

BRIGHTON MARINA REGENERATION PROJECT

proof of evidence - appendices
Matthew Spry



Nathaniel Lichfield and Partners

Planning Design Economics

**Appendices to proof of evidence of
Matthew Spry**

**Brighton Marina Regeneration
Project**

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Appendix 1

World class places: the Government's strategy for improving quality of place

World class places

The Government's strategy
for improving quality of place



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Ministerial foreword



The built environment can be a source of everyday joy or everyday misery. It is an important influence on crime, health, education, inclusion, community cohesion and well-being

The way places and buildings are planned, designed and looked after matters to all of us in countless ways. The built environment can be a source of everyday joy or everyday misery. It is an important influence on crime, health, education, inclusion, community cohesion and well-being. It can help attract or deter investment and job opportunities. Planning, conservation and design have a central part to play in our urgent drive to reduce greenhouse gas emissions and protect biodiversity.

That is why this Government is committed to improving quality of place as a priority. It can be tempting during these difficult economic times to put the built environment in a box marked 'pending – important but for another day'. That would be a mistake. Good quality of place should not be seen as a luxury but as a vital element in our drive to make Britain a safer, healthier, prosperous, more inclusive and sustainable place. We recognise that while the downturn brings some opportunities for developers and local planning authorities and public agencies, it brings many more challenges. As a Government we will do everything in our power not only to support the construction industry through the downturn, but to maintain and improve standards of development and the public realm. Good quality development does not have to be more expensive than poor quality – and in the longer term the savings will be significant.

We are fortunate in this country in having a very rich built heritage. Tourists travel from around the world to enjoy our beautiful cities, towns and villages, with their wonderful mix of historic styles, people-friendly streets and squares, trees and green spaces. However, for much of last century governments in Britain struggled to build on or make the best of this legacy. Cars came to dominate our streets and squares. New homes, shops and workplaces were separated from each other. New developments were built to low densities, rendering local shops and services unviable. Increased expenditure on welfare services was not matched by investment in the public realm and high quality public buildings. The art of creating humanising towns and cities went into decline.

Today the picture is very different. From the beginning this Government made a priority of improving quality of place. After decades of deterioration, our inner cities have undergone a renaissance. New icons – the London Eye, Sage Gateshead, the Imperial War Museum North, Manchester – or brilliantly renovated icons – St Pancras Station and Tate Modern, both in London, or St George's Hall, Liverpool – attract tourists from around the world and inspire pride in modern Britain. There has been a shift from greenfield to brownfield development. Thanks to the National Lottery, we have seen significant investment in our historic environment. Our parks are rejuvenated and better maintained and residential streets more pedestrian friendly. Unprecedented investment in public services has resulted in many superbly designed new public buildings, celebrated every year in the Prime Minister's Better Public Building Award, Royal Institute of British Architects' Stirling Prize, Housing Design Awards and many other prizes. Home Zones, cycle lanes and more attractive streets and parks are encouraging more people to walk and cycle. With the Olympics we are delivering one of the most ambitious design-led regeneration programmes in the world.

However, some old challenges persist and new challenges have arisen. For all the progress made over the last decade or so, most of Britain's cities still have some way to go before they are as attractive or green as the best in the world. Standards of new housing and public building remain patchy – it is vital that, as we continue to invest in new schools, colleges



Olympic legacy park © London Development Agency



We have to plan places and design and renovate buildings so they are more energy efficient and less carbon dependent

and healthcare facilities, and deliver on our commitment to create 3 million new homes by 2020, these are built to the very highest standards. We also need to make sure that we conserve and keep the best of our historic places in active use.

As our population ages, we need to make places more welcoming and inclusive, and ensure that they are designed for the convenience and the enjoyment of all age groups. In particular, without designing for older people, we risk condemning ever-growing numbers – our future selves – to isolation and indifference. Our aim should be to design in an inclusive way to make our cities, towns and neighbourhoods more welcoming and enjoyable for everyone.

In addition, the challenges of climate change demand that we fundamentally re-think the way we plan and design our built environment – both to mitigate climate change, by making a radical cut in carbon emissions, and to adapt, by preparing for more extreme weather. We have to plan places and design and renovate buildings so they are more energy efficient and less carbon dependent. We have to ensure that walking and cycling, not driving, become the norm, as they increasingly are in many European towns, cities and neighbourhoods. We have to do much more to boost the urban ‘green and blue infrastructure’ – trees, plants, absorbent surfaces, streams, ponds and rivers – that can play a vital role in bringing down temperatures, promoting biodiversity and preventing flooding.

The good news, however, is that the urgent obligation to create more sustainable places is also a great opportunity to improve the quality of these places for everyone. Cities and towns where most people travel by public transport, foot or cycle, with a good mix of homes, services and amenities and plenty of green space and green infrastructure will not just be more environmentally sustainable, they are also likely to be safer, healthier, more inclusive and enjoyable. This is the great argument for investing in quality of place: good places have multiple environmental, social and economic benefits.

Finally, as part of our broader drive to engage and empower local communities, we need to do more to engage people in making decisions about the place where they live, and empower them to shape places for themselves. Local people know best what they want from their local area; service users know best what they want from a service. Getting users engaged in improving a neighbourhood, maintaining a park or community centre, or running local services is a good way of achieving value for money and can also help build community bonds. It makes both economic and social sense.

The Government has already taken many steps to meet these new challenges. This strategy lays out how the Government will, over the next months and years, build on our record and do more to help create great places to live, work and bring up a family.

Hazel Blears
Secretary of State for Communities
and Local Government

Andy Burnham
Secretary of State for Culture,
Media and Sport

Endorsements



CABE

CABE is the government's advisor on architecture, urban design and public space. We help the public sector create great places, and offer expert advice to developers and architects. We encourage policymakers to create places that work for people, and help local planners effectively apply national design policy. Advising, influencing and inspiring, our work is all about creating well designed places, so we welcome this strategy wholeheartedly. It is both the culmination of what has been learnt and achieved over the last ten years and the launch pad for helping thousands more communities across Britain enjoy world class places in the next decade.



ENGLISH HERITAGE

English Heritage

The places people value most are those that reflect continuity and current vitality. Understanding and valuing our heritage helps us to achieve a blend of both that inspires and satisfies our desire for local distinctiveness and a sense of place. This requires sensitivity to context and an understanding of how places have developed over time. English Heritage welcomes this strategy's recognition of the centrality of the historic environment to quality of place and its commitment to protecting and re-invigorating our built heritage.



Environment Agency

The Environment Agency welcomes this strategy's commitment to the creation and development of green spaces and green infrastructure. These have an important contribution to make to tackling the effects of climate change and, at the same time, improving the quality of life.



Heritage Lottery Fund

We are delighted that this report recognises the potential of our rich heritage – from historic town centres to public parks – in creating safer, healthier, more inclusive and appealing places. Local heritage matters to people and investing in it will continue to bring economic and social benefits to many communities.



Homes and Communities Agency

The Homes and Communities Agency is passionately committed to the achievement of sustainable development through good design in existing and new places. Through our single conversations with local authorities we aim to be the broker of 'quality of place', supporting and enabling our partners to raise their aspirations, realise their ambitions and enhance people's quality of life by creating and regenerating communities where people want, and can afford, to live. We welcome this strategy and look forward to working with our partners to deliver on its commitments.



Natural England

Green infrastructure – trees, parks and playgrounds, green routes to work, lakes and waterways – should be at the heart of everyday life and present in everyday places. This strategy is a welcome step on the road to achieving that goal. Green infrastructure helps to break down the barriers between people and their natural environment and is an important aid in addressing climate change. Natural England has recently launched guidance on green infrastructure and is already delivering green infrastructure projects across the country. We look forward to working with our partners in promoting quality of place and ensuring that every place has ample, high quality green infrastructure.

1 Introduction and overview





Improving quality of place is vital if the Government is to deliver on its commitments and make this country a fairer, safer, healthier, more prosperous and sustainable place

This publication lays out the Government's approach to improving quality of place – the way the places where we live and work are planned, designed, developed and maintained – and the steps we will be taking to build on recent progress.* The analysis underpinning this publication, undertaken by the Strategy Unit in the Cabinet Office, is published separately: www.strategy.gov.uk

1.1 Why quality of place matters

Quality of place matters in many ways. As we lay out in chapter 3, there are few things that we want for ourselves, our families or our country that are not affected by the built environment. Bad planning and design and careless maintenance encourage crime, contribute to poor health, undermine community cohesion, deter investment, spoil the environment and, over the long term, incur significant costs.

Poverty in this country is not just about poor education, unemployment or low wages, and lack of opportunity. It is typically associated with poor housing and poverty of place – badly designed housing estates or low quality neighbourhoods, with dysfunctionally designed, energy inefficient homes, unsafe passageways and poor public spaces. Addressing these problems and improving quality of place more generally can play an important part in reducing poverty and social exclusion.

In short, improving quality of place is vital if the Government is to deliver on its commitments and make this country a fairer, safer, healthier, more prosperous and sustainable place.

Surveys consistently show that people care about the way their areas are planned, designed and maintained, and want to see this improved. Asked what makes somewhere a good place to live, clean streets ranks third (below low crime and health services) and public transport, shopping facilities and parks and open space, rank sixth, seventh and eighth respectively.¹ However, while 32% of people identify crime and 17%, health services, as the things that most need improving in their local area, 33% identify street and pavement repairs.

While quality of place matters to everyone, it can have a particularly profound effect, for good or bad, on more vulnerable people. Older people, for instance, tend to spend more time in their neighbourhood, and are more reliant on its services and amenities. The same is true of people on low incomes.

Quality of place does not just matter for the here and now. The built environment, both good and bad, endures. Some 90% of existing developments will still be with us in 30 years' time.² Decisions made today will continue to have repercussions down the decades.

1.2 Recent progress

The Government has a proud track record when it comes to promoting good planning, urban design and architecture, and conserving and improving our historic environment and green spaces. As is laid out in chapter 4, it has created the Commission for Architecture and the Built Environment (CABE) with a mission to promote good standards of urban design, architecture and public space; set new standards for publicly funded buildings; overhauled the planning framework to make it more strategic and participatory; and of course increased investment in homes, public buildings, public transport, green spaces and the public realm. Most recently it has created the Homes and

*While the strategic approach and actions in this paper are specific to England, the challenges are relevant to all four countries of the United Kingdom. We will work closely with the Devolved Administrations in Northern Ireland, Scotland and Wales, recognising their particular and varying responsibilities. Each will consider the most appropriate arrangements in those areas for which they have devolved responsibility, to address the issues in ways that meet their own circumstances and needs.

Communities Agency (HCA), with a specific remit to promote sustainability and good design in neighbourhoods and homes. In line with our overarching commitment to have cut greenhouse gas emissions by 80% by 2050, all new buildings now have to meet demanding energy and sustainability requirements. The 2008 White Paper, *Communities in Control*³, and associated reforms have sought further to engage people in local decision-making and make local services more accountable. The Planning Act 2008 introduced an obligation on all planning authorities to promote sustainability and good design.

These policies and organisational reforms have helped improve – often radically improve – places up and down the country. We are building less on greenfield sites and instead investing in regenerating run-down brownfield areas. The design quality of our public buildings has improved. The centres of our older industrial cities, once a byword for decay, have undergone a renaissance and are once again sources of civic pride. Parks and open spaces are cleaner, safer and better looked-after.⁴ The long term rise in car use has come to an end, and people are beginning to walk and cycle more.⁵

1.3 The challenges we face

Although much has been achieved there is more to do. While central government has sponsored many outstanding public buildings, standards overall have not always been as high as they could be. The Government has encouraged local authorities and their partners to take a more active, across-the-board role in shaping their areas, and use the development process to attract investment and strengthen communities. Some local authorities have embraced this role by confidently regenerating their centres, improving streets and open spaces, or working with developers to create well designed urban extensions or finding sustainable and creative new uses for historic buildings. However, others have moved less surely. Too many people still feel alienated from the developments going on around them. The increase in obesity and other chronic health problems, an ageing population and, most importantly, climate change are just some of the pressures that require that we continue to rethink the way we develop places and design buildings and the public realm.



Castleford Footbridge © CABE/David Willington Photography Ltd

The centres of our older industrial cities, once a byword for decay, have undergone a renaissance and are once again sources of civic pride

1.4 Improving quality of place in tough economic times

More immediately the worldwide economic slowdown presents us with new challenges, but also opportunities. One consequence is that local authorities are receiving fewer planning applications. This should give them the chance to take a more active role in 'place-shaping' and strengthen their 'strategic' or plan-making capacity, and focus anew on planning and improving their localities, so when the upturn comes they are ready to make the most of it.

But we recognise these are difficult times for developers, those working in the built environment and construction sectors and for local government. We have seen a dramatic fall-off in development and construction across all sectors. There were an estimated 16,300 housing starts in England in the December quarter 2008, down 27% on the previous quarter and 58% lower than the December quarter 2007.⁶ Private sector contributions to quality of place are under threat with many developers reporting difficulties in delivering on Section 106 agreements on infrastructure, affordable housing and the public realm. Local authorities face pressure to approve poor quality schemes partly because of the short term investment and jobs they will bring.

The Government has already done much to support construction and development – by encouraging bank lending, helping people struggling



to keep up with their mortgage payments and by bringing forward capital spending to fund a new generation of homes, public buildings and infrastructure projects. But it is vitally important that we not only encourage development but also help ensure that it is of a universally high standard and helps create successful and sustainable places.

1.5 Our approach, vision and objectives

We recognise that we cannot improve quality of place alone. Indeed central government has relatively limited direct powers to shape and improve local places. Much depends on local government, professional bodies, private sector businesses, community groups and individuals. Nevertheless government has a central role. This strategy lays out the Government's understanding of the key opportunities and challenges it faces, the broad strategic objectives we have set ourselves in order to meet these challenges, and individual actions we will take, with partners, to improve quality of place.

Our vision is simple but ambitious: we want to ensure that all places are planned, designed and developed to provide everyone, including future generations, with a decent quality of life and fair chances. Our analysis of the challenges and opportunities we face suggests we need to achieve **seven strategic objectives** if we are going to realise this vision. They are listed below, along with examples of the actions we will be taking to meet these objectives.

- 1 Strengthen leadership on quality of place at the national and regional level.** Actions include boosting the role of ministerial design champions.
- 2 Encourage local civic leaders and local government to prioritise quality of place.** Actions include improving support and training on quality of place for civic leaders and planning committee members and developing options for measuring quality of place and establishing this measure as a local government indicator.
- 3 Ensure relevant government policy, guidance and standards consistently promote quality of place and are user-friendly.** Actions include introducing new planning policy on the historic environment and green infrastructure.
- 4 Put the public and community at the centre of place-shaping.** Actions include promoting and funding more user engagement in the design of new public buildings.
- 5 Ensure all development for which central government is directly responsible is built to high design and sustainability standards and promotes quality of place.** Actions include establishing design thresholds for all new government funded building programmes.
- 6 Encourage higher standards of market-led development.** Actions include developing and promoting the business case for investing in high quality development
- 7 Strengthen quality of place skills, knowledge and capacity.** Actions include strengthening the Government's regional offer to local authorities, public services and developers.

Together the actions laid out in this strategy will make a real difference to the quality of the places where we live, work and visit, supporting high quality development through these difficult economic times and beyond.

This is the right time for a new strategy on improving quality of place.

Case study

Edinburgh New Town

A model of urban design, still evolving after two centuries

Planned and built two centuries ago, Edinburgh New Town remains a model of sustainable urban design. The original master-plan was created by 22 year old James Craig, who won the competition to create a new urban extension to Edinburgh in 1765.

The new suburb was laid out on a grid, with imposing neoclassical stone buildings fronting handsome, well-planted streets, garden squares and circuses. Though the New Town was built by many designers, developers and builders over more than a century, they worked within a series of design codes laid down by the city, covering things like heights and density. Buildings are generally three storeys high, though they rise to four storeys on corners and in the centre of large

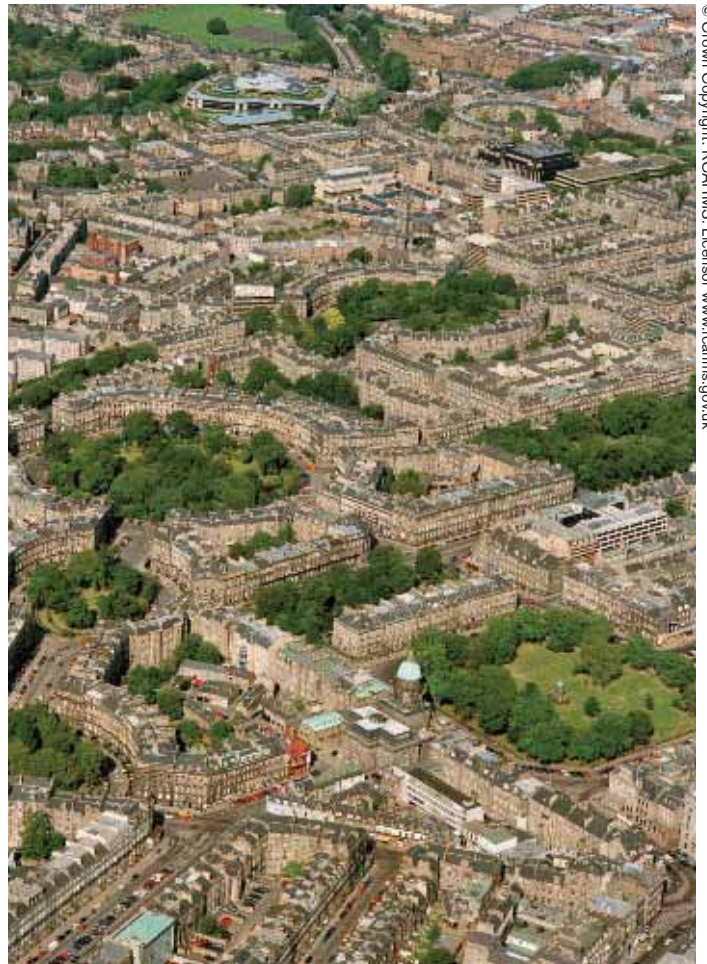
terraces, creating rhythm and variety. Although designed as a residential suburb, generous sized rooms and robust construction techniques have allowed many homes to be converted into shops, offices, studios and other uses, creating a sustainable mixed use neighbourhood. The pedestrian-friendly streets, a good range of services and amenities and large windows looking out over the streets help create a sense of safety and community.

The New Town remains a vibrant and evolving community. New architecture has been successfully woven into the urban fabric, and older dwellings adapted to modern technologies and living patterns. Shared gardens remain well maintained and well used and further promote community life.

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2 Understanding quality of place



There are many different ways of understanding quality of place, but as it is defined in this strategy, it is ‘the physical characteristics of a community – the way it is planned, designed, developed and maintained – that affect the quality of life of people living and working in it, and those visiting it, both now and into the future’.

Quality of place and quality of life

The places where people live have a profound effect on their quality of life and life chances. Places exercise this effect in a range of ways – through, for instance, crime levels, pollution levels, employment opportunities, social ties and opportunities for community engagement, and the range and quality of local services, transport links and green space. Quality of place can then be understood as that subset of factors that affect people’s quality of life and life chances through the way the environment is planned, designed, developed and maintained.

Local area factors contributing to good quality of life





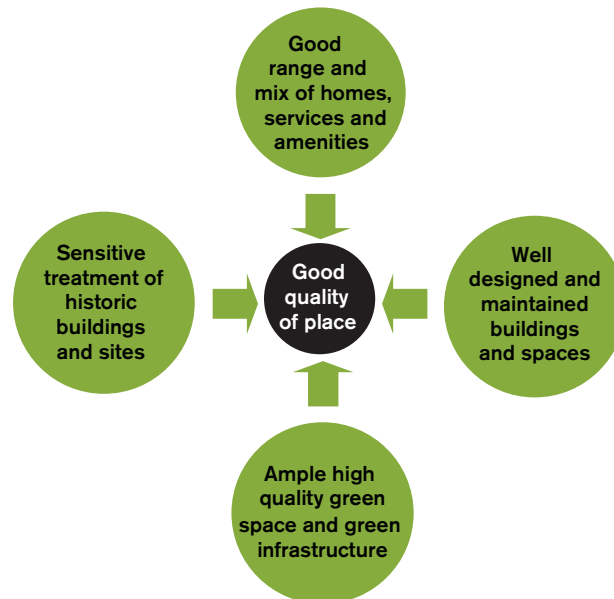
2.1 The four elements of quality of place

The factors that shape quality of place can be organised under four broad headings. These are the four 'elements' of quality of place:

- The range and mix of homes, services and amenities;
- Design and upkeep of buildings and spaces;
- Provision of green space and green infrastructure;
- Treatment of historic buildings and places.

High quality places tend to score well in terms of all four of the above elements. That is to say they have a good range and mix of homes, services and amenities, well designed and maintained buildings and spaces and good quality green space and green infrastructure. And they understand the value of and make the most of their historic environment – of the infrastructure and buildings that past generations have bequeathed them.

High quality places – the four elements of quality of place



2.2 The range and mix of homes, services and amenities

If asked what makes somewhere a good place to live, most people cite affordable homes and easy access to a good range of shops, pubs and restaurants, public services and transport links as important factors. Of course, a good supply of these homes, amenities and services is not just determined by the way communities are planned – but planning is particularly important. For instance, it has a key role in determining whether or not a new housing development has the mix of homes, shops, schools, cultural, sporting and healthcare facilities, and public transport that its residents will need. It is planners, among others, who determine whether the range and layout of homes and design of the public realm in a new development meets the needs and aspirations of local people, including

People have a right to homes, workplaces and public buildings that work well, are built to last and lift the spirit

families, people on low incomes and older and disabled people. Planners, urban designers, architects, landscape designers and conservation professionals can all help foster the local interactions and sense of community that people want from the places where they live.

As a general rule, the more densely settled an area the more viable these amenities and services become. That is one reason why the Government has encouraged higher density living. Some critics argue that most people would rather live in lower density areas and it is certainly important that areas are developed to offer a wide choice of neighbourhoods catering to different needs and aspirations. Families tend to want different things from a locality than, for example, students or 'empty nesters', and often need more space, such as play areas.

Good planning and design, along with investment in maintenance and management of places, can do much to prevent the problems sometimes associated with high density. It is quite possible, for instance, to design high density developments in a way that gives all residents generous internal living space and some private external space, while providing easy access to safe, supervised semi-public play space for children. Indeed some of the most attractive and sought-after neighbourhoods in Britain, such as Edinburgh New Town, or Kensington and Chelsea in London, are built to relatively high densities. High density does not have to mean high rise.

2.3 Design and upkeep of buildings and spaces

The design of the buildings that we live and work in, or merely walk past, is important in a variety of ways. Good design goes beyond the visual or aesthetic quality of a building, as important as this is. It is also about its durability, inclusivity, functionality and sustainability. The best tests are the simple ones. Is this an attractive building? Does it look like it belongs here? Is it cost effective to run and easy to maintain? Is it enjoyable to use? Will it last? People have a right to homes, workplaces and public buildings that work well, are built to last and lift the spirit.

The streets, roads and squares that connect buildings are just as important as the buildings themselves. These are not always thought of as being designed, but they are the result of human decision – and the decisions made are often profoundly important. The scale and shape of buildings, the layout of streets, squares and parks, the handling of materials and signs, accessibility for disabled and older people, all help to influence the feel of an area and the way it functions. People who live on busy, car-centred streets with narrow pavements and little green space are much less likely to spend time outside their houses, to know their neighbours, or let their children play outside or walk to school. On the other hand, streets and squares designed with pedestrians in mind will encourage social interaction, community cohesion and a sense of place. This, in turn, can discourage crime and anti-social behaviour, reduce concern about crime, promote walking and cycling and improve physical and mental health.

