assembly Room Area hereby permitted shall not commence until the approved details are fully implemented and a suitably qualified person has validated the installation as conforming with the approved design. The use

of the Assembly Room Area hereby permitted shall thereafter be operated in accordance with the approved details.

- 38) The hours of opening of the Flexible Use Units including but not limited to bars, restaurants and entertainment spaces shall be submitted to and approved in writing by the local planning authority in advance of the commencement of use of the relevant units. Thereafter the approved uses shall not operate other than within the opening and closing hours agreed.
- 39) Prior to the occupation of the development hereby approved a lighting scheme for the management of both internal and external lighting must be submitted and, approved by the local planning authority in accordance with the Institute of Lighting Professional's Guidance notes for the reduction of obstructive light, and implemented in full. The scheme must be designed by a suitably qualified person in accordance with the recommendations for environmental zone E3 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:20. Before commencement of operation of the approved lighting scheme the applicant shall appoint a suitably qualified member of the institute of lighting professionals (ILP) to validate that the lighting scheme as installed conforms to the recommendations for environmental zone E3 in the ILP document "Guidance Notes for the Reduction of Obtrusive Light GN01:20.
- 40) Prior to the occupation of the development hereby permitted, a Waste and Recycling Management Plan providing details of waste and recycling storage for the development shall be submitted to and approved in writing by the local planning authority. The details must include but not be limited to swept paths for refuse vehicles, dimensions of door widths, wash down and drainage facilities, provision of internal overnight storage of glass waste and the proposed hours of waste collection. The waste and recycling storage shall be provided in accordance with the approved details prior to the commencement of the use hereby permitted and shall thereafter be retained solely for its designated use. The waste and recycling storage areas/facilities should comply with the Lambeth's Refuse & Recycling Storage Design Guide (2022), unless it is demonstrated in the submissions that such provision is inappropriate for this specific development.
- 41) The use hereby permitted shall not commence until a Delivery and Servicing Management Plan has been submitted and approved in writing by the local planning authority. The use hereby permitted shall thereafter be operated in accordance with the approved details. The submitted details must include the following:
- a) Frequency of deliveries to the site;
 - b) Frequency of other servicing vehicles such as refuse collections;
 - c) Dimensions of delivery and servicing vehicles;
 - d) Proposed loading and delivery locations;
 - e) Hours for servicing and deliveries;
 - f) Proposed access routes to and from the site;
 - g) Monitoring of delivery and servicing vehicles;
 - h) Details of a booking system with a cap to reduce servicing trips; and
 - i) Details of electric vehicle charging points for all servicing bays.

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- 42) Prior to the uses hereby approved commencing, a Travel Plan relating to those uses shall be submitted to and approved in writing by the local planning authority. Travel Plan shall explore the use of the river for transport amongst other modes of sustainable transport. The measures approved in the Travel Plan to be implemented before occupation shall so be implemented prior to the use commencing and shall be so maintained for the duration of the use.
- 43) Prior to commencement of the building works of the relevant part of the development hereby permitted (forming part of Phase 03), details of the provision to be made for cycle parking (including but not limited to cycle parking stores, facilities for cyclists, showers / changing rooms) shall be submitted to and approved in writing by the local planning authority. The cycle parking and associated facilities shall thereafter be implemented in full in accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated use.
- 44) Prior to first occupation of the building a short-stay valet cycle parking management plan shall be submitted to and approved by the local planning authority. The details of the short-stay valet cycle parking shall set out:
- i. the management of the short-stay valet cycle parking service;
 - ii. its design and layout;
 - iii. its hours of operation;
 - iv. price structure;
 - v. marketing strategy to create awareness on site; and
 - vi. monitoring strategy.

The cycle parking and associated facilities shall thereafter be implemented in full in accordance with the approved details before the use hereby permitted commences and shall thereafter be retained solely for its designated use. Annual monitoring reports indicating usage of the short-stay valet cycle parking service shall be provided for the first three years of use of the short-stay valet cycle parking service. The Owner shall implement any reasonable recommendations made by the Council and revise the short-stay valet style cycle parking management plan to incorporate any such reasonable recommendations as required.

- 45) Prior to first occupation of the building at least 10% of the long stay cycle spaces shall be provided with electric charging plugs and electrical infrastructure and shall thereafter be retained for the duration of the development solely for its designated use.
- 46) Prior to the occupation of the development, the two parking spaces shall be laid out in accordance with the approved plans, and the disabled/accessible parking spaces shall be retained for the duration of the

use. No vehicles, other than blue-badge holder vehicles, shall park on the site. Vehicles shall only park within the designated spaces shown on the approved plans, and on no other part of the site.

- 47) Prior to the occupation of the development hereby approved, details shall be submitted to the local authority for approval to confirm that the two vehicle parking spaces within the development are provided with electric vehicle charging points. All electric vehicle charging points shall be retained for the duration of the development.
- 48) Prior to the first occupation the post-construction tab of the GLA's whole life carbon assessment template should be completed accurately and in its entirety in line with the GLA's Whole Life Carbon Assessment Guidance. The post-construction assessment should provide an update of the information submitted at planning submission stage, including the whole life carbon emission figures for all life-cycle modules based on the actual materials, products and systems used. This should be submitted to the GLA at: ZeroCarbonPlanning@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation.
- 49) The development hereby approved shall comply with the Key Commitments set out in Section 4 of the Circular Economy Statement.
- 50) Prior to the occupation of the development, a post-construction monitoring report shall be completed in line with the GLA's Circular Economy Statement Guidance. The post-construction monitoring report shall be submitted to the GLA, currently via email at: circulareconomystatements@london.gov.uk, along with any supporting evidence as per the guidance. Confirmation of submission to the GLA shall be submitted to, and approved in writing by, the local planning authority, prior to occupation of the development.
- 51) Prior to commencement of Phase 03, details of the development's energy efficiency measures at the Be Lean stage of the energy hierarchy shall be submitted to and approved in writing by the Local Planning Authority.
- 52) Prior to commencement of Phase 03, a completed copy of the GLA's Be Seen spreadsheet shall be submitted to and approved in writing by the Local Planning Authority. Prior to the commencement of Phase 03, a scheme showing that the provision of photovoltaic panels has been maximised including the siting, size, number and design of the photovoltaic array including cross sections of the roof of each building showing the panels in-situ shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in strict accordance with the approved details and permanently retained as such for the duration of use, unless otherwise agreed in writing by the local planning authority. The development shall be built in accordance with the approved energy Statement (VISTA-ARUP-ZZ-XXRP-M-000001 Rev 1) or in accordance with an Energy Strategy that is submitted to and approved in writing by the Local Planning Authority

under this condition, demonstrating how the development will follow the hierarchy of energy efficiency, decentralised energy and renewable energy technologies to secure a minimum 43 per cent reduction in CO2 emissions below the maximum threshold set in Building Regulations Part L 2013. The development shall be carried out in accordance with the approved details, unless otherwise agreed in writing.

- 53) Prior to first occupation of the buildings evidence (schedule of fittings and manufacturer's literature) shall be submitted to and approved in writing by the local planning authority to show that the development has achieved a maximum reduction on the baseline water consumption.
- 54) Within six months of commencement of Phase 01, a BREEAM New Construction 2018, Office, Design Stage (Interim), Shell and Core certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Outstanding rating (minimum score 85%) shall be achieved for all office areas.
- 55) Within six months of occupation a BREEAM New Construction 2018, Office, Post Construction Review (Final), Shell and Core certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Outstanding rating (minimum score 85%) has been achieved for all office areas.
- 56) Within six months of commencement of Phase 01, a BREEAM New Construction 2018, Retail, Design Stage (Interim), Shell Only certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Excellent rating (minimum score 70%) shall be achieved for all retail areas.
- 57) Prior to occupation a BREEAM New Construction 2018, Retail, Post Construction Review (Final), Shell Only certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Excellent rating (minimum score 70%) has been achieved for all retail areas.
- 58) Within six months of commencement of Phase 01, a BREEAM New Construction 2018, The London Studios, Design Stage (Interim), Shell and Core certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Excellent rating (minimum score 70%) shall be achieved for all retail areas.
- 59) Prior to occupation a BREEAM New Construction 2018, The London Studios, Post Construction Review (Final), Shell and Core certificate and summary score sheet shall be submitted to and approved in writing by the local planning authority to show that an Excellent rating (minimum score 70%) has been achieved for all retail areas.
- 60) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no more than 2,499

sqm (gross) of the floorspace shown on the approved drawings (refs: PA2000 Rev 00, PA2012 Rev 00, PA2013 Rev 00) as "FLEXIBLE USE (CLASS E AND/OR SUI GENERIS)" shall be used for retail purposes under Use Class E(a).

- 61) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the floorspace shown on the approved plans to be used as Flexible Use (Class E and/or Sui Generis) shall be used for purposes that fall within Use Class E (a) or (b) of the Town and Country (Use Classes) Order 1987 (or any provision equivalent to those Classes in any statutory instrument revoking and re-enacting that Order with or without modification) or as Sui Generis (public houses, wine bars, drinking establishments, or drinking establishments with expanded food provision) and shall not be used for any other purpose.
- 62) The floorspace shown on the approved plans to be used as offices within Class E(g)(i) shall be used as such and for no other purpose in Class E of the Town and Country (Use Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification. Furthermore, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the office floorspace within Class E(g)(i) shall not change use by any means under the Town and Country Planning (General Permitted Development) (England) Order 2015.
- 63) The development shall be carried out in accordance with the submitted Flood Risk Assessment (FRA) by Ove Arup & Partners Ltd (dated 30 June 2021 with reference VISTA-ARUP-XX-XX-RP-C-000001, Issue 02) and the following mitigation measure:
No regular access to and from the basement level shall be provided for users and occupants via lifts, cycle ramps and stairs located internally with no direct external access openings at ground floor level that would allow uncontrolled water to enter the basement level. This mitigation measure shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measure detailed above shall be retained and maintained thereafter throughout the lifetime of the development.
- 64) The development shall not encroach further towards the tidal River Thames flood defences, as referenced on the submitted:
- a) 'proposed west elevation' drawing by Make (dated 30 June 2021 with reference PA2213, Revision 00);
 - b) proposed 'basement level 1 floor plan' by Make (dated 30 June 2021 with reference PA1999, Revision 00);

-
- c) proposed 'basement level 2 floor plan' by Make (dated 30 June 2021 with reference PA1998, Revision 00); and
 - d) proposed 'north boundary sections' drawing by Make (dated 30 June 2021 with reference PA5001, Revision 00).

Appendix 2: Drawing Numbers

01 Site				
PA0200	Location plan	00	1:125 0	
PA0201	Existing site plan	00	1:500	
PA0300	Proposed site plan	00	1:500	
02 Existing GA plans				
PA0998	Existing Level 02 Basement Plan	00	1:200	
PA0999	Existing Level 01 Basement Plan	00	1:200	
PA1000	Existing Ground Floor Plan	00	1:200	
PA1001	Existing First Floor Plan	00	1:200	
PA1002	Existing Second Floor Plan	00	1:200	
PA1003	Existing Third Floor Plan	00	1:200	
PA1004	Existing Typical Fourth to Twenty Fifth Floor	00	1:200	
PA1005	Existing Roof Plan	00	1:200	
03 Existing GA elevations				
PA1200	Existing South Elevation	00	1:200	
PA1201	Existing North Elevation	00	1:200	
PA1202	Existing East Elevation	00	1:200	
PA1203	Existing West Elevation	00	1:200	
04 Existing GA sections				
PA1250	Existing Section AA	00	1:200	
PA1251	Existing Section BB	00	1:200	
PA1252	Existing Section CC	00	1:200	
PA1253	Existing Section DD	00	1:200	
05 Proposed demolition plans				
PA1798	Proposed Demolition Level 02 Basement Plan	00	1:200	
PA1799	Proposed Demolition Level 01 Basement Plan	00	1:200	
PA1800	Proposed Demolition Ground Floor Plan	00	1:200	
PA1801	Proposed Demolition First Floor Plan	00	1:200	
PA1802	Proposed Demolition Second Floor Plan	00	1:200	
PA1803	Proposed Demolition Third Floor Plan	00	1:200	
PA1804	Proposed Demolition Typical Fourth to Twenty Fifth Floor Plan	00	1:200	
06 Proposed demolition sections				
PA1900	Proposed Demolition Building Section 1	00	1:200	
PA1901	Proposed Demolition Building Section 2	00	1:200	

07 Proposed GA plans				
PA1997	Proposed Lift Pits Floor Plan	00	1:200	
PA1998	Proposed Basement Level 2 Floor Plan	00	1:200	
PA1999	Proposed Basement Level 1 Floor Plan	00	1:200	
PA1999M	Proposed Basement Level 1 Mezzanine Floor	00	1:200	
PA2000	Proposed Ground Floor Plan	00	1:200	
PA2001	Proposed Level 1 floor plan	00	1:200	
PA2002	Proposed Level 2 floor plan	00	1:200	
PA2003	Proposed Level 3 floor plan	00	1:200	
PA2004	Proposed Level 4 floor plan	00	1:200	
PA2005	Proposed Level 5 floor plan	00	1:200	
PA2006	Proposed Level 6 floor plan	00	1:200	
PA2007	Proposed Level 7 floor plan	00	1:200	
PA2008	Proposed Level 8 floor plan	00	1:200	
PA2009	Proposed Level 9 floor plan	00	1:200	
PA2010	Proposed Level 10 floor plan	00	1:200	
PA2011	Proposed Level 11 floor plan	00	1:200	
PA2012	Proposed Level 12 floor plan	00	1:200	
PA2013	Proposed Level 13 floor plan	00	1:200	
PA2014	Proposed Level 14 floor plan	00	1:200	
PA2015	Proposed Level 15 floor plan	00	1:200	
PA2016	Proposed Level 16 floor plan	00	1:200	
PA2017	Proposed Level 17 floor plan	00	1:200	
PA2018	Proposed Level 18 floor plan	00	1:200	
PA2019	Proposed Level 19 floor plan	00	1:200	
PA2020	Proposed Level 20 floor plan	00	1:200	
PA2021	Proposed Level 21 floor plan	00	1:200	
PA2022	Proposed Level 22 floor plan	00	1:200	
PA2023	Proposed Level 23 floor plan	00	1:200	
PA2024	Proposed Level 24 floor plan	00	1:200	
PA2025	Proposed roof level plan	00	1:200	
08 Proposed GA elevations				
PA2200	Proposed North and South Elevation in Context	00	1:100 0	
PA2201	Proposed East and West Elevation in Context	00	1:100 0	
PA2210	Proposed North Elevation	00	1:200	
PA2211	Proposed East Elevation	00	1:200	
PA2212	Proposed South Elevation	00	1:200	
PA2213	Proposed West Elevation	00	1:200	
09 Proposed GA sections				
PA2250	Proposed Section AA	00	1:200	
PA2251	Proposed Section BB	00	1:200	
PA2252	Proposed Section CC	00	1:200	
PA2253	Proposed Section DD	00	1:200	
10 Proposed typical facade details				

PA4000	Typical north office cladding	00	1:20	
PA4001	Typical east-west-south office cladding	00	1:20	
PA4002	Balconies	00	1:20	
PA4003	Set-back terraces	00	1:20	
PA4004	Typical shopfront	00	1:20	
PA4005	Typical London Studios entrance	00	1:20	
PA4006	Typical core cladding	00	1:20	
PA4007	Typical office lobby entrance	00	1:20	
11 Site boundary sections				
PA5001	Proposed North Boundary Sections	00	1:100	
PA5002	Proposed East Boundary Sections	00	1:100	
PA5003	Proposed South Boundary Sections	00	1:100	
PA5004	Proposed West Boundary Sections	00	1:100	
12 Phasing plans and sections				
SK002	Phase 01	00	Varies	
SK003	Phase 02	00	Varies	
SK004	Phase 03	00	Varies	

Landscape Drawings

VIS619-GRA-X-00-DR-L-1000 Rev 00
 VIS619-GRA-X-00-DR-L-1001 Rev 00
 VIS619-GRA-X-00-DR-L-1100 Rev 00
 VIS619-GRA-X-00-DR-L-3001 Rev 00
 VIS619-GRA-X-02-DR-L-3002 Rev 00
 VIS619-GRA-X-03-DR-L-3003 Rev 00
 VIS619-GRA-X-04-DR-L-3004 Rev 00
 VIS619-GRA-X-05-DR-L-3005 Rev 00
 VIS619-GRA-X-06-DR-L-3006 Rev 00
 VIS619-GRA-X-07-DR-L-1007Rev 00
 VIS619-GRA-X-08-DR-L-3015Rev 00
 VIS619-GRA-X-09-DR-L-3008 Rev 00
 VIS619-GRA-X-12-DR-L-3009 Rev 00
 VIS619-GRA-X-13-DR-L-3010 Rev 00
 VIS619-GRA-X-15-DR-L-3016 Rev 00
 VIS619-GRA-X-16-DR-L-3011 Rev 00
 VIS619-GRA-X-19-DR-L-3012 Rev 00
 VIS619-GRA-X-20-DR-L-3013 Rev 00
 VIS619-GRA-X-22-DR-L-3014 Rev 00
 VIS619-GRA-X-00-DR-L-5001 Rev 00
 VIS619-GRA-X-00-DR-L-5015 Rev 00
 VIS619-GRA-X-00-DR-L-5016 Rev 00
 VIS619-GRA-X-02-DR-L-5002 Rev 00
 VIS619-GRA-X-03-DR-L-5003 Rev 00
 VIS619-GRA-X-04-DR-L-5004 Rev 00
 VIS619-GRA-X-05-DR-L-5005 Rev 00
 VIS619-GRA-X-06-DR-L-5006 Rev 00
 VIS619-GRA-X-07-DR-L-5007 Rev 00
 VIS619-GRA-X-08-DR-L-5017 Rev 00
 VIS619-GRA-X-09-DR-L-5008 Rev 00

VIS619-GRA-X-12-DR-L-5009 Rev 00
VIS619-GRA-X-13-DR-L-5010 Rev 00
VIS619-GRA-X-15-DR-L-5018 Rev 00
VIS619-GRA-X-16-DR-L-5011 Rev 00
VIS619-GRA-X-19-DR-L-5012 Rev 00
VIS619-GRA-X-20-DR-L-5013 Rev 00
VIS619-GRA-X-22-DR-L-5014Rev 00
VIS619-GRA-X-00-DR-L-1300 Rev 00
VIS619-GRA-X-00-DR-L-1301 Rev 00
VIS619-GRA-X-00-DR-L-1302 Rev 00
VIS619-GRA-X-00-DR-L-1303 Rev 00
VIS619-GRA-X-00-DR-L-1304 Rev 00
VIS619-GRA-X-00-DR-L-1305 Rev 00
VIS619-GRA-X-00-DR-L-1306 Rev 00
VIS619-GRA-X-00-DR-L-1307 Rev 00
VIS619-GRA-X-00-DR-L-1308 Rev 00
VIS619-GRA-X-00-DR-L-1309 Rev 00
VIS619-GRA-X-00-DR-L-1310 Rev 00
VIS619-GRA-X-00-DR-L-1311 Rev 00
VIS619-GRA-X-06-DR-L-1321 Rev 00
VIS619-GRA-X-06-DR-L-1322 Rev 00
VIS619-GRA-X-12-DR-L-1323 Rev 00
VIS619-GRA-X-13-DRL- 1324 Rev 00
VIS619-GRA-X-13-DR-L-1325 Rev 00
VIS619-GRA-X-20-DR-L-1326 Rev 00
VIS619-GRA-X-XX-DR-L-1327 Rev 00
VIS619-GRA-X-XX-DR-L-1328 Rev 00

Appendix 3: Appearances

FOR THE APPLICANT:

Rupert Warren KC

Instructed by Isabella Sgambellone &
Martin Evans of CMS Cameron McKenna
Nabarro Olswang LLP

He called:

Frank Filsov MA (Hons) DipArch (Edin)

Make Architects

ARB RIBA

Paul Finch OBE HonFRIBA

Emap

Professor Robert Tavernor BA DipArch

Tavernor Consulting

PhD RIBA

Matt Collinson MEng CEng MIET

ARUP

Jerome Webb MA MRICS

Gia Chartered Surveyors

Chris Goddard BA (Hons) BPI

DP9

MRTPI MRICS

FOR THE COUNCIL:

Matthew Reid KC

Instructed by Legal & Governance at the
London Borough of Lambeth

He called:

Doug Black MRTPI IHBC

Conservation & Design Team Leader,
London Borough of Lambeth

Aidan Cosgrave BSC (Hons) MRICS

Delva Patman Redler LLP

Benjamin Oates BRTP

Principle Planner, London Borough of
Lambeth

FOR SAVE OUR SOUTHBANK:

Michael Ball

Save Our Southbank

Patrick Dillon

Twentieth Century Society

Nicholas Boys Smith

Create Streets

Kiru Boyson

Max Frodham LLP

FOR COIN STREET COMMUNITY BUILDERS & COIN STREET SECONDARY HOUSING CO-OPERATIVE:

Charles Streeten

Instructed by Paula Carney, Carney
Sweeney

He Called:

Paula Carney BSc (Hons) MRICS

Amanda Reynolds B.Arch (NZ) MAUD(UK),ARB,FNZIA,
UDGRP

Jason Clemons BA (Hons) MA, MSc,MRTPI,IHBC

Rebecca Chapman

Carney Sweeney
AR Urbanism

Vitruvius Heritage
Anstey Horne

INTERESTED PERSONS:

David Clarson

Jeremy Cross

Barbara Weiss

Hannah Quigley

Florence Eshalomi

Dom Bouffard

Parvez Sheikh Taj

Jenny O'Neill

and read statement on behalf
of Jasmine Pasch

Ivor Dembina

Dearbhla Malloy

Baroness Kate Hoey

John Henry Barac

David Kesby

Tom Keller

Canon Giles Goddard

Richard Wollard

Sarina Da Silva

Matthew Demwell

Gillian Melling

J Mayhook

Kathryn Jackson

Karen Stanway

Local resident

Local resident

Skyline Campaign

Local resident

MP for Vauxhall

Local resident

Local resident

Local resident

Local resident

Local resident

Former MP for Vauxhall

Local resident

Lambeth Estates Residents Association

Local resident

Vicar, St John's Church, Waterloo

Local resident

Councillor, Waterloo and Southbank

Local resident

Local resident

Local resident

Local resident

Local resident

Appendix 4: Inquiry documents

Core Documents Schedule

CD 1 Full Planning Application Submission Documents

- CD 1.01 Cover Letter
- CD 1.02 Application Form
- CD 1.03 CIL Form
- CD 1.04 Site Location Plan
- CD 1.05 Application Drawings (Existing)
- CD 1.06 Application Drawings (Proposed)
- CD 1.07 Affordable Workspace Management Plan
- CD 1.08 Arboricultural Impact Assessment (02 July 2021)
Ref: 210702-1.3-LTVS-PV-AIA-MS
- CD 1.09 Basement Impact Assessment Revision 4 (22 June 2021)
Ref: VISTA-ARP-XX-XX-RP-GX-000002
- CD 1.10 Ground Contamination Preliminary Risk Assessment (1 July 2021)
Ref: VISTA-ARUP-XX-XX-RP-YE-000003
- CD 1.11 Construction Logistics & Management Plan (June 2021)
VISTA-ARUP-XX-XX-RP-YP-000005
- CD 1.12 Cultural Strategy
- CD 1.13 Delivery & Servicing Management Plan (June 2021)
VISTA-ARUP-XX-XX-RP-YP-000004
- CD 1.14 Design and Access Statement Issue 01 (Dated: 30 June 2021)
- CD 1.15 Daylight & Sunlight Draft Impact on Neighbouring Properties
Report Ref: 15144 (30 June 2021)
- CD 1.16 Detailed Circular Economy Statement P01.1 (2 July 2021)
VISTA-ARUP-XX-XX-RP-YS-000006
- CD 1.17 Preliminary Ecological Appraisal VISTA-ARUP-XX-XX-RP-YE-000002 (July 2021)
- CD 1.18 Employment and Skills Strategy
- CD 1.19 Environmental Statement Volume 1 (July 2021)
Ref: VISTA-ARUP-XX-XX-RP-YE-000005
- CD 1.20 Townscape, Heritage and Visual Impact Assessment (July 2021)
- CD 1.21 Environmental Statement Volume 3 (July 2021)
Ref: VISTAARUP- XX-XX-RP-YE-000006
- CD 1.22 Environmental Statement Non-Technical Summary
VISTA-ARUP-XX-XX-RP-YE- 000004
- CD 1.23 Energy Strategy Revision 1 (30 Jun 2021) Ref:
VISTA-ARUP-ZZ-XX-RP-M-000001
- CD 1.24 GLA Carbon Emission Reporting Spreadsheet v1.2_0
- CD 1.25 Fire Statement VISTA-ARUP-XX-XX-RP-YF-000001
Rev A (30 June 2021)
- CD 1.26 Flood Risk Assessment and Drainage Strategy
VISTA-ARUP-XX-XX-RP-C-000001
Issue 02 (30 June 2021)
- CD 1.27 Framework Visitor Management Plan (29 June 2021)
- CD 1.28 Health Impact Assessment VISTA- ARUP-XX-XX-RP-YE-000007 (July 2021)
- CD 1.29 Landscape & Public Realm Design &

Access Statement (June2021) Ref: VIS619-
CD 1.30 Planning Statement (2 July 2021)
CD 1.31 Planning Area Schedule (30/04/2021)
CD 1.32 Regeneration Statement prepared by Hatch (June 2021)
CD 1.33 Stage 2 Life Cycle Assessment (LCA) P01.1(2 July 2021)
VISTA-ARUP-XX-XX-RP-YS-000005
CD 1.34 Sustainability Statement P01.1 (30 June 2021)
VISTA-ARUP-XX-XX-RP-YS-000004
CD 1.35 Statement of Community Involvement (30 June 2021)
CD 1.36 Statement of Community Involvement Addendum 1 (9 Feb 2022)
CD 1.37 Framework Travel Plan (06/21) VISTA-ARUP-XX-XX-RP-YP-000003
CD 1.38 Transport Assessment (06/21) VISTAARUP- XX-XX-RP-YP-000002
CD 1.39 Written Scheme Of Investigation (January 2021)
CD 1.40 Daylight Sunlight Existing Vs Proposed Release 04, Issue 02
CD 1.41 Response to EA Plans:
1670 XXX-MAK-A1999 Rev 01,
1670 XXX-MAK-A2260 S00,
1670 XXX-MAK-A2213 S01,1
670 XXX-MAK-A2000 Rev 01,
1670 XXX-MAK-A1998 Rev 01,
VISTAARUP-ZZ-00-DR-S-002001 P01
CD 1.42 VISTA-ARUP-XX-XX-DR-CD-007201 P01
CD 1.43 Short stay cycle demand 20211022 spreadsheet
CD 1.44 File Note: Wind mitigation and additional testing (03/11/21)
CD 1.45 Responses to CBRE Environmental Statement Review
ReportV2 (9 December 2021) Ref: 273102-00
CD 1.46 Cycle Storage Issue 04 (27/01/2021)
CD 1.47 Future District Heat Network Connection -VISTA-ARUP-XX-SK-M-
0000119
CD 1.48 Calculation Sheet - Heat Pump System Efficiencies for Part L
(06/12/2021)
CD 1.49 VISTA-MAKE-XX-26-DR-AR-A2027 S03
CD 1.50 VISTA-ARUP-XX-XX-DR-CU-004201 P01.1
CD 1.51 Method Statement for a Public Engagement Programme (September
2021)
CD 1.52 BRUKL Output Documents dated 13/10/2021
CD 1.53 Technical Note: Flood Risk Assessment- EA Condition Note (16/12/2021)
CD 1.54 File Note: Response to Stroma Planning Comments(14/01/2022)
CD 1.55 Vista g-values (17.12.2021) prepared by Gartner
CD 1.56 BRUKL Output Documents dated 19/10/2021
CD 1.57 Cover letter dated 09/02/2022 prepared by ARUP
CD 1.58 Demolition Management Plan (7 th December 2021) Ref: DMP-21104-
V10
CD 1.59 Wind mitigation measures (22 February 2022)
CD 1.60 FD Modelling of Wind Mitigation Change (22/02/2022)
CD 1.61 Cover letter dated 22/02/2022 prepared by GIA
CD 1.62 Detailed Circular Economy Statement (an update of CD1.16), dated
07/02/22 - VISTA-ARUP-XX-XX-RP-YS-000006_P02
CD 1.63 Pre-Demolition Audit by Keltbray, dated 071221
CD 1.64 72 Upper Ground_gla_wlc_assessment_template_may_2020_v.1.2_0 -
a WCLA Excel spreadsheet presented to the GLA in Dec 2021

CD 2 – Other Documents

CD 2.01 Draft Section 106 Agreement
CD 2.02 Applicant Request for EIA Screening Opinion
CD 2.03 South Bank BID 'Engine of Recovery Report' (July 2021)
CD 2.04 Certificate of Immunity from Listing (COI) for London Television Centre, 60-72 Upper Ground (January 2018)
CD 2.05 Historic England Advice Report for London Television Centre, 60-72 Upper Ground; Case Number: 1451155 (15 December 2017)
CD 2.06 2018 Planning Permission for Application Site (ITV Headquarters): Environment Statement Volume III: Townscape, Heritage and Visual Impact Assessment by Tavernor and Millerhare
CD 2.07 2018 Planning Permission for Application Site (ITV Headquarters): Tavernor
Consultancy 'Architectural and Historical Assessment of the existing LWT Building' (August 2017)
CD 2.08 Document removed
CD 2.09 Planning Permission 21/01142/FUL and Listed Building Consent 21/01143/LB dated 23rd December 2021 ('IBM Planning Permission')
CD 2.10 IBM Planning Permission Committee Report dated 16 th June 2021
CD 2.11 IBM Planning Permission THVIA (2021)
CD 2.12 London borough of Lambeth Commercial Office Baseline Report prepared by JLL dated October 2020
CD 2.13 Creative Majority: An APGG for Creative Diversity Report on 'What Works' to support, encourage and improve diversity, equity and inclusion in the creative sector dated September 2021
CD 2.14 Call-in Decision: Shell Centre 2-4 York Road 06-06-14
CD 2.15 Call-in Decision: 1 & 20 Blackfriars 09-12-08
CD 2.16 Newcastle CC v Secretary of State for LUHC [2022] EWHC 2752
CD 2.17 London Historic Parks and Gardens Trust v (1) Minister of State for Housing (2) Westminster CC and (1) Secretary of State for Housing Communities and Local Government (2) Learning From The Righteous [2022] EWHC 829
CD 2.18 Project Vista - Existing tower reuse Stage 2 23 December 2020
CD 2.19 Existing Tower Combined ASK1000
CD 2.20 Current Scheme ASK1001

CD 3 – Lambeth Borough Council Documents

CD 3.01 EIA Screening Opinion
CD 3.02 CBRE EIA Scoping Report
CD 3.03 Planning Applications Committee Report
CD 3.04 Planning Applications Committee Report- Addendum
CD 3.05 Planning Applications Committee Report- Second Addendum
CD 3.06 Planning Applications Committee Minutes
CD 3.07 DRP Report 1
CD 3.08 DRP Report 2
CD 3.09 Presentation to the Planning Applications Committee on 25/05/21
CD 3.10 PAC Minutes 25/05/21