Finally, the upkeep of buildings and spaces is as important as the original design. Even the best planned and designed areas will have little allure if marred by cracked paving, scarred roads, vandalised or run-down buildings and neglected open spaces. The public attach particular importance to this aspect of quality of place. Surveys show that they view clean and well maintained streets as one of the most important things in making somewhere a good place to live.⁷



Case study

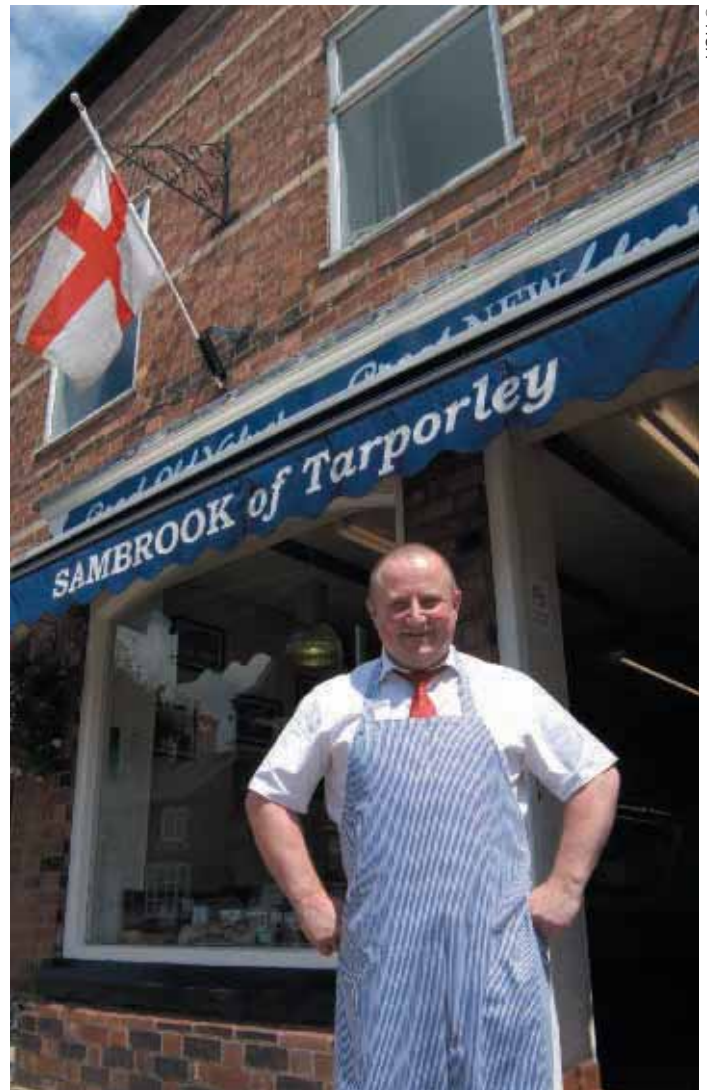
Tarporley, Cheshire

Village life strengthened through well designed development

Back in the 1990s, Tarporley in Cheshire faced challenges common to many rural villages. The building of a bypass had relieved the village of heavy traffic, but also threatened village centre shops and amenities. From the 1990s on, Vale Royal Council took the brave move of encouraging new development, including shops and 82 new homes in the village, despite some public resistance.

The Council worked with the Parish Council and local people to develop clear village design guidelines, and ensured that all

new development was of a high architectural standard and responded to local context. The new homes include small two bedroom flats, as well as larger detached houses. All this has helped attract people into the village, sustain local independent shops and strengthen village life. Bell Meadow, the developer responsible for most of the new homes and shops, won a Building for Life award for their work. A strong business alliance has formed, and the village has won 'Best kept village' in Cheshire.



© HCA

2.4 Green space and green infrastructure

Parks and green open spaces are both a highly valued and highly used feature of the built environment. Three out of four people visit a public green space at least once a month – more than a quarter do so at least three times a week.⁸ And a nearby local park can enhance the value of a property by at least 5-7%.⁹ Safe and attractive parks with good play and sports facilities and quiet areas, are particularly important to families with children, older people and those without gardens. Time spent in contact with nature has been shown to help mental well-being, with people reporting feeling much happier after a walk in a park than they do after a shopping trip.¹⁰ Parks also help foster community life and local involvement – through friends groups, community activities and volunteering.

Green space and green infrastructure have a vital role to play in tackling climate change and its effects. They also add greatly to people's enjoyment of a place

High quality places are not just marked out by safe, attractive and well managed parks and green play spaces. They will also have ample 'green infrastructure' – the 'nature' between, around and on buildings, streets and squares, including trees, waterways, ponds and lakes, paths, gardens, and green roofs and terraces. The last few years have seen a growing appreciation of the value of green infrastructure and the need to do more to protect and increase it. It has a vital role to play in combating climate change and tackling its effects in the form of higher temperatures and increased risk of flooding. It also adds greatly to people's enjoyment of a place and the way they behave and interact in it.

2.5 Treatment of historic buildings and places

The fourth and final element to quality of place is the way that the historic environment of an area is treated. There are of course many reasons for caring about our built heritage. Our historic environment is vital to our self-understanding, our sense of connectedness to the past and to the future, and is a valuable asset in creating a sense of place. Local people value it, as do tourists and investors – a pre-1919 house is worth on average 20% more than an equivalent house from the post-war era.¹¹ Renovating an historic building can often be cheaper and more environmentally sustainable than constructing a new one. Research in Manchester showed that a Victorian house was almost £10 per square metre cheaper per year to maintain (2003 values) than a property from the 1980s.¹²

We are fortunate in this country in having a particularly extensive and rich historic environment. Just over 50% of people in England state that they live in an 'historic area'¹³ and one in five of England's dwellings were built before 1919.¹⁴ The idea of 'heritage' might conjure up in many people's minds images of traditional buildings – castles, churches, stately homes, rustic cottages and elegant town houses – but it extends far beyond this, to encompass ancient ruins, industrial buildings, 20th century architectural masterpieces. It also encompasses historic infrastructure, including street networks, railways, historic parks and waterways. Heritage Lottery Fund research has found that nearly three quarters of local residents believe that investment in the historic environment makes local areas more attractive and 61% say it makes an area a better place to live.¹⁵

Case study

Hammarby Sjöstad, Stockholm

Large, ambitious urban extension rooted in environmental sustainability

Hammarby Sjöstad is a large brownfield urban extension to Stockholm, incorporating old industrial land and docklands. The development has been led by the City of Stockholm, who laid down clear design and environmental standards. The master-plan is based on the older city, inspired by its street dimensions, block lengths, building heights, density and mix of uses. The city invested heavily in sustainable transport and green infrastructure early on in the development, providing a tram system, a ferry service and extensive cycle routes and green spaces – including semi-public communal gardens.

The development is built from eco-friendly materials, and features green roofs, solar panels, and an underground waste collection system, which links waste to the local district heating plant, where it generates energy. Hammarby has been planned and designed with families, older people and disabled people in mind, with wide streets, plenty of green space, play space and local amenities, and accessible buildings and public transport. Residents have been heavily involved in shaping the development, including through the 'Glashuset', a community centre that showcases new environmental technologies and runs environmental workshops and community projects.

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3 The importance of quality of place



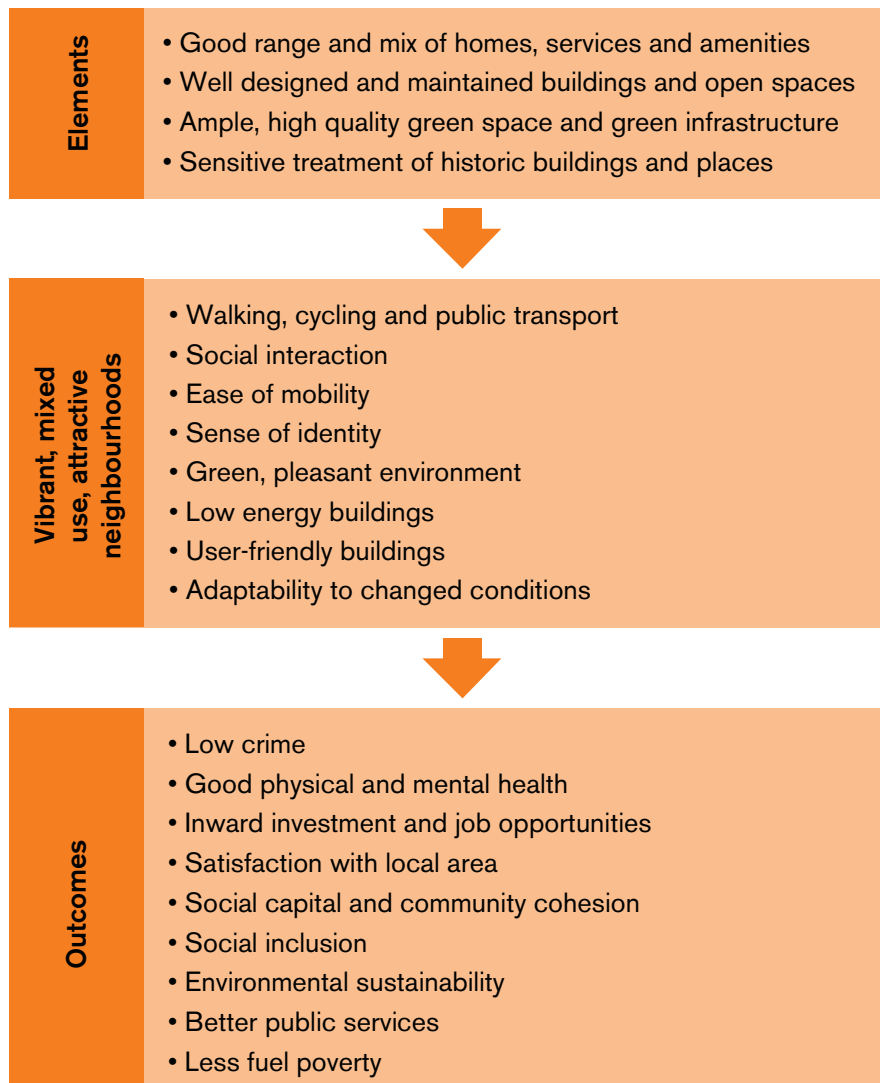


Well planned, designed and developed places tend to offer a range of economic, social and environmental benefits.

There is no simple one-to-one correlation between the elements that contribute to good quality of place and these benefits. Instead, each of the four elements of high quality places works in a similar way to foster benefits across the board. They each contribute to the creation of attractive and vibrant localities that have a strong sense of identity and community cohesion and encourage people to walk, cycle and spend time outdoors. Places with these characteristics, in turn, tend to encourage positive environmental, social and economic outcomes.

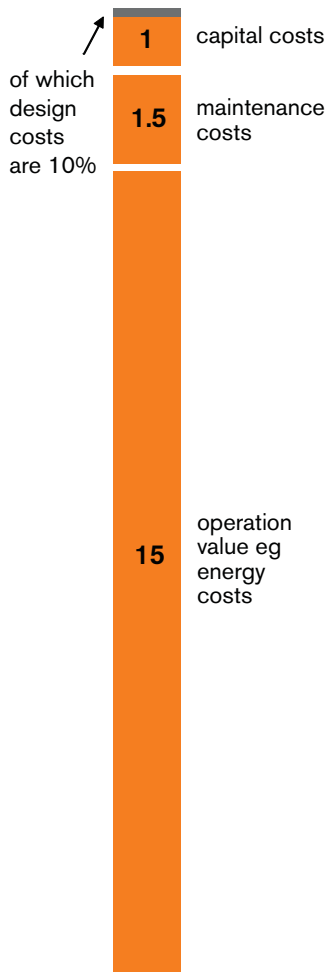
The rest of this chapter outlines the benefits that high quality places bring.

The contribution that high quality places make to achieving positive outcomes



3.1 Economic

3.1.1 Value and cost of good quality of place



Ratio of capital to maintenance and operating costs of a typical commercial building

We need to create places where people want to live and work – planning, conservation and design play an indispensable role in regeneration

There are very strong economic arguments for investment in quality of place. Well designed places tend to have greater financial value. For instance properties that overlook a park are on average around 5-7% more valuable than neighbouring properties¹⁶ and research suggests that well designed housing schemes have held their value better than less well designed ones over the last 18 months.¹⁷

Many quality of place decisions cost little or no more to get right than to get wrong. It is not necessarily more expensive to design streets that discourage crime and encourage walking and social interaction, use historically or locally appropriate material or reuse existing buildings. Research in North West England has shown that, on the basis of repair cost projections stretching over 30 years, the cost of repairing a typical Victorian terraced house was between 40 and 60% cheaper than replacing it with a new home.¹⁸

Even where improving quality does involve some additional upfront investment, this is usually justified by savings gained across the lifetime of a development. Design and construction costs of most developments are tiny compared to maintenance and running costs across their lifetimes. The ratio of capital to maintenance to operating costs of a typical commercial building is around 1 to 1.5 to 15.¹⁹ It follows that any investment in design and construction that reduces maintenance and running costs can lead to very significant long term savings.

If getting it right can save money, the cost of getting it wrong can be very high indeed. The Holly Street estate in Hackney is just one example. Completed in 1975, it proved so dysfunctional and unpopular that it had to be demolished and rebuilt in the 1990s. The demolition and reconstruction cost £92 million. The true 'social costs' – including costs to residents and public services – was much greater.²⁰

3.1.2 Regeneration and economic development

There is no single solution to attracting investment or regenerating run down areas. As the Government's Regeneration Framework²¹ shows, regeneration needs to be focused on economic outcomes and worklessness. But to improve economic outcomes we also need to create places where people want to live and work. Therefore planning, conservation and design play an indispensable role in regeneration activity and this is truer today than ever before. Quality of life factors, including quality of place, appear increasingly important in attracting private sector investment and skilled workers.²² Britain's reputation as a country with a rich historic environment and vibrant cities with striking new or rehabilitated buildings, such as Tate Modern and St Pancras Station in London, or the Baltic in Gateshead, are important factors in attracting tourists. Liverpool 08, European Capital of Culture, resulted in an £800m boost to the regional economy.

Case study

Design for Manufacture competition

Showing that good design does not have to be expensive

With the Design for Manufacture competition, the Homes and Communities Agency invited the development industry to design and build high-quality sustainable homes with a minimum size of 76.5m² and costing no more than £60,000 – or £784 per m². The competition will deliver over 1,000 homes to many different designs on ten sites across the country. All are required to meet the HCA's demanding Quality Standards, including construction, environmental and security standards and designing for

disabled and older people (Lifetime Homes).

Walls, floors, ceilings, stairs and heating and ventilation systems are often prefabricated in a controlled factory environment, reducing on-site construction costs, while ensuring the quality of the finished product. Homes are designed to maximise 'free' features such as volume and daylight. The competition has been welcomed by the successful developers and is now informing development more generally.



© HCA





Planning, urban design and architecture have a central role in helping older and disabled people live independent and fulfilling lives

3.2 Social benefits

3.2.1 Community safety

The way an environment is planned and designed has a major influence on levels of crime within it and concern about crime. First and most directly, good design will work to minimise the opportunity for crime and anti-social behaviour. For instance, designing spaces to ensure that they are overlooked, well used and 'owned' will help reduce crime – as, of course, will good street lighting. It is the same with buildings. Houses, for example, designed with visible windows and doors are more secure than those without. Young people are less likely to vandalise a place if they have been involved in designing and developing it and so identify with it. Finally, design can help build community cohesion, which is again strongly associated with lower crime and concern about crime. In Salford, the Seedley and Langworth Trust created enclosed communal spaces behind rows of houses to provide places where children could play safely and neighbours could interact. This in turn was associated with a reported increase in community spirit and reduced crime.²³

3.2.2 Health and well-being

Just as there are strong links between design and crime, so there are between design and well-being. Many health challenges – like reducing obesity, diabetes, heart disease and depression – can be, in part, addressed through promoting more active life-styles, including walking, cycling and jogging. Spending time outdoors has been shown to be good for mental and physical health. Finally strong social ties are closely linked with good health and well-being. Design in turn can help on all these fronts, through creating environments that encourage people to exercise and to spend time outside, and by facilitating interaction and encouraging the development of social ties and community cohesion. For instance, a recent study of three Bristol streets shows that people who live on quieter streets are much more likely to spend time outside and to know their neighbours, than those who live in streets with high traffic volumes.²⁴ Residential developments designed to include semi-public communal spaces – such as Coin Street in London or the prize-winning Accordia housing development in Cambridge – can help foster strong relations between neighbours who use and police these common spaces.

3.2.3 Inclusive communities

The way a place is planned and designed affects the extent to which people are alienated from or included in local life in a number of related ways. Quality of place can have a disproportionate effect on more vulnerable people. As a general rule, people on low incomes are more likely to live in lower quality areas.²⁵ Yet evidence suggests that people on low incomes are more likely to spend more time close to home, to be more reliant on local services and social ties and are less likely to move away.²⁶ So, low income groups will be particularly affected if services, facilities and opportunities are remote or of poor quality or if the design of their neighbourhood encourages crime and social isolation.

Planning, urban design and architecture have a central role in helping older and disabled people live independent and fulfilling lives – as laid out in the Government's *Lifetime Homes, Lifetime Neighbourhoods* strategy. These groups tend to be particularly dependent on their neighbourhoods – they tend to spend more time in them than younger, or non-disabled people and to make great use of local amenities, including health services, shops and

Children benefit both from outdoor play and from everyday interaction with nature. The built environment has a major impact on children and young people's quality of life and life chances

green spaces. When services are inaccessible or public spaces unwelcoming, older people can feel trapped in their own homes. Good planning, by contrast, can help ensure older and disabled people have the local amenities and services they need. Good urban design and environmental management can help empower them to move around safely and easily. Good architecture can help ensure that homes and other buildings are flexible, functional and meet the needs of all age groups. The need, in particular, to ensure that homes and communities are age-friendly is becoming ever more urgent as Britain's population gets older.²⁷

The Government's strategy for lifetime homes and neighbourhoods

In 2008 the Government published its strategy for promoting lifetime homes and neighbourhoods for an ageing society. This strategy set out a package of measures to ensure that older people live in high quality, warm environments that are suited to their needs – homes and neighbourhoods that help to make life easier, and to turn the challenges of ageing into opportunities. The strategy identified key practical features to promote accessibility and create lifetime neighbourhoods, including:

- Well designed paving and kerbs
- Access to public amenities
- Public toilets
- Street lighting
- Accessible public transport
- Appropriately located bus stops
- Disabled parking bays
- Green spaces and meeting places that promote inter-generational contact
- Information and advice for finding one's way

At the other end of the age spectrum, the built environment has a major impact on children and young people's quality of life and life chances. Children, for instance, benefit both from outdoor play and from everyday interaction with nature. But the way an area is planned and designed will shape whether children are encouraged outside, whether they are allowed to walk to school unaccompanied, and whether they have the chance to enjoy trees, flowers and other wildlife.²⁸ Fortunately, areas designed with the needs and aspirations of children in mind tend to meet the needs and aspirations of older people as well.

Buildings and places configured to make the most of natural light, heat and ventilation can help reduce carbon emissions, while cutting fuel bills and combating fuel poverty

Greenwich Millennium Village, London © HCA



3.2.4 Better public services

Well designed, attractive public buildings and spaces can enhance public services in a range of ways. For instance, good design can increase service-user numbers – two years after Peckham Library’s bright, high quality new building was opened in 2000, annual visits had increased from 171,000 to 500,000 and book loans had risen from 80,000 to 317,000.²⁹ Good design can also boost staff productivity and lessen staff turnover. Research suggests that the design of the workplace can affect staff performance by 5% for individuals and by 11% for teams.³⁰

Building good design into classrooms has a significant impact on pupil achievement and behaviour. A UK study of pupil performance found that capital investment in school buildings had a very strong influence on staff morale, pupil innovation and effective learning time.³¹ Studies on the relationship between pupil achievement and behaviour have found that test scores in well designed buildings were up to 11% higher than those in poorly designed buildings.³²

Patient recovery times can be reduced by well designed healthcare buildings while attractive, functional working environments help recruit and retain hospital staff. Eighty six per cent of directors of nursing say that hospital design is ‘important’ or ‘very important’ in relation to the performance of nurses.³³ Over 90% of nurses and all directors of nursing believe that a well designed environment is significantly linked to patient recovery rates.³⁴

3.3 Environmental benefits

3.3.1 Environmental sustainability

The way that a place is planned, designed, developed and maintained has a clear and obvious effect on its environmental sustainability. Places that are relatively dense and well served, with a good mix of facilities and services, attractive buildings, clean and pedestrian friendly streets and green spaces, will discourage car use and encourage walking and cycling. Furthermore, as a place becomes denser so public transport becomes ever more efficient and viable. High densities can benefit the environment in other ways: flats and terraced houses tend to be more economic to heat than detached houses. One recent study found that per capita greenhouse gas emissions for a Londoner in 2006 were the equivalent of 6.2 tonnes of CO₂, compared with 11.19 for the UK average.³⁵ The difference is largely due to London being built to a relatively high density.

Investing in heritage is, as already indicated, often a more environmentally friendly option than investing in new buildings. Green space can play an important part in protecting and promoting biodiversity, and reducing urban temperatures.³⁶

Finally, of course, the design of buildings contributes hugely to environmental objectives. Buildings and places configured to make the most of natural light, heat and ventilation can help reduce carbon emissions, while cutting fuel bills and combating fuel poverty.

Case study

Hanham Hall, near Bristol

A community trust managing a zero-carbon development

The proposed transformation of a former hospital site at Hanham Hall, Bristol, into an 'Eco-Village' will deliver the UK's first zero-carbon housing development. The new housing will be designed to meet level 6 of the Code for Sustainable Homes – the highest level. The site is the first to be brought forward under the Government's Carbon challenge initiative. Barratt Homes, working with HTA Architects and Arup, won the Challenge to create 195 homes and to renovate the historic, Grade II* listed Hanham Hall and Gardens.

The proposed scheme demonstrates how historic assets and the natural context can add value to the creative place-making process, and offers an imaginative solution to the regeneration of the Hall. Hanham Hall and Gardens will be the hub of the neighbourhood, acting as a flexible community centre that will include a Sustainable Living Centre, crèche and café and a base for a car club.

High environmental standards are evident in every element of the development. The new homes will be prefabricated from energy efficient materials, designed to very high insulation standards and orientated towards the sun to maximise passive solar heating. Materials from the present structures on the site will be recycled in the new development to reduce the carbon footprint. The landscape has been designed to accommodate and increase local wildlife; rainwater will be harvested for use in homes and gardens and stored in swales which are a visual focus of the public realm; and residents will have access to allotments and orchards to grow their own produce.

A community owned and run development trust will be responsible for day-to-day management of the entire neighbourhood, including building maintenance, car sharing and gardening clubs.



© HTA Architects

3.3.2 Climate resilience

The built environment does not only have a role to play in cutting energy use and greenhouse gases. It has just as vital a role in helping us adapt to climate change and making us more resilient to the extreme weather that climate change will bring with it. Parks and green infrastructure, in particular, have been shown to reduce the 'urban heat island effect' – the process by which urban areas become warmer than surrounding countryside – and lessen flooding. Work by Manchester University suggests that increasing green 'coverage' in high density urban areas by only 10% could mitigate temperature increases from global warming, possibly keeping temperatures at today's levels or below.³⁷ Vegetation, in the form of parks and gardens, but also green roofs and walls, can increase rainfall capture.

Of course, greener, more environmentally sustainable cities, towns and neighbourhoods will also be more attractive, enjoyable and healthier ones. In this respect climate change represents not just a threat but an opportunity – addressing it will help improve quality of life.

Vegetation, in the form of parks and gardens, but also green roofs and walls, can increase rainfall capture

Bath Circus © Matt Cardy/Getty Images



4 Progress and challenges



4.1 Progress

The last decade has seen enormous progress in the public sector's approach to quality of place and to the actual quality of real places. Increased investment in the public realm has gone hand-in-hand with new and demanding design and sustainability standards, strengthened policy and guidance, a more positive and strategic planning system and measures to encourage better public buildings and private development. More has also been done to promote a more constructive approach to built heritage, and foster greater public engagement in the planning process.

These policies have made a profound difference to the quality of place across the country.