CD 4 – Consultation Responses

CD 4.01 Public Comments
CD 4.02 GLA Stage 1 Report 06.09.21
CD 4.03 GLA Stage 2 Report 22.08.22
CD 4.04 Environment Agency 17.09.21
CD 4.05 Environment Agency 18.11.21
CD 4.06 Environment Agency 18.12.21
CD 4.07 Environment Agency 28.02.22
CD 4.08 Historic England GLAAS 30.07.21
CD 4.09 Historic England GLAAS 23.08.21
CD 4.10 Historic England 06.08.21
CD 4.11 Historic England 20.12.21
CD 4.12 Historic England 26.01.22
CD 4.13 Met Police 04.08.21
CD 4.14 Met Police 03.03.22
CD 4.15 NATS Safeguarding 23.07.21
CD 4.16 NATS Safeguarding 20.12.21
CD 4.17 NATS Safeguarding 24.02.22
CD 4.18 Natural England 09.08.21
CD 4.19 Natural England 13.01.22
CD 4.20 Natural England 18.03.22
CD 4.21 Port of London Authority 02.08.21
CD 4.22 Port of London Authority 25.03.22
CD 4.23 Southwark Council 27.08.21
CD 4.24 Transport for London 09.08.21
CD 4.25 London Underground/DLR Infrastructure Protection 26.07.21
CD 4.26 London Underground/DLR Infrastructure Protection 20.12.21
CD 4.27 London Underground/DLR Infrastructure Protection 09.03.22
CD 4.28 Thames Water 06.08.21
CD 4.29 Thames Water 14.01.22
CD 4.30 City of Westminster 13.08.21
CD 4.31 City of Westminster 17.12.21
CD 4.32 City of Westminster 09.03.22
CD 4.33 LLFA response 28.03.22
CD 4.34 Regulatory Support Services – 14.12.21
CD 4.35 Regulatory Support Services – 05.11.21
CD 4.36 Document Removed
CD 4.37 Stroma Sustainability Assessments Review
CD 4.38 'EH Comments' 26.10.22
CD 4.39 'EH Comments 2' 13.08.21
CD 4.40 'Transport Comments 1'
CD 4.41 'Waste Comments 1'
CD 4.42 'Conservation and Design Comments'
CD 4.43 'Ecology Comments 2'
CD 4.44 'EH Comments 4'
CD 4.45 'D/S Review (to be read in conjunction with Committee Report'
CD 4.46 'Building Control Comments'
CD 4.47 'Transport Comments 2'
CD 4.48 'Transport Comments 3'
CD 4.49 'Design Comments'
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CD 4.51 'Ecology Comments 3'
CD 4.52 'EH Comments 3'
CD 4.53 'EH Comments 5'
CD 4.54 Historic England Letter 24.03.21
CD 4.55 Waste Comments 2
CD 4.56 20th Century Society Letter 21.05.21

CD 5 – Coin Street Community Builders' Inquiry Documents

CD 5.01 Amanda Reynolds Inquiry Presentation
CD 5.02 Amanda Reynolds Proof of Evidence – Architecture and Design
CD 5.03 Amanda Reynolds Proof of Evidence Appendices
CD 5.04 Jason Clemens Proof of Evidence – Heritage
CD 5.05 Paula Carney Proof of Evidence – Planning
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CD 5.07 Amanda Reynolds Rebuttal to Mr Tavernor, Mr Finch
and Mr Filskow's Proofs of Evidence- Architecture and Design
CD 5.08 Rebecca Chapman Rebuttal to Mr Webb and
Mr Cosgrave Proofs of Evidence Daylight
CD 5.09 Comments on Draft S106 Agreement
CD 5.10 Coin Street Community Builder's Statement of Case

CD 6 – Planning Policy and Guidance

CD 6.01 National Planning Policy Framework 2021
CD 6.02 London Plan 2021
CD 6.03 Lambeth Local Plan 2021
CD 6.04 Lambeth Local Plan 2021 Policies Map
CD 6.05 Roupell Street Conservation Area Map
CD 6.06 Roupell Street Conservation Area Designation Report
CD 6.07 Roupell Street Conservation Area Statement
CD 6.08 South Bank Conservation Area Map
CD 6.09 South Bank Conservation Area Designation Report
CD 6.10 South Bank Conservation Area Statement
CD 6.11 South Bank Conservation Area – Boundary Changes Appendix 1
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CD 6.13 South Bank Conservation Area – Boundary Changes Report
CD 6.14 Accessible London: Achieving an Inclusive Environment GLA SPG 2014
CD 6.15 Character and Context GLA SPG 2014
CD 6.16 Control of Dust and Emissions during
Construction and Demolition GLA SPG 2014
CD 6.17 Draft Sustainable Transport, Walking and Cycling GLA LPG 2021
CD 6.18 Draft Air Quality Positive GLA LPG 2021
CD 6.19 Draft Air Quality Neutral GLA LPG 2021
CD 6.20 Be Seen Energy Monitoring Guidance GLA LPG 2021
CD 6.21 Circular economy statements GLA LPG 2022
CD 6.22 Energy Assessment Planning Guidance GLA 2022
CD 6.23 Whole Life Carbon GLA LPG 2022
CD 6.24 Draft Optimising Site Capacity: A Design Led Approach GLA LPG 2022
CD 6.25 Fire Safety GLA LPG 2022
CD 6.26 Draft Urban Greening Factor GLA LPG 2021
CD 6.27 National Design Guide (2021)

CD 6.28 National Planning Policy Guidance [ONLINE VERSION ONLY]
<https://www.gov.uk/government/collections/planning-practice-guidance>

CD 6.29 Historic England - Managing Significance in Decision-Taking in the Historic Environment Historic Environment Good Practice Advice in Planning: 2

CD 6.30 Historic England - The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

CD 6.31 English Heritage Conservation Principles, Policies and Guidance 2008, reissued by Historic England 2015

CD 6.32 London View Management Framework SPG (2012)

CD 6.33 Lambeth Development Viability SPD

CD 6.34 Lambeth Affordable Workspace SPD

CD 6.35 Lambeth Draft Design Code SPD

CD 6.36 Lambeth Draft Local Views SPD

CD 6.37 Central Activities Zone SPG 2016

CD 6.38 BRE Guidelines – site layout planning for daylight and sunlight (BR 209 2022Edition)

CD 6.39 South Bank and Waterloo Neighbourhood Plan

CD 6.40 Waterloo Conservation Area Map

CD 6.41 Waterloo Conservation Area Designation Report

CD 6.42 Waterloo Conservation Area Statement

CD 6.43 'Living with Beauty: Promoting health, well-being and sustainable growth', Building Better, Building Beautiful Commission, January 2020

CD 6.44 IEMA & The Landscape Institute, Guidelines for Landscape and Visual Impact Assessment (GLVIA) Third Edition (April 2013)

CD 6.45 Historic England Advice Note 4: Tall Buildings (2022)

CD 6.46 Historic England Citation: Royal National Theatre, Non Civil Parish - 1272324

CD 6.47 Historic England Citation: IBM Building, South Bank, Non Civil Parish - 1470420

CD 6.48 Historic England Citation: Royal Festival Hall, Non Civil Parish - 1249756

CD 6.49 Historic England Citation: Cathedral Church of St Paul , Non Civil Parish- 1079157

CD 6.50 Historic England Citation: Somerset House and King's College Old Building - 1237041

CD 6.51 Historic England Citation: Waterloo Bridge, Non Civil Parish - 1105680

CD 6.52 Strand Conservation Area Audit

CD 6.53 Temples Conservation Area Character Summary

CD 6.54 Whitefriars Conservation Area Character Summary and Management Strategy Supplementary Planning Document

CD 6.55 Design Review (CABE, 2002)

CD 6.56 Old Barge House Alley Conservation Area

CD 6.57 Lambeth Statement of Community Involvement (October 2020)

CD 6.58 Circular Economy Statement GLA Guidance October 2020

CD 6.59 Whole Life-Cycle Assessments draft GLA Guidance Oct 2020

CD 7 – PINS Correspondence

CD 7.01 Holding Direction from DLUHC dated 28.04.22

CD 7.02 Call in Letter from DLUHC dated 31.08.22

CD 7.03 Letter from PINS – Inquiry Procedure – dated 05.09.22
CD 7.04 Letter from PINS – Inspector’s Summary and Directions from Pre-Inquiry Meeting (Case Management Conference) – dated 21.10.22
CD 8 – Lambeth Borough Council Inquiry Documents
CD 8.01 Statement of Case – Lambeth Borough Council dated 17.10.22
CD 8.02 LBL Proof of Evidence – Ben Oates (Planning)
CD 8.03 LBL Proof of Evidence – Doug Black (Design and Heritage)
CD 8.04 LBL Proof of Evidence – Aidan Cosgrave (Daylight and Sunlight)
CD 8.04a LBL Proof of Evidence - Aidan Cosgrave - updated p87 - VSC NSL window map (A3)
CD 8.05 LBL Rebuttal - Ben Oates (Planning)
CD 8.06 LBL Rebuttal - Doug Black (Design and Heritage)
CD 8.07 LBL Rebuttal - Aidan Cosgrave (Daylight and Sunlight)
CD 8.08 CIL Compliance Statement

CD 9 – Save Our Southbank’s Inquiry Documents

CD 9.01 Kiru Boyson Proof of Evidence
CD 9.02 Kiru Boyson Proof of Evidence Summary
CD 9.03 Nicholas Boys Smith Proof of Evidence
CD 9.04 Nicholas Boys Smith Proof of Evidence Summary
CD 9.05 Patrick Dillon Proof of Evidence
CD 9.06 Patrick Dillon Proof of Evidence List of Appendices
CD 9.06a Patrick Dillon Proof of Evidence Appendix 1
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CD 9.06c Patrick Dillon Proof of Evidence Appendix 3
CD 9.06d Patrick Dillon Proof of Evidence Appendix 4
CD 9.06e Patrick Dillon Proof of Evidence Appendix 5
CD 9.06f Patrick Dillon Proof of Evidence Appendix 6
CD 9.06g Patrick Dillon Proof of Evidence Appendix 7
CD 9.06h Patrick Dillon Proof of Evidence Appendix 8
CD 9.06i Patrick Dillon Proof of Evidence Appendix 9
CD 9.06j Patrick Dillon Proof of Evidence Appendix 10
CD 9.06k Patrick Dillon Proof of Evidence Appendix 11
CD 9.06l Patrick Dillon Proof of Evidence Appendix 12
CD 9.07 Patrick Dillon Summary of Heritage Harm
CD 9.08 Patrick Dillon Proof of Evidence Summary
CD 9.09 Michael Ball Proof of Evidence
CD 9.10 Michael Ball Proof of Evidence List of Appendices
CD 9.10a Michael Ball Proof of Evidence Appendix 1
CD 9.10b Michael Ball Proof of Evidence Appendix 2
CD 9.10c Michael Ball Proof of Evidence Appendix 2b
CD 9.10d No Appendix 3 submitted
CD 9.10e Michael Ball Proof of Evidence Appendix 4
CD 9.10f Michael Ball Proof of Evidence Appendix 5
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CD 9.10h Michael Ball Proof of Evidence Appendix 7
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CD 9.10j Michael Ball Proof of Evidence Appendix 9
CD 9.11 Michael Ball Proof of Evidence Summary
CD 9.12 Nicholas Boys Smith Rebuttal of Frank Filskow’s Proof of Evidence – Architecture and Design

CD 9.13 Patrick Dillon Rebuttal to Mr Black & Mr Tavernor
CD 9.14 Michael Ball Rebuttal to Mr Tavernor - Heritage Impact and Protected Views
CD 9.15 Michael Ball Rebuttal to Mr Tavernor - Heritage Impact and Protected Views
Appendix 1
CD 9.16 Michael Ball Rebuttal to Mr Filskow's Proofs
CD 9.17a Michael Ball Rebuttal to Mr Filskow's Proofs Appendix 1
CD 9.17b Michael Ball Rebuttal to Mr Filskow's Proofs Appendix 2
CD 9.17c Michael Ball Rebuttal to Mr Filskow's Proofs Appendix 3
CD 9.18 Michael Ball Rebuttal to Mr Collinson's Proof of Evidence
CD 9.19 Michael Ball Rebuttal to Mr Oates' Proof of Evidence including Appendix 1 and 2
CD 9.20a Michael Ball Rebuttal to Mr Oates' Proof of Evidence Appendix 3
CD 9.21 Michael Ball Rebuttal to Mr Filskow, Mr Goddard and Mr Oates' Proofs of Evidence - Cultural Affordable Workspace
CD 9.22 Save Our Southbank's Statement of Case

CD 10 – MEC London Property 3 (General Partner) Limited Inquiry Documents

CD 10.01 Statement of Case – MEC London Property 3 (General Partner) Limited dated 17.10.22
CD 10.02 Statement of Common Ground – Lambeth and MEC London Property 3 (General Partner) Limited signed 17.10.22
CD 10.03 MEC Proof of Evidence – Frank Filskow (Architecture)
CD 10.04a MEC Proof of Evidence – Appendices to Frank Filskow (Architecture): DRP table
CD 10.04b MEC Proof of Evidence – Appendices to Frank Filskow (Architecture): Images – Illustrative Views used in evidence and not in the Cityscape document
CD 10.04c MEC Proof of Evidence – Appendices to Frank Filskow (Architecture): Street Photography
CD 10.04d MEC Proof of Evidence – Appendices to Frank Filskow (Architecture): Competition Submission, March 2020
CD 10.05 MEC Proof of Evidence – Chris Goddard (Planning)
CD 10.06a MEC Proof of Evidence – Appendices to Chris Goddard (Planning) Appendix 1: Mitsubishi Letter
CD 10.06b MEC Proof of Evidence – Appendices to Chris Goddard (Planning) Appendix 2: Cushman and Wakefield Documents
CD 10.06c MEC Proof of Evidence – Appendices to Chris Goddard (Planning) Appendix 3: Hatch Documents
CD 10.07 MEC Proof of Evidence – Robert Tavernor (Townscape and Heritage)
CD 10.08a MEC Proof of Evidence – Appendices to Robert Tavernor Appendix RT1: Policy and Guidance pertinent to THVIA
CD 10.08b MEC Proof of Evidence – Appendices to Robert Tavernor Appendix RT2:
Summary Methodology
CD 10.09 MEC Proof of Evidence – Matt Collinson (Sustainability)
CD 10.10 Not used
CD 10.11 MEC Proof of Evidence – Jerome Webb (Daylight and Sunlight)
CD 10.12a MEC Proof of Evidence – Appendices to Jerome Webb (Daylight and Sunlight) Appendix 1 - Assumptions

CD 10.12b MEC Proof of Evidence – Appendices to Jerome Webb (Daylight and Sunlight) Appendix 2 - Principles
CD 10.12c MEC Proof of Evidence – Appendices to Jerome Webb (Daylight and Sunlight) Appendix 3 - Drawings
CD 10.12d MEC Proof of Evidence – Appendices to Jerome Webb (Daylight and Sunlight) Appendix 4 - Daylight & Sunlight Results
CD 10.12e MEC Proof of Evidence – Appendices to Jerome Webb (Daylight and Sunlight) Appendix 5 - NSL Contour Plots
CD 10.12f MEC Proof of Evidence – Appendices to Jerome Webb (Daylight and Sunlight) Appendix 6 - Window Maps
CD 10.12g MEC Proof of Evidence – Appendices to Jerome Webb (Daylight and Sunlight) Appendix 7 - Transient Overshadowing
CD 10.12h MEC Proof of Evidence – Appendices to Jerome Webb (Daylight and Sunlight) Appendix 8 - Land Bounded
CD 10.12i MEC Proof of Evidence – Appendices to Jerome Webb (Daylight and Sunlight) Appendix 9 - Dr Littlefair BRE Statement
CD 10.13 MEC Proof of Evidence – Paul Finch (Design Evaluation)
CD 10.14 Chris Goddard Summary Proof of Evidence (Planning)
CD 10.15 Cityscape Supplementary Visual Material
CD 10.16 360° View Sequence
CD 10.17 MEC Rebuttal to Kiru Boyson Proof of Evidence