Government policies to promote better quality of place

1999 Creation of **Commission for Architecture and the Built Environment (CABE)**, with remit to promote good standards of architecture, urban design and (later) public space

2000 Establishment of **Better Public Buildings programme**, including the creation of ministerial design champions, promotion of design champions throughout public services, and introduction of the Prime Minister's Better Public Building Award

2001 Publication of ***The Historic Environment: A Force for Our Future*** which recognised that heritage is all around us and can contribute to achieving objectives across government

2003 Establishment of **Building for Life standards**, demanding sustainability and design standards for new homes and neighbourhoods

2004 Passing of **Planning and Compulsory Purchase Act**, giving planning authorities a more proactive role in planning development and shaping places, with emphasis on sustainable, inclusive and well designed development

2004 Publication of ***Safer Places: the Planning System and Crime Prevention***, emphasising the importance of designing out crime at the planning stage

2005 Issuing **Planning Policy Statement 1**, creating a positive obligation on all planning authorities to promote sustainable development and good design

2005 Creation of mandatory **Common Minimum Standards for Procurement of built environments in the public sector**, intended to ensure investment is cost effective across the whole life of the building and promotes sustainability and good design

2006 Introduction of **'Biodiversity Duty'** on all public bodies to promote conservation of biodiversity as part of developing distinctive sustainable communities

2006 Issuing of **Planning Policy Statement 3** (Housing), creating a positive obligation on all planning authorities to promote the achievement of high quality homes and neighbourhoods

2007 Publication of ***A Strategy for England's Trees, Woods and Forests***, recognising the need to help people engage with ownership, design, management, maintenance and use of their local trees and woodlands

2007 Publication of the ***Manual for streets***, emphasising the need to design residential streets as social spaces

2007 Publication of the White Paper ***Heritage Protection for the 21st Century***, setting out a more efficient, transparent and flexible approach to protecting our heritage

2008 Publication of ***Communities in Control*** White Paper, with proposals for increased promotion of public engagement in planning and design, including establishment of a **'duty to involve'** and creation of the Community Involvement in Planning Fund

2008 Creation of **Homes and Communities Agency**, with an explicit mission to promote good design

2008 Publication of ***Lifetime Homes and Lifetimes Neighbourhoods Strategy***, laying out how government will create homes and neighbourhoods for every age group including older people

2008 Passing of the **Planning Act**, placing all planning authorities under an explicit obligation to promote sustainability and good design

2009 Launch of the **Engaging Places** website, to support teaching and learning through the built environment, helping young people to see the value of well-designed places



In 2002 only around 120 Parks had secured a 'Green Flag' for quality, but by 2008 there were over 720 Green Flags awarded

4.1.1 More sustainable development

Government support for sustainable regeneration and development, including planning policy and centrally funded regeneration programmes, has led to an increase in the proportion of development taking place on brownfield sites, higher residential densities and less out of town development. The proportion of development on brownfield land has increased from 56% in 1997 to 77% in 2007.³⁸ Furthermore, the average density of new residential development has increased from 25 dwellings per hectare in 1997 to 44 in 2007.³⁹

The emphasis on creating communities that offer a wide range of facilities and services to residents and workers is also paying off. Surveys show that while there has been an increase in people reporting difficulty accessing post offices, fewer people now report difficulty accessing schools, shops or healthcare services – even without a car – than they did a decade ago.⁴⁰

4.1.2 Urban renaissance

Government policy has helped transform Britain's cities – especially city centres – over the last decade. The last decade has seen many examples of good urban design, sensitive renovation, great architecture and imaginative investment strategies working together to revitalise city centres. As a result many more people are choosing to live in the heart of our older cities – once a byword for decline. The residential population of Birmingham, for example, has increased by 10% and that of Bristol by 39% since 1991.⁴¹

4.1.3 Better public realm

Overall there has been a significant improvement in quality of the local environment. Objective assessments of the quality of local neighbourhoods undertaken annually by the environmental charity ENCAMS and encompassing 'condition and maintenance' of the public realm, as well as factors like litter and dog fouling, show that where in 2001/2 61% of neighbourhoods were rated unsatisfactory and 7% rated poor, these figures, more recently, had improved to 48% rated unsatisfactory and 5% rated poor.⁴²

Responding to consistent evidence showing that people value their local parks and wanted to see them improved, the Government and the Lottery funds have done much to strengthen the funding and management of green space. To date the total Lottery investment in parks is around £560m and more than 500 UK parks have been funded. Natural England promotes 'Accessible Natural Green Space Standards' and has recently published green infrastructure guidance for planners and developers. And the Government has earmarked £38m from the Growth Area Fund to support the provision of green infrastructure. This is resulting in real progress on the ground. Where in 2000 less than 44% of local green space managers believed the quality of their parks was stable or improving, this figure had risen to 84% by 2005.⁴³ In 2002 only around 120 parks had secured a 'Green Flag' for quality, but by 2008 there were over 720 Green Flags awarded.⁴⁴

Case study

Sheffield city centre

Transforming a city through better public space

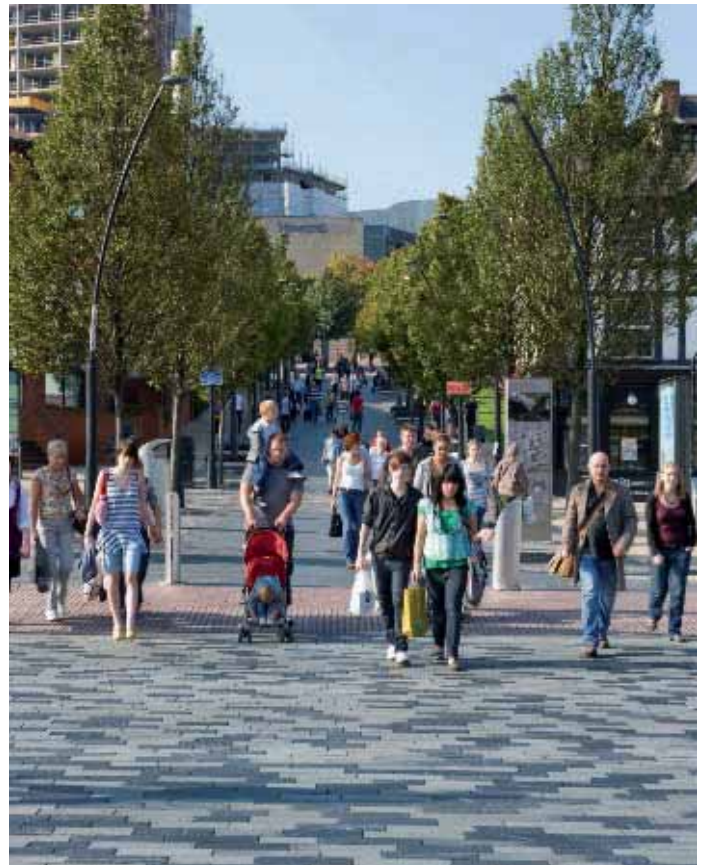
After several decades of economic and social decline, Sheffield has, over the last half-decade, re-invented itself. Arguing that improving quality of place was key both to improving residents' quality of life and attracting investment, the city has worked with the Regional Development Agency (Yorkshire Forward), the Homes and Communities Agency and private sector developers to invest in the physical regeneration of the city.

In 2004 the city council launched the Sheffield City Centre Urban Design Compendium, which lays out urban design principles for the city, as well as specific guidance for the most important areas. The council has also set up an independently chaired Urban Design Review panel that assesses the quality of new schemes before they are submitted for planning

approval and suggests how they can be improved.

Particular emphasis has been placed on transforming the city centre, with new, carefully linked streets and spaces fronted by exciting high quality architecture. The newly created Peace Gardens act as the heart of the city. Shaped by a comprehensive public consultation exercise, the Gardens incorporate fountains, seating, lawns and planting. The sunken nature of the Gardens provide a sense of containment and protection, while ensuring the whole development is overlooked by passers-by. The city and private sector property owners have developed a joint approach to managing the public realm, including the introduction of a team of uniformed 'Ambassadors' who help police the city, keep it clean and assist visitors.

Sheffield Winter Gardens and Gold Route © CABE/David Millington Photography Ltd





In 2008, for the first time, the Stirling Prize was won by a residential development – Accordia in Cambridge

4.1.4 Better public buildings

With government investing significant sums in public buildings, such as schools, hospitals, stations, libraries and museums, it is important to ensure that these are attractive, functional and built to last. That is why we launched the Better Public Building initiative in 2000 and have introduced and promoted demanding standards governing the process of commissioning new public buildings – the Office of Government Commerce’s Common Minimum Standards. This has resulted in a real improvement in the quality of new public buildings, the best of which are recognised by the Prime Minister’s Award for Better Public Building (won in 2008 by the Royal Alexandra Children’s Hospital in Brighton). Three out of the four UK buildings on the shortlist for the 2008 Stirling Prize for architecture were public buildings.

4.1.5 Better homes and neighbourhoods

Just as the last decade has seen high levels of investment in public buildings, so government has also invested in affordable homes and associated infrastructure. Here too, there have been important steps taken to ensure that this money is well spent. The Government has introduced new and demanding design and sustainability standards on Government funded homes, including Building for Life, managed by CABI and the Homebuilders Federation (HBF). We supported pioneering experiments in new residential design, such as the Design for Manufacture competition. We have created the Homes and Communities Agency, with an explicit remit to promote good design. We have said that all publicly funded homes will be built to ‘Lifetime Homes’ standards by 2011 – a simple set of standards to ensure that all new homes are functional for all – and we expect all homes to meet Lifetime Homes standards by 2013.

In 2008, for the first time, the Stirling Prize was won by a residential development – Accordia in Cambridge.

4.1.6 Protecting and reviving the best of the past

The last few decades have seen a growing appreciation of the importance of the historic environment to quality of place. Government has responded with increased funding and guidance emphasising the value of making the most of the legacy that past generations have left us and integrating it into new development. Government investment moreover has been complemented by investment from the National Lottery, with the Heritage and Big Lottery Funds helping conserve and revitalise many historic townscapes, buildings and green spaces.

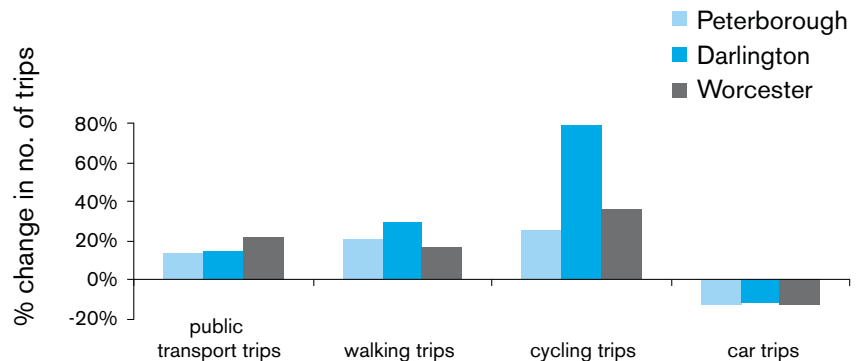
4.1.7 Better, more sustainable urban transport

Cars and other motor vehicles have their place in our cities and towns, but where they dominate they can create a hostile and unsafe environment. The Government has sought to promote more sustainable, pedestrian friendly forms of travel, by investing in public transport and cycle routes, and supporting local moves to create Home Zones, lower speed limits, and encourage more walking and cycling. Public action appears to be pushing things in the right direction and after many decades of rising car use, the average annual distance travelled per person by car has now levelled off. Over the last decade the average distance covered by walking has also remained stable, and the distance travelled by public transport has increased.⁴⁵

Sustainable Transport Demonstration Towns

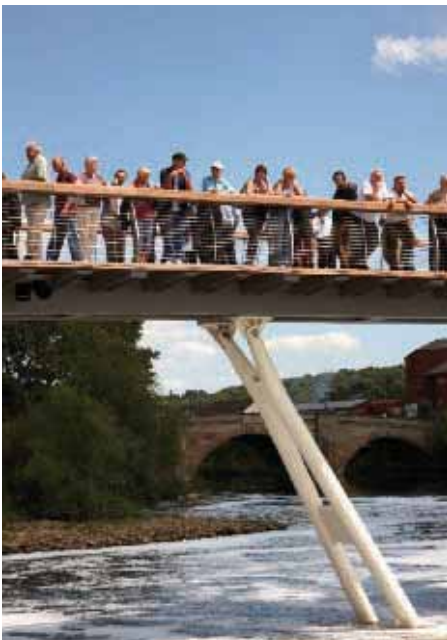
In 2004 Darlington, Peterborough and Worcester became 'showcase' demonstration towns, with government funding to promote healthier and more sustainable modes of transport. This initiative showed how a concerted drive, including capital investment in public transport and improved infrastructure for pedestrians and cyclists, can promote a shift in travel patterns, so improving quality of place.

% change in number of trips by mode in the three demonstration towns



Department for Transport figures

Castleford footbridge © Tim Soar



4.1.8 Better public engagement

Users and citizens have a vital contribution to make to shaping and maintaining high quality places. Public engagement works best where it begins early on and evolves into a trusting and respectful relationship.

There is great public interest in quality of place. Some of this takes the form of people objecting to proposed developments – an important right. However, it can take other forms too. A very large number of people – perhaps larger proportionally than anywhere else in the world – play an active role in conservation as members of heritage organisations,⁴⁶ or in looking after urban parks and promoting urban flora and fauna. Most people report wanting a greater say in decisions that affect their local neighbourhoods.⁴⁷

The Government has done much to encourage greater involvement in planning, shaping and looking after the built environment. The landmark 2004 Planning and Compulsory Purchase Act, for instance, is helping to create a more positive and strategic planning system, with community engagement at its heart. The 2008 empowerment White Paper, *Communities in Control*, announced a £4 million Community Involvement in Planning Fund to promote greater public participation in planning and designing places.

Helped by government policy, the public is getting more engaged and earlier on. In particular, there have been many cases where the use of deliberative methods of engagement, focused on specific sites, has helped build a local consensus.⁴⁸

Finally, through *Engaging Places*, a project to unlock the educational potential of the built environment, the Government has worked with CABI, English Heritage and others to promote interest and understanding among young people and to give them the confidence to shape the places around them. Most recently *Engaging Places* launched a major new online teaching resource – www.engagingplaces.org.uk – and is developing a network for providers and teachers.



New and emerging public policy concerns – climate change, life-style related health problems, an ageing society – require fresh thinking

4.2 Challenges and opportunities

Although much has been achieved already in terms of improving the quality of our cities, towns and neighbourhoods, progress has not been consistently strong. Our analysis identifies some remaining challenges.

4.2.1 Challenges

The design quality of new public buildings and standards of new homes and neighbourhoods, private and publicly funded, could be further improved.⁴⁹ CABE's audit of private sector housing found that 18% were good or excellent, 53% average and 29% poor. Particular weaknesses identified included:

- Public realm such as parks and squares was often insufficient for the scale of the scheme or ill-maintained
- New developments missed opportunities to take advantage of existing heritage including buildings and open spaces, with the result that too many new developments have a 'could be anywhere' quality about them
- New neighbourhoods were often difficult to access or move through, largely because street design primarily took into account the needs of vehicle users rather than seeking to accommodate the needs of the wider community such as pedestrians and cyclists

The recently published review of affordable housing also showed that standards are far from universally high.⁵⁰ Independent surveys of the quality of local environment, encompassing issues such as littering and dog fouling, as well as maintenance of roads and streets, show that although public satisfaction with the quality of local areas has improved over the last decade, this now remains steady at around 66%.⁵¹

English cities are not scoring as well as others on quality of life and sustainability criteria, according to international rankings. While there is no authoritative international ranking of cities for quality of place, as this is characterised here, the best known list, the Mercer list, ranks the world's top 50 cities in terms of quality of life. In 2008 this featured only one English city – London (London is ranked 38th, with Birmingham ranked 56th, jointly with Glasgow). This contrasts with, say, Switzerland and Germany, which each have three cities represented in the top ten.⁵²

We also know that while many areas are well endowed with good quality parks and other green space, this is not always the case – people in deprived areas are nearly six times less likely than those in affluent ones to describe their area as 'green'.⁵³ And one in six urban local authorities still say that their green space is in decline.⁵⁴

Added to this, new and emerging public policy concerns require fresh thinking. For example, the challenge of climate change necessitates a step-change in provision of 'green infrastructure'. The challenge of demographic change and an ageing society demands that built environments are designed to accommodate a diversity of needs. Furthermore, the need to address the rise of chronic, life-style related health problems also requires us to think differently about how best to design our neighbourhoods, towns and cities to encourage more active life-styles.

4.2.2 Opportunities for improvement

So why is progress not consistently strong? Our analysis identifies a number of opportunities for further improving quality of place.

Leadership on quality of place could be stronger. This is true at the national, regional and local levels. Elected leaders and public sector executives do not always prioritise quality of place and good design in their decision-making or appreciate its role in securing wider positive outcomes. Public sector performance regimes could do more to encourage investment in quality of place.

Relevant national policy, guidance and standards need to reflect new challenges and new thinking. Policies and guidance need to reflect, in particular, the importance of green infrastructure, public realm, better use of heritage and the need to design in a more inclusive way to accommodate the needs and aspirations of all social groups, including the growing number of older people.

Public and wider community engagement could be of higher quality, especially in the crucial, early stages of planning and design, when most important decisions are made and when the views of the community can add greatest value. There are opportunities to engage and empower the public in assessing their local environment and identifying how it could be improved and in managing local assets. And more could be done to engage service users and local communities in designing public buildings.

Government funds the development and upkeep of a wide range of public buildings and spaces, which in turn have an important impact on quality of place. **Central government procurement processes could attach more importance to good design.** Although there are very clear quality thresholds in place to guide the design and construction of some particular types of buildings, such as schools and affordable housing, these need to be rolled out across the board.

There are many examples showing that investing in design quality and quality of place brings a positive financial return through increased sale prices, quicker rates of sales and in building a positive reputation. **But there could be more buy-in from private sector developers to the case for investing in good design and quality of place.**

The planning policy framework now exists to enable local authorities and their partners to take an active lead in shaping development in their areas. **But some local leaders could be more ambitious in setting standards or demanding quality from local developers.** Where civic leaders are able to articulate a clear and ambitious vision of how they want their locality to develop and communicate this to developers, we are more likely to get high quality places. Articulating that vision requires planners, heritage officers, highways officers, designers and local leaders to come together early to agree how to make the most of a locality's or site's existing assets, including its historic and natural assets.

Finally, **there could be more widespread access by public sector bodies, and planning authorities in particular, to the full range of quality of place skills** – including planning, regeneration, conservation, heritage, urban design, green space and street design and transport engineering skills. Government has a role to play in encouraging more people to develop these skills. But there is also considerable scope for local authorities to better deploy skills, by drawing on external expertise and sharing their own expertise with others, for instance by developing joint services.



As important as it is to tackle issues presented by the downturn, we also need to ensure that we continue to plan and invest for the long term

4.3 The downturn and quality of place

The challenges identified above will require sustained attention over the medium to long term. In addition, the current economic conditions have also added newer, short term pressures and challenges. There has been a slowdown across private sector development – residential, office, retail, leisure and industrial. While this slowdown has been greatest in the Midlands and North of England, all regions are seriously affected. This slowdown is, in turn, affecting public sector regeneration strategies and projects. Developments in deprived areas are at particular risk because returns on investment tend to be lower. Developers are also reporting difficulties in delivering on Section 106 agreements to contribute towards development of infrastructure and affordable housing. Local authorities are coming under increasing pressure to cut budgets including planning, heritage and environment budgets.⁵⁵

Government has already taken steps to address these issues, including helping vulnerable individuals and families with mortgages and making funding available to help developers keep housebuilding projects moving and local authorities to deliver more social homes, prioritising schemes that meet high energy efficiency standards. And we will do more. But as important as it is to tackle issues presented by the downturn, we also need to ensure that we continue to plan and invest for the long term. The objective and actions laid out in this strategy aim to do just that.



Royal Festival Hall © HCA

Case study

Upton, Northampton

A high density urban extension, with good local engagement

The vision for Upton as a sustainable urban extension on the edge of Northampton was developed collaboratively through an 'enquiry by design' initiative, facilitated by the Prince's Foundation for the Built Environment. This involved the local community, the Local Authority, the landowner – HCA – and statutory consultees. A week of intensive design workshops helped forge agreement on the basic approach and find solutions to issues like flooding, density, building heights and highway design. The development includes 1,400 energy efficient homes, a primary school, shops, offices, cafes, pub, nursery, playing fields and a country park.

The development process, started a decade ago, pioneered the reintroduction of design codes into British urban planning. The code encourages individual architectural expression and innovation, while laying down basic rules of massing, height

and density. The design code is overseen by a stakeholder group led by the local authority who monitor the quality of all proposals in advance of planning applications. This process has led to better designs, which in turn have helped to speed delivery – detailed applications taking only around eight weeks to be approved. A resident-run company will be responsible for the management of the public realm and communal courtyards once the project is completed.

Primary infrastructure, including a sustainable urban drainage system and the village square, has been delivered by HCA, encouraging investment and allowing it to demand high quality, public-minded development in return. Each phase of the development has been built to higher environmental standards, with the current phase being the first in the UK to achieve Code for Sustainable Homes Level 6.

© CABE/Stephen McLaren



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5 Building on success – next steps



We want to ensure that all places are planned, designed and developed to provide everyone, including future generations, with a decent quality of life and fair chances

So much for what has been achieved and the challenges we face. This chapter lays out the Government's strategy for building on past successes and tackling these challenges.

The approach taken here builds on the Government's existing priorities and policies. Since the landmark report of the Urban Task Force published exactly ten years ago, in 1999, for instance, and the *Our Towns and Cities* White Paper of 2000, the Government has been committed to promoting brownfield, mixed use, inclusive and sustainable forms of urban development, built around the needs of pedestrians as well as car owners.⁵⁶ This strategy sits squarely within this broad approach.

Similarly, over recent years the Government has sought to devolve power to the local level, while encouraging local government and services to play a more rounded and strategic 'place-shaping' role. We recognise that we cannot deliver better services or better places top-down. Our aim is to help empower and support local leaders, developers and local people to make improvements for themselves. The actions below are strongly in accordance with the devolutionary direction of government policy.

5.1 The Government's vision and strategic objectives for improving quality of place

The Government's vision for quality of place is simple. We want to ensure that all places are planned, designed and developed to provide everyone, including future generations, with a decent quality of life and fair chances. Put more concretely, we want to ensure that all places are planned, designed and developed so as to be attractive, prosperous, safe and sustainable, with a good mix of facilities, services and opportunities, a strong sense of local distinctiveness, ample green space, a lively public realm and good community life. We want to leave a positive legacy for future generations.

If Government is going to realise its vision for quality of place, addressing the challenges and making the most of opportunities set out in chapter 4 of this strategy, it needs to achieve seven strategic objectives:

- 1** Strengthen leadership on quality of place at the national and regional level
- 2** Encourage local civic leaders and local government to prioritise quality of place
- 3** Ensure relevant government policy, guidance and standards consistently promote quality of place and are user-friendly
- 4** Put the public and community at the centre of place-shaping
- 5** Ensure all development for which central government is directly responsible is built to high design and sustainability standards and promotes quality of place
- 6** Encourage higher standards of market-led development
- 7** Strengthen quality of place skills, knowledge and capacity

Specific actions under each of these seven strategic objectives are set out below.

Central government and our partners

Central government alone cannot create the sort of places we all want to see. A wide range of players, including businesses and developers, home-owners and landlords, community groups, service users and citizens, planners and designers, and regional and local government have a role in the development process and so shape quality of place.

Local government has a particularly important role. It is local government, after all, that sets the local policy framework – including the spatial plan and design standards and policy – within which development takes place, determines planning applications and enforces standards. More directly, local authorities are responsible for master-planning, designing and maintaining local areas, buildings and public spaces. The vast majority of planning applications in this country are determined at the local level, as are listed building and scheduled ancient monument consents. And the great majority of streets, parks and other public spaces are developed and managed locally.

If central government's capacity to 'deliver' better environments on its own is limited, it still has a vital contribution to make. The Government can help shape places in a number of ways:

- Indirectly, through its local government policy, especially local planning policy
- Directly, as a funder, developer and owner of the nation's public buildings and public land
- Contextually, through political leadership and narrative as well as through economic policy, skills policy and other broad policy approaches.

Central government alone cannot create the sort of places we all want to see. Local government has a particularly important role



Shirecliffe Community Hub, Soutrey Owlerton, Sheffield © CABE/David Willington Photography Ltd

Case study

Coin Street, London

A mixed use development with a good combination of private and public space

The Coin Street area of London's Bankside has evolved through various stages into a well designed, mixed use scheme. This includes housing, a public park, restaurants, shops, offices and workshops.

Local residents have had a leading role in developing and running the Coin Street development since the 1970s. Residents are represented in the organisations that develop and manage the area.

Commercial lettings are vetted to ensure quality and an appropriate mix of uses. Money made from these lettings is used to cross subsidise otherwise unviable activities and services. The main management company – Coin Street Community Builders – invests over £250,000 a year towards the maintenance of the parks and riverside walkways that it owns. All four Coin Street housing developments are run by co-operatives. Every adult tenant must become a member of the

co-operative after completing a training programme and is expected to take an active part in running it.

The development has all the elements that make for a high quality place. A mix of homes, some suitable for families, some for older people, many affordable, are served by good public transport and a range of shops and services. Developments are well designed and built, with many of the homes having either private outside space or communal gardens. These private or semi-private spaces open onto well designed and managed public spaces, including public gardens and, of course, the Thames. The development has made excellent use of local built heritage, with the Oxo tower, once a deserted power station and warehouse, converted into a mixed use development including shops, workshops, 78 homes for Coin Street Secondary Housing Association and restaurants.

© HCA



© HCA



5.2 Achieving our strategic objectives

Walmers Castle, Kent © English Heritage



Strategic Objective 1: Strengthen leadership on quality of place at the national and regional level

Committed and engaged leadership is vital at every level of government if we are to deliver our vision for quality of place.

The Government has a good record when it comes to leadership. The establishment of CABE, of Ministerial Design Champions, the Better Public Buildings Initiative and the creation of the HCA are just some examples of leadership in this area. Communities and Local Government now has, for the first time, an explicit objective to increase the proportion of new homes that meet 'Building for Life' standards. And the HCA has a clear statutory objective to achieve good design and sustainability. Moving forward, we will take the following steps to further boost national and regional leadership on quality of place.

Action 1.1 – Bolstering the role of Ministerial Design Champions

Improving quality of place is a cross-government issue and it is important that this is recognised at the highest level in all relevant organisations. So the Department for Culture, Media and Sport, with CABE, will lead on

strengthening the role of Ministerial Design Champions. The aim will be that every key Department will have a designated Ministerial Design Champion, with the Secretary of State for Culture Media and Sport acting as the cabinet level cross-government design champion. Their role will include both supporting and challenging their own departments and agencies to be good clients and to promote publicly the benefits of good design and quality of place. The responsibilities of Ministerial Design Champions will be recognised in their wider ministerial remit and they will have the resources and support from within their departments that they need to play their role effectively and meet their commitments. CABE will support Ministerial Design Champions, and their officials, through training, case study visits and opportunities to showcase their departments' work.

Action 1.2 – Embedding quality of place objectives and targets in departmental strategic objectives

While all departments have a role to play in improving quality of place, some departments have an especially important contribution to make, either because they have lead place-shaping responsibilities (for example, CLG and DCMS) or because their activity can have a major influence on quality of place – generally through their ownership, control or influence over public buildings and land. Departmental strategic objectives (DSOs) provide a means of ensuring that these departments recognise quality of place as a major responsibility and make a positive contribution to it. The Government will consider whether and how DSOs can be revised to include explicit design and broader quality of place objectives at the next suitable opportunity.

Action 1.3 – Ensuring Regional Development Agencies work to improve quality of place

Regional Development Agencies (RDAs) play a very important role in shaping quality of place. Legislation, currently before Parliament includes provision to give RDAs and Local Authority Leaders' Boards a duty to produce the new single regional strategies and in doing so to have regard to matters of design and sustainability. Should these provisions become law, the Government will ensure that the guidance for RDAs and Leaders' Boards on producing regional strategies will draw attention to the need to have regard to this duty. The guidance will build on current best practice within the RDAs and will encourage them to develop an appropriate performance management regime which reflects the importance of quality of place.

Action 1.4 – Publishing a statement of the Government's vision for the historic environment in England

The Government will publish a statement which sets out the guiding principles of its engagement with the historic environment in England. This statement will outline the many contributions that heritage can make to broader government objectives and confirm our commitment to protecting and promoting the historic environment through current and future policy-making. It will also set out the roles of our partners.

Academy of St Francis of Assisi, Liverpool © CABE/Dave Morris



Strategic Objective 2: Encourage local civic leaders and local government to prioritise quality of place

As already suggested, the quality of local places is largely determined at the local level. It follows that the Government's vision and ambitions for our built environment can only be realised in partnership with local leaders and local services. That is why we want and need to continue to support and encourage local leaders and local government to make a priority out of improving quality of place.

Action 2.1 – Developing better ways of assessing quality of place

Relations between central and local government have changed radically in recent years. Reducing the number of performance indicators set by central government, from around 1,200 to the current 188, demonstrated Government's commitment to its new relationship with local government.

The set of 188 National Indicators covers the national priority outcomes which local authorities will be responsible for delivering, either alone or in partnership with other public service providers. Targets in Local Area Agreements can only

be set against indicators within the National Indicator Set. Good quality of place has an important role in helping local government achieve many of these indicators. There are current National Indicators on housing, planning, transport and the environment that are directly related to aspects of quality of place, alongside citizen perception based indicators that measure attitudes towards the areas in which people live. However, collectively these do not yet reflect all the aspects of quality of place as defined in this strategy.

The Government will work with local government and other bodies including HCA, CABE and English Heritage to develop options for measuring quality of place as well as options for a new indicator/suite of indicators for inclusion in the National Indicator Set for future spending rounds. This will be done alongside work that is currently underway to develop a more outcome-focused, holistic way of measuring performance of the planning system and as part of the wider Government review of the National Indicator Set.

Action 2.2 – Ensuring that quality of place is reflected in the Comprehensive Area Assessment

The new Comprehensive Area Assessment (CAA) for local authorities and their partners will provide a robust independent assessment by the local public service inspectorates of how well local priorities are being delivered. It will include an assessment of performance and prospects for improvement in local areas against Local Area Agreement targets and the wider set of national indicators. CAA will consist of an area assessment that looks at how well local public services are delivering better results for local people and how likely they are to improve in future, and organisational assessments of individual public

bodies. The inspectorates' recently published guidance advises those carrying out assessments to consider 'whether an area is a good and desirable place to live, work or visit'. The Government will ensure that the inspectorates understand how quality of place is reflected in the National Indicator Set as it develops.

Action 2.3 – Working with local authorities to achieve high quality development

Government departments have an interest in supporting local government in promoting quality of place. Government will explore with local authorities and other partners how Government investment in local areas is best used to help drive up standards of development and support local authorities to improve quality of place in a cost effective way.

Action 2.4 – Improving support and training on quality of place for civic leaders

To complement the diversity of skills, knowledge and experience that civic leaders bring to their role, it is vital that they are properly supported in learning about quality of place, its importance, and how it can be achieved. There is already a good range of training and support on offer, and many local authorities have appointed Design and/or Heritage champions. Government will ask the LGA to work with other bodies, including the HCA, CABE and English Heritage, to ensure that the offer for civic leaders is well coordinated, relevant, draws on a broad range of disciplines including planning, design, green skills and conservation, and is being consistently taken up.

Action 2.5 – Establishing an award scheme for high quality places

A number of award or accreditation schemes already exist, including the Blue Flag scheme for beaches and the Green Flag scheme for parks and open spaces. These have been shown to be very effective in encouraging investment in raising the quality of local environments. Government will explore with LGA and other bodies options for creating a similar scheme for built localities, linked to other relevant award schemes such as the new award and knowledge transfer scheme being developed jointly by the Government and the LGA to replace the Beacons Scheme.



The Collection, Linnon © CABE/Michele Turran

Strategic Objective 3: Ensure relevant government policy, guidance and standards consistently promote quality of place and are user-friendly

Guidance and standards issued or endorsed by the Government or its agencies provide a powerful means of promoting quality of place. They need to be uniformly well informed, up to date, clear and consistent. Over the last decade much has been done to strengthen policy, guidance and standards. Planning policy, issued by CLG to local planning authorities, is being streamlined, with a stronger emphasis on sustainability, social inclusion and good design. In 2007 the Government published the *Manual for streets*, emphasising the need to design residential streets as social spaces. New standards of efficiency, security and safety have been developed for all new development and the Government has promoted the Lifetime Homes and Neighbourhoods standards, so ensuring that homes are built to meet the needs and aspirations of an ageing society. Furthermore Building for Life, established in 2003, has set particularly demanding new standards for homes and neighbourhoods – including design standards.

Defra's development of noise action plans is assisting the management of environmental noise and preservation of 'quiet areas' in large urban areas. There is a continual need, however, to revise, rationalise and integrate guidance and standards, in light of new evidence and objectives.

Action 3.1 – Developing new planning policy on green space and green infrastructure

Existing planning guidance emphasises the important contribution that healthy functioning ecosystems make to a better quality of life and to people's sense of well-being (PPS9), and the vital functions that urban green spaces perform as areas for nature conservation and biodiversity and by acting as 'green lungs' (PPG17). Planning Guidance also stresses the important role of urban green spaces, sports and recreational facilities in promoting healthy living, and in improving people's sense of well-being in the place they live (PPG17).

While this guidance remains valid, there is now a better understanding of the important role that green 'spaces' or 'infrastructure' will also need to play in response to climate change – including urban cooling and sustainable urban drainage. CLG will therefore work with other departments to revise and consolidate this guidance to provide a clearer message to local authorities about the vital and multifunctional roles of green infrastructure and what is expected of them in its provision.

Action 3.2 – Developing new planning policy on the historic environment

Existing planning policy guidance already lays out the need for planning authorities to ensure that the historic environment is conserved and, where appropriate, enhanced (PPG15 and PPG16). It has little to say, however, about the

benefits of viewing heritage as an asset that can attract investment, encourage regeneration or promote sustainability. CLG is therefore working with DCMS and English Heritage to develop a new planning policy statement which revises and refines existing planning policy. This will emphasise the positive contribution of heritage assets to local character and sense of place and the importance, wherever possible, of keeping them in viable uses that are consistent with their conservation.

Action 3.3 – Extending the *Manual for streets*

The *Manual for streets*, guidance on the design of lightly trafficked residential streets, put place-making on the agenda of those responsible for designing new residential streets. *Streets for all* and *Traffic management and streetscape*, published by English Heritage and CABI, and the Department for Transport respectively, showed how to improve existing local streetscapes. Further guidance is needed, however, on the design of the full range of streets and roads, including high streets and town and city centres, with the aim of improving standards of all highway design, and ensuring that our streets and roads are attractive, encourage cycling, walking and social interaction and serve all social groups. The Department for Transport will work with others including CLG, CABI, English Heritage and the Institution of Highways and Transportation to develop further guidance extending the principles in the *Manual* to other streets.

Action 3.4 – Developing an integrated set of standards for homes and neighbourhoods

The creation of the HCA, bringing together funding for social housing and urban regeneration, provides a good opportunity to strengthen and integrate guidance and standards in designing homes and neighbourhoods. The Government will ask HCA to develop and promote a strengthened and integrated set of standards, incorporating and/or drawing on existing design principles, guidance and standards, including Building for Life, Secured by Design, Lifetime Homes and Neighbourhoods, CABI's Principles of Inclusive Design and the *Manual for streets*. The new standards will cover not only the design of buildings but the wider public realm, with a particular emphasis on ensuring developments take an inclusive approach to accommodating the needs of all social groups. The HCA will also work with other government bodies to develop options for wider adoption of these standards as they become more firmly established.



Strategic Objective 4: Put the public and community at the centre of place-shaping

Places and buildings work best where citizens and service users are engaged in shaping them. Public involvement is particularly effective when the public is engaged early on in the development process.

Action 4.1 – Encouraging public involvement in shaping the vision for their area and the design of individual schemes

As announced in the *Communities in Control* White Paper, the Government will make funds available to support local authorities and third sector organisations in involving communities in shaping the vision for their local areas and individual developments. The Government will continue to work with relevant organisations such as LGA, Planning Aid, the Prince’s Foundation and CABI to promote innovative techniques for engaging the public and wider communities in influencing development in their local area. English Heritage will also consult widely over the coming year to establish the kinds of historic places people think it is most important to celebrate and protect through statutory designation.

Action 4.2 – Ensuring that citizens and service users are engaged in the design and development of public buildings

The Building Schools for the Future programme has been very successful at engaging and involving its key users, including schoolchildren and schools staff, in early discussions about the design of new school buildings and facilities. Consequently, the new facilities have a range of innovative features. There are opportunities to promote this approach within other government-led building programmes. The Government will therefore consider how best to encourage this, for example by ensuring that an element of funding within capital programmes is reserved to enable the public and service users to be involved in the early design of public buildings.

Action 4.3 – Encouraging community involvement in ownership and managing the upkeep of the public realm and community facilities

The *Communities in Control* White Paper set out the Government’s commitment to working towards the vision that ‘in 2020, in every locality, a proportion of public assets will be in the ownership or management of sustainable and energetic community organisations’. As part of its drive to realise this vision, the Government will continue to promote (through the Advancing Assets for Communities and Community Builders programmes) community ownership and management of public realm and community facilities. The Government will also explore opportunities for building skills within communities so that they can take on these responsibilities with confidence. For example, we will promote the use of the £20m transformation fund to support the development of innovation in adult learning as set out in *The Learning*

Revolution White Paper and by continuing to invest, through English Heritage, in developing the capacity of local groups to get involved in, and campaign for, improvements to their local heritage.

Action 4.4 – Promoting public engagement in creating new homes and neighbourhoods

It is important that as Government continues to fund development of new homes and neighbourhoods, the public are engaged in this process. The HCA will issue guidance on community engagement in the development process. Local communities will be consulted on and engaged in all HCA funded development, in accordance with the approach laid down in the guidance.



Strategic Objective 5: Ensure all development for which central government is directly responsible is built to high design and sustainability standards and promotes quality of place

Central Government funds the development and upkeep of a wide range of public buildings and spaces, which in turn have an important impact on quality of place. It also disposes of land to developers and so can influence place-making through its choice of developers and the conditions it attaches to development. It is important that Government ensures that centrally funded and controlled development advances quality of place. It is particularly important that, as the Government pushes forward ambitious public building and house building programmes, these are delivered to high design and sustainability standards.

Action 5.1 – Applying a design threshold to all new public building programmes

The Government continues to invest significantly in new capital programmes to deliver, for example, schools, healthcare facilities and transport infrastructure. The Government is committed to

ensuring that all the buildings delivered through these programmes are designed and built to the highest standards and improve the quality of life of their users and the local community. The DCSF, Partnerships for Schools and CABE have already worked together to ensure that all developments funded through the Building Schools for the Future capital programme will meet a demanding new minimum design standard or threshold before funding is released. Partnerships for Schools has also introduced rigorous Post Occupancy Evaluation for BSF schools to test user views of their new school environment. The Government will now work towards establishing and then applying a similar design threshold to all public building programmes, securing the best possible value from public expenditure on capital programmes. We will ask CABE to work with departments to develop an effective and proportionate way to set thresholds and measure performance against them.

Action 5.2 – Ensuring publicly funded homes and neighbourhoods meet high standards of design and construction

As action 3.4 lays out, the Government will ask the HCA to develop an integrated set of design quality standards for homes and neighbourhoods. We will also ask the HCA to ensure that the development that it funds meets these standards. Government will also seek to ensure that where it funds the development of new homes and communities through other routes that this development conforms to the new standards.

Action 5.3 – Attaching conditions to the disposal of public land to ensure high quality development

Government departments, local authorities and public agencies dispose of up to £6 billion worth

of public land and buildings every year.⁵⁷ It is already established policy that where public organisations dispose of public land to a private sector developer, who intends to use it to build homes, the public body disposing of the land should attach conditions to it ensuring that the development respects HCA quality standards. There is an opportunity to extend this policy to public sector land that is to be used for other types of development, beyond housing. The Government will explore the case for requiring public sector agencies to attach quality conditions to the disposal of public sector land for uses beyond housing, taking into account the evidence base, including the costs, benefits and impact.

Action 5.4 – Strengthening adherence to the Common Minimum Standards

The Office for Government Commerce’s (OGC) Common Minimum Standards, established by the Government in 2005, lay down mandatory standards for the procurement of buildings and spaces across central government, including departments, executive agencies and the non-departmental public bodies for which they are responsible. These standards are widely recognised as being exemplary, but they are not consistently adhered to. The Government will review how to strengthen adherence to these standards and look at options for extending their reach or promoting similar standards throughout the wider public sector.

Action 5.5 – Updating and strengthening adherence to the Protocol for the Care of the Government Historic Estate

Just as it is important that new centrally funded public buildings are designed and built to the highest standards, so it is vital that centrally

funded services continue to invest in their existing historic buildings and wider properties. Central government and its agencies own 1,100 listed buildings in England alone. In addition, Central Government has direct responsibility, as a landowner, for a significant part of our historic and natural environment. The Ministry of Defence, for instance, owns 174,500 hectares of land and over 610 scheduled monuments. The Forestry Commission owns 260,000 hectares and 650 scheduled monuments. In 2009 English Heritage will publish updated guidance for the care of the Government's historic estate, endorsed by DCMS and OGC.

Action 5.6 – Setting up or expanding public sector enabling teams to support first time and infrequent clients in capital programmes

Construction is a complex process and being a good 'client' is essential to getting good results. Clients who don't regularly procure buildings benefit from advice and support from experts. The Government will therefore consider how enabling services can best be made available to support first time and infrequent clients, for example by ensuring that an element of funding within capital programmes is reserved to fund an enabling team or through enabling support provided through CABE.

Northmoor housing, Manchester © CABE/David Millington Photography Ltd



Strategic Objective 6: Encourage higher standards of market-led development

The steps that the Government will be taking to improve the quality of government-led new development have already been laid out. But we also want to do more to encourage improvement in the design quality of market-led development, including housing. We have already seen, in recent years, an increase in the number of exemplary market-led schemes and we want to move to a position where this high standard becomes the norm.

Action 6.1 – Encourage local authorities to set clear quality of place ambitions in their local planning framework

It is important that as local authorities develop their local planning frameworks they take the opportunity to set clear quality of place ambitions as required by existing policies eg PPS1 (Sustainable Development) and PPS3 (Housing) and relevant forthcoming planning policy. There are existing sources of support for local authorities in doing this – for example, that provided by CABE and the Planning Advisory Service (PAS). The Government will continue to support the provision of these

services and facilitate the promotion and sharing of good practice arising from this work.

Action 6.2 – Encouraging stronger joint working early in the development process

As identified by the recent Killian Pretty review of the planning application process⁵⁸, pre-application discussions between planning authorities and developers have many advantages – especially for major proposals. They can speed up the planning process, lessen the risk that a scheme will be denied planning permission and help deliver a better quality development.

The Government is already committed to encouraging the wider use of Planning Performance Agreements, and using a simpler approach where appropriate. The Government will ask the HCA's Advisory Team for Large Applications to work with CABE, English Heritage and other bodies, to ensure that Planning Performance Agreements promote good design and quality of place, alongside other positive outcomes.

Action 6.3 – Developing and promoting the business case for investing in achieving quality of place

Many private sector developers already accept the business case for investing in good design and quality of place – as is shown by the quality of their developments. But this is not the case for all developers. The Government will explore with the development industry, CABE, HCA and others, how best to strengthen the business case for investing in quality of place – for example through developing and promoting a series of case studies.



**Strategic Objective 7:
Strengthen quality of place
skills, knowledge and capacity**

At the heart of creating successful, high quality places is the bringing together, through effective team-working, of a wide range of skills and knowledge from both the public and private sector. These skills include planning, regeneration, conservation, heritage, urban design, green space, road design, transport engineering skills and others. It is vital that we continue to apply and refresh these important skills in innovative and creative ways so that we use them to best effect in improving quality of place.

Action 7.1 – Strengthening advisory support on design quality for local authorities, the wider public sector and developers

There is already an array of support services available at regional and sub-regional levels to help local authorities, developers and others improve design standards and improve quality of place. These services include regional design review – review of a development scheme by independent design experts – and enabling services: input from expert design and construction advisors into the design of a scheme. These

services are currently supported and provided by a number of bodies including Regional Development Agencies (RDAs) CABE and Architecture and Built Environment Centres, which also play an important role in engaging the public, including schoolchildren, in place-shaping. However, the full range of services is not available in all regions, and in the light of recent changes to the role of RDAs and the creation of the HCA, there is a need to ensure that good joined-up regional support continues to be available. The Government will work with RDAs, HCA, CABE, EH and other bodies to further develop the business case for regional support, and where it is shown to be cost-effective, to sustain regional support for quality of place.

Action 7.2 – Encouraging local authorities to share planning, design, conservation and related expertise

Recognising that not all local authorities are able to develop in-house capacity, not least because not all areas are subject to the same development pressures at the same time, there is a strong case for encouraging and supporting a 'shared service' model of conservation, design and planning expertise. Making the most of the opportunities this could provide becomes more important, as local authority planning and environmental budgets come under pressure. The Government will therefore ask sector-led improvement bodies including the Improvement and Development Agency (IDeA) and the Regional Improvement and Efficiency Partnerships to explore how best to encourage greater pooling of local planning, design and historic environment expertise.

Action 7.3 – Ensuring that Councillors on planning committees have the skills and support they need

Planning committees, made up of democratically elected local councillors, are a valuable part of our local democracy. Nevertheless, it is important to ensure that committee members have the support and the training they need, so that they can exercise good judgement on design and quality of place matters, particularly in the light of the new requirements to achieve good design and sustainable development that were introduced in the Planning Act 2008. Therefore Government will work with the LGA and other bodies to establish whether the current training and guidance that is available for planning committees sufficiently covers the quality of place aspects of planning and to develop additional support if necessary.

5.3 Delivering this strategy

The Government is committed to delivering our strategic objectives and implementing the actions. We will publish by the end of summer 2009 an action plan laying out how we will deliver on each of the actions above. In 2010 we will publish an update on progress made in implementing this action plan.



Ashford community consultation © Urban Initiatives

Key to acronyms

CABE Commission for Architecture and the Built Environment

CLG Department for Communities and Local Government

DCMS Department for Culture, Media and Sport

HCA Homes and Communities Agency

DEFRA Department for Environment, Food and Rural Affairs

Endnotes

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- 2 *Towards an Urban Renaissance*, Urban Task Force, 1999
- 3 *Communities in Control: Real People, Real Power*, CLG, 2008
- 4 see *Enhancing Urban Green Space*, National Audit Office, 2006 and Sustainable Development Indicators, Defra, 2008
- 5 National Travel Survey, Office for National Statistics and Department for Transport, 2006
- 6 *House Building December Quarter 2008, England*, CLG, 2009
- 7 Best Value Performance Indicators data, 2006/07
- 8 Sustainable Development Indicators, Defra, 2007
- 9 *Does Money Grow on Trees?*, CABE, 2005
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- 15 *Impact of Heritage Lottery Fund (HLF) Funding: Visitor and Neighbourhood Surveys 2005-2007*, Analysis Report to HLF, Business Development Research Consultants Ltd, 2008
- 16 *Does Money Grow on Trees?*, CABE, 2005
- 17 Savills Memorandum, 15/10/2008. Note: 20 agents were consulted for the survey. The 'best in class' category was decided by each agent, based on their individual judgement of the 'best in class' of the properties on their books
- 18 *Heritage Counts*, English Heritage, 2003
- 19 *The Value Handbook*, CABE, 2006
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The way places and buildings are planned, designed and looked after matters to all of us in countless ways. The built environment can be a source of everyday joy or everyday misery. Its quality is an important influence on crime, health, community cohesion and prosperity. It has a major impact on wildlife and climate change.

The Government is committed to improving the places where we live, whether they be villages or large cities. This strategy lays out why and how quality of place matters and the practical steps the Government will be taking to build on the achievements of recent years and do more to create prosperous, attractive, distinctive, inclusive and sustainable world class places. It is important reading for all those involved in designing and developing our built environment.



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Appendix 2

King's Cross Triangle Site: Inspector's report



Report to the Secretary of State for Communities and Local Government

The Planning Inspectorate
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by **Mr D Lavender MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

Date 16 May 2008

TOWN AND COUNTRY PLANNING ACT 1990

APPEALS BY ARGENT ST GEORGE, LONDON AND CONTINENTAL RAILWAYS
AND EXEL PLC

AGAINST

(A) THE DECISION OF THE COUNCIL OF THE LONDON BOROUGH OF ISLINGTON

TO REFUSE OUTLINE PLANNING PERMISSION

AND

(B) THE FAILURE OF THE COUNCIL OF THE LONDON BOROUGH OF CAMDEN TO GIVE
NOTICE WITHIN THE PRESCRIBED PERIOD OF ITS DECISION ON AN OUTLINE
APPLICATION

FOR

MIXED USE DEVELOPMENT OF PART OF THE FORMER RAILWAY LANDS WITHIN THE
CAMDEN KING'S CROSS OPPORTUNITY AREA AND AN ISLINGTON AREA OF
OPPORTUNITY

AT

KING'S CROSS CENTRAL – THE TRIANGLE SITE

Inquiry held on 19-22 February 2008, 31 March - 1 April 2008 and 4 April 2008

Site inspection conducted on 7 April 2008

King's Cross Central - Triangle Site: Land between York Way, the Thameslink 2000 Rail Line and the
East Coast Main Line

File Refs: APP/V5570/A/07/2051902 and APP/X5210/A/07/2051898

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Appeal A: Ref APP/V5570/A/07/2051902

Appeal B: Ref APP/X5210/A/07/2051898

King's Cross Central - Triangle Site: Land between York Way, the Thameslink 2000 Rail Line and the East Coast Main Line

- **Appeal A** is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Argent St George, London and Continental Railways and EXEL Plc against the decision of the Council of the London Borough of Islington.
- The application Ref P041261, dated 24 May 2004, was refused by notice dated 17 July 2007.
- **Appeal B** is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Argent St George, London and Continental Railways and EXEL Plc against the Council of the London Borough of Camden.
- The application Ref 2004/2311/P, is dated 24 May 2004.
- The development proposed in **both applications A and B** is described in the applications as "mixed use development of part of the former railway lands within the Camden King's Cross Opportunity Area and an Islington Area of Opportunity, as set out in the Revised Development Specification. The development comprises residential; shopping, food and drink and professional services within the A1, A2, A3 and A4 use classes; a health and fitness centre (use class D2) incorporating medi-centre facilities, a crèche and community facilities (use class D1); amenity and open space; habitat area; recycling and other ancillary uses; parking; highway works to provide access; and other supporting infrastructure works and facilities."

Summary of Recommendations: I recommend that both appeals be allowed, subject to conditions.