CD 11 – Representations sent to PINS

CD 11.01 Alex Proud 14.10.22
CD 11.02 Amanda Taylor Jones 15.10.22
CD 11.03 Baroness Hoey of Lylehill and Rathlin 18.10.22
CD 11.04 Caroline Milner MBE 14.10.22
CD 11.05 Claire Topham 16.10.22
CD 11.06 Diana E Greenway 15.10.22
CD 11.07 J Falkingham 15.10.22
CD 11.08 T Foxall 17.10.22
CD 11.09 Hannah Quigley 17.10.22
CD 11.10 Hester Van Royen 14.10.22
CD 11.11 Holly Burn 16.10.22
CD 11.12 A Hopkinson 16.10.22
CD 11.13 Jenny Stiles 31.08.22
CD 11.14 Jenny Stiles 13.10.22
CD 11.15 John-Henry Barac 18.10.22
CD 11.16 Judy Smith 12.10.22
CD 11.17 Karen Philipp 17.10.22
CD 11.18 Kevin McNally 14.10.22
CD 11.19 M Latif-Aramesh 17.10.22
CD 11.20 Melvyn Wallis 17.10.22
CD 11.21 Mike Dewison 22.09.22
CD 11.22 Paul Coggle 01.09.22
CD 11.23 Paul Smedley 17.10.22
CD 11.24 Pauline Milner 15.10.22
CD 11.25 Peter Girven 01.09.22
CD 11.26 Redacted 19.10.22
CD 11.27 Tim Hollins 15.10.22
CD 11.28 Vanessa Clarke 17.10.22

CD 11.29 YCUK Letter of Support
CD 11.30 Iconic Steps Letter of Support
CD 11.31 Judy Smith 25.11.22

CD 12 – Planning Inquiry Reports

CD 12.01 Doon Street Inquiry (APP/N5660/V/07/1202133; 2008)
CD 12.02 Notting Hill Gate call-in inquiry (APP/G6100/V/19/3225884)
CD 12.03 South Lakeland District Council v Secretary of State for the Environment [1992] 2 AC 141 per Lord Bridge
CD 12.04 The Court of Application’s decision in Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council [2014] (EWCA Civ 137)
CD 12.05 Bath Society v Secretary of State [1991] 1 WLR 1303
CD 12.06 South Northamptonshire DC v SSSCLG [2014 EWCA Civ 137] (Barnwell Manor)
CD 12.07 (Jones v Mordue [2015] EWCA Civ. 1243 per Sales LJ
CD 12.08 R (Pugh) v Secretary of State for Communities and Local Government [2015] EWHC 3 (Admin), as per Gilbart J
CD 12.09 Hertford Gasworks – (APP/J1915/W/19/3234842)
CD 12.10 Goldsworth Road (APP/A3655/W/21/3276474)
CD 12.11 Burgess Business Park (APP/A5840/W/19/3225548)
CD 12.12 Master Brewer ‘Hillingdon’ case [2021] EWHC3387

CD 13 - Section 106 Agreement

CD 13.1 S106 Agreement - Agreed Version
CD 13.2a S106 Agreement Schedule 2 - Plan 1 -Plan of the site
CD 13.2b S106 Agreement Schedule 2 - Plan 2 - Phase 2 Works
CD 13.2c S106 Agreement Schedule 2 - Plan 3 - Public Realm
CD 13.2d S106 Agreement Schedule 2 - Plan 4 - Affordable Workspace (Basement, Ground and First Floor Plans)
CD 13.2e S106 Agreement Schedule 2 - Plan 5 - Tree identified for transplantation
CD 13.2f S106 Agreement Schedule 2 - Plan 6 - Waterloo Area
CD 13.2g S106 Agreement Schedule 2 - Plan 7 - Highways Works
CD 13.2h S106 Agreement Schedule 6 - Affordable Workspace Heads of Terms

CD 14 - Inquiry Documents

CD 14.1 Applicant’s Opening Points
CD 14.2 Lambeth Borough Council Opening Submission
CD 14.3 Coin Street Community Builders Opening Submission
CD 14.4 Save Our Southbank’s Opening Submission
CD 14.5 Inquiry Presentation Amanda Reynolds
CD 14.6 Waterloo Building Height Study (2018)
CD 14.7 Lambeth Tall Building Study (2014)
CD 14.8 Waterloo Opportunity Area Planning Framework (2007)
CD 14.9 Topic Paper 8 Tall Buildings (2019)
CD 14.10 Local Plan Reg 18 Repts relating to Site 9
CD 14.11 72 Upper Ground - Daylight & Sunlight SoCG - GIA-DPR-AH
CD 14.12 SoCG CES_WLCA
CD 14.13 Edward Henry House Photos 09/12/2022

CD 14.14 Dearbhla Molloy Iroko pictures
CD 14.15 Housing SPG
CD 14.16 London Plan (2016) Policies 3.3, 3.4, 7.6 and 7.7
CD 14.17 Photo submitted as part of speech read on behalf of Jasmine Pasch
CD 14.18 Mr Webb's Evidence showing reflected light - Photo 1 & 2
CD 14.19 Frank Filskow Evidence in Chief Presentation
CD 14.20 Hannah Quigley 72 Upper Ground Public Inquiry Photos for Speaking to Inspector
CD 14.21 CSCB response to SADPD 210222
CD 14.22 Lambeth Green Infrastructure Strategy 2018
CD 14.23 Site Visit Programme
CD 14.24 London SHMA 2017 Page 6
CD 14.25 Public London Charter LPG
CD 14.26 Applicants response to S106 comments raised by Coin Street Community Builders and Save Our Southbank 02.12.2022

Appendix 5: Interested parties' oral contributions where submitted

John-Henry Barac Good after noon ma'am - I am giving my view as a local resident and as a someone who regularly walks along the river, for pleasure or to get somewhere. I live in a house that overlooks the existing building so can see how my sky will be blotted out by the new construction. While you'd be welcome to come and stand in our yard and see how that would look, I'm going to talk today about the experience not just of us, but of the millions who use the Queen's riverside walk Today, a walk along the Thames from the London eye to the Tate Modern takes in a rare stretch in central London, this section of river which gives the walker a sense of openness, of sky and of buildings which are relatively low in height, and which contribute to this experience, part of the lungs of London. Getting to the Royal Festival Hall, Hayward and queen Elizabeth hall - great venue for all kinds of culture, and a place where people of all ages can come and go and use the interior spaces . Our children learned to walk inside, the festival hall, while all sorts of other events went on. And years later we chose to get married there. We walk on past the skateboarders at the undercroft , and past the British Film institute, nestled under Waterloo bridge. Onward past the national theatre, not everyone's cup of tea, but for me an elegant and great building - It steps back from the river, creating big open spaces facing onto the river, giving the walker breathing space, a relaxed experience - Then past the IBM building, less elegant one might say that the National, but again, it graciously acknowledges the sense that a view of the sky is an important part if the human experience in this part of the river, and it's stepped design helps with this. It steps back, having a social scale... Then the path once again widens, and the existing building is again of a scale that enhances the relaxed sense of peace and view of the sky, and makes the walkway a lovely relaxed multi use space. In contrast, The proposed building is imposing and rude in its ignorance - it does not care about being human scale preferring to assert its chunky glass blocks - that overhang the existing footprint - on the passerby.

It is out of scale with every other building I have mentioned and does not seem to care. It will be at least 3 times higher than the existing building at this point. Further down the river one can get a sense of this, from sea containers house, and most of the river beyond the globe theatre. Lots of places where peoples pace quickness as they rush by on their way to somewhere else. This part of the river has a relatively low rise skyline that enhances the experience for Londoners, visitors from other parts of the country and tourists. The Queen's riverside walk is an area to slow down, to amble and chat and enjoy the space and the river. If the Mitsubishi construction is allowed to proceed there will be no looking back, no looking up - the people passing by will be hemmed in by a building three times the height of the existing structure and as I've said, overhangs the areas occupied by the existing buildings. There will be a pressure to hurry on Looking at the developers and architects publicity images, they show the Queen's walk looking west, but they have nothing mocking up how it would be experienced if you are on the the riverside walk with your back to the river. That view is where the sky would be totally blocked out by the building - where now you can now see sky there will only be a glass cliff of empty offices. This scheme takes little account of the human experience, and at a time when there is more awareness of our need for a better relationship with our natural environment than ever before in our history, this needs to be taken into account Precedent is a tough taskmaster, once the height and breadth is breached there

will be no going back. This experience of the open sky at the Thames will be gone forever as increased commercial gain take their precedence over human need. The developer ironically shows this - they drop in imagined future taller buildings in to their mockups as if to make theirs look more normal. I urge the inquiry to think about what we have that has been passed on from previous developers, a skyline worth protecting, and to set a requirement on developers to respect all our needs. Thank you

Matthew Demwell My name is Matthew Demwell, I'm a local resident and I object to the Application. I live in Penhurst Place, which is a short distance from the Southbank. I would like to say a few words about the poverty of the public realm element of this proposal, the tragedy of the lost opportunity, and the rather sorry story of how it's come to this.

To put my comments in context, my wife and I moved to the area from a leafy suburb in 2020, after I retired. I was looking forward to the cultural richness of the area but I thought I'd miss Richmond Park, Kew Gardens, etc. However, I didn't realise how much I would come to love the Southbank. We've become members of the Southbank Centre and the British Film Institute and we visit the Southbank regularly. The riverside is a bit less leafy than the Thames walk alongside Barnes, Mortlake and Kew, but that's more than made up for by its vibrancy and the amazing views up and down the river.

As well as participating in the cultural life, I visit the Southbank with my six grandchildren, all below the age of 12. We have picnics in Bernie Spain Gardens and they run around in the sunshine, burning up some of that endless energy that young children have.

If this development goes ahead, it will permanently (well, for the remainder of my lifetime, anyway) blight the Southbank, casting both a metaphorical and a literal pall, turning sunny gardens dark and damp, blocking out incomparable views, and creating a sense of being hemmed in and dominated by the sheer scale of the proposed buildings.

The Developers say that they will "improve" the public realm. Improve it over a derelict site? Is that the extent of their ambition? The proposed public space is poor in both quality and quantity. Much of it is footpaths, entrances to buildings, gaps between buildings and outdoor cafés (which aren't public at all if you can't afford a small fortune for a coffee and pastry). Only 11% is greened, and even that is just patches of plants here and there. And there's no amenity in public space that's loomed over by enormous ugly slabs. Far from enhancing the public realm, this monstrous office block would dehumanize the whole area.

The real tragedy of all this is the lost opportunity. Instead of saying "the public realm will be better than a derelict site", true consultation with the community could have resulted in a plan that really would enhance the area. The kings and queens of this realm, its princesses and princes, should be families, local people and the area's many visitors. Instead, that monarchy has been overthrown by a Roundhead Army of bureaucrats and financiers (with all due respect to present company!).

I think it's important to understand how it's come to this. Two drivers: desperation and greed. During austerity, local authorities have had their central funding cut by 60% on average. Lambeth has a high level of poverty. I sympathise greatly with the Council trying to provide vital services to its most vulnerable residents in these difficult times. Counsel for the Applicants, in his opening remarks, highlighted the bonanza that this proposal would deliver to the Council. This Inquiry has heard, or will hear, of the many procedural and

technical flaws in Lambeth's consideration of this Application. Such consideration involves many judgments and Lambeth could not help but be influenced by its financial desperation.

The Applicants are in business to make money and there's nothing wrong with that. They're duty-bound to maximise profit, and there's nothing wrong with that. Counsel for the Applicants acknowledged the harm caused to residents and our heritage and concluded that the damage was worth it. Well, he would say that, wouldn't he?

I request you, Ma'am, to give more weight to people and the planet – to community and the climate - when balancing the scales against desperation and greed on the other side, and to recommend to the Secretary of State that that the Application should be refused. But I do support appropriate development of the site and would welcome alternative proposals that are more in keeping with the area and its needs.

That concludes my comments. Thank you for listening.

Councillor Sarina Da Silva Thank you ma'am for allowing me the opportunity to speak at this public inquiry. I feel like I'm about to repeat everything that has already been said before me, but that just shows how all of our community are on the same page.

My name is Sarina Da Silva and I am the local Labour Councillor for Waterloo & South Bank Ward where the development in question is situated.

I am a local resident and have lived in Waterloo all of my 42 years. I have always loved being from this area, I feel privileged to have so many world famous amenities on my doorstep and proud to be part of a community that genuinely cares. Growing up I always wanted to live within the Coin Street development because my friends who did had the best experiences. We as a family use the South Bank regularly, My children often played in Bernie Spains Gardens, so this particular part of Waterloo is very special to me.

I was elected by a majority of over 60% of the vote to represent this community and that is why I am here today. I wanted to become a Councillor because I, as well as my community, have been impacted for years by various developments that haven't considered local people. I believed that change could only happen from the inside. This inquiry and campaign by Coin Street and Save our Southbank has proved that the power of residents and stakeholders is just as impactful, if not more, as what I can offer within the Council.

I have objected to this scheme from the beginning. My fellow Ward Councillor - Cllr Dogus stepped down from his role on Planning Committee when this application came to PAC in March and we have both written to The Mayor of London and the Secretary of State with our objections. We all agree this plot needs developing, we also agree the current building brings no benefit to the area – even more so now it is unused and being slowly stripped piece by piece, and although I'm sure the architects think their designs are a masterpiece, and to some they may well be, to those in its shadow it is a monstrosity that will overbear them for decades to come.

Waterloo is not just a goldmine for developers and the Council! It is a residential area where real people live. Where Doctors, Scientists, Entrepreneurs, even Politicians live, but it's also home to nurses, teachers, social workers, shop keepers and cleaners, people who can't just up and move, who don't have a second home in the country, who have made this area their home, where they raise their children, where they welcome friends and family, where they set their roots, where they are invested and passionate about their community. Their

voices should not be dismissed, their objections are valid; and after those involved make their fortune, it is them who are left with the repercussions for generations to come. Covid taught us so many things, one was how important mental health is and it is scientifically proven that day light and sun light is a huge benefit for our well-being. so why is a 63% loss of daylight/sunlight acceptable in this case?

The only real element of this development that supposedly benefits those most at a disadvantage is the affordable creative workspace (oh but only for 25 years, because after that we have no idea where they will end up) but what is affordable creative workspace somewhere such as Waterloo? The answer – it's not affordable, it's almost the same as market rates in somewhere such as Brixton, a very up and coming trendy choice for creative artists. What of the other countless existing developments and cultural venues already offering similar or the underfunded local community assets that could easily fulfil this demand with more support from Central and Local Government?

As mentioned there are already many existing and planned office blocks in Waterloo. In the post pandemic era trends in office based working have changed. More people are working from home and businesses are saving on budgets by reducing the need for office space, so why do we need more offices in an already densely populated area such as Waterloo?

This brings me to housing, or the lack of it; not only within the this application but within Lambeth! We have over 30,000 people on our housing waiting list, why are we approving more unnecessary offices when we could be fulfilling our pledge as a Council of building more homes?

At this point I'd like to mention that I'm unsure why the Doon Street development (which does incorporate housing) keeps being mentioned and used in images? This development was approved over 10 years ago and currently it continues to be a car park, but when there is movement on it, who is to say it will be in its original approved form with planning policy changes and many other factors? so its use is irrelevant.

Finally I come on to the Carbon Emissions that will be produced from the demolition and construction. You will hear a lot about this but my question as an elected Council representative who fully signed up to Lambeth pledge of being Net Zero by 2030, asks why would we ever approve a scheme potentially emitting 150,000 tonnes of carbon into the atmosphere? Maybe a Carbon Offset Levy will be agreed, but you can't pay the Ozone Layer to repair itself, you can't pay the Polar Ice Caps to stop melting. But sadly this just encompasses everything really, money does talk and unfortunately this scheme has never been about what's best for the Community, The South Bank, Waterloo, Lambeth or even London for that matter, it's always been about profits over people and that's the very sad state of the world we live in and everything that is wrong with it!

I ask you ma'am that your recommendations to the Secretary of State are to reject this application. Thank you

Richard Woollard I have been a Waterloo resident for forty five years so I have witnessed many changes over this time – many for the better but recently too many for the worse. And I believe this development would add to the list of bad ones.

I am a frequent visitor to the National Theatre and regularly walk along the riverside walkway so this location is particularly important to me. I am also an architect practicing locally so I have a professional interest in good design. Most

of my experience has been with housing both public and private but there are many design issues that are common to all developments. These include questions of scale and the relationship to the surroundings.

I am also a committee member of Waterloo Community Development Group (WCDG). This is a planning watchdog that consults and puts forward the views of local residents. It is not opposed to development but seeks to ensure they are beneficial to the area.

60-72 Upper Ground has numerous shortcomings but I would like to concentrate on the aesthetic. Apparently Lambeth officers consider the building to have a simple and refined appearance. With its broken up massing and random setbacks it can hardly be described as simple. And in this context it is hard to see it as refined.

The architects claim their proposals reflect the horizontal sculptural form of Lasdun's IBM and National Theatre. Denys Lasdun used to talk of strata and layers and of an urban landscape. He envisioned his buildings as having a sort of geological quality. Each stratum reads distinctly and projects a different amount. Breaking these Upper Ground towers up into separate lumps hardly echoes Lasdun's concept.

Indeed the scale and massing of the proposed towers would visually overwhelm Lasdun's buildings when seen from across the river. It would greatly detract from a rather wonderful array of significant twentieth century buildings.

This view is supported by the National Theatre who have written a very powerful letter to this enquiry. They quote Historic England's opinion that "the cohesive structural forms created by the contemporary National Theatre and IBM buildings would be dominated by the disproportionate scale and massing of the proposed new buildings and would diminish their presence on the river."

The architects state that they approach each project afresh with no preconceived aesthetic. But I think they have a tendency towards gigantism as can be seen in their 5 Broadgate development with its projecting blocks and deep cut-outs. The pedestrian feels particularly dwarfed. And I think the same over-scaled aesthetic is being applied here. The architects refer to how they lowered parts of the building to provide human scale but I think the whole concept need rethinking if human scale is going to be achieved.

As a final aside I thought I should put in a good word for the old ITV building – the Conservation Area Statement wasn't totally dismissive and described the tower as crisply detailed. As others have probably pointed out demolishing sound concrete structures is not good for controlling your carbon footprint. And it was a far less assertive and domineering building.

The unacceptability of the proposed building is so clear I hope you have no hesitation in recommending it for refusal.

Canon Giles Goddard I'm Giles Goddard, chair of SoWN environment group and Vicar of St John's Church, the parish church for 72 Upper Ground. SoWN brings together businesses, residents and cultural organisations, and the church has served the area for 200 years. So we know the community well – as you can see and hear, the local community includes really committed people who understand the need for development – we're not nimbys – but we want good development which really benefit the area and the city.

We oppose the proposals. Environmental. SoWN is working hard with Lambeth Council to make this a net-zero area by 2030. We recognise that the plans include measures for sustainability: but the embodied carbon at 135,000 tonnes

will take decades to offset, and the demolition of the ITV tower is not the right way forward. The Royal Street scheme by St Thomas' Hospital includes retrofitting existing office block Beckett House – the developers have acknowledged that it's expensive but they consider it the right way forward. And the ITV Tower might well work well for housing.

Overdevelopment: you've heard a lot about the bulk of the building. I only want to add that we have an example of overdevelopment locally already – South Bank Place, which was formerly the Shell Centre, contains far too much development on far too small a space. It brings nothing to the area in terms of community or public space.

Community provision: We've heard quite a lot about the community and arts provision in the scheme. This was produced with very little consultation, and as Save Our South Bank's rebuttal shows there is already a huge arts and excellent outreach programme in the area. It includes the National Theatre, Rambert, South Bank Centre, the Young Vic, and the Old Vic, and the proposed provision at One Waterloo Place. There are also 5 active community centres / Colombo, coin street, St. John's, waterloo action centre and oasis. While the proposals have potential, there are many questions about how the affordable workspaces would function and what benefit they would really bring. It's not at all clear that they have been really thought through.

Homes and housing: One big reason that this part of London works so well is that it has a variety of housing – co-ops, local authority, private rented and sale. Coin Street came out of a valiant campaign and has shown its worth. There is a desperate shortage of good affordable housing in London, which is holding the city back. Why should the affordable housing now be shunted to the other end of the borough or to the poorest parts of the city? The evidence about urban design is that mixed communities are where human flourishing really happens. If the ITV tower was converted to affordable accommodation this would bring real and long term benefits to the whole of London.

So we urge you to reject this proposal and ask the developers to come back with something more in line with the city's needs.

Tom Keller My name is Tom Keller, and I'm a local resident. I live in Palm Co-op in Broadwall, a few yards along Upper Ground to the east of the proposed development. I want to explain to the inspector why I feel so strongly about the proposal and why I have supported the campaign to object to it. It's very important to realise that change is a part of life. I moved into Waterloo 40 years ago. The area had certainly already changed, for the worse. The local residential population had massively reduced over the years and so the area needed *positive* change. It needed to bring back homes into the area, it needed to be coaxed back to life. In the early 80s it was brilliant to see that local people got behind a very successful campaign to resist office development and to bring in *genuinely* affordable housing. Coin Street was born. I had lived in council housing all my life but then, in 1988 I was lucky enough to move into Mulberry Housing Cooperative, the first of Coin Street's co-ops, and one of the co-ops that will be particularly affected by this looming development. My two daughters were born there, one in the bedroom, one in the living room.

But it wasn't only housing that was necessary. We needed - I say 'we' because by then I was very much part of this community - we needed to change the nature of the area. The old wharves and cold stores had gone. Two of the most wonderful changes were the opening up of the riverwalk, and the creation of the green spaces, Bernie Spain Gardens. My next door neighbour at Mulberry was the late John Hearn, known to everybody as Ernie. If you've walked along the riverwalk you'll see a plaque that says Ernie's Beach. I used to go down to the foreshore there with my kids and make sandcastles. He made that access to the river happen. He was a local man who cared about the area; he fought against the building of offices; he was an extraordinary example of the community expressing its voice. He was rightly proud of his achievements - he never stopped telling me about it - and loved it whenever this brilliant area of the South Bank kept popping up in films and television. It seems *everyone* admires this stretch of the river. It has character, it has charm, it has life, it has a personality. I love it. I love the trees, I love the events, I love the memorial bench (built by a local artist in memory of a young man who I knew very well who lived in Iroko co-op). All of this came from a community - whereas this proposed office development has definitely *not* come from the community. It has been *imposed* upon it. It will put that riverwalk into shadow for large parts of the day. It will dominate it. It will change its character. Ernie must be spinning in his grave.

It will also cast its shadow over Bernie Spain Gardens, named after another community activist. I'm lucky enough to live in a house that backs onto Bernie Spain. In the summer especially it's wonderful to see people sitting out there in the sunshine. When ITV was still open, with its 1400 workers, it was pretty packed, with the 4000 office workers that the new proposal would bring, I know, because I see it every day, that it will simply be much too crowded. It will be spoiled. And the beautiful landscaped redevelopment of the north section of the park would be overshadowed, in both senses of the word, by this proposed building. The so-called open space that the proposal shows are either very small external spaces largely taken up by restaurant seating and the like, or are gardens that are contained within itself - they're not for the general public, and frankly I wonder how many of the office workers themselves would want to stay within their office premises all day - I'm sure a lot of them would want to get out, into Bernie Spain Gardens.

Oh and by the way, I also wanted to say something about the view from Waterloo Bridge, which means so much to us all. I was here at this inquiry on Tuesday morning and at lunchtime after the introduction I needed to go across Waterloo Bridge, and on the way back I happened to see some people taking pictures of the view, including of the National Theatre. I stopped where they were standing, and I imagined the proposed building looming over it. It made me realise people *do* view an image from a static position, despite what some here have said. That 'dynamic' on-the-move simulation that the architect showed us that morning was going through the views at a speed far greater than a real human being walks. It takes several minutes to walk across the bridge. You can't fast forward through that view, not in reality, only on a computer! And you don't average out the views on the way, saying that that particular view from that angle is not so bad, so that's ok then.

I'm so proud to be part of our community, and proud *as a Londoner* that we have this fabulously popular area for people from all over to enjoy. People fought hard back in the 80s to stop massive office development, which is why this stretch of river has got the personality it has, and why it doesn't feel 'corporate'. We must

not turn the clock back. Don't spoil our river walk. Don't spoil our gardens. And don't put my neighbours in their homes into shadow. *Please* listen to people who have lived here and know the area well. Remember that we still do want changes and development; maybe we can even incorporate some of the better ideas from this scheme. Nobody is saying the site should stay exactly as it is, but we want changes that have charm and character and personality, that are good for people, for people who walk along the river and share our gardens, whether they are the people who live here or the millions of people who come to visit. Thank you, and if the inspector wants a copy of this I am happy

David Kesby I'm here to represent Lambeth Estate Residents' Association (LERA). We have some 350 residents and cover the historic Lambeth Estate, nowadays known as the Roupell Street Conservation Area.

We object to what we consider to be a massive over-development of 72 Upper Ground. LERA is part of Save Our Southbank, and we wholeheartedly endorse what their experts and those of Coin Street Community Builders and neighbouring residents' groups are telling this inquiry.

Our streets are unique survivors of working class housing on the south bank of the Thames. Built from 1824 by John Roupell, they were the homes of the ordinary people who made modern London. They are arguably the jewel in Lambeth's conservation crown. They're much loved not only by residents but by the 2 million people who according to Transport for London walk along Roupell Street every year. In fact, the streets are world famous. They've appeared in more than 30 films, television series, adverts and music videos over the last decade alone. Last month, scenes shot there were in three of the top films in UK cinemas – *See How They Run*, *Mrs Harris Goes to Paris* and *She Said*. By last weekend, British Film Institute statistics show those three titles had grossed £10.7 million at the box office. And that's only their domestic releases so far, to say nothing of the skilled employment they generated or the income they brought to the council and local economy. A major location shoot can support hundreds of jobs and dozens of suppliers.

Next month a team led by the BAFTA and Oscar-winning director Sir Steve McQueen are due to spend three weeks in the area filming his wartime epic *Oly*. Why do such leading figures choose the Roupell Street area? Because of the relatively unspoiled views and clean skyline. Yes, there are bigger buildings in the distance as you look up and down Roupell Street, but tellingly none of the 30 productions mentioned filmed those. Among the key views they did feature were from Roupell Street down Theed Street, and along Windmill Walk and Cornwall Road towards the river. All of those would be seriously impacted by a new building so much bigger than the existing television centre tower.

In recreating the blitz, Sir Steve will be blowing up Roupell Street. Fortunately, we're assured that thanks to creative magic there will be no lasting damage...

unlike 72 Upper Ground, which would leave a permanent scar. LERA is constitutionally bound to promote and defend the Roupell Street

Conservation Area Statement – the most directly applicable Lambeth Council planning stance, and a document which a few months ago the council said remains up to date. It was written by Doug Black, who's giving evidence to this inquiry. His submission to you includes quotes from the statement but one is glaringly omitted. I'll read it now:

"Whilst it is acknowledged that some of the interest of the conservation area lies with its contrast with the wider South Bank and Waterloo area, small scale townscapes of

traditional housing of this nature are extremely sensitive to the impact of tall buildings. Not only the setting of the conservation area but also the amenity and outlook of its residents can be adversely affected by tall buildings. The existence of tall buildings should not be used as justification for further intrusive or harmful development”.

As you’ve heard, the government’s conservation watchdog Historic England agrees. Their experts say there would be “harm” to the Roupell Street area “through an increase in height and massing which compete with and distract from the Georgian domestic architecture in views within the conservation area”. Like Historic England, LERA would encourage a reduction. Along with our neighbours, our residents are also great users of the Queen’s Walk and Bernie Spain Gardens. In the heart of a built-up city, being able to enjoy these areas of green, open sky and relative quiet and is vital to everyone’s wellbeing. But shadow studies demonstrate how much the sunlight to both would be reduced, casting these areas into shadow much of the time.

We hope these proposals will themselves never see the light of day, and that a more appropriate plan for the location will take their place – still delivering jobs and other benefits to our area, hopefully even better ones, without such immense drawbacks. If I may add a personal note, I used to work in the London Television Centre and am in touch with many former staff. More than 1,000 people worked there and loved it; many are local or settled locally. It was an amazing and inspiring place, with six state of the art studios making hit shows from dramas like *Upstairs Downstairs* to entertainment juggernauts like *Ant and Dec’s Saturday Night Takeaway* and Lord Melvyn Bragg’s eponymous arts series *The South Bank Show*. In the days of London Weekend Television, the building itself was an icon to 11 million regional viewers, appearing between programmes, and its views were the backdrop to many ITV shows. *This Morning* still uses the views, albeit now as projections. To those of us who know it best, the television centre has perfect scale. With working patterns changed following the Covid pandemic, I wonder if London really needs another massive office block? And I wonder whether the claimed new jobs are real? Down the river near Tower Bridge, the big blocks in More London are occupied by companies like the accounting firm PWC. Where did they come from? Their old office was at London Bridge. What’s happened to it? For more than a decade, it’s been largely empty. Were jobs truly generated at More London, or just existing jobs shuffled there? In the midst of the climate crisis, is it right for arguably unnecessary large scale construction with such high carbon emissions? Isn’t the opportunity here to build on the legacy of the television centre, with a well-scaled hub which fits the surrounding South Bank and uses its brilliant location? As the BBC’s Director General Tim Davie told the Royal Television Society yesterday, the UK’s creative industries are a global economic powerhouse, generating £109 billion a year – more than the life sciences, aerospace, automotive and oil and gas sectors combined. It seems to me the developers and council have got themselves stuck in a bind, battling for a wrong-headed proposal more about size and bulk than genuine value – for them, for the local and national economy, and for those who live and work here.

We, they, and this landmark position in one of the world’s great capital cities, deserve better. Thank you for this opportunity to express our concerns, and for your consideration of them

Ivor Dembina

My name is IVOR DEMBINA. I have lived in the London Borough of Lambeth for over twenty years. For the last seven of those years, I have resided in Edward Henry House, a social housing entity that lies a few hundred yards from here. But, in this case, more importantly only a couple of hundred yards south of 72 Upper Ground.

Edward Henry, where I live, provides much needed affordable housing for over sixty families. It sits in the Waterloo Conservation Area with entrances in Coin Street and Cornwall Road. Our residents vary from senior citizens like me, to young couples, some of whom are having their first children. In some case we have three generations of families who have lived happily and convivially in these buildings for well over forty years. Altogether, about a hundred people live there. Edward Henry is self-governing, and the of allocation of our properties is based upon one criterion only, social need. The buildings of Edward Henry House are situated directly in line with the proposed building on a north-south axis and the four photographs I will show you, will give you an idea of the impact of such a building will have on our residents' daily lives and countless others who live in the surrounding area.