1. Procedural Matters

- 1.1 These appeals effectively relate to a single and un-severable proposal. Applications were submitted to both Islington and Camden London Borough Councils solely because the site straddles the respective administrative boundaries (*CD1.4, drawing TS001*). In the interests of brevity and simplicity, this report considers the appeals as a single entity, except where differences in policy regime and approach to decision making between the respective Local Planning Authorities demand otherwise. The appeals were recovered by the Secretary of State for her own determination part way through the Inquiry, at the behest of two of the parties (*ID9.13, ID11.6*).
- 1.2 The applications were submitted concurrently with the Appellants' proposals for a much more extensive part of the former King's Cross railway lands, known as the "Main Site" (*CD1.4, drawing Context 001*), and a combined Environmental Statement (*CD1.16-CD1.20*) was submitted for both. Following negotiations with the Councils, the Appellants made revisions to the proposals for both sites in September 2005 and an Environmental Statement Supplement (*CD1.25 and CD1.28*) was produced. Further Environmental Information for the Triangle Site alone was requested by the Secretary of State on 26 November 2007 under Regulation 19 of the 1999 Regulations in the form of a combined assessment of operational noise and vibration impacts and an assessment of the impact of wind turbulence (*CD1.27A*). The scheme revisions and all of the further Environmental Information was compiled and publicised before the opening of the Inquiry, so no third party interests have

been prejudiced. The Environmental Statement, together with this additional Information, has been produced in accordance with the 1999 Regulations (as amended) and this report takes account of it, and of the views expressed on it by statutory consultees and others.

- 1.3 The application forms indicate that siting and means of access (to the extent defined and explained within the Development Specification) are not reserved matters.
- 1.4 The Revised Development Specification (*RDS, CD1.4*) includes a considerable amount of further information in amplification of the proposals, some of which is expressed as firm proposals and some as more general aspirations. A range of specific scheme components is also considered in the Environmental Information and in the Statement of Common Ground (*ID8.3*) that accompanies the appeals. Following exchange of correspondence on the subject during the course of adjournment (*ID8.8, ID9.9, ID11.4, ID12.10*) and discussion with the parties at the Inquiry, it was agreed that the description of the proposed development should mirror that in the RDS (*CD1.4, paragraph 3.1*), as follows:

“Mixed use development of part of the former railway lands within the Camden King’s Cross Opportunity Area and an Islington Area of Opportunity. The development comprises: residential; shopping, food and drink and professional services within the A1, A2, A3 and A4 use classes; a health and fitness centre (use class D2) incorporating medi-centre facilities, a crèche and community facilities (use class D1); amenity and open space; habitat area; recycling and other ancillary uses; parking; highway works to provide access; and other supporting infrastructure works and facilities.”
- 1.5 As such, it falls to planning conditions and obligations to define more closely any development that the Secretary of State may decide to permit, within the ambit of that description, the parameter plans and the scope of the Environmental Information.
- 1.6 There are also two matters that Islington London Borough Council wish to record in relation to its reason for refusal. The first is that the reference to PPG3 should be to PPS3 and, secondly, that following a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, Islington UDP policy H16 has not been saved and is thus no longer current. The parties accepted these points at the Inquiry and the evidence was heard accordingly.

2. The Site and Surroundings

- 2.1 The Triangle Site (*CD1.4, context plan 001*) is part of the former railway lands to the north of King’s Cross and St Pancras Stations. It extends to about 1.1 ha and represents a small proportion of the Appellant’s total land holding in the area which amounts, in all, to some 26 ha (the Main Site and the Triangle Site together). Its name derives from the fact that it is bordered on three sides by major transport infrastructure. Its principal frontage, to the south west, is to the busy York Way, which has recently been realigned to pass under a bridge carrying the Channel Tunnel Rail link (CTRL) into St Pancras Station. Land alongside the approach of CTRL to and from this new bridge, for use as a CTRL muster area, defines the site’s north-western boundary, where a new tunnel is currently under construction to route Thameslink trains from the East Coast Main Line Railway (ECMLR) into St Pancras Station and beyond. This

tunnel continues underneath the north part of the site and under the Main Site. The ECMLR itself passes under an enclosed viaduct carrying CTRL a short distance further to the north (photographs on pages 2 and 3 of ID8.3) and passes the eastern boundary of the appeal site in a cutting as it approaches a tunnel leading into King's Cross Station. There is also a short section of return frontage to Randell's Road, off York Way, at the southern extremity of the site.

- 2.2 The site is at present mainly level, but rises steeply on a grassy slope at its southern end. For the most part, it is unused but a small area around the present entrance off York Way is the temporary home for some metal storage containers and sundry other items as well as for car parking. The currently largely undeveloped land for some distance on the opposite side of York Road falls within the Appellants' Main Site. To the south and east, in Randell's Road and nearby Rufford Street, residential uses predominate but there are also warehouses here and, notably, a concrete batching plant (the "Cemex" Plant) which directly borders the east side of ECMLR. Existing mixed development to the north is physically and visually separated from the Triangle site by the raised embankment, bridge and viaduct carrying CTRL.

3. Planning Policies

- 3.1 National policy advice in Planning Policy Statement 1 "*Delivering Sustainable Development*" (PPS1), PPS3 "*Housing*" (especially paragraphs 1-10, 27-29 and Annex B) and Planning Policy Guidance Note 24 "*Planning and Noise*" (PPG24) is of particular relevance to these appeals. There is also further guidance in the November 2006 DCLG document "*Delivering Affordable Housing*", Practice Guidance on Strategic Housing Market Assessments, Circular 11/95 on Planning Conditions and Circular 5/05 on Planning Obligations.
- 3.2 The statutory Development Plan for the area includes the London Plan and the Unitary Development Plans (UDPs) for Camden and Islington. At the time the applications were being considered by the Councils, the London Plan 2004 had incorporated the adopted 2006 Alteration, but draft Further Alterations were published in September 2006 and underwent examination in July 2007. These further Alterations were approved and adopted part way through the Inquiry, in February 2008 (ID8.7). The proposals now stand to be judged in strategic terms against these new policies rather than those referred to in Islington Council's decision notice and the Statement of Common Ground (ID8.3), although the difference in those of relevance to the appeals affects their numbering rather than their substance. At Borough level, the Camden UDP (CD4.2) was adopted in June 2006 and is not therefore subject to "saved" policy Direction under the Planning and Compulsory Purchase Act 2004. The Islington UDP (CD5.1) was adopted in June 2002 and is subject to such Direction (CD2.4).

The London Plan

- 3.3 In the London Plan, policy 2A.5 (ID8.7, page 44) identifies King's Cross as one of 28 "Opportunity Areas" where spatial planning frameworks are to set out a sustainable development programme which, among other things, seeks to exceed the minimum guidelines for housing, promotes social and economic inclusion and co-ordinates cross-boundary working where appropriate. Similar themes are contained in policy 5B.1 (ID8.7, page 297) which establishes strategic priorities for North London, with policy 5B.2 and Table 51.B indicating

increased housing targets for the Opportunity Areas (*ID8.7, page 301*) and paragraph 5.26 (*ID8.7, page 299*) referring specifically to transport accessibility in areas including the King's Cross Opportunity Area. More generally, policy 3A.1 (*ID8.7, page 64*) urges Boroughs to promote policies which (like those for the Opportunity Areas) seek to achieve and exceed housing supply targets.

- 3.4 Of particular relevance to affordable housing, and the specific subject matter of these appeals, are policies 3A.9 and 3A.10 (*ID8.9, pages 76 and 77*). Policy 3A.9 requires Boroughs to set targets for affordable housing in Development Plan Documents (DPDs). These are to take account of regional and local assessments of need and the Mayor's strategic target for 50% of housing provision to be affordable and, within that, 70% to be social housing and 30% intermediate provision, with an aim of promoting mixed and balanced communities. Targets are to take account of the most robust available assessment of housing capacity and of potential sources of supply. Policy 3A.10 urges Boroughs, when negotiating affordable housing in individual private residential and mixed-use schemes to seek the maximum reasonable amount of affordable housing having regard to the policy 3A.9 targets, the need to encourage rather than restrain residential development DPD and the individual circumstances of the site. This is further explained in paragraph 3.52 of the London Plan (*ID8.9, page 77*) which says that Boroughs should take into account economic viability and the most effective use of public and private investment. It suggests use of the development control toolkit developed by the Three Dragons and Nottingham Trent University as one mechanism that might help.
- 3.5 Further strategic policies including 4B.1 4B.2, 4B.3 (*ID8.9, pages 245 - 248*) and 4A.3 (*ID8.9, page 199*) focus on encouraging high standards of urban and building design and promoting sustainable design and construction.

Camden UDP

- 3.6 Broad policy objectives for the King's Cross Opportunity Area are included in UDP Part I (strategy) policies SKC1-SKC4 (*CD4.2, pages 10 and 11*). These include achieving economic, social and physical integration with surrounding communities and developing a mixed use area integrated with its surroundings and to a very high standard of design, townscape, layout and open space, with employment and housing, including affordable housing, being "priority land uses". Part II (local) policies amplify these objectives, with policy KC4 (*CD4.2, page 170*) saying that the Council will grant permission for development proposals that secure a net increase of at least 1000 housing units (or 1076 gross) (*CD4.2, paragraph 9.46*). Of the first 1000, clause (a) requires that 50% must be affordable, apportioned as 35% social housing for rent and 15% for essential workers and other intermediate occupiers. Over and above these initial 1000 units, clause (b) expresses a target to achieve these same proportions rather than a requirement to do so. Clause (c) seeks a mixture of types, sizes and appropriate densities to meet local and/or London-wide housing needs, including the need for larger, family housing units. Clause (d) touches upon phasing. On a Borough-wide basis policy H2 (*CD4.2, page 43*) establishes, as targets to be aimed at in the negotiation of schemes, the same proportions of affordable housing provision as policy K4 but expresses them differently. It refers to 50% as the overall affordable target, of which 70% (ie 35/% of total provision, as KC4) is to be social rented and 30% (ie 15% of

total provision, as KC4) intermediate housing for those on moderate incomes including essential workers. Other Camden UDP policies establish a general development control regime aimed, among other things, at achieving sustainable communities and high quality design. Policy SD7B states that permission will not be granted for development sensitive to noise/vibration in locations with noise/vibration pollution.

- 3.7 Camden has produced a draft core strategy as part of the LDF process and an Issues and Options Paper for its proposed Development Policies DPD but both were, at the time of the Inquiry, only at consultation stage.

Islington UDP

- 3.8 Affordable housing policy in the Islington UDP (*CD5.1*) pre-dates the London Plan targets. Part II policy H14 (saved) (*CD5.1, page 154*) sets out a general desire to secure a variety of different types of accommodation, including accommodation for single people, large and small families, people with disabilities and people with other special needs. It states that the Council will also seek the provision and retention of a proportion of new housing as affordable units. This proportion is to be the maximum contribution that each proposal can reasonably make to meeting local housing needs, taking various factors into account. Mix of dwelling sizes is the subject matter of policy H15 (saved) (*CD5.1, page 154*) but does little more than repeat the need for accommodation suitable for small households and families from policy H14. With specific regard to King's Cross, this part of the Borough is identified as a "Priority Area" for regeneration in policy E12 (*CD5.1, page 170*), where paragraph 5.2.3 adds that partnership working with Camden London Borough Council already exists. Policy IMP18 (*CD5.1, page 320*) includes a statement that the Council will seek to ensure that the local community receives a fair share of the benefits that proposed infrastructure projects and development in the King's Cross area of opportunity will generate. Explanatory text makes clear that this includes affordable housing.
- 3.9 Islington submitted a draft Core Strategy, for Examination in Public, in March 2007 but this was withdrawn following objection from the GLA and an exploratory meeting with Government Office for London and the Inspector appointed to conduct the Examination.

Supplementary Planning Guidance (SPG)

- 3.10 The Strategic and Local Planning Authorities have all produced a considerable amount of SPG concerning the provision of housing, affordable housing and the development of the King's Cross area. There is a full summary in the Statement of Common Ground (*ID8.3, pages 46 – 60*), which is subject to the caveat at paragraph 1.4 (*page 1*). The key points are as follows.
- 3.11 The Greater London Authority's (GLA) SPG of November 2005 sets out the GLA definitions of social housing and intermediate housing (*CD3.8, page 42*) by reference to affordability. In brief, the latter is that purchase price must be no greater than 3.5 times the household income limit or 40% of net household income (*paragraph 15.7*). While specific income levels and housing costs are cited, these are subject to up-rating from September 2005. Intermediate housing is required to meet the defined income criteria for a fixed period determined by funding or legal requirements (*paragraph 16.5*). In assessing the viability of schemes, the impact of planning Obligations relating to other

community benefits is acknowledged to be a potential limitation on the affordable housing outturn. The SPG accordingly commends early discussion and agreement with the Housing Corporation, involving affordable housing providers. It adds that where grant is required to achieve a specific outcome, the local authority should seek to confirm grant availability before concluding a S106 agreement with the applicant (*paragraph 18.12*).

- 3.12 For the most part, Camden's SPG defers to UDP policy KC4 on the subject of affordable housing but makes the point that other planning objectives must be taken into account in applying policies to affordable housing and mixed-use development (*CD4.3, paragraph 3.4*). Like the GLA's SPG, it includes local housing cost information (*paragraphs 3.11 and 3.31*). It also makes particular reference to the arrangements for calculating the amount of affordable housing to be provided on sites, distinguishing between floorspace and unit numbers (*paragraphs 3.22 and 3.23*), its financing and procurement (*paragraphs 3.25-3.40*) and dwelling mix (*paragraphs 3.41 - 3.47*). In essence these arrangements seek to provide a high proportion of 3 or more bedroom units in the social rented sector in line with Camden's Housing Needs Survey (*CD4.9*). They also acknowledge the emergence of key worker housing as an important sector of intermediate provision, the role of staircasing, and the circumstances and processes for taking economic assessment into account. Notably, the SPG identifies housing, and affordable housing, as a high priority in the negotiation of planning obligations (*paragraph 32.23 and ID8.3, paragraph 7.21*). The SPG also includes some advice on noise and vibration, mainly by reference to PPG24, and is particularly relevant to the interpretation of UDP policy SD7 (*paragraph 28.13*).
- 3.13 In Islington, SPG (*CD5.5*) was produced in response to its Housing Needs Survey (*CD7.10*) and the London Plan, both of which were produced too late to inform the compilation of the UDP. It ranges across several of the topics considered in the Camden SPG but indicates a preferred mix of dwellings of 30% each for 1, 2 and 3 bed dwellings and 10% for 4 bed dwellings (*paragraph 5.1*). It sets a target of 35% affordable housing on all qualifying residential planning applications (*paragraph 5.3*), with a flexible mix of 25% social rented and 10% intermediate (*paragraph 5.5*). A Guidance Note on affordable housing was produced and adopted by the Council in October 2006 (*CD5.12*) to support its now withdrawn draft Core Strategy. Among other things, this seeks 50% affordable housing (as required by the draft Core Strategy) noting that the Council is concerned that insistence on this figure may result in some schemes being unviable and thus resulting in less housing schemes being developed and thus less affordable housing being provided (*clause (b)*). Where schemes achieve the 50% target, the Note says that the Council will accept a 60% social rented and 40% intermediate mix. In order to encourage family housing, it looks towards calculating the mix on the basis of habitable rooms rather than units (*clause (d)*). It also indicates that any receipts from the subsequent sale of low cost ownership housing will be required to be recycled within social housing schemes within the Borough (*clause (e)*).
- 3.14 Both Camden and Islington co-operated with each other in the production of a planning and development brief for the King's Cross Opportunity Area, published in 2004 following formal adoption by the Councils (*ID8.3, paragraph 7.29 and CD6.1*). This deals with the whole of the Opportunity Area, including

the main station buildings and their respective concourses. The area it covers thus extends, in all, to about 54ha (*CD6.1, plan facing inside of front cover, photograph on page 2 and plan on page 4*) and is thus larger than the Main and Triangle Sites combined. The document includes a record of community involvement in its preparation (*paragraphs 1.5.1 – 1.5.5*) and an outline of the objectives (*paragraphs 1.1.3, 1.4.3 and 1.4.4*). Also, it explains the provenance of the expectation for at least 1000 housing units (in addition to the retention or replacement of 74 originally on the site) in Camden's UDP policy KC4 (*paragraph 2.2.5*) and suggests a capacity for at least 1800 new homes (*paragraph 2.9.5*). Caution is expressed over creating excessive concentrations of affordable housing (*paragraph 2.9.1*) and certain locations are identified as likely to prove inappropriate for residential use because of environmental conditions (*paragraph 2.9.14*). These include facing the open tracks out of King's Cross station and at ground floor level above railway tunnels and abutting main roads. The respective UDP policies for affordable housing are referred to (*paragraph 2.9.16*) with emphasis given to the establishment of a sustainable mixed community (*paragraphs 2.9.15, 2.9.17-2.9.19*). The guidance adds that the Councils will seek to maximise grant and public subsidy in order to optimise delivery of affordable housing, remembering that grant and subsidy may not always be available during the development period. The Triangle Site is specifically identified in the Guidance as sub-area 5. Here, it is stated that

"The Triangle will have a development potential significantly shaped by the existing and new railway lines and by its role as an important part of the York Way street scene, complementing the wider development.... The mixed use development of the Area should continue into the Triangle, where the Councils favour housing, with retail or other uses to enliven the street frontages.... Subject to satisfactory designs and residential amenity being achieved this close to the railway lines, the Triangle could accommodate about 200 one- and two-bed homes in contributing to the overall housing provision in the Area. The site is considered well suited to key-worker homes as part of the range of market and affordable housing." (*CD6.1 pages 68 and 69 and ID8.3, paragraphs 7.39-7.40*).

4. Planning History

4.1 There is no history of previous planning permissions or refusals for the site relevant to these appeals but negotiations on the scheme have progressed over a number of years, beginning in 2000 and extending for some 4 years before the appeal applications were submitted. The main stages are summarised in the Statement of Common Ground (*ID8.3, paragraphs 4.8-4.57*). The key points are:

- Camden considered its application alongside the proposals for the Main Site at Committee on 8-9 March 2006 (*CD4.5*). Its Committee endorsed the officers' recommendation and resolved to submit the officers' report to Islington both as notice of Camden's resolution to grant outline planning permission for that part of the site falling within Camden, and as formal observations on the part falling within Islington, also seeking resolution by Islington to grant permission in the same terms (*ID8.3, paragraph 4.17*).
- Islington considered the Triangle Site application only (because its administrative area does not embrace any part of the Main Site) at the meeting of its West Area Planning Sub-Committee on 18 April 2006 (*CD5.15*). The officers' report and recommendations effectively mirrored

those of the Camden Officers (*ID8.3, paragraphs 4.20*). The Committee resolved to grant outline permission subject to various matters (*ID8.3, paragraph 4.22*). In particular, the Sub-Committee sought an amendment to recommended condition 26, with a view to limiting the number of residential units on the site to no more than 200, acknowledging that this would alter the development content and require referral back to Camden (to avoid inconsistent decisions) (*ID8.3, paragraph 4.24*) before the applications could be formally determined.

- In consequence of Islington's resolution, the Appellants requested the applications be held in abeyance while a feasibility assessment for the lesser number of units was undertaken (*ID8.3, paragraph 4.25*).
- Having completed that assessment in December 2006, the Appellants advised Islington that a 200 unit scheme could be viable and deliverable subject to variation in the affordable housing offer (*ID8.3, paragraphs 4.27-4.32*). The West Area sub Committee was not content with the affordable housing aspects and deferred consideration of the application while external advice was sought from the Housing Corporation and from Counsel on the affordability package and on the effect of the then newly published PPS3 and the implications of the Council's emerging Core Strategy (*ID8.3, paragraphs 4.36-4.38*).
- The Housing Corporation expressed a preference for the revised affordability package, particularly because the number of larger units would be increased (Camden having insisted that the affordable floorspace on the Triangle Site should not be reduced from that in the applications as originally negotiated and submitted). Counsel's opinion was to the effect that provided there was some recycling provision, the proposed intermediate housing would fall within Government guidance on affordable housing (*ID8.3, paragraphs 4.41, 4.42 and CD5.18*).
- The application was accordingly referred back to Islington's West Area sub Committee on 10 July 2007, again with a recommendation that permission be granted. The application was, however, refused and it is that refusal which is the subject matter of the current appeal A.

4.2 Significantly, the Appellants' indication that a 200 unit scheme would be viable was not made the subject of a formal amendment to the applications as submitted, so Islington's decision and both appeals relate to the 246 unit scheme. Camden Council did not formally reconsider the proposal between its March 2006 Meeting (CD4.5) and its Meeting on 18 October 2007 when its supportive stance on the applications for this appeal was decided (CD4.4).

5. The Proposals, Common Ground, and the Accompanying Planning Obligations

5.1 The scheme drawings are the same for both applications and are those referred to as "parameter plans" within the Revised Development Description booklet (*CD1.4, parameter plans TS001-TS009*). These show, among other things, the application site boundary (defined by red line in drawing TS001), the details of proposed siting (of the building or buildings) and means of access. In essence, the existing site access would be relocated slightly further to the south than at present, to a position directly above the new Thameslink Tunnel and directly opposite a proposed access to the Main Site.

From this lowest part of the site (23.1m AOD), vehicles would be able to enter underneath the main deck level of the proposed development, which the parameter plans show would be set slightly above the existing higher level of the street level access at the southern Randell's Road end (28.1 m AOD). Above the deck level, there would be three main building blocks enclosing a central planted amenity space. Block A would be for market housing. It would face the Thameslink Tunnel and would vary between 61 m and 82 m in height (AOD) (or, illustratively, up to about 17 floors, plus roof and lower and upper ground floor levels). Block B would front onto York Way and would contain retail/business uses at ground floor level, and, built out above this, the proposed affordable housing. This block would be to a maximum height of 55 m (AOD) (or, illustratively, about 8 floors plus lower floors). Block C would back onto ECMLR (and the Cemex plant beyond) and would accommodate the proposed health and fitness centre. It would be up to 41 m high (AOD) (or, illustratively, about 3½ storeys above the lower floors). The residual part of the site, a tapering section of land to the north east of the servicing area, would be reserved as a habitat area.

- 5.2 The proposals raise a wide range of matters which are not disputed between the Appellants and the two Councils. These are identified in the Statement of Common Ground (*ID8.3, appendix C*).
- 5.3 The affordable housing offer is detailed in the two planning Obligations accompanying the proposals (*ID9.17 and ID9.18*). Both of the Obligations take the Form of Agreements rather Unilateral Undertakings. However, while the first (the so-called "All Parties" agreement) is signed up to by the Appellants, Camden and Islington, the second, dealing specifically with affordable housing, has *not* been signed up to by Islington. It has, nonetheless, evolved through discussions between the parties before and during the Inquiry, while remaining within the broad headline numbers set out at the beginning of the Inquiry in the Statement of Common Ground (*ID8.3, paragraph 3.3 and Table including Main Site on page 10*).
- 5.4 The All Parties Agreement (*ID9.17*) covers developer provisions for employment and training, public realm including the proposed habitat area and footway works, design matters, sustainability, green travel, control of retail uses and timing of the provision of affordable housing (*ID9.16*).
- 5.5 The Affordable Housing Agreement (*ID9.18*) establishes that there would be 84 affordable units (representing 34.2% of the 246 total housing units), of which 36 (43%) would be social rented units and 48 (57%) intermediate units of various types. These figures are further refined in Schedules attached to Part 2 of the Agreement, where they are referred to as the "baseline mix". The Agreement includes two alternative baseline mixes (Schedule A Part 2 and Schedule B Part 2), the difference being in the range of intermediate tenures, not its amount, the level of social rented provision remaining constant in both. The latter alternative mix was devised to address concerns expressed by Islington, but the Appellants and Camden prefer the former, for reasons explained in evidence. The Agreement also advances a range of "transfer prices" which affordable housing providers would be expected to pay in order to procure the affordable homes. These are set out in Parts 3 of Schedules A and B. In the event of affordable housing providers being unable or unwilling to pay the transfer prices, then the Obligation provides for a "cascade" arrangement to be triggered, with lower transfer prices related to a

progressively diminishing affordable housing offer. In the worst case scenario envisaged in the Agreement (second stage of cascade), this would “ring fence” 50% of the proposed 36 social rented units and all of the “key worker sub-market rented” and “shared ownership” units. Other matters covered in this Agreement include the Appellants’ subsidy commitments, the arrangements for staircasing and recycling of grant and subsidy and a local lettings agreement (*ID9.16*).