Just four photographs, that's all.

PHOTO 1 I live on the first floor. The first photograph shows the view from my own window of our communal Garden. Beautifully kept trees, manicured lawns, facilities for the younger children to play safely and even a small five-a side football pitch.

WE see quadrangle, with tall buildings surround the Garden on three sides. But on the fourth side, crucially the one facing north, there are no buildings of significant height just, a virtually uninterrupted expanse of open sky.

PHOTO 2 The second photograph clearly illustrates how it looks now when you face that way. You can see the remains of the old ITV building and I respectfully invite you ma'am to consider how that view will change if this building goes ahead.

PHOTO 3 The third photograph shows us the garden's football pitch, being prepared a few months ago for our Jubilee celebration.

Incidentally, tomorrow, as we do every month, we'll open the doors of our small community hall for what we call Tea in the Afternoon to which you are all cordially invited, when local people, especially the old, the lonely and the socially isolated are invited in for some tea and, biscuits and a bit of natter. We see ourselves not just as a collection of homes but as a local community facility

PHOTO 4 The fourth and final photo shows the same pitch after the tables have been cleared. A different view of the beautiful trees and fauna, unspoiled by the sight of anything of the kind that's being considered here.

I have one more comment. The people who live in Edward Henry House are not what one describe as natural political activists. But despite that, they have become so disturbed by this proposal that they have formally voted to support the Save our South Bank campaign and even donated the sum of £1,000 towards its costs. £1,000 is a lot of money to our residents, but they have willingly given it to oppose this application. I've seen it happen many times in recent weeks, with my own eyes: when local people irrespective of their age, gender, and social class, are first informed about this proposal, there is in their response, no resentment, no bitterness, no anger. Just astonishment, forgive me for repeating the word, 'astonishment' that this proposal has got even this far. I urge that the application be rejected

Jenny O'Neill My name is Jenny O'Neill, I live on Upper Ground, in Mulberry Housing Co-op. I am joint chair of Save our Southbank. I qualified in Youth and Community Work at Jordanhill College of Education, Glasgow. I object to this planning application. I am currently on the Management Committee and was delegated to make submission from Mulberry on this planning application, also objecting. We are a diverse co-op reflective of the two boroughs who can make referrals.

I transferred here from borough council housing at the Elephant and Castle in 1988 when my youngest child, of four, was about to enter secondary school and the eldest about to do GCEs.

Among those who moved here were a couple who never thought in their lifetime they would live in this part of the borough again having been moved elsewhere at the time of post war - pre Festival of Britain re - development. Another neighbour has memories of bring his father lunch to the Ice cream factory that was on what is now Bernie Spain Gardens. Another who moved in, disabled and currently on bed rest - otherwise she'd be here to speak herself - was to work for 17 years in the Editorial Suite at LWT - and as others who worked there distressed that purpose built studios in a building designed for them will have been lost to "soft demolition".

I slept in the sitting room so my children could each have a bedroom - the boys got on fine as long as they didn't have to share the same room! A few years later my eldest benefitted from being able to have the - on paper - dining room as a bedroom when unable to walk for a significant period of time following a serious, life saving operation. At the end of the last century the sitting room turned bedroom for my son, daughter in law and their twin daughters - the bedroom on the Upper Ground side was used as sitting room. In turn the twins have returned to use the dining room as living/studying/sleeping space as students. And that use of space I know reflects the different uses of space by other neighbours at different points of time in life's journey.

I have to say when I looked at the names of local people in the core document I was shocked to realise that among those names I recognised I knew it was unlikely they planned to speak given their ill health and the impact of stress. I shouldn't have been so surprised given the documented level of ill health in this area. Besides ill health disempowerment is also reflected. We have to find a way that people feel their voice is heard and wanted. Covid kicked in early in this planning process but it is clear that the design development process described these last couple of days was purposefully kept from us by the developers in the way they chose to present their case in limited circumstances that were not public. The application was validated by Lambeth by the time that happened - plus a move to soft demolition

When IBM and ITV moved out Upper Ground lost its vibrancy and interconnectedness. We were positive about the need for development and change but not for what emerged when we realised the awfullness of what was being proposed and its domination and oppression of the entire neighbourhood. Corner houses up the street from me, on our co-op, will suffer great loss of daylight. We are uncertain, our end, exactly what it will mean as it has never been assessed. We are concerned about the loss of sunlight. We are concerned about biodiversity on riverside and park. We are concerned about loss of sky.

We need openness of space. We are concerned about well being and mental health. We are concerned about embodied carbon - which at the beginning of the process we didn't begin to have the language to begin to talk about it. We are concerned about flooding and climate change. We are concerned because we understand construction traffic. We understand the street, the services on Upper Ground and it's problems. We understand the need for jobs and employment. We understand the needs for housing. This is all documented and known about but when it comes to practice - it is thrown to the wind.

And as for wind ! That we know as well.....I have reason to remember one late evening in March 2020 being dropped off by car just by the passage through - between the ITV and IBM. The wind was as strong as I've ever known it and unusually difficult to cope with. Bearing that experience in mind I looked at the wind mitigation proposals and besides looking inadequate they would do nothing positive for the proposed building. My understanding of how wind testing is done doesn't console me. I had been shocked to learn when looking at Garden Bridge documents that there was no need for any report on wind because it wasn't a tall building.

I guess the earliest visits I had to Waterloo were to the National Theatre when it was still at the Old Vic. Abercombie's vision for the south bank was still to be fulfilled by the GLC. It was moving from industrial to post industrial waterfront. It was moving away from " Blake's dark satanic mills" and "mad hatters". The special nature of the riverbend was long recognised - well before and after after Canaletto! In 1926 the Royal Fine Arts Commission, forerunner of CABE, was very clear in their direction for the competition for the new Waterloo Bridge that the design needed to reflect this.

I do recognise there are times you walk with a particular task at hand - like working out if the design of Waterloo Bridge did reflect the direction. But that does not mean that the environment isn't important when you are " just out walking," "walking to work" or taking the dog out. Out walking, for whatever reason, the environment is impacting on us for good or ill. As to the previous consented proposed development my recollection is that I did have concern for size but it felt more "gracious" than this proposal and had a good openness to Upper Ground.

Beauty is surely contextual; reflecting experience? The open space of the river has sustained me through life's journeying. From my house I look across to the High Court and the treed front of Temple. Maybe that's why I am particularly aware and have concerns of the view from there as you walk from Blackfriars Bridge and the north and south merge. With great joy I remember a particular time when I'd regularly emerge from Blackfriars Station to the glory of a Waterloo sunset. I don't want that memory, which has the power to uplift me, destroyed by this proposed development and have it dominating and destroying my own and neighbours life along with that of visitors and tourists - let alone the sparrow colony we have encouraged and enjoy. I respectfully ask that planning permission is refused.

Baroness Hoey

Madam. Thank you for allowing me the opportunity to say a few words at this hugely important public inquiry. I was the Member of Parliament for Vauxhall -

which includes this area - for 30 years, leaving in 2019. Although in the House of Lords now and with no constituents, I keep a close interest in what is happening here and visit often.

I have seen enormous changes to the area over those 30 years, especially along the river. Some of the developments I haven't liked at all - what has happened in the Vauxhall Square area for example. But some have been really beneficial. This particular part of the South Bank used to be a bleak and hostile place with people coming only to hear a concert and then get out as quickly as possible. That has all changed, and crucial to this has been the role of the local community who live here. They have campaigned to ensure that it has become a vibrant place - for those who live here, work here, and visit as tourists. From the London Eye to the Globe Theatre, we worked hard to ensure good developments. Coin Street housing is social rent co-op housing. People who go to eat in the OXO Tower restaurant are amazed to discover that it is not expensive private flats but affordable co-op housing.

The developers in this enquiry made a big mistake. Their consultation with local people was very late. By the time the local community were involved, the key decisions had been taken about the size, what was going into it, and about the public space. And that is a mistake, because if we can get something that works for local people, it very often works for everyone.

I have seen nine public enquiries along this way, mostly with Lambeth supporting the developer against the wishes of local people. How on earth, in this day and age when there is so much shortage of housing, could this scale of building be built without housing in it?

This is a major brownfield site with the capacity to deliver a significant number of homes, and it disappoints me that once again Lambeth has not insisted on such provision which they know is so desperately needed. There is no social housing whatsoever. How on earth could Lambeth Council allow this to go ahead without affordable homes being part of it? It is hard to avoid the conclusion that they have been driven by an overriding motive, which some people might say is quite acceptable, a motive to get as much money as possible from the development both in the community infrastructure levy and in rates - and I do think that is a slight abuse of its planning powers.

The Secretary of State is finding it difficult to persuade his colleagues to support new homes in other parts of the country. He has made brownfield sites his priority. So, I hope he will insist on a significant number of homes being included here.

I really do appreciate the difficulty you have as the Inspector weighing up the pros and cons of the different views. Your decision will have an absolutely huge impact on the future of planning in this country.

This very special site needs very special attention. It isn't just about what is in it and that there is little need for such a high number of offices etc. What is really important is that it adds to the beauty of this truly historic area. I genuinely cannot see how anyone can say this will be a beautiful building.

For too long beauty has not played much of a part in our planning decisions. I am hopeful that this is changing, and I welcome the Secretary of State's remarks recently on beauty and buildings. I hope that you will recommend to the Secretary of State that this development needs to be refused planning permission. It is very grossly overdeveloped, on a very important site. Then we can really look at what could be built here to add not just some desperately

needed housing and genuinely open public space but also something that will add beauty to this truly historic area.

Jasmine Pasch (read Ms O'Neill) Let there be light for People Local residents from babies and young children through to older adults without gardens or balconies of their own can currently enjoy the Bernie Spain Gardens with its lush lawns, beautiful planting, orchard and vegetable gardens (tended by the Gentle Gardeners) Vitamin D is produced endogenously (produced from within) when ultraviolet (UV) rays from sunlight strike the skin and trigger vitamin D synthesis. This is "the sunshine vitamin" contributing to health and wellbeing. for Plants No plants will grow without sunlight. They respond to the lengthening of daylight hours, in spring and summer, and shortening in autumn and winter in a natural cycle. Soil temperature too is affected by shade and light and will affect plant growth. A large development will restrict essential light to the garden, and disrupt these vital processes. for quality of life The sky and river views matter to local people in a largely built up area and residents want to preserve the quality of the open space and light they, and visitors to the area, currently enjoy. Light is invisible, like air, but without it everything just withers and dies. Please think carefully before building something that will

Parvez Sheikh Taj I am a Local resident at 73 Upper Ground, which is part of Mulberry COOP, developed by Coin St Community Builders. I am also a management committee member of Mulberry COOP. I'm a Clinical Data Scientist who has worked with major companies such as GSK, Bayer and BioNTech, the developer of the covid vaccine. I say this because I fully realise the corporate and financial value this development will bring to the area and how it will create jobs. But it will come at a great cost: Quality of Life. It'll affect the QOL of local resident and those who currently enjoy the charm of South Bank. It's not the absence of affordable housing but the sheer size and monstrosity of the building that'll completely distort the current architecture of a South Bank. It will be an urban juggernaut in the heart of one of the most charming and cultural hubs of central London. Therefore I object to this development of such a large scale. I have lived here since 1988 and I hope my 5-month-old daughter will enjoy the same ambience of the area as I did growing up in South Bank.

Dom Bouffard Good morning and thank you for the opportunity to speak today. My name is Dom Bouffard. My family and I have been members of Redwood Housing Coop, at Oxo Tower Wharf, since 2020. I first want to say that I'm not part of any political organisation, I'm simply here to speak as a local resident who cares about this neighbourhood. I was born in London and have lived in many areas, North, South, East and West. I've also lived abroad and travelled extensively, and I have never encountered anything quite like the South Bank. Even residents at the Oxo Tower, who have lived there for 25 years or more, still talk about feeling as if they have won the lottery. The place is simply magical.

It's an area which somehow seems exempt from the moodiness, the stress, the pressures and the dangers which exist all around it. This absence of the tension and intensity of the rest of London is palpable as soon as you pass Jubilee Gardens. Street performers entertain, kids run around safely, skateboarders

skate, people talk, shop, eat, stroll, enjoy the unparalleled views. The area is a place for PEOPLE and there is nothing like it anywhere. Not even the banks of the Seine can compare in terms of the richness, entertainment and relaxation that the area offers. Businesses, especially restaurants, flourish from Hungerford Bridge to St Saviours Docks, art galleries and concert halls entertain millions of visitors and locals. Runners run, kids practice dance routines in the reflections of the National Theatre. The whole stretch is characterised by a fascinating world of 20th century architecture. It is a place for people to escape. it also perfectly balances the commercial with the free and public. It is inclusive, not exclusive.

I have lived in areas where it not like this. In Queen's Park and in Mile End the rapid gentrification led to a change of landscape which has led to an atmosphere of fear and suspicion. Kids are mugged and stabbed, phones and cars stolen... there is no social cohesion. Central London already has its share of gated or concierge-guarded buildings.

This is the life-blood of social malaise, resentment and exclusion. Our city needs *more* spaces dedicated to public well-being, not less.

The South Bank's character is not an accident. It has been preserved because there are people who work hard to balance the best interests of business with the importance of creating inspiring and high quality public spaces. This atmosphere manifests itself in the attraction of huge numbers of visitors from around the world every year.

I object to the proposed development for several reasons: Firstly, the scale of the project is ludicrous and the works will take years, destroying the ambience of the South Bank, the quality of life of residents, and the experiences of visitors. Secondly, the need for new office spaces post Covid is highly questionable, since we all know people who have switched to remote working and have not gone back. My brother gave up a large office, behind us in in Paris Gardens and has never needed to rent anoffice since.

Thirdly, the development will not serve a public interest. A monstrous corporate complex which contributes to nothing except Lambeth Council's coffers, while obstructing the possibility of a more positive development or developments being proposed. It is a greedy and unimaginative proposal focused purely on scale and maximisation of profit for the developers and council, rather than quality or public need.

The South Bank is NOT like other places in London. It is a treasure. In the 80s it was saved from becoming a business district by the grass-roots actions of Coin Street. I would defy anyone who has enjoyed it with their family on a sunny afternoon, to say that they think it should have been left to the developers back then. Private developers cannot be expected to choose to make decisions in the interests of the public, they can only to. A council *should* be expected to, but sadly cannot be trusted to. Ma'am, no-one would dream of placing this so-called SLAB next to Buckingham Palace, or on the Embankment! It would be ridiculed. The South Bank is exceptional and should be treated as such, or it will gradually cease to be exceptional, and once it is done, it is . For these reasons, I implore you to reject this application and allow the site to remain open to more appropriate proposals: intelligent and considered proposals which are motivated by the continuing evolution and improvement of this unique and vital place for

the 100s of thousands of residents - and the millions of visitors - who derive so much value from it now and in the future. Thank you.

Florence Eshalomi MP Good morning Ma'am – thank you for giving me the opportunity to address you today on this important matter. I speak as the Member of Parliament for Vauxhall since 2019, and therefore this application falls within my constituency. I believe this proposal should be rejected, and I am grateful for the chance to briefly set out why.

I have formally opposed this application at every stage, writing first to Lambeth's Council's Planning Committee in March of this year, and then to the Mayor of London, before finally petitioning the Secretary of State to call an inquiry. I know that you have already heard from many of the campaign groups representing local residents, and I am here to support their concerns.

Let me begin by saying that I firmly agree that the site in question must be developed. It is a prime location in an iconic area of London. There is a real opportunity to deliver a project which enriches the lives of local communities while complementing the cultural heritage of the surroundings.