6. The Case for the Appellants

General Context

- 6.1 The King’s Cross scheme is probably the most important regeneration project currently in progress in Central London. It is a scheme of immense potential benefit in environmental, social and economic terms. It has emerged against a background of chronic dereliction and urban decay. For more than 30 years efforts have been made to stimulate and secure the urban renaissance of this part of the metropolis. The Appellant’s proposals have matured through the processes of plan-making and development control over 8 years. Those processes have been going forward in parallel with the final stages of the statutory procedures by which CTRL and its terminus at London St Pancras have been approved (*CD7.1 paragraph 2*).
- 6.2 Islington’s objections, based solely on the affordable housing offer, emerged only at the eleventh hour at the meeting of its West Area Planning Sub-Committee on 10 July 2007 (*CD5.20*). That meeting took place 3 years after the applications had been submitted and its decision to refuse permission was contrary to the advice of its officers and was made notwithstanding Counsel’s opinion on the interpretation of PPS3 advice relative to affordable housing (*CD5.18*). This represented a complete about-turn from the Sub-Committee’s position at its meeting on 18 April 2006, when it was resolved to grant permission subject, among other things, to certain conditions (*CD5.15*) and from its meeting 12 February 2007, when it was resolved to accept changes to the proposed planning Obligation subject to further advice on the affordable housing aspects (*CD5.14*). In the light of the comments made in the judicial review of the Main Site permission sought by King’s Cross Railway Lands Group in May 2007, it is plain that the Council has inadequate reasons for such a volte face (*CD7.1, paragraph 17*).
- 6.3 Scrutiny of Islington’s reason for refusal (*CD5.21*) reveals no support from GLA for the London Plan policy objection (*CD3.5, CD3.6, CD3.7 and ID9.15*), no alleged conflict with Camden UDP policies and no alleged conflict with the Councils’ Joint King’s Cross Development Brief (*CD6.1*). Nor is there any suggestion that the total amount of housing proposed on the site falls short of what the various policies require. GLA, Camden and Islington officers are all content that the proposal accords with the statutory development plan. Only Islington Members take a contrary view and the only Islington UDP policy that they rely upon for support is policy H16, which has not been saved (*CD5.1, page 155 and CD2.4*). No statutory policy has replaced that or emerged in draft.
- 6.4 For the combined Main and Triangle sites, 1946 dwellings are proposed in total, of which 43% would be affordable. The Triangle Site contributes just 13% of the combined site’s housing total and 10% the combined site’s

affordable provision. Intermediate housing, which is the type of provision in most dispute, represents just 6% of the combined site total, while the 12 units to which Islington has raised concern about recycling of grant amount to just 0.7% of combined site provision. The vast bulk of the combined sites falls within the jurisdiction of Camden, with Islington having administrative control over only a small proportion of the Triangle Site itself. Islington's objections should be weighed accordingly.

- 6.5 Although separate planning applications have been submitted for the Main Site and the Triangle Site, there is also no case for considering the proposals separately from Main Site, where the provision of affordable housing has been settled through the development control process and emerged intact from scrutiny in Court (*CD7.1*). The two applications, in the form they take, simply reflect the administrative boundary division between Camden and Islington and in planning terms the proposals should be considered as a single entity. The plan-led approach, in which the proposals have emerged from consensus over a considerable period of time between all the various bodies responsible for decision making in this area, created the degree of certainty necessary for the Appellants to make substantial investment commitments in infrastructure across the combined sites. The single Planning and Development Brief (*CD6.1*) was produced by the two Councils working in unison, there was joint negotiation with the officers of the two Councils, and a single suite of documents was produced by the Appellants to support the planning applications (*CD1.5 - CD1.25*) including a single Environmental Statement (*CD1.16-CD1.20*). For the Triangle Site, Islington had an officer presence on the King's Cross team when the proposals were being consulted on and taken to Committee and there was a large degree of congruence between the officer reports to both Councils (*see, for example, CD5.15, page 3 bullet point 4 and CD4.5, page 5 of 87, paragraph G*). It is wrong for Islington to choose now to regard the Triangle Site as a separate development proposal in its own right and unilaterally withdraw from the consensus that has so painstakingly been built between all the parties. The joint Planning and Development Brief specifically required a set of comprehensive proposals for the Opportunity Area informed by a single masterplan, but with a separate application for the Triangle Site (*CD6.1, paragraph 4.1.4*) and that is precisely what the Appellants delivered in the reasonable expectation that planning permission would be granted.
- 6.6 The Triangle Site is not peripheral to the regeneration of the Opportunity Area, but an integral component of it. The Appellants' proposals for the combined sites represent a comprehensive and integrated arrangement of functions, buildings and spaces. Much of the social, educational and medical infrastructure serving people on the Triangle Site would be found on the Main Site while shops and services proposed on the Triangle Site would likewise form part of the range of facilities available to occupiers of the Main Site. The Brief also refers to the need to extend regeneration of King's Cross into the wider surrounding area (*CD6.1, paragraph 2.2.8*). This means both physical and social linkages as well as a range of housing of different types and tenures, while avoiding excessive concentrations of social housing (*CD6.1, paragraph 2.9.1*). These themes are further developed in the Appellant's own regeneration strategy for the area (*CD 1.15, sections 4.1.1, 4.1.2, 4.1.3 and 5.4*) which accompanied the applications.

6.7 Against all of this general background to the proposals, it would be regrettable if these appeals were to be dismissed, with the result that no housing (including affordable housing) would be provided on the Triangle Site at all. That is not a threat, but a reflection of the real situation the Appellants find themselves in. The housing target for the King's Cross Opportunity Area has already been met on the Main Site, without any contribution from the Triangle Site and the Brief is not insistent upon housing provision here (*CD6.1, pages 68 ad 69*). Given Islington's unexpected volte face on the proposals advanced so far, there can be no guarantee that Islington would find a revised housing offer any more acceptable or, as in these appeals, that Camden would necessarily agree with Islington's affordable housing preferences. This could become a recipe for further protracted discussions and, potentially, appeals while the objective of securing the area's regeneration drops further and further into the distance.

The affordable housing offer:

6.8 The London Plan housing targets for Camden, Islington, the sub-region and London as a whole are found in table 3A.1 (*ID8.7, page 66*). The appeal proposals would assist towards meeting those targets. Policy 3A.9 (*ID8.7, page 76*) requires targets specifically for affordable housing to be set in Development Plan Documents (DPDs), based on an assessment of all housing needs and a realistic assessment of supply. The latter point is amplified in bullet points of the policy itself (which lists examples of potential sources of supply), explanatory text (*ID8.7 paragraph 3.48*) and the GLA's Housing SPG (*CD3.8 paragraph 17.4*). It is therefore clear that policy 3A.9 does not require 50% affordable housing to be secured from individual developments and it would plainly be wrong to infer, from Islington's citation of the predecessor of this policy (3A.7) in the reason for refusal, that it does. Indeed, the evidence shows that a high proportion of affordable housing (59% in 2004/2005) might well be expected to come from sources other than planning Obligations negotiated through the development control process (*ID9.3, table 2 on page 32*). This was recognised in the London Plan EiP Panel Report in 2003, which observed that a strategic 50% target for London would, in practice, mean less than 50% was to be achieved from general housing developments (*CD3.19, paragraph 4.51*).

6.9 In similar vein, London Plan policy 3A.10 seeks only the maximum *reasonable* amount of affordable housing from individual planning applications, not the maximum *viable* amount. Rather, the policy cautions that local targets established pursuant to policy 3A.9 are to be applied flexibly having regard to a range of factors. These include the need to encourage rather than restrain residential development, the individual circumstances of the site, individual site costs, the availability of public subsidy and other scheme requirements. The intended process is expanded upon in the GLA's SPG (*CD3.18, paragraphs 18.5-18.7*). Again, it is clear that any implication that policy 3A.10 requires 50% affordable housing from individual sites would be a complete misinterpretation. It may therefore be said that the proposals are entirely consistent with strategic policy objectives, as correspondence from GLA has confirmed (*CD3.5, CD3.6, CD3.7 and ID9.15*).

6.10 Camden UDP policy H2 (*CD4.2, page 43*) says that the Council will "seek to negotiate" on the basis of a target of 50% affordable housing in each development and, like London Plan policy 3A.10, sets out a range of factors

that are to be taken into account. Policy KC4 (*CD4.2, page 170*) effectively requires 1000 homes on the combined sites, 50% of which are to be affordable. With 1700 homes permitted on the Main Site the overall housing requirement under clause (a) of the policy has already been exceeded by 70%, and 750 of these (rather than the 500 required) have been permitted as affordable dwellings. With the addition of the housing proposed on the Triangle Site, 1946 dwellings would be provided in total (nearly double the 1000 requirement) and affordable provision would amount to 834 (or 83% of the 1000 requirement). Provision in excess of the clause (a) levels is not required by clause (b), so it can be said that the quantitative requirements of policy KC4 have been amply satisfied.

- 6.11 Islington has no parallel policy to Camden's KC4, and policy IMP 18 sets out only general aspirations for King's Cross as a whole (*CD5.1, page 320*). Reasoned justification simply affirms that Islington will work with Camden and developers in providing clarity and guidance for the development of the railway lands and to ensure that the north east part of the former railway lands is fully integrated into the future development of the area (*CD5.1, paragraph 13.6.12*). No conflict with that policy is alleged in the Council's reasons for refusal. Policy H16, which is referred to in the reason for refusal has not been saved, but required only 25% affordable housing in any event (*CD5.1, page 155*). That figure is easily exceeded, whether on the combined sites or the Triangle Site alone and it is not suggested that the criteria in policy H14 for judging whether the scheme makes the maximum contribution to meeting local needs are unmet. Notably, Islington's affordable housing SPG (*CD5.5*), with the absence of UDP policy H16, no longer has a parent policy and sets only a 35% target in any event (*paragraph 5.3*). While there is a 50% requirement in Islington's draft core strategy (*CD5.13, policy CS18, page 30*), the strategy has now been withdrawn as unsound and its subsequent metamorphosis into a "guidance note" does not redeem its terminal flaws (*CD5.12, page 2*).
- 6.12 In practice, the Appellants have sought to engage with officers of both Local Planning Authorities, the GLA and other stakeholders (including the Housing Corporation) to optimise affordable housing provision (*ID9.4 appendices 2, 3 and 4*). In achieving 43% on the combined sites (*ID9.3, evidence volume, Table 1 on page 6*) the Appellants have exceeded the London average of 35-40% for the two year period December 2005-2007 (*ID9.3 evidence volume, paragraph 7.6, and Table 3 on page 33*). Setting aside estate renewals, only one scheme in that period achieved 50% and only one other more than 40%. It should further be noted that the main site includes provision for up to 650 student housing units (*CD1.27, paragraphs 22.2.18 and 22.2.20*). While this does not qualify as affordable housing (*CD3.8, paragraph 16.1*), it takes pressure off the market stock, especially low cost market housing. The Appellant's proposals thus perform well both against relevant policy requirements and typical outcomes.
- 6.13 Much has been made by Islington of alleged inadequacies in the financial appraisal of the scheme (*ID10.3, appendices volume, appendices 1 and 2*). In urging Boroughs to seek the maximum reasonable amount of affordable housing, London Plan policy 3A.10 requires account to be taken of individual site costs, but only as one of a range of other factors to be considered. More specific reference to the subject is found in explanatory text at paragraph 3.52

(ID8.7, page 77) which says Boroughs should take into account economic viability and the most effective use of private and public investment, including use of financial contributions. It then refers to the "development control toolkit" developed by the Three Dragons and Nottingham Trent University as one mechanism that may help. The GLA's Housing SPG makes clear that there is no requirement to use this specific toolkit (CD3.8, paragraph 18.14, page 53) and there is no suggestion in the policy that economic appraisal is for developers to undertake. Rather, the implication is that this is the Boroughs' responsibility (CD3.8, paragraphs 18.12-18.13). GLA, Camden and Islington have never requested a "toolkit" appraisal from the Appellants. Instead, independent analysis was commissioned by Camden from DTZ for the Main Site, the results of which are before this Inquiry in the form of a briefing note (CD4.6).

- 6.14 The DTZ appraisal was based on a financial model developed specifically for the King's Cross development. DTZ themselves identified the variables to which the financial viability of the proposed development is most sensitive and reached a range of conclusions (CD4.6, section 4.0). A strength rather than a weakness of the DTZ approach is that it takes account of changes in economic and other circumstances over time. Among other things, it identifies affordable housing provision as a significant development cost, any increase in which will impact adversely on the ability of the development to bear costs associated with the provision of other planning benefits. Infrastructure costs of some £100,000,000 are identified, and the appraisal notes that much of the infrastructure will need to be developed for the Main Site, before development on the Triangle Site is likely to commence. It concludes that 44% affordable housing is likely to be close to, or at, the maximum within the overall viability of the residential element of the King's Cross Main Site (CD4.6, Section 4, seventh bullet point). The appraisal was re-visited by DTZ at Camden's request in 2007 specifically for the Triangle Site (CD4.7), when it was noted that the need for early investment in infrastructure applies here too. It further observes that the financial situation was likely to have deteriorated since the original appraisal in 2006 (CD4.7) but nonetheless records DTZ's view that 42.8% is at, or close to, the maximum level of affordable housing that the development could bear before this element became unviable (CD4.7, section 4).
- 6.15 DTZ's appraisal has been accepted both by Camden and GLA. It is sound advice because it is independent, it is from a front rank practice already familiar with the King's Cross Railway Lands, it is cautious and it is site specific. Conversely Islington has not followed any of the policy advice it now seeks to invoke against the appellants proposals and has not produced any evidence to show that the DTZ conclusions are incorrect (ID9.19, paragraphs 166-189).
- 6.16 In sum, Islington has demonstrated a serious misapprehension of what the London Plan requires, both in terms of the affordable percentage and the need for economic appraisal, and it is that misapprehension which lies at the heart of its objection to the Appellants' proposals.
- 6.17 There would be a broad range of dwelling sizes across both the site as a whole and the Triangle Site itself (ID9.3, evidence volume, Table 1 on page 6 and appendices volume, appendix 6 and ID9.17 Baseline Mixes). This is not an arbitrary formulation but derived from officer level discussion with the two

Councils informed by the respective Housing Needs Surveys (*CD4.9 and CD7.10*). Across the combined sites, there has been particular regard to the need to provide for specific social groups, particularly those in need of social rented accommodation and those who require specialist rented housing such as the elderly (*D4.2, policy KC4, clauses c) and d) and ID9.3, evidence volume, paragraph 4.8*). In consequence, almost 40% of social rented accommodation on the combined sites will have 3 or more bedrooms, which is a significant achievement given the location, nature and density of the scheme. The Main Site will have 88 special needs social rented homes. The Joint Brief, however, indicates that the Triangle Site is best suited for one and two bed homes (*CD6.1, page 69 and CD4.5, paragraph 1.9.17*). Islington UDP policy H15 requires a mix of both small and family accommodation (*CD5.1, page 154*), a requirement that is easily met on the combined sites. While reasoned justification for policy H15 adds that the Council may request information from applicants to help assess the contribution to meeting housing needs that a particular scheme might make (*CD5.1, paragraph 4.3.6*), it has not done so and Islington officers have never suggested a different mix for the Triangle Site alone, or sought reconfiguration of the affordable floor space in a way that might deliver a greater number of larger units for families, but at the expense of social rented numbers.

- 6.18 The proposed provision of all of the affordable housing in Block B on the Triangle Site has been influenced by practical considerations. These relate to the management of the buildings and the imposition of service charges, both of which present difficulties when owner occupiers and tenants share common areas. This will not compromise the aim of integration – there would be no material differences between the buildings for market housing and for affordable housing. This approach is supported by the London Plan (*ID8.7, paragraph 3.55*) as well as by Islington officers (*CD5.15, second paragraph on page 44*).
- 6.19 An assessment of socio-economic and other characteristics of the area surrounding the combined sites was undertaken in order to establish the credentials of a mixed and balanced community (*CD1.18, part 12, section 12.4*). Data was collected at various spatial levels (*ID9.3, evidence volume, paragraph 6.4*), including the Central Impact Zone (CIZ) and Wider Impact Zone (WIZ) referred to in the Environmental Statement (*ID9.3, appendices volume, appendix 4*). This revealed:
- Very high levels of deprivation
 - High unemployment levels
 - High proportions of lone parent households
 - Higher levels of children and lower levels of older people
 - Concentrations of social rented accommodation
 - Overcrowding and lack of family housing
 - Extremes of poverty and wealth
 - Very limited housing choice
 - A seam of middle-income earners

- A transient population
- 6.20 In short, the antithesis of a sustainable, mixed and balanced community (*ID9.3, evidence volume, pages 27, 28 and 29*).
- 6.21 While the provision of social rented accommodation was an identified priority for the scheme, emphasis was placed on providing the right type and mix of social rented housing rather than the need to maximise the headline number. The formulation of this part of the affordable housing offer is explained in the Environmental Statement (*CD1.18, paragraphs 12.7.73-12.7.75*) and was undertaken in consultation with Registered Social Landlords. Notably, in recognition of an identified need for family housing for rent, 10 of the 13 proposed 3 bedroom units on the Triangle Site would be social rented units (*ID9.3, paragraphs 4.7-4.9*).
- 6.22 The need for social rented housing to address Camden and Islington's housing waiting lists would thus be recognised, but such provision would not address the wider needs of London (for example, for homes for "key workers") or the identified shortcomings of the local neighbourhood. In particular, there is a danger that in simply concentrating more social rented housing in an area already dominated by it, further disadvantage and polarisation could be brought to new and existing communities. The combined sites are large enough to create an "intermediate" housing market in their own right (*CD13.8, paragraph 18.9*) which, alongside existing local housing stock, would act as a catalyst for positive economic and social changes in the area as a whole. This would be by (*CD1.15, section 5.4 and CD1.18, paragraph 12.7.85*):
- Creating a local "ladder" of housing tenure choice for existing residents currently locked into the social housing sector
 - Making new housing provision for low and middle income workers, to the benefit of public services and others needing to attract and retain staff in Camden, Islington and other central London locations
 - Introducing a new fluidity that could stimulate similar housing provision in neighbouring areas and more widely
- 6.23 With these aims in mind, the Appellants and the landowners involved will retain an interest in the combined sites throughout the implementation of the scheme and are forming a collective ownership structure committed to long-term management. A Local Lettings Plan, covering both social rented and intermediate housing, is included in the proffered Planning Obligation
- 6.24 The proposed tenure split between social rented and intermediate units would be 64:36 on the combined sites, with 67:33 being the proportions on the Main Site and 43:57 on the Triangle Site alone. It is, however, more appropriate in this case to consider the proportions in terms of habitable rooms (*CD3.8, paragraph 18.10*), when the figures become 74:26, 77:23 and 53:47 respectively. The out-turn on the combined sites would be better than the London average of 62:36, where total affordable housing reaches only 30% of all new housing provision (*CD3.10, page 31, year 2005/2006*). In that same year, Islington achieved 67% affordable housing, but the split was 37:63, almost the reverse of what the London Plan target seeks.

- 6.25 The Triangle Site in isolation does not meet the London Plan 70:30 target but it is inevitable that figures will vary from phase to phase across the combined sites. This is not inconsistent with the GLA's SPG, which affirms that tenure mix should be determined on the individual circumstances of the case (*CD3.8, paragraph 18.8*). The proposed mix has been derived having regard to the findings above and to the policy targets in the relevant development plans. It follows analysis at neighbourhood level, rather than across the Boroughs or London as a whole (*CD3.8, paragraph 18.9*). The relatively high proportion of intermediate units responds to the GLA's Housing SPG (*CD3.8, paragraph 18.9*) and to the need to dilute the present polarisation in the local housing market between social rented and market housing. Camden recognised that it is essential that the new neighbourhoods (including the Triangle Site) are anchored with a broad range of new residents and that this would be reflected in the more general mix of affordable tenure type than strict adherence to a 70:30 mix would imply (*CD4.5, paragraphs 1.9.63 and 1.9.64*). Precisely the same words are used in the Islington officers' report (*CD5.15, page 43 under heading "tenure mix"*). It is entirely inappropriate and inconsistent with the Development Brief (*CD6.1, paragraph 2.9.1*) for Islington to now adopt the stance that a 70:30 mix for the Triangle Site is immutable.
- 6.26 PPS3 makes clear that intermediate affordable housing does not exclude homes provided by the private sector or provided without grant funding (*PPS3, Annex B*). Significantly, the National Affordable Housing Programme now enables private landlords to bid for Housing Corporation Grant Funding (*CD7.4, page 1*) and it is an express aim of the Corporation's affordable home ownership programmes to work in partnership with the market to assist many more households to realise their home ownership aspirations (*ID9.3, appendices volume, appendix 3*). The proposed development carries this forward with a suitably robust intermediate affordable housing offer on the Triangle Site, where four distinct products, similar to those on the Main Site, are proposed:
- (a) Key worker sub-market rented units (*ID9.3, evidence volume, paragraph 4.14*):
- 6.27 Twelve dwellings in this category would be offered on the Triangle Site, representing 25% of the intermediate housing to be provided. These would be transferred to a Registered Social Landlord and would be made available at 20% below open market rent. This is a type of provision having high priority in the draft of the Mayor's Housing Strategy 2007 (*CD3.4, paragraph 113*).
- (b) Shared ownership units (*ID9.3, evidence volume, paragraph 4.15*):
- 6.28 This category would again represent 25% of the intermediate housing offer on the Triangle site, a further twelve dwellings. These also would be transferred to a Registered Social Landlord, who would make them available for sale at 40% of market value with rent on the unsold equity capped in the planning Obligation at 2%, which compares favourably with the absolute cap of 3% under the Housing Corporation's New Build Homebuy scheme (*CD7.4, paragraph 102*).
- (c) Shared equity units (*ID9.3, evidence volume, paragraphs 4.16 and 4.17*):
- 6.29 The difference between these proposed twelve dwellings and the shared ownership units is that they would be provided without Housing Corporation

subsidy. Instead, they would be sold at an average of 50% of market value (ie at higher initial price), but with the Appellants retaining the unsold equity. This means that the purchaser would not pay rent for the unsold equity, the saving from which may effectively be regarded as contributing to mortgage repayment on the part purchased. Should a purchaser choose to buy additional equity shares (ie to staircase towards full ownership), the receipts for a period of 15 years from initial provision of the unit would be placed in a designated account for investment in affordable housing in the development. If staircasing to full ownership, a Registered Social Landlord would have the opportunity to buy the unit back into the affordable housing stock. In the Appellants' view, this category of intermediate affordable housing provides a good opportunity for purchasers to become home owners while promoting greater responsibility for the local environment, more permanence in the local population and a stronger sense of community.

(d) Right-to-Buy Homebuy units (*ID9.3, evidence volume, paragraphs 4.18 and 4.19*):

- 6.30 This final tranche of twelve units (again 25% of the intermediate affordable housing offer) would target tenants of existing social rented accommodation in the area who have qualified for right to buy. Instead of exercising the option to buy their existing home, however, these units would provide the choice of moving into home ownership on the Triangle Site instead. Their provision is not reliant on public subsidy. Instead, the purchasers would receive an Appellant-funded non-repayable discount of £16,000, which is equivalent to the discount available through right to buy and a saving of that amount to the existing social rented housing provider (in this case, likely to be the respective Councils). They would also receive a 30-40% discount in the form of an interest-free Appellant-funded loan, to be repaid on the sale of the property. This latter discount is effectively the same arrangement as the Government-backed Open Market Homebuy product (*CD7.16*). This form of intermediate provision emerged from discussion with Camden officers and it is advantageous in adding to the intermediate affordable housing stock while leaving the original social rented accommodation available to other families in housing need. It is misleading for Islington to rely on RSL data to show limited demand in the King's Cross Area from tenants of existing social rented accommodation to exercise their right to buy. This is because Islington and Camden Councils retain considerable social rented stock of their own in the area, so RSL figures alone are unrepresentative.
- 6.31 There can be no doubt that these various forms of provision fall within the definition of affordable housing for the purposes of the London Plan (*CD3.20*). In advancing them, the Appellants have striven to produce a range of housing choices closely attuned to local needs and capable of creating a sustainable, mixed community.
- 6.32 They would also be affordable by local people. The London-wide upper income threshold for intermediate housing, established by GLA on the basis of the ratio between income and lower quartile house prices and updated annually, stands (as at February 2007) at £52,500 (*CD3.4, paragraph 109*). Up to that threshold, the draft of the GLA Housing Strategy gives priority in subsidising the purchase of intermediate housing to those within the lower half of the income range (ie those with incomes of between £16,900 and £35,599) (*CD3.4 paragraph 113, clauses 4 and 5 and ID 8.7, paragraph 3.37*) and it

may therefore be assumed that grant-free subsidy-free products will be targeted at those in the upper half (£36,000-£52,500) (*CD3.4, paragraph 116*), but they would still be affordable homes.

- 6.33 In all cases it has been assumed that 40% of net household income will be spent on mortgage, rent and service charges and that the income multiplier for mortgage purposes will be 3½ (*ID8.7*). There will inevitably be key variables, such as actual sale prices, mortgage interest rates, repayment periods, service/estate charges and deposits. However, discussions have taken place with the Housing Corporation (*ID9.4 appendix 2*) and the Corporation's affordability calculator produced by Tower, Metropolitan and Moat Housing Associations, who market most of London's intermediate housing shows the Appellant's assumptions to be reasonable (*ID9.4, appendices 1, 3, 4 and 5*). Moreover, all of the RSLs who have tendered for the Main Site phase 1 have considered the transfer price of the shared ownership and key worker sub-market rent dwellings to be tender-affordable (*CD9.19, Table 1, page 68*). In sum, it can be seen that the proposed range of intermediate products will increase housing choice, improve the range of affordability and widen the opportunities for home ownership for households with earnings of about £30,000 and above.
- 6.34 Islington has argued that the proposed Shared Equity and Right to Buy Homebuy units do not fall within the PPS3 definition of affordable housing because subsidy would not be recycled for alternative affordable housing provision. That reason can no longer stand now that option B has been tabled because, under that option, these categories of intermediate housing would be merged and transferred to the control of a Registered Social Landlord rather than be delivered directly by the Appellants (*ID9.17*). It can be triggered by planning condition if the Secretary of State so desires (*ID9.9, appendix E*).
- 6.35 Nevertheless, it is the Appellant's view that option A is more versatile, fits better with the scheme as a whole, and is much more efficient and sustainable in the longer term. Counsel's advice to Islington on 14 May 2007 endorsed the recycling arrangements under this option as compliant with PPS3 (*CD5.18*). Both options would deliver 84 affordable units, 36 of which would be social rent and 48 intermediate. The difference between the two options affects only 24 of the latter units.
- 6.36 Spending of recycled receipts on "alternative affordable housing provision" in PPS3 (appendix B) does not stipulate that this must be on increasing the overall level of affordable housing delivery or replacement of stock lost to removal of affordable housing restrictions. RSLs interpret this requirement flexibly, with some being spent on management costs and corporate overheads (*ID9.3, paragraphs 8.37-8.38*). Recycling in Option A of the Affordable Housing Obligation is site specific (recycled funds would be spent within King's Cross combined sites, not anywhere that an RSL happens to operate). Such spending would thus be on meeting local needs, as well as contributing towards wider policy targets. In comparison, Option B would provide less choice of tenures and allow continued loss of stock through right to buy. There are further deficiencies with option B (*ID9.4, Table 3, page 17*).
- 6.37 Islington acknowledges that the Appellants' intermediate affordable housing offer is similar to the range of Government schemes currently available (*ID10.5*). However, Social Homebuy is the only Government sponsored

provision that requires the full receipt from sales to be recycled into replacement affordable housing (*ID10.5, paragraph 1.5*). These receipts are to be held in the Disposal Proceeds Fund or Recycled Capital Grant Fund of the participating affordable housing provider. The "Designated Account" referred to in the proffered planning Obligation mirrors this. For New Build Homebuy (including the First-time Buyer Initiative), when a unit is sold, only the original grant (not as with the Appellants' proposals) has to be repaid to the Housing Corporation. Rental income from unsold equity is retained by the affordable housing provider, whereas for 15 years under the Appellant's proposals this, too, would be available for recycling. Uplift in value is effectively shared with the Government (or, in the appeal proposals, by the Appellants) in return for the risk on investment. On "Open Market Homebuy", there is no requirement under the Government's scheme to recycle equity rent receipts, which represent a commercial return to the participating developer (*ID9.14 paragraphs 13-15*). The Appellants' proposals for Shared Equity and Right to Buy homes do not require Housing Corporation Grant and incorporate equivalent, if not more favourable, recycling provisions all of which are consistent with PPS3 Annex B requirements.

Noise and Disturbance

- 6.38 The Appellants have addressed the issues relating to microclimate raised in the Secretary of State's Direction (*see paragraph 1.2 above*) in the further Environmental Information (*CD1.27A, Volume 6, Part 27*), and no further points are taken by any party on this. It may therefore be concluded that there will be no unacceptable wind effects either on, or as a consequence of, the proposed development of the Triangle Site.
- 6.39 No objection on noise or disturbance grounds has been made by either of the Borough Councils. The principle of residential development is accepted in the joint Development Brief (*CD6.1, page 69*), there have been no objections from the respective Environmental Health Officers (*CD5.15, pages 48-50 and CD4.5 paragraph 1.9.31*), a stance fully supported by the Environmental Statement (*CD1.16, Part 5.9, CD1.19, Part 17 and CD1.27A, Part 26*). Evidence from third parties on the subject should be considered in the light not only of this but also the Appellants own noise evidence, produced by an extremely experienced and well-qualified expert (*ID9.5 and ID9.9*).
- 6.40 In order to establish baseline noise levels for the combined sites, measurements have been taken at a number of locations (*CD9.5, appendix CEE3*). Two of these were on the Triangle Site and were selected to assess traffic noise on York Way and noise from the ECMLR. An additional survey was undertaken on 12 December 2007, among other things to identify the effect of the then newly operational CTRL (*CD1.27A, paragraph 26.1.13*). In order to assess the impact of noise from the yet to be constructed Thameslink line from ECMLR to St Pancras (*refer to paragraph 2.1, above*), a noise survey was also undertaken on the Gatwick section of Thameslink (*CD1.27A, paragraph 26.1.16*).
- 6.41 The conclusions from these surveys are that part of the west façade of Block B falls within PPG24 Noise Exposure Category D ("planning permission should normally be refused") but that the bulk of the noise sensitive frontages are within NEC C ("planning permission should not normally be granted"). However, for the part of the Triangle Site within NEC D, noise levels are at

most only 0.7dB in excess of the threshold between NEC C and NEC D. PPG24 allows Local Authorities to vary thresholds by up to 3dB where appropriate (*Annex 1 paragraph 2*) and, in NEC C, acknowledges that noise sensitive development is acceptable provided adequate attenuation measures are in place. Indeed, if traffic passing on York Way does not stray into the cycle lane marked in the carriageway, it is likely that the separation distance would be sufficient for all of this frontage to fall within NEC C rather than NEC D. Quite simply, a difference of 0.7dB is impossible for the human ear to distinguish. The level of attenuation required is, in any event well within the bounds of modern technology to achieve. Such technology has advanced considerably since PPG24 was published (*CD9.10, paragraph 14*). It is the Appellants' case that acceptable noise levels can be achieved in habitable rooms with windows in the northern façade of Block A and the western façade of block B by use of acoustic glazing in combination with an alternative attenuated ventilation system.

- 6.42 Potential vibration effects from trains passing through the new Thameslink Tunnel are not unique to the Triangle Site. If suitable mitigation cannot be provided during construction of the tunnel itself, then it can be provided within the buildings on site and required by planning condition. This was the approach taken on the Main Site and a similar approach is appropriate here.
- 6.43 Responding to the Inspector's adjournment note (*ID8.8*), of the three concrete batching plants operating in the area, noise from two will effectively be screened by intervening development on the Main Site and only one, the Cemex Plant, is of concern to the Triangle Site Development (*ID9.9 paragraphs 3.1-3.11 and appendix B with site plan at Figure 1*). The Cemex Plant stands on land owned by the Secretary of State for Transport and managed by London and Continental Railways. Cemex has a lease extending to 2015, but there are various clauses allowing this to terminate sooner. The noise surveys indicate that train noise is louder on the Triangle Site than noise from the batching plant in any event (*ID9.9, Appendix B, paragraphs 4.6 and 4.7*). The same applies to noise from the railway alarm bell. The third parties accepted at the Inquiry that noise from the Belle Isle transformer was insignificant and thus not at issue. In essence, therefore, there is nothing that mitigation measures for road and rail noise would not adequately address.
- 6.44 In conclusion, the Government Office for London's letter of 11 April 2006 praised Camden's handling of the Main Site application (*ID11.8*) on affordable housing and other matters (*ID9.12, paragraph 6*). Officers of both Councils and Camden Members have pursued a similar exemplary approach in consideration of the Triangle Site (*ID9.19, paragraph 399*). There is no strategic objection to the proposals and the Islington's objection, at Member level, is based on a misunderstanding and misapplication of PPS3 advice. Overall, the design of the affordable housing offer represents a paradigm of the approach developers are urged to take by national and strategic policy, and the proposals are acceptable in this and all other respects.

7. The Case for Camden London Borough Council

- 7.1 London Plan Policy 3A.9 sets the London-wide strategic target for affordable housing, which is guidance to local authorities on how to prepare their UDPs and LDFs. Policy 3A.10 is the policy that enables the London Mayor to exercise his powers of Direction when applications of strategic importance are referred

to him (*ID9.8*). Camden UDP policy H2 reflects the policy 3A.9 50% target, as does KC4. KC4 is site specific so must be the most relevant (on Camden's side of the boundary) to judge the application. Policy KC4 sets a minimum net gain of 1000 dwellings, of which 50% must be affordable. Beyond that first 1000 dwellings, 50% becomes an affordable housing target in respect of which other factors will be taken into account. These include the wider regeneration needs of King's Cross and economic circumstances. None of these factors is held by the policy to be more important than any other. Policy H2 provides a guideline that the split between social rented and intermediate categories of affordable housing should be 70:30. Clause (b) of policy KC4 applies the 70:30 guideline to the King's Cross area, but only within the context that there is no policy requirement to provide more than 1000 dwellings in the first place. Every unit above the initial 1000 is over and above what the policy requires, whatever the form of tenure may be.

- 7.2 In judging conformity with the development plan, it is Camden's view that the King's Cross Opportunity Area should be regarded as a single entity. This reflects the formulation of policy KC4, which treats the area as a whole, and the Joint Planning and Development Brief which explicitly sought a comprehensive masterplan (*CD6.1, paragraph 1.1.2*). This is the approach taken by both Camden and Islington during officer-level negotiations and, had it not been for the position of the administrative boundary between the two Councils, Camden would have expected the Triangle Site to have been embraced within a single application for the Combined Sites (*CD4.5, paragraphs 1.7.2 and 1.7.5 and CD5.15, pages 38 and 42*). The same approach has been taken by the GLA (*CD3.6*). This is why, for example, the majority of family housing has been provided on the Main Site closest to open space and schools, while mainly smaller one and two bedroom units are proposed for the Triangle Site. Islington is wrong to argue that since permission has been granted for the Main Site, the community infrastructure and other benefits provided on that site can be divorced from requirements on the Triangle Site. One of the core purposes of the development plan (and related SPG, such as the Joint Brief) is to provide certainty for developers. The Appellants have been encouraged by both Councils to bring their proposals forward in good faith accordingly. In these circumstances it is surprising that Islington's evidence has focussed on figures for the Triangle Site alone, has not referred to the different stance now being adopted, or provided any explanation for it. This is a complete departure from Islington's position during officer level discussions and from everything that had gone before.
- 7.3 In practice, there is no strategic policy objection to the proposals. This was made clear by the GLA at application stage (*CD3.5*) and in the London Mayor's later letter, which confirms that the GLA would not have directed refusal and that Mr Dolphin was authorised to sign on Mayor's behalf (*ID9.15*). There has also been no suggestion that the proposal fails to accord with UDP policy KC4. The Combined sites will provide 1946 dwelling overall (well in excess of the policy KC4 1000 requirement), of which 834 (more than the policy requirement for 500) will be affordable. Of the latter, 536 will be social rented units (more than the policy requirement for 350) and 298 will be intermediate (more than the 150 that policy requires). Even if the cascade is triggered, on a worst case there would still be 566 affordable units on both sites in total.

- 7.4 It is acknowledged that there is a pressing need for affordable housing, both in Camden and in London as a whole. The combined sites will make a significant contribution to meeting that need within Camden. However, the regeneration proposals for the King's Cross Opportunity Area are being promulgated on the basis of mixed use development, Camden having expressly considered and rejected an entirely residential-led solution (*CD6.1, Section 2*). The wider benefits provided by the proposals for the Opportunity area include:
- a full range of community, health, education, cultural, assembly and leisure facilities;
 - retention and refurbishment of 20 listed buildings and structures;
 - relocation of the dismantled Gas Holder Triplet and re-use for housing;
 - substantial new infrastructure, including 3 new bridges over the Regent's Canal;
 - significant new areas of public realm (totalling 40% of the completed development), including 10 major public spaces;
 - generation of 25,000 new jobs.
- 7.5 Camden has had regard to economic viability but only as one of many factors influencing the form and content of development here. The DTZ advice (*CD4.7*) was that the affordable housing provision (on the combined sites) is at or close to the maximum that the development could bear. That advice is from a reputable and recognised market leader in this type of analysis, it is based on a bespoke model with input from relevant experts and is a careful and detailed piece of work. It cost Camden something in the order of £70,000 to have produced, which is far more than the Three Dragons "toolkit" type of exercise referred to in the London Plan. Despite referring to various limitations, the report presents clear and unequivocal conclusions. It is unrealistic of Islington or other objectors to expect anything more accurate for a project of this magnitude and for a many-faceted development extending over a long period of years.
- 7.6 In judging the importance attaching to affordable housing relative to other demands upon the proposed development, it must be remembered that the primary objective for the King's Cross Opportunity Area is regeneration. Such regeneration may be expected to be "conservation-led" both in relation to the keystone project at St Pancras Station and the many historic artefacts in the area. The intention for there to be a mixed use scheme does not imply that housing, or affordable housing, will be the only priority. The structure of policy KC4 gives some indication of the essential level of housing (1000 homes), above which additional housing is welcome but not a requirement.
- 7.7 The Combined sites would provide a 64:36 social rent:intermediate mix, which is sufficiently close to the 70:30 policy target for any shortfall to be insignificant. The Mayor's SPG (*CD3.8*) commends calculation on the basis of habitable rooms, whereupon the mix becomes 74:26, in excess of the target. The joint brief suggestion that the Triangle Site is best suited to one- and two-bedroom flats is indicative that development here will be relatively high density and the Mayor's SPG further states that such schemes may justify a

higher proportion of intermediate provision than the norm (*CD3.8, paragraph 18.8*). This would be consistent with the Joint Brief, which advises (*CD6.1, page 69*) that the Triangle Site is well suited to the provision of key-worker intermediate homes. Even Islington's own officers (who variously live and work in the area and know the locality extremely well) advised that the desire to achieve a 70:30 split needs to be balanced against the interests of maintaining a balanced and sustainable community (*CD5.15, page 43*).

- 7.8 On recycling of receipts, Camden regards Option B as both unnecessary and undesirable. It is an unreasonably strict interpretation of PPS3 to require affordable housing to be affordable in perpetuity. Even social rented housing is subject to right-to-buy provisions. The Option A provisions would remain affordable unless and until the occupiers exercise their right to staircase out. PPS3 expressly includes "Homebuy" within the definition of affordable housing so it cannot be held that, simply because an individual unit may cease to be part of the affordable housing stock at some indeterminate stage in the future, it falls outside the definition of affordable housing at the outset. It is also not a requirement of PPS3 that all affordable housing must include an element of public subsidy. Indeed, providing affordable housing without recourse to public subsidy (and thus freeing up funds for use elsewhere) should be encouraged rather than condemned. Under option B it is only the element of public grant that needs to be recycled. Under option A, however, additional receipts from rent or sale (all staircasing receipts) would be reinvested for 15 years, ensuring all of the benefit of uplift is reinvested. Moreover, receipts captured within the 15 year period may continue to be recycled well beyond that period and the benefit would then remain until the subsequent occupier of the alternative unit chooses to staircase out. Until occupiers and their successors have staircased to 100% ownership, sale of the units concerned would be at a discount from market value. Even after that, Affordable Housing Providers would still have the opportunity to buy back the properties. Islington's criticism of "Right to Buy Homebuy" also ignores the benefit of regaining the social rented unit being vacated, the saving to the Council of the £16,000 right to buy discount and the recycling of receipts from the new unit under the provisions of the planning Obligation.
- 7.9 The affordable housing offer, of the same type as advanced under option A, was found to be entirely satisfactory on the Main Site by Government Office for London (*ID9.12*). While that finding was made in the context of the former PPG3, the concept of affordable housing being "permanently affordable" (if that phrase is properly applied) is not new. It was included, for example, in Camden UDP paragraph 2.17. It would be inconsistent and unfortunate if a different view on the Triangle Site was now taken to that expressed by GOL with regard to the Main Site. As proposed, the offer would create a ladder of housing choice offering a mix of affordable tenures allowing residents in social housing stock to move locally. It would encourage low and middle income earners to move to jobs in Camden and Islington and help public services to attract and retain staff. It would help stabilise transience in the local population by providing choice in the housing market and introduce a new fluidity that could stimulate the local and wider housing market as a whole. Option B should not, therefore, be triggered.
- 7.10 In response to third party concerns, Camden recognises that the local noise climate is one where the Council's policies would normally indicate that

planning permission should be refused. Camden is, however, an inner London Borough and thus inherently noisy relative to most other parts of the country. The choice in Camden is between addressing challenging sites like the Triangle Site through suitable mitigation measures, or forgoing the opportunity to provide housing altogether. In this case, officers and Members are satisfied that an adequate level of amenity can be provided within the proposed residential units through mitigation measures. While Camden UDP policy SD7 is expressed with much greater assertion than its predecessor, this was simply because of the need to avoid use of the word “normally” which, when included in policy, prevents the operation of Section 38 (6) of the Planning and Compulsory Purchase Act 2004 – effectively, its use makes all development policy compliant.

- 7.11 In sum, the proposals for the Triangle Site evolved from a lengthy period of consultation, discussion and negotiation (*CD1.6, 1.7 and 1.8*). Its content was informed by the Joint Development Brief, which is a corporate document signed up to by Camden and Islington Members alike and endorsed by them, and it should not be lightly set aside. That would be the antithesis of everything that the planning system strives to achieve. The proposals should be regarded as a welcome and entirely acceptable contribution to the regeneration of King’s Cross, and should accordingly be permitted.

8. The Case for Islington London Borough Council

- 8.1 There is no dispute that there is a need to secure a substantial increase in the supply of affordable housing in London (*ID8.9, paragraph 3.41*). The London Plan, the Camden UDP (*CD4.2, policies H2 and KC4*) and the King’s Cross Development Brief (*CD6.1*) all establish targets for 50% of new housing provision to be affordable, of which 70% is to be social rented and 30% intermediate forms of tenure. The Appellant Company did not object to the formulation of Camden UDP policy KC4 at the UDP Inquiry and may therefore be said to be content with these target figures, yet the proposals would provide only 34% affordable housing units on the Triangle Site (or 26.7% if expressed in terms of floorspace) and also fall short of the policy targets for social rented:intermediate mix.
- 8.2 While neither Islington UDP policy IMP18 nor policy H14 have a specific target for affordable housing provision beyond that in the latter policy seeking the maximum contribution that each proposal can reasonably make (*CD5.1, page 154*), the fate of Islington’s draft Core Strategy is especially pertinent. This Strategy sought to secure 50% affordable housing, but with a 60%:40% social rented:intermediate split to avoid the risk of compromising the viability of schemes and thus of both housing and affordable housing delivery (*document 5.13, policy CS18 and explanatory text on page 30*). The GLA objected to this approach on the basis that it was not in conformity with the London Plan (*CD5.16*), in consequence of which the Core Strategy was withdrawn after its submission for formal examination. The London Mayor was highly critical of the Council in an ensuing press release (*CD3.11*). There can therefore be no doubt about the strategic importance attaching to the London Plan targets. There would be no point in expressing these in London Plan policy 3A.9 if it was not expected that the Boroughs would pursue them vigorously in applying policy 3A.10 to individual schemes (*ID8.9, pages 76 and 77*).

- 8.3 The targets are also based on firm evidence of need, as set out in the GLA's Housing Requirements Study 2004 (*CD7.11*) and in Housing Needs Surveys undertaken by the Boroughs (*CD4.9 for Camden and CD7.10 for Islington*). Both the Housing Needs Surveys identify the limited utility of anything other than social rented housing in meeting local affordable needs (*CD4.9, paragraph 9.7 and CD7.10, paragraph 11.7*). Islington's Survey in particular suggests that that the Borough's annual requirement for social rented housing would amount to over 96% of new provision, while shared ownership would be just 3% if local housing need is to be met (*CD7.10, table 11.8*). Government Office for London and the GLA have agreed (*ID8.10*) that the GLA 2004 Housing Requirements Study satisfies most of the requirements of PPS3 at the regional level. In translating the housing market model output from that Study (34% affordable housing, split 60:40 between social and intermediate) into the London Plan policy 3A.9 targets, the "broader remit to consider sustainable communities rather than being based exclusively on affordability" was explicitly recognised (*CD7.11, paragraphs 33-37*). It would therefore be wrong to take these considerations into account again when considering provision on individual sites.
- 8.4 In contrast to the established provenance of the policy targets, there is no clear evidence as to why they should not be met on this particular site. Islington does not share the view that affordable housing provision on the Triangle Site should be viewed in the wider context of provision on the Main Site. This is particularly so now that development on the Main Site has been both permitted and commenced, since there can no longer be any suggestion that there is a need for the Triangle Site to in some way cross-subsidise housing or infrastructure provision on the Main Site. Indeed, Camden's own report, in relation to the Triangle Site alone, avers that a key policy consideration is whether the scheme would deliver 50% affordable housing (*CD4.5, paragraph 1.9.58*). In any event, taking both sites together, the baseline mix (before alternative "cascade" arrangements are triggered) would result in only 42% affordable housing, which would still fall short of the 50% target, with social rented at 64% of that and intermediate at 36%, which likewise would not meet the policy target proportions.
- 8.5 Islington acknowledges that the London Plan refers to the need to have regard to all sources of affordable housing supply (*ID8.7, paragraph 3.45*) in addition to simply applying policy 3A.9 to new development proposals. Nonetheless, the evidence shows that by far the greatest level of provision comes from planning Obligations (*ID9.3, main proof, table 2 on page 32*). While analysis of proportions of affordable housing in schemes within individual Boroughs suggests an average outturn of about 37% (*ID9.3, main proof, table 3 on page 33*), these figures are distorted by the inclusion of estate refurbishment programmes, where affordable housing delivery is significantly higher than on new development schemes. There is no convincing evidence of how the policy targets are to be met outside the normal development control process. Nor is there any evidence to support Camden's contention that provision of intermediate housing at the expense of social rented housing required by the policy targets is justified in order to create a more balanced community or to anchor existing residents in the area. The Environmental Statement (*CD1.16, page 5.88 Table 5.4.5*) under the heading "Housing: Tenure Mix", for example, identifies moderate beneficial impacts on the area if the Triangle Site and Main Site are considered together and "no significant difference" if the Triangle Site

is excluded altogether. Had there been any empirical justification for changing the social rented/intermediate mix in the King's Cross Area, Camden could have pursued the subject through its UDP when on deposit in 2004, but did not do so. The existing housing hereabouts is in any event diverse enough already with areas of new market housing, older private stock and intermediate tenures separating the appeal site from the Bemerton Estate further to the south, so there is no need to create a buffer of intermediate or market housing stock rather than fully meet the policy targets for social rented and intermediate housing.

- 8.6 The case that affordable housing targets cannot be met on this site because of adverse economics of provision is also unsubstantiated. From the outset of the applications, the Appellants have elected not to open their own financial appraisal to scrutiny (*CD4.7*) and their case to the Inquiry in this respect therefore relies only on assertion. Camden has accordingly had to rely upon independent appraisal from appointed consultants, DTZ. The details of that appraisal have not been made known to Islington, despite requests (*ID10.3, appendices volume, appendix 2*). It is apparent, however, that the DTZ appraisal available to Camden at the time the Triangle applications were under consideration focussed on the Main Site (*CD4.6 and 4.7*) and information on the Triangle was only sought by Camden in the run-in to these Appeals. No other information was, or ever has been, made available to the GLA and the DTZ appraisal, while competently produced within the limitations available, is clearly hedged about with uncertainty and assumption. In the light of all of these factors, it cannot be held that the requirements for financial appraisal in the London Plan (*ID8.7, page 77 paragraph 3.52*), related SPG (*CD3.8, paragraphs 18.11-18.14*) Camden's SPG (*CD4.3 paragraph 3.33*) or Islington's Affordable Housing Guidance Note (*CD15.12, foot of page 3*) have been satisfied. Nor can it be seen how DTZ, Camden and the GLA weighed the "other scheme benefits" in coming to the view that 44% affordable housing was the most that the Main site (and 42.8% on the combined Main and Triangle sites) could bear. This is so even if the Triangle Site is considered as a single entity with the Main Site, as GLA and Camden avers it should be (*ID10.3, appendices volume, appendix 1 and ID9.7*). While the strategic stance of the London Mayor has now been established in further correspondence between the Appellants and the GLA (*ID9.15*), the subject should be viewed in the context that GLA has never seen the DTZ appraisal in full or sought to address the assumptions and shortcomings it contains. The GLA letter has also been written at the eleventh hour specifically at the behest of the Appellants.
- 8.7 Particular importance attaches to financial appraisal in this case not only for judging scheme viability, but also for two further reasons. The first is that the land has come into the Appellant's hands as a result of the Government's rescue package for CTRL and there is a formula in place for the public purse to be reimbursed from development profits, which must therefore be maximised. Not only is it difficult to be sure that will be the case on the basis of the DTZ appraisal (as the Secretary of State is currently being asked to do), but, effectively as publicly owned land, the Government's commitment in "Homes for the Future - More affordable, more sustainable" (*CD2.8*), to use such land to provide a mix of housing with at least 50% being for affordable housing, applies.