As a former Lambeth Councillor, I do recognise the major funding pressures the Council are facing, and the high land value of the site. And during my conversations with the Council and developers as the application was progressing, I welcomed the sustainability aspects of this proposal. I also welcomed the funds it would generate in developer contributions towards important public realm improvements and transport accessibility, which are much needed. However, I think it is possible to retain these benefits in a way that is more aligned to local need than what has been proposed. Specifically, I object to this application on the following grounds:

Lack of housing provision We know that there are significant pressures on housing supply across the Borough. There is an urgent need to provide quality affordable housing to meet the needs of the Lambeth's growing population, both now and in the future. The previously approved proposal on this site would have provided for 213 dwellings, including an affordable component.

I deeply regret that this housing element has been lost entirely with this application. Especially as the 2021 Lambeth Local Plan states that the preferred future use for the ITV building and Gabriel's Wharf would be a mixed development – with both residential and office space available. I agree with the Council's original assessment, and therefore I do not believe that a proposal solely based on office and retail units is the best use of this prime space. This is especially relevant given the long-term growth in home working after the pandemic.

Affordability and local benefit I am also disappointed that the commitment to affordable workspace included in this proposal is only marginally above the minimum proportion of 10% as set out in Lambeth Council's policy. Added to this, 'affordability' is defined very loosely in the plans, as varying anywhere between 10% and 90% of market rents.

Thirdly Ma'am, when the exceptionally high rental value of the Southbank is considered, even a unit at 50% of market value for the area will be out of reach for many small businesses. 3 All of this added together will mean that a large

majority of the new offices would be clearly unaffordable for smaller local enterprises.

The proposed building is therefore likely to disproportionately benefit those living outside of the area and commuting in, who do not have to live with the day-to-day impacts. This leaves the immediate community severely impacted by the harms of this development, without benefitting from the prospects it is designed to create.

Daylight reductions Since this proposal was submitted, I have been contacted by large numbers of concerned residents within the housing co-operatives adjacent to 72 Upper Ground. I am very concerned about the severe impact that this proposal will have on the levels of daylight received in properties to the south of the site. These concerns relate primarily to 95-97 Upper Ground (part of the Iroko Housing Cooperative on the Coin Street estate). This accommodation comprises maisonettes on the ground, first, and second floors, and 21 duplex flats above. Having visited the properties myself, I support residents in their view that these reductions to the amount of daylight in core areas of their living space would have profound impacts for their mental wellbeing.

I am not a technical expert on daylight matters Ma'am. But when I went to the effected flats, I did not need to be one. I could see that the proposed scheme would leave residents living in a gloomy half-lit home in the middle of the day. This simply cannot be justified. Indeed, the Council's original report acknowledges that, (and I quote), "there would be instances of major adverse impact" for these flats. Ultimately, I do not believe it is fair to ruin anyone's quality of life to provide high-end office space.

Heritage harms Finally, I am seriously concerned that both the Greater London Authority and Heritage England have identified notable harm to a number of vital cultural assets in the immediate proximity of the site. This is caused by the inappropriate scale, bulk and massing of this proposal.

The buildings impacted are among some of the most important protected landmarks in my constituency and London as a whole. These include: the Grade 2 Listed IBM Building, the Royal National Theatre, Pride Sculpture, Somerset House, the Royal Festival Hall and St Paul's Cathedral. The vast massing of the proposed scheme means that the effects on the landscape are not partial, they will be noticed from all angles of the existing panoramic.

As well as being precious cultural assets in their own right, these entities draw in significant commerce for the businesses surrounding the site. These impacts will exacerbate already challenging economic circumstances. We must guard against tarnishing the Southbank's iconic status as the showcase of the Thames.

So in conclusion, I do not believe that the merits of this application outweigh the significant number of negative consequences that I have just set out. This is a view supported by the overwhelming majority of over 300 public representations made to the application – many of which were from my constituents. It is my role to represent them here today. I therefore hope that this application will be rejected in favour of one which uses this key strategic site for the benefit of the wider community that this area serves. Thank you for your time Ma'am.

Hannah Quigley Ma'am. My name is Hannah Quigley, I live on Peabody Estate, a housing association which is in the Waterloo Conservation Area and which exits from the south of the estate onto Roupell Street and to the north into Duchy Street, which is a short walk to the South Bank.

I have lived in Waterloo and South Bank for 35 years. For over 20 years on the Mulberry Housing Coop on Upper Ground and the last 11 and a half on Peabody. As such I know this area as a resident who lives, visits and enjoys the area with friends and family but also as a worker. Across my 20 plus year career I have worked in learning, participation & education departments at the Young Vic Theatre, National Theatre and Southbank Centre. I have also previously worked part time as an Arts Manager for 4 years for Lambeth City Learning Centre, which for some of that time had a residency at BFI Southbank. In that role I managed arts projects across primary and secondary schools in Lambeth. Earlier than all of that, as a student I also on a few occasions had holiday office temping jobs which sometimes took me to work at Shell and IBM. As a secondary school student I even did a project at IBM.

I currently work as a freelance director. In these last 18 months alone, I have directed an audio drama episode that has been on community radio around the country; directed work for young people and families at the Polka Theatre and Unicorn Theatre. Most recently this summer and early Autumn I worked as an Assistant Director for the Royal Shakespeare Company. I have also had a short documentary film that I made premiered at BFI Southbank. Across my career I have also had opportunities to develop projects, my craft or career at the NT Studio and Young Vic. I have experienced Waterloo and South Bank in many different ways and seen what is still here, what is not and what has changed between 1988 to 2022 whether that be to culture, housing, offices, building and people. I know this area and what it can offer. The delicate balance it takes for it to be a success. The partnership working. The importance of community consultation and engagement. To this Public Inquiry - I have listened and learnt so much from being at this Inquiry. The first time that I have attended one. Conversely I have taken part in many public consultations in this area, including for this one and in my opinion due to much of it happening during the pandemic, and at critical points over the pandemic at precious summer or Christmas periods, it was compromised and weaker than others I have been involved in, so I am also especially grateful to the Secretary of State that this public inquiry is taking place.

I have sat and now speak in this Inquiry as a very concerned resident because I believe that this important part of London and the UK deserves a better development in design - in relationship to its setting by the River Thames in a community that has a mix of housing, culture and offices. The fact that it is also part of the iconic London South Bank with all its rich history, culture and residents is important to give huge weight to. I don't think the public benefits outweigh or provide a strong argument or are significant enough for the significant harm it will cause. I hope that my following photos and words will help you Ma'am and the Secretary of State in weighing the balances involved.

Firstly, I do not think the proposal provides a cultural space that enhances the South Bank as a cultural destination nor contributes to London World City status.

If you look at this collection of photos. Slide 1 You can see that many of the other buildings along the South Bank from Sea Containers to Royal Festival Hall have place making identity that you can see from the River and its banks. For these venues and buildings, if it wasn't part of the original design, they have since made it part of their cultural identity. Sea Containers adding illuminated large lettering towards the top of their building. At night the National Theatre projects on the Lyttleton Fly Tower. In the day time the building facing the river has a dot matrix screen. The Royal Festival Hall has it in lettering on both sides of the building (both on the River side pictured here and on road side). They also have a relationship to colour, and they can be seen on different nights in various colours, the O X O with a base setting of red but this can change; the fly towers of the National Theatre, sometimes blue, red, green, the London Eye - again able to change colours. All venues sometimes coordinating to thematically recognise national or days of global significance. For example colours of support of blue and yellow for Ukraine or purple to pay tribute to the Queen when she passed away earlier this year.

Slide 2 In the proposed design and in what I have heard in the inquiry, the applicant has said that the signage is clear to be seen from those arriving from the river along Blackfriars or from Upper Ground arriving from Waterloo transport. I would say they haven't seem to have learnt from what the other venues or organisations have done nor make a strong connection to the river. It is not embedded in their design. Their choices for signage are at a lower level in their building walkways hidden in Mulberry Walk or on the opposite walkway which you can only see when you are already close to the building. All other venues in along the South Bank take a different approach to this.

Slide 3 The River Thames for the last couple of years has been part of Illuminated River...a public art installation supported by the Mayor of London which celebrates the bridges. The bridges have or will have distinct night time light art installations on them. Planned to span from Tower Bridge to Albert Bridge and currently active between London Bridge and Lambeth Bridge, so include Blackfriars Bridge, Waterloo Bridge, The Jubilee Bridges at Hungerford and Westminster Bridges that the Inquiry has focused quite some time considering views from. This photo shows how it works at Waterloo Bridge. People visit at night time specifically to take photos of the bridges and the surrounds and the buildings that connect to the River Thames. I have done this several times in part or in whole with friends walking and or cycling both to the east and west and on the north and south of the river banks. Again, in relation to signage and colour this seems from a design point of view something quite massive that this proposal has either dismissed, overlooked, not realised the importance of, or at the very least exploring as an option. The proposal doesn't have a strong identity nor enhances what is already there.

Slide 4 It's been interesting to hear the discussions about the views and experience of the proposal from the bridges and surrounding area. I often stop on Waterloo Bridge to take photos that include the South Bank and Queen's Walk with ITV tower and National Theatre, sometimes including selfies with friends and family or just of the panorama, I enjoy it as I come and go from Covent Garden. I am currently proud of it. This photo from Blackfriars Bridge shows that I am not alone in doing this from these types of views - people stop and reflect. They are enjoyed in more than a fleeting way...people stop, yes to take photos - photos that can last a life time, that are shown to friends, potential

other tourists. Or moments that are shared when you tell stories about your favourite places. These moments are not fleeting, they are to come back to again and again.

Slide 5 Or in this photo people stop and have lunch or chat with a friend....people enjoying the view from the Embankment near Temple Station. Slide 6 Or this other one which minutes before I took this photo, others were taking photos of themselves with this rare old London phone box and ITV tower in the background. Slide 7 To this proposal - and how I feel about it. if we take this image from Waterloo Bridge which is from the CD 1.20 THVIA page 100. If when I stand on Waterloo Bridge and imagine the proposal it makes me sad and miserable for the negative impact to the views which include the grade 2 listed buildings of the National Theatre and IBM -it takes the enjoyment I get from its architecture, the negative impact and loss of definition to the view and skyline of the South Bank, and to the panoramic view that I can take in from St Paul's to the South Bank to Waterloo Bridge.

Slide 8 If I flick between what there is now and what is proposed. I am disgusted, appalled and would be ashamed of the South Bank looking at the proposal. I personally see the Southern building greedily eating up and dominating the South Bank. This image of the proposal here, depresses me, it is not the only one that does. It is about double the height of anything else this close to the river on the South Bank. I feel it is gross in size and description as I look at it and enjoy the modesty of the National Theatre in comparison. I feel it creates an imposing wall and brings that wall further forward towards the river, bringing with it the other Tall Buildings in the Blackfriars cluster behind. If I was to look to the right from this spot I already have those sad feelings looking from Waterloo Bridge to the South West and the views of Royal Festival Hall and behind. I think we should be doing everything we can to protect and conserve this one with National Theatre and South Bank in view, which is becoming more precious by the moment.

I agree with Historic England (CD 4.08 page 24) when they say "The cohesive sculptural forms created by the complementary National Theatre and IBM building would be dominated by disproportionate scale and massing of the proposed new building and would diminish their presence on the river." Photo 9 This photo taken after a heavy downpour this June currently gives me much joy, the rainbow a bonus experience on this day, the rainbow which takes us as I imagine it from Blackfriars Station to the right of St Paul's to Waterloo Station to the right of the National Theatre. Pots of gold to be found nearby at each end.

PHOTO 10 I experience the ITV Tower building daily, I walk past it as I go to the shops, to visit family nearby, on my way to use public transport or to eat my lunch as I sit in Bernie Spain Gardens. The millions of people who move about this area also have this experience. This experience becomes, as we have heard, a very strong image in our memory. If it is changed to something bigger and bulkier and uglier - not it's current neutral self - to all of these places where we currently glimpse or see the building more fully, my experience will be changed to a negative one. It will constantly haunt me. This photo in the middle shows the exit from Victory Arch at Waterloo Station onto York Road towards the South Bank- from here you can also see the ITV tower. Waterloo Station is the UK's most used station This is another way that the public - millions of visitors could

relate and experience this new development. I think the proposal could be better.

PUBLIC REALM PHOTO 11 Given what I think of its impact in design, mass, height, bulk I say: Their public realm is inadequate and not a public benefit that gets anywhere close to outweigh the harm that this proposed development would have on the experience of millions of members of the public from London, the UK and the world. I think that the applicant are struggling to provide meaningful public realm, given that we are going from a site that had approximately more than a thousand people working there to over 4000 people plus cafes, cultural offer and retail units. *They say: on CD 1.46 regarding Cycle Storage on page 2. "The Proposed Development will provide approximately 100 short stay cycle parking spaces within the public realm, which represents a shortfall of 236 spaces compared to the London Plan minimum requirement of 336 spaces."* They may say they provide cycle storage provision in other ways and they do provide a lot - but this particular admission demonstrates that the public realm cannot meet the requirements of the London Plan, of what a development of this size requires. It says to me that the proposal is too big. The photos in this slide show what has been mentioned in the Inquiry by others, about how cyclists should move around the proposed public realm - this shows the reality of it at Southbank Tower and at Shell at South Bank Place. Food couriers and messengers going from cafe's or building entrances on pedal and electric bikes without dismounting and cycling on pavements. Another thing I understand is that the design of the building in its first instance did not meet standards for wind mitigation, bicycle stands needed to be given a covering and other elements added on as an afterthought, as opposed to being really integral in the design which as I understand it means that there are problems with wind in these public realm areas. So the enjoyment of windy public realm under tall buildings isn't something that to me makes it to me attractive as public realm. Mitigation doesn't remove the problem, it may only slightly reduce the issue.

Slide 12 I also wanted to show how people do engage with the public realm around and near the site. Ernie's Beach here...you can see crowds of people stopping to enjoy the artistry of the sand sculpturers. I myself have spent hours here with my sister and nephew, family members often come here to walk, I have neighbours who come here to sunbathe, walk dogs both here and along the South Bank. This person in the other photo on their own enjoying the moment to contemplate. This beach is a wonder...the green space along here, is part of what makes this particular section of Queen's Walk, a special place to take a breath, in amongst all the retail and restaurants further up and down the river, that front various buildings and cultural venues. We need more spaces to breathe and relax.

Slide 13 Using Filskow's photos from his Inquiry presentation 10.4b. Photo 14 - 16 These are all illustrative views. What was really hard about the public consultation is that they spent loads of time talking about the cultural offer, though there was very little that they could guarantee, all of this is illustrative. They can't guarantee how often they will close the space because of private events, they can't guarantee that there won't be a cost attached to such events. They can't guarantee what it will look like. We don't know how the retail, commercial office entrance and outdoor public realm are going to interplay.

They don't guarantee that the sky pod restaurant will have a public view area. We have a lack of guarantees - meaningful guarantees for the purported public realm benefit. We don't have these guarantees because they might sell on the building, they may rent it.

At the Planning Application Committee meeting which I attended. In the report (CD 3.03) it mentions at 10.5.8 "*The proposal also provides 2,400 square metres of soft landscaped space across the development, of which 705 square metres is within the public realm at ground level.*" That to me is a deficient offer to be considered a meaningful public benefit that outweighs the huge impact of this development. PHOTO 17 So as a public benefit we get 705 square metres of soft landscaping and the workers get a whole podium and private and exclusive views in the LMVF viewing corridor of St Paul's to Westminster Pier. This further takes away from my enjoyment of the building, when I imagine being on Queen's Walk, looking up at the podium I may see a glimpse of green landscaped space that I am not able to benefit from, it makes me feel unwelcome. During consultation and at the Inquiry the applicants have talked about the importance of ensuring great well being for the workers in the building. I feel they have prioritised their clients needs above visitors and residents and I think that is where they have failed. This area works on a fine balance between visitors, workers and residents. When you consider ALL you can find a way that finds positive balance for ALL. At the Inquiry, Filskow also said when questioned about whether it, the podium, had been considered to be publicly accessible. He said it would not be a place suitable for the public because they might "climb all over it". I am a member of the public and I was offended by that comment on my behalf and of others.