- 8.8 The second is that the proposed affordable housing offer, as set out in the proffered planning Obligation (*ID9.17*) is clearly reliant on subsidy being made available to affordable housing providers in order to ensure that they can pay the stipulated "transfer price". There is no transparency (as required by paragraph B41 of Annex B to Circular 5/05) in the way that "transfer price" has come about from analysis of the development economics. It also cannot be right that the Appellant is effectively put in the position that subsidy is needed just to meet (or in this case, fail to meet) the 50% targets applying nationally to publicly owned land (*ID10.3, evidence volume, page 63, paragraph 3/1/37*), and in approved strategic and Borough policies.
- 8.9 There is, in any event, no guarantee that such subsidy will be forthcoming, and the Inspector's Report on the Filton case illustrates the significance of this to affordable housing delivery (*CD7.6, paragraphs 10.42-10.46*). Correspondence between Islington and the Housing Corporation indicates that such matters have not even been discussed for the Triangle Site (*ID10.3, appendices volume, appendix 1*). This is contradicted in correspondence between the Appellants and the Housing Corporation (*ID9.4, appendix 2*) so no firm conclusion can be drawn either way. However, it is clear from the Filton case that the Corporation's policy is to use its finance to improve S106 packages ("additionality"), not to subsidise the achievement of baseline offers (*CD7.9, section 3498, part 6.3 "planning subsidy" and CD7.6, paragraphs 10.42-10.46*).
- 8.10 If no subsidy is forthcoming, or less subsidy than expected is made available, the baseline mix would not be delivered and the amount of affordable housing would reduce, through the cascade process in the proffered planning Obligation. This could remove 50% of the social rented accommodation proposed.
- 8.11 In addition, it is Islington's view that not all of the baseline mix falls within the PPS3 definition of affordable housing, as refined in "Delivering Affordable Housing". This is because of the time limited provisions in the planning Obligation for the recycling of subsidy attaching to the proposed "shared equity" and "right to buy home buy" units in Part 2 of Schedule A. In effect, paragraph 30 of Annex B to PPS3 and paragraphs 38-41 of "Delivering Affordable Housing" require subsidy to be recycled to provide more affordable homes or to buy back the home if necessary, failing which provision is to be regarded as low cost market housing rather than affordable housing (*ID.10.3, evidence volume, page 66 paragraphs 3.2.2-3.2.8*). It is made clear in the "Filton" decision (*CD7.6*) that subsidy includes both public and private subsidy.
- 8.12 The importance of recycling to the definition of affordable housing is also apparent from the Government's own intermediate affordable home ownership initiatives. These, with changes announced in the 12 March 2008 Budget, include "Social Homebuy" (*ID10.5, paragraphs 1.3 – 1.5*), "New Build Homebuy" (*ID10.5, paragraphs 1.6 – 1.11*), "Open Market Homebuy" – "Ownhome" and "My Choice Homebuy" (*ID10.5, paragraphs 1.12 – 1.14*). All require investment of public subsidy, which can then be recovered by the Housing Corporation, the Disposal Proceeds Fund or the Recycled Capital Grant Fund for re-investment only in affordable housing. Importantly, this is not limited to just the first 15 years, as would be the case with the Appellants' option A. Recycling of subsidy must apply in the "long term" (paragraph 30 of "Delivering Affordable Housing"), a requirement that applies similarly to most

other forms of developer contributions for community infrastructure in the context of Circular 5/05 and is further implied in a range of development plan policies and SPG relevant to this particular case (*ID.10.3, evidence volume, page 75, paragraphs 3.2.22-3.2.33*). In the present appeals, however paragraph 9.5 of Part A of the planning Obligation allows the developer to retain the subsidy after the expiry of 15 years on the "shared equity" units and after just 6 years on the "Right to Buy Homebuy" units. Sale of the latter would also erode, over time, the more stable elements of the local population. Neither of these two intermediate categories (24 units) should therefore be regarded as affordable housing.

- 8.13 Part B of the Planning Obligation would address the recycling problem by converting the privately subsidised "Right to Buy Homebuy" units into "Shared Equity" units controlled by an affordable housing provider. Islington regards this as an acceptable option because, unlike option A, it gives primacy to the general principle that planning is concerned with regulation of the development of land and buildings in the public interest, not with controlling the aspirations of individuals, whether housing developers or occupiers. Part B is therefore Islington's preferred approach to these categories of intermediate housing provision.
- 8.14 Even so, Islington remains unconvinced that affordable housing would be provided in line with the baseline mix. While there are affordable housing providers that have shown interest in the Triangle Site (*ID9.4, appendices 4 and 5*), there is no guarantee that such interest will endure until development on the Triangle Site begins, which could under the proposed time limit conditions be some years hence. Nor is it certain that such interest will be maintained if subsidy is not forthcoming in the amount needed to fund the transfer prices. It is also clear from analysis of "income to housing cost" multipliers that the proposed intermediate category of housing provision would not be accessible to local people other than those whose income is at or close to the upper end of need for affordable housing (*ID10.4, paragraphs 2.1-2.8*).
- 8.15 Islington gives little weight to the Appellant's postulation that if these appeals are dismissed, other land use options might be pursued (*ID9.9, paragraphs 5.4-5.6*). This does not represent a proper "fall back" position, not least because the Appellant would have to take account of the Secretary of State's views on the appropriate development for this site. The alterations to the statutory time limit conditions advanced by the Appellants also confirm that there is ample time for the affordable housing offer to be renegotiated to meet the relevant development targets in full, or at the maximum reasonable level, following more detailed financial appraisal.
- 8.16 In sum, insufficient affordable housing is proposed, the mix and tenure is not acceptable, there is no evidence that relevant needs would be met and the Shared Equity and Right to Buy Homebuy units proposed in option A of the Section 106 planning Obligation do not satisfy the definition of affordable housing in PPS3. It is further submitted that given the significant strategic importance of the site to London, its status as publicly owned land and the concerns raised by the Council, the conclusions drawn by the Secretary of State in this appeal will be of paramount importance to local authorities, affordable housing providers, and developers across the nation when agreeing future affordable housing proposals.

9. The Case for the King's Cross Railway Lands Group and for the Cally Rail Group

9.1 King's Cross Railway Lands Group (KXRLG) has been established "to assist the representation of the needs of residents, workers and businesses in the area around King's Cross/St Pancras stations in relation to the regeneration of the Railway Lands". Cally Rail Group (CRG) is constituted primarily "to prevent detrimental effects to the neighbourhood arising from CTRL and associated developments" (*ID12.3, main proof*). They have been closely involved with both Councils during the time the applications have been under consideration and have observed a number of omissions and delays in the passage of information between the two Councils that they consider may have had a bearing on Camden's decision not to oppose the applications (*ID12.2, main proof, paragraphs 4.2.1 – 4.2.13*). The two groups presented a joint case to the Inquiry as Rule 6 parties, KXRLG addressing affordable housing considerations and CRG addressing the subject of noise and disturbance.

Affordable Housing

- 9.2 The Appellants themselves chose to submit separate applications for the Main Site and the Triangle Site rather than treating the whole of their land as a single entity. That approach has a number of consequences (*ID12.2, pages 5-9*): It precludes any prospect of transferring a proportion of the proposed housing provision from the Triangle Site to the Main Site, so that any housing not provided on the Triangle Site to meet the London Plan targets would be lost to the area altogether. Equally it is impossible for the Appellants to rely on affordable housing provision on the Main Site to justify undershooting affordable dwelling targets on the Triangle Site (*ID12.2, main proof, pages 2-11*). The figures for the combined sites show that those targets, for both quantum and mix, would be undershot in any event (*ID9.3, main proof, table 1 on page 6*). The Appellants' approach has also resulted in a convoluted mechanism for phasing, which finds expression in the proposed extended periods cited in the time limit conditions that have been suggested (*ID8.9, conditions 1 – 5 and ID12.3, consultation response*).
- 9.3 In the King's Cross Opportunity Area, the London Plan seeks 2250 dwellings of all tenures for period 2001-2006 (*ID8.7, page 301, Table 5B.1*). The EIP Panel considering the Early Alterations to the London Plan acknowledged KXRLG disappointment with this figure and recommended further work be undertaken (*ID12.2 appendix bundle, appendix ME4*). In evidence, the Appellants disclosed that this figure will only just be achieved from 1626 dwellings (net) on the Main Site and 246 on Triangle Site if one also includes the Opportunity Area's proposed student accommodation (which does not contribute to affordable provision) and the Manhattan Lofts in the refurbished St Pancras Station (which also does not contribute to affordable housing).
- 9.4 Islington is the sixth most deprived Borough in the Country and this area is one of the most deprived in that Borough. Camden also has seriously deprived wards in this part of its Borough. The Housing Needs Survey for Islington (*CD7.10*) showed over 11,000 households in housing need and 6,500 households on the waiting list for social rented accommodation. Camden's waiting list is also huge, at 10,442 households (*CD4.9*). There are serious problems of homelessness and overcrowding. In March 2007, the average house price in Islington was reported to be over £330,000 (*CD5.13, page 10*),

which is well beyond the means of many local people. Indeed, a sample survey of the King's Cross area carried out by the King's Cross Partnership in 2000 (*ID12.2, appendices bundle, appendix ME.6*), although showing a wide spread of local incomes, revealed an average of only £21,000. Of families with children, 54% had incomes below the London average, with many people employed at only minimum wage levels. An average of only 40% affordable housing has been provided in Camden and Islington (*CD3.10, tables 16 and 17*). In 2005/2006 only 19% of homes constructed were for social rent, and 12% intermediate. The rest, 69%, were market housing units. Islington has increased intermediate provision (*ID12.2, supplementary proof, paragraph 3.3*), but even this is too expensive for those in need.

- 9.5 Against that background, it is clear that affordability needs to be addressed by better than average social rented provision on the Triangle Site, not below average provision as proposed in the applications. This is the more so given the local population's acknowledged social and economic diversity (*ID9.3, main proof, paragraph 6.6 and appendices bundle, appendix ME.5*). Within the area's existing estates of flats, educated people, students, low-skilled and low-paid people from a wide range of ethnic groups may all be found living alongside each other. To some degree this mix has evolved from right-to-buy sales of former Council stock, which has now been diluted by about 30% in both Boroughs (*ID12.2, supplementary proof, paragraph 3.5*). This trend may be expected to continue, with more mobile households displacing those for whom the security of Local Authority tenure has traditionally anchored a highly settled community (*ID12.2, supplementary proof, Annexe on page 4*). Provision of large amounts of market and immediate housing will not reinforce this anchorage, as Camden and the Appellants suggest. Rather, it will reinforce the trend towards a transient community, with a steadily decreasing stock of social rented housing providing accommodation only for the poorest and most deprived in society in ever increasing concentrations, while other forms of tenure (including the potential for sub-letting in the intermediate housing categories) become increasingly exposed to the buy-to-let market and others who can afford to buy into this highly accessible part of central London, close to CTRL and in an attractive, newly regenerated environment.
- 9.6 It is for these reasons that the London Plan 70:30 social rented:intermediate split must be adhered to, if not exceeded on the Triangle Site in line with the GLA's draft housing strategy 2007 (*CD3.4, page 31*). Applying those proportions to the 84 affordable homes currently being proposed, there should be 59 social rented units rather than the 36 offered. If the affordable housing offer was the full 50% required by the London Plan, there would be 123 affordable homes provided rather than 84, and 86 would be for social rent. These figures would be magnified if the Main Site and Triangle Site had been considered on a combined basis. While that is no longer possible, they are indicative of the extent to which social rented provision is inappropriately being diminished in the Opportunity Area as well as on the Triangle Site.
- 9.7 The DTZ analysis is plainly an inadequate basis on which to argue that 44% affordable housing is the most that the combined sites can economically bear (*CD4.7*). It is based on assumptions and assertions rather than on empirical evidence (*ID12.2, main proof, paragraph 4.5.6*) and it follows that GLA support for the scheme is equally unfounded (*CD3.6*).

- 9.8 The proposed Shared Equity and Right to Buy Homebuy dwellings are not compliant with the definition of affordable housing in PPS3. "Delivering Affordable Housing" makes clear that intermediate housing should not disappear when beneficiaries staircase out of the sector. In the Appellants' proposals, the staircasing receipts simply represent a short term loan to initial occupiers which, after 15 years, is returned to the developer as a capital receipt (*ID12.2, main proof, paragraphs 5.4*) or in the case of Homebuy become part of the financing of subsidies to purchasers of other forms of intermediate housing (*ID12.2, main proof, paragraph 5.5*). Neither the judicial review of the Main Site proposals (*ID12.2, main proof, paragraph 5.6.1*) nor Counsel's advice to Islington (*CD5.18*) considered subsidy recycling, so Islington Members were left to form their own view on the subject. The two categories of intermediate housing concerned should, it is submitted, be discounted from the affordable housing offer and regarded as low cost market housing. Without them, the affordable housing offer would be reduced to just 60 units out of 246, or to just 24.4%.

Noise and disturbance

- 9.9 The King's Cross Development Brief suggests that the Triangle Site could accommodate about 200 one- and two- bedroom homes, but only if the environmental conditions will be acceptable. Evidence for this is unconvincing in the light of local knowledge of the area.
- 9.10 The Environmental Statement, as submitted, was unsatisfactory in that it did not include full analysis of noise, vibration and wind effects. Those defects have, in some measure, been addressed by the further Environmental Information requested from the Appellants by the Secretary of State. Concerns about road and railway noise (including that from railway warning bells) remain, while noise impacts from the Cemex Plant have not been accounted for at all (*ID12.3, main proof, paragraphs 5.2.2 and consultation response*). It is now accepted, however, that transformer noise (*ID12.3, main proof, 5.2.3 and 5.2.4*) would not be significant.
- 9.11 Noise policies in both Camden and Islington's Unitary Development Plan have been formulated around the advice in PPG24, which is now rather dated (*ID9.10, paragraph 14, ID12.3, consultation response*). Islington's UDP says that new residential development that will be exposed to an existing or potential noise source should demonstrate how this will be taken into account to protect potential occupiers (*CD5.1, policy Env17*). Camden's UDP is, however, more stringent. Its policy SD7 (*CD4.2, page 29*) says that the Council will not grant planning permission for development sensitive to noise/vibration in locations with noise/vibration pollution. There is no dispute by Camden or the Appellants that this site is exposed to such pollution. Moreover, aside from situations where noise attenuation is not required, the noise and vibration thresholds in Appendix 1 (*CD4.2, pages 219-220*) identify just two noise exposure categories (NECs) for sites adjoining roads and railways, rather than the three in Annex 1 to PPG24. Table A in that Appendix sets out noise thresholds beyond which permission will not be granted (with "not" emphatically underlined), and Table B deals with situations where attenuation will be required. This approach, which had changed from that in the predecessor UDP current when the applications were first submitted and considered (*CD4.5*), was not specifically drawn to Camden Members' attention when resolving that, had it not been for these appeals, permission would have

been granted. Given the narrowness of the vote on the latter occasion (*CD4.4*), the policy change may, had it been made known to Members, been sufficient in itself to have altered Camden's stance at these appeals.

- 9.12 It is clear from the terminology of Camden's UDP that the Borough Council does not want residential development to take place in locations where residents are unable to open their windows without being exposed to excessive noise. The matter was also one of concern to Islington's noise team (*ID12.3, appendices bundle, appendix DS.6*). In the appeal scheme, Block A (162 market dwellings) would stand on the edge of the new Thameslink tunnel and portal (partly closer than when the noise team commented) and Block B (84 affordable dwellings) would stand on the edge of York Way (*CD1.4, parameter plan TS006*).
- 9.13 The Further Environmental Information (*CD1.27A, Part 26, paragraph 26.1.7 and table 26.5*) states that virtually all of the western façade of block B will fall within PPG24 NEC D ("planning permission should normally be refused") and Camden's Table A ("permission will not be granted") both during day-time and night-time periods. The northern end of block B and all of the northern façade of block A will fall within NEC C ("planning permission should not normally be granted") and Camden's Table B ("attenuation measures will be required"). While it may be that air-borne road and rail noise can be attenuated by double glazing, it is unsatisfactory for households to have to live in a sealed environment. It is likely that the flats will have balconies, which will be exposed to excessive noise without any mitigation, as would users of the central area of amenity space. It is also inappropriate to rely on average noise levels for the design of adequate attenuation measures, because average levels do not take adequate account of sudden noise peaks such as when the warning bell in the ECMLR tunnel rings each time a train enters or leaves the tunnel into King's Cross, or the tipping of aggregates into the metal bins on the Cemex site. Noise deflectors installed there when permission was originally granted in 1961 serve only to direct noise away from Gifford Street and directly towards the Triangle Site (*ID12.8*) and there is no certainty that this operation will move away from its present site in the future, or that an equally noisy use would not displace it. Sudden, intermittent types of noise are more likely to be cause of disturbance especially if they occur during relatively quiet times when people are asleep, the warning bell being not dissimilar in tone to an alarm clock (*ID12.9*).
- 9.14 The Environmental Statement also bases its findings on noise on a number of estimates of future rail and road traffic conditions when the Opportunity Area is fully developed. With regard to the new Thameslink tunnel, in particular, noise predictions rely on measurements taken on the already operational part of that line to Gatwick (*CD1.27A, Part 26, paragraph 26.1.16*). Those were taken on a straight section of track, not at a tunnel portal or where the railway is (as here) on a curve and a slope, where both air and ground-borne noise is likely to be greater. The CTRL Barking portal is more representative and shows the way in which noise from ground-borne vibration increases as the tunnel becomes shallower, expands sharply at the portal itself and continues until the area is at grade (*ID12.3 consultation response and proof appendices bundle, appendix DS.1*). Ground borne vibration noise cannot be attenuated by double glazing, and requires constructional measures. The Appellants have no control over construction of the Thames Link tunnel and negotiations with

London Continental Railways (one of the current Appellants) to secure tunnel attenuation was unsuccessful on the Main Site, so is unlikely to be successful here. No constructional measures are proposed for blocks A and B themselves. Nor do the Appellants have any control over external noise. Indeed, rather than introduce attenuation measures for the latter, the only suggestion made by the Appellants is to alter the NEC by taking into account the increased separation distance provided for by the cycle lane in York Way (*ID 9.5*). The cycle lane was there when the Environmental Information was compiled, and it is not separated from the main carriageway by anything other than a now faintly painted line, eroded by vehicles crossing into it. Its late identification by the Appellants has no effect on traffic noise reduction whatsoever.

- 9.15 While estimates of noise levels at the time the proposed development is occupied are necessary, their accuracy cannot be guaranteed. If, in the event, residents find noise levels unacceptable, owner occupiers will have the option of selling up and moving elsewhere or letting their properties to private tenants. Those in social housing, however, have much more restricted options, amounting to either seeking a transfer or sub-letting to finance alternative accommodation. In either event, the effect on the social mix of the area will be detrimental – replacing permanent patterns of residency with transient ones.
- 9.16 In sum, while not wishing to stand in the way of residential development on the Triangle Site, and being supportive of its early development, it is necessary to ensure that the housing mix will benefit rather than harm the local community and, before permission is granted, to be certain that living conditions will be acceptable. The applications and supporting information do not provide that certainty at present. The Development Brief implicitly provides for development for other commercial and social uses if the Secretary of State finds a satisfactory residential environment cannot be achieved this close to railway lines (*CD6.1*). There is, however, no substance in the threat that the Appellants might pursue other forms of development if the current affordable housing offer is rejected, because compliance with the statutory development plan requires the housing targets for the Opportunity Area to be met. With the Main Site now excluded from the residual requirement, housing provision on the Triangle Site is the only way the targets can be met. Any scheme permitted should provide for at least 35% social rented accommodation and at least 50% affordable housing overall, in a good quality residential environment. Nothing but the best will do for King's Cross.

10. Other Representations (objecting and supporting)

Mr Perrin, Flat 3, 4 Rufford Street, E4 (appearance)

10.1 Mr Perrin is a close neighbour of the Triangle Site and, having lived here since 2001, affirms this to be a very noisy place in which to live. The main cause of disturbance is the Cemex Batching Plant, with 30 ton lorries queuing up in Randell's Road before reversing into the batching plant site with their beepers operating. There, they discharge their loads of gravel into large steel hoppers, which makes a tremendous din. Originally, this could start at 06:45hrs, but following protracted complaints there is now agreement that this will not start until 08:30hrs. The noise continues periodically all day, and there is constant movement of ready-mix lorries too. It is surprising that noise from this plant was not specifically mentioned in the original Environmental Statement. The hoppers are higher than the Triangle Site and the noise is deflected towards that site by barriers required to reduce the noise impact on the Rufford Street flats. There are two other sources of noise – CTRL and ECML. The ECML is now electrified but long distance trains are still diesel powered High Speed Trains, known as "howlers". These are very powerful and very noisy. CTRL trains pass through an acoustic shed on the bridge but make a low frequency hum from their electric power units. They have two of these, one at each end and there is a 30 second split between the noise of the engine at the front and that at the back. These are clearly audible inside Mr Perrin's flat, which is double glazed. York Way is noisy too. It is wrong to rely on average noise levels when considering intermittent noises of the type that prevail here. The noise from an alarm clock going off for a few seconds, for example, would be insignificant if averaged over an hour or more but it is enough to seriously disturb sleep. There are web-site links to evidence (*ID12.10*). The Cemex plant was allowed on appeal in 1961 (*ID12.9*), when steam trains were the main noise source. Their significant contribution to background noise levels ceased shortly afterwards and a building relied upon by the then Inspector as a noise barrier has since been demolished.

Mr A Patterson, Chair of Somerstown and St Pancras Art (written representation)

10.2 Many local people want to see development here go ahead. All the issues that have been holding development up have been dealt with over the years (*ID8.6*).

Union Railways (North) Ltd (written representation)

10.3 Union railways has no objection to the proposals (*ID12.13*)

Metropolitan Police (written representation)

10.4 The police have no objection in principle and wish to be involved in designing out crime at reserved matters stage (*ID 8.5*).

The Islington Society (written representation)

10.5 The Society supports Islington Council's objections to the scheme (*ID8.5*).

Mr A Adkins (e-mail)

10.6 Mr Adkins is supportive of the proposed development (*ID8.5*).

Cross-London Rail Links Limited (e-mail)

10.7 As an agent for Transport for London and the Department for Transport in safeguarding Crossrail, no objection is raised to the proposals (*ID 8.5*).

Somerstown People's Forum (written representation)

10.8 The forum states that housing in this part of London is at crisis point and would not benefit from further private rented accommodation, arguing that the only answer is to provide more Council housing and use the site for improve local facilities to ease pressures on existing schools and services (*ID8.5*).

Representations received by the Councils at application stage

10.9 Large numbers of representations (supporting and objecting) were received by both Councils as a result of publicity and consultation in connection with the processing of the respective planning applications. These are summarised in the relevant Committee Reports (*CD4.5, paragraphs 1.5.1 – 1.5.36 and CD5.15 pages 11-21*), which display a large measure of commonality in format and content. Both note that 30,000 notifications were sent to adjoining occupiers, resulting in 69 representations with regard to the original proposals and 2 to the revised proposals (*paragraph 1.2 above refers*).

10.10 Among the representations received, Network Rail and CABE support the proposals (*CD4.5, paragraphs 1.5.8 and 1.5.9*). King's Cross Development Forum considers the site suitable for 1 and 2 bed units but not family housing and considers there should be less car parking provision (*CD1.5.11 and 1.5.12, 1.5.29 and 1.5.30*). The London and Middlesex Archaeological Society raise no objections on archaeological grounds (*CD4.5, paragraph 1.5.15*) and the Camden Square Conservation Area Conservation Advisory Committee consider that anything more than retail provision for the occupiers of the Triangle Site would be unjustified (*CD4.5, paragraph 1.5.19*). A range of Local Groups raise concern about townscape issues, parking and the attractiveness of the proposed amenity space and the suitability of the site for housing (*CD4.5, paragraphs 1.5.21 – 1.5.26 and 1.5.33*). There are also concerns about the adequacy of infrastructure investment including access to primary health care provision (*CD4.5, paragraph 1.5.27*), although Camden NHS Primary Care Trust acknowledges that the Triangle Site is not a suitable location for new health care facilities (*CD4.5, paragraph 1.5.13*). Similar points are raised by adjoining occupiers, who among other things are supportive of proposals for integrating the development with the surrounding existing neighbourhoods and for minimisation of car usage, but want to ensure suitable affordable housing provision, and better open space (*CD4.5, paragraphs 1.5.34 - 1.5.36*).

11. Planning Conditions

11.1 A list of conditions, using similar phraseology to those imposed in the Main Site permission, is included in the Statement of Common Ground (*ID8.3, appendix D*). These were jointly promoted by the Appellants, Camden and Islington, but it should be noted that the list includes alternatives to conditions 39 – 43, which relate to noise and vibration, advanced by Islington. The Amenity Groups also separately suggested an amendment to condition 39 and an additional condition referring to wheelchair accessible housing (*ID12.11*). During the adjournment, I questioned the reasons for requesting variation of the statutory time limit conditions (*ID8.8 and ID12.3, consultation response*,

paragraphs 7.3-7.5) and produced some specific comments on others (ID8.9) which in turn prompted a response from the Appellants (ID9.9, sections 4 and 6) and a revised list of conditions agreed by the Appellants, Camden, Islington and the Amenity Groups (ID8.11). This includes a condition formulated to enable either of options A or B in the Affordable Housing