Green space which we are deficient in this area, which will have more demands on it. We lack access in this area to quality green space. I do not lack culture. I do not lack offices. These could be accommodated and designed better so that the impact is less harmful and we get more of actual needed public benefits whether that be housing or open space or high quality public realm. There could just be better balance. If there was some housing in it, even if not

On site it could be provided as part of section 106. Slide 18, 19 and 20 If we compare the 'squares' of the National Theatre and what they provide in public benefit, free large scale festivals such as River Stages seen here in this photo from this summer. Or the enjoyment of the Grade II* listed building itself from the terraces. The offer or mention of squares at 72 Upper Ground does not compare in any way. I am not saying that they are trying to compare their squares or public realm but in their description, it is of a completely different scale and nature. I think this is due to the culture element of their proposal not being their primary use.

They say CD1.12 at Page 24 " The spaces can open to the public and be fit for cultural activations; small, quiet performances and screenings; outdoor eating; and intimate spaces for informal gatherings." So when they talk about the public realm they talk about small and intimate, so with that this public benefit will be small and intimate. Slide 21 This photo of the Asset of Community Value on Queen's Walk shows how people have and do dwell and relax with friends for meaningful amounts of times. As part of the public offer, the applicant could have extended the green space, rather than immediately put retail and cafes up against the Queen's Walk. More meaningful green space could be another option

of public benefit that could have been added at this riverside level which could have enhanced the heritage and conservation area. Even in their own consultation CD 1.35 at 4.3.26 the survey asks what is important to you regarding the design of the public realm space "61% of respondents said green space". What we have is 705 square metres of soft landscaping.

Slide 22 I have a small one bedroom flat on the fourth floor in a building with no lift. I need spaces like Bernie Spain Gardens pictured or Gabriel's Wharf or Queen's Walk which are accessible to my friends who use mobility scooters or my siblings with young children or for when I want to invite more people than my flat can accommodate or have a picnic which means it's affordable as opposed to a restaurant. I have done this many times, having birthdays or gatherings in those public spaces along and near the South Bank. This is a panoramic photo taken in the last year or so ago from and of Bernie Spain Gardens. This space is used a lot, by lots of different people doing similar things to what I might. Sometimes it can be hard to find a space on the green. But you get to look up and currently see a view with a lot of sky in it. On this day alone there is someone doing exercise; sitting on a bench; doing photography, people sitting by themselves in groups on the grass or on the benches, people walking through.

This is another place where I will be depressed by the presence of the proposed design - mass and scale of this proposal. I often sit on the sloped bit facing towards the west and in the direction of the river. The existing ITV building is set far enough away that I can enjoy the blue sky around it. The mass and bulk of the proposed building would dominate and impose on this currently calm outlook. *Finally looking at the model...this proposal adds to a sadness I have for the South Bank, if we look on the north bank, also a CAZ - there are no tall buildings that compare to what we have on the south of the river. This tall building proposal adds detrimentally to that.*

In CD 4.08 page 22, Historic England describing the current context says "The buildings although having a massing and built form low in height and provide a strong horizontal axis along the riverbank the Shell building and existing LWTC tower being an exception to this." This proposal changes that horizontal axis - the axis being the invisible line along the South Bank. As we look at the **model** we see, the horizontality at a lower level along the area closer to the South Bank but now with the proposal the southern building interrupts that axis and the width and height of both parts of the building change for me in a negative way what Historic England describes for the how it is currently. For me it is also important to note that in relation to the current ITV tower it is the only building of this height on the north side of Upper Ground and even then it is away from the river, nearer the road. That's one tower currently. With the proposed building it changes the vertical experience twice, once by changing it to being wide and tall on the Upper Ground side and again tall and wide on the Queen's Walk. I don't believe it should be doing this. It interrupts that strong axis along the river front and South Bank that Heritage England speaks about.

Slide 23 With these observations and reflections in mind I ask that the application is refused and the landowner or developer comes back with proposals more in keeping with the area and its needs. Thank you for listening. Thank you for your time.

Barbara Weiss. I am a practicing architect and co-founder of the Skyline Campaign. I am grateful to have been allowed to speak today, to register the Campaign's categorical objection to the current proposal for the redevelopment 60-72 Upper Ground under consideration by this Inquiry - and to suggest that, if consented, this scheme will become the latest in a lamentably long string of *nails in the coffin* of the one and only, historically revered and universally celebrated River Thames.

While hitherto much of the Skyline Campaign's mission has been focused on stopping the proliferation of poor quality Tall Buildings in inappropriate areas, in this specific case it recognises the need to oppose this development for reasons other than ones relating primarily to height. Indeed the scheme submitted by Mitsubishi Estate is not higher than others in the immediate vicinity, and would replace the existing ITV tower. The main problem with this scheme is instead in relation to its overall excessive bulk and massing, and to how its gauche and graceless outline inserts yet another incongruous shape into an area that has rapidly become another prototypical London 'asparagus patch', further and negatively impacting on a portion of skyline that is already desperately chaotic.

This particular corner of London, one of the most prominent and widest arcs of land along the river contained by two bridges (the Waterloo and Blackfriars), has in recent years been repeatedly assaulted by countless developers seeking to maximise profits and put their narcissistic 'look at me', 'iconic' stamps on a very valuable part of Central London. Devoid of any desire to re-establish some semblance of urban order or hierarchy of streets and public spaces in an area so badly hit in the 2nd World War, the ongoing proliferation of architecturally mediocre structures both compromises the legibility of this area, *and* undermines some of London's best and most-loved listed post-war public buildings, dwarfed by the scale of their new neighbours and conflicting with a total pot-pourri of styles. Such is the fate of the Royal Festival Hall, the National Theatre and the Shell building - the latter, now unrecognisable from afar and up-close - swamped as it is by a claustrophobic grouping of faceless residential towers - these days a sad remnant of the proud building that once stood in semi-isolation facing the river.

Clumsy and totally lacking in design quality, the Mitsubishi building stands out from its neighbours for the way in which it sits on its site, a Jenga set *on steroids* that intentionally sets out to clash with every aspect of local historic architectural character, potentially subjugating or even effacing the rich identity of the Coin Street neighbourhood. The relentlessly domineering effect of this vast, slab-like building, coupled with its crude, corporate cladding would no doubt greatly reduce - for millions of Londoners and visitors - the quality of enjoyment derived from a unique promenade linking architecturally world-class cultural institutions, while offering spectacular views of the river and of the many historic buildings and sites on the northern shore.

While the harm to the development's immediate local setting is impossible to ignore, and will have been discussed in huge detail throughout the Inquiry, I would however like to revert briefly to the wider urban scale, 'zooming out' from this specific Waterloo corner to consider a more *pan-London* picture. As so many illustrious academics, built-environment professionals, historians and experts - not to mention a plethora of ordinary Londoners - have repeatedly

said, the River Thames deserved and deserves to be considered as an entity in itself, one to be protected and valued as one of London's greatest assets. Had Graham Morrison's past call for the Listing of the river - as a largely man-made artefact - and placing under the tutelage of the GLA, not been sadly ignored, London might not have now lost forever the integrity of one of its greatest and most spectacular public open spaces.

If indeed one bothers to look *honestly* at the quality of what has been built to date along the river, from Wandsworth to Battersea to Greenwich, from Nine Elms to the Isle of Dogs, and well beyond - there can be no doubt that - tragically - over the last few decades any duty of care for the Thames has been intentionally and arrogantly ignored by the powers that be. The sad reality is that for too many interested parties the River has become not much more than a *cash-cow* that never ceases to give - whether for bankrupt Boroughs, successive short-sighted Mayors, greedy developers, irresponsible architects or hapless foreign investors....

As a result, Londoners are now lumped with, *in perpetuity*, some of Europe's most hideous, expensive, environmentally damaging river developments - many never to be demolished, given their tenures. The Coin Street Area - one of the most prominent locations along the River - deserves a better fate. Let's give it a better chance.

It is time to go back to basics, and to attempt to save, and carefully enhance, what has remained of London's unique and beautiful character; to understand the importance of Scale, Granularity, Hierarchy and local Materials; to create vibrant and lived-in places where locals and visitors enjoy being; to understand that - despite the many horrors now built - the remaining views and the skyline on both sides of River still need to be nurtured and curated. It is hard to see any positive architectural or social qualities in the Mitsubishi building that could be counted as a public *benefit*; to the contrary, it feels very much like yet another example of a development that London and the planet simply do not need. the character of

We urge the Inspector to reject this proposal, and the developers to start again from first principles - to consider a very different type of architecture that will leave a far more appropriate and positive legacy for the current and next generations.

Jeremy Cross Good morning Ma'am. Thank you for the opportunity to speak today. My name is Jeremy Cross, I have been a resident of Waterloo for over thirty years. I currently live in Lower Marsh, but until the summer of last year lived in a ground floor flat on Stamford Street, within sight of the LWT Tower at 72 Upper Ground. For context, I would also confirm that I am a Chartered Surveyor, my training originally being in commercial private practice more specifically working in the areas of Landlord and Tenant, compulsory purchase and valuation. For the majority of my career however I have worked in support of regeneration and community development, both in the UK and internationally, including a focus on affordable housing. I am speaking as a local resident and while there are a range of other issues, all important, which I object to in the proposals for 72 Upper Ground, I personally wish to speak specifically on two

main issues which are central to achieving mixed and balanced development – which are affordable housing and green open space.

Affordable housing.... An absolute priority for Waterloo has to be to secure more real affordable housing. This priority is not just for Waterloo, it is for Lambeth and the people of London more generally – Waterloo is characterised by a private rented sector that is unaffordable to the majority of Lambeth residents.

Housing, including affordable housing, had been promised and secured in the previous consented scheme for 72 Upper Ground, in the form of a payment towards off-site provision, but in the current proposals is lost completely. This cannot be acceptable, in my view morally, but also in planning terms when Waterloo already has hundreds of thousands of square feet of consented yet unimplemented office permissions approved by Lambeth, at the same time as a limited number of options to deliver against its housing targets.

Green open space....I also wish to draw attention to the significant harm the proposals for 72 Upper Ground will have on the green open space adjoining the site on the riverside, and the Queen's Walk itself. This open space, and the continuous riverside walkway which we enjoy today was fought for and won by local residents – in recognition of the deficiency of open space in Waterloo. The need for access to open space has never been greater in Waterloo – with far greater numbers of people using it than were ever anticipated. Emerging from the coronavirus there is a recognition of the critical importance of access to quality public open space for health and well-being. This stretch of the river is one of the most pleasant on the south bank, largely free from commercial activity, a green space that is well-used and enjoyed by residents, office workers and visitors alike.

The Riverside Walk and associated public open spaces in this location were completed at significant public expense in order to open up the river for the local community to enjoy. Previously, existing communities had been largely cut off from the river and the creation of this new, high quality public open space was one of the objectives of an extraordinary and lengthy campaign mounted by local residents, supported at the time by the London Borough of Lambeth and the Greater London Council. These well established open spaces provide an oasis in the heart of the neighbourhood, enjoyed by local residents, local employees and the large numbers of visitors to the area. The land represents a valuable and vital resource particularly important to the local community in Waterloo, which is recognised as having a serious open space deficiency compared to other parts of Lambeth and London as a whole. The local residential community also falls within the bottom 40% of the population according to the 2010 Index of Multiple Deprivation. Recent studies by Kings' College London demonstrated that the riverside walk and open spaces were the cleanest parts of Waterloo, which suffers from high levels of traffic and the attendant pollution across the rest of the area. It therefore provides an opportunity for residents to walk and exercise in a less polluted environment, and it is used in this way by the local community on a daily basis. Recognising the potential threat to the site from commercial development, residents took the step of registering it as an Asset of Community Value, which was recognised by Lambeth and therefore should be taken into account in assessing the impact of the damaging over-development of the site that is proposed. I would therefore ask that the application is refused and the landowner is asked to come back with proposals that align with good planning practice, while respecting the area, the borough and its real needs. Thank you.

David Clarson. I am the Secretary to the Steering Group of South Bank and Waterloo Neighbours, commonly known by the local community as SoWN. 1.0 South Bank and Waterloo Neighbours (SoWN) South Bank and Waterloo Neighbours (SoWN) is the community body that represents residents, workers, businesses of all sizes, the cultural and voluntary organisations in the area covered by the South Bank and Waterloo Neighbourhood Plan. The genesis of SoWN dates from 2014 when a group formed of residents, businesses and the cultural organisations joined together to develop a Neighbourhood Plan formally approved in February 2020 following a Referendum receiving 92% support from both residents and businesses in two separate ballots. SoWN has a membership of over 500 individual members, mainly residents, but also organisations representing many more people, like the two BIDs (Business Improvement Districts), the cultural organisations, local Charities and many Residents Associations as well as the Waterloo Community Development Group. So it can be said to have the widest representation in the South Bank and Waterloo area. SoWN takes its responsibilities seriously, particularly in planning matters, acknowledging that it represents an area with the economic activity equivalent to the City of Bath. So we cannot be, nor are we anti-development; in fact we are pro-good development. And we work by trying to adopt mutually respectful behaviour and partnership working with developers and the local council, whatever SoWN's view is of the developer's proposals. And as you will understand, the most valuable consultation is before an application is made. This has been achieved with some, but not, all developers. My apologies for that long preamble, but it is important to what I am about to say.

2.0 Planning You may ask, how do we come to any conclusion on a planning application, in representing the views of such a wide and extensive constituency? We have two simple tests We aim to know those who we represent, and we listen to them before concluding any view and We follow the two principles from the Neighbourhood Plan. Namely one, to support only those planning applications that enhance the character of the area, and two those that provide improved open space, ideally green, as it is the spaces between developments that are as important as the developments themselves. Suggest visit to South Bank Place. In the case of this application, neither test has not been difficult in finding the answer. We have found no one in the South Bank and Waterloo communities, outside the promoters of the scheme, that supports it in its current form. I am not going to go through all the arguments of why this proposal does not enhance the character of the area, nor contribute all it should to the open space. You have heard them already, and will continue to hear them until the Inquiry ends. Nor will I repeat the comments on the Environmental issues covered by my colleague Giles Goddard, nonly to say that the Environment is a top priority in the Neighbourhood Plan.

4.0 Consultation I want to say something to you about consultation. SoWN aims to promote meaningful consultation, which is genuinely two way. We of course understand that not everything everyone wants can be delivered. So it's not the quantity, and you have one of the largest consultation reports I have ever seen to consider, but it's the quality of the dialogue that matters .The quality of the consultation with the developer on 72 Upper Ground has been most disappointing and there was no real dialogue at all in the way we have experienced with other developers. This is particularly disappointing with SoWN's focus on trying to find consensus and meaningful dialogue to avoid polarisation. This developer did not seek to find either of these.

This was not just disappointing on the size and bulk of the building, but also on the proposed arts space, which while of course welcome, has not been the result of any meaningful conversations relating the proposal to the existing provision and best it can be improved, and could achieve so much.

5.0 Housing As you have already heard, affordable housing is the highest local priority expressed by the residential community, and the lack of it in this development is extremely disappointing. It was hoped that some provision could be achieved rather than a development solely providing more office space.

6.0 Conclusion It is SoWN's hope, on behalf of the whole community, that you will not support this scheme. But rather encourage the applicants to work with the whole community to come up with proposals that are appropriate to this important site and the various needs placed upon it. If you are able do that, you will have done a great service to this City, and all those SoWN represents who live, work and visit here



Department for Levelling Up, Housing & Communities

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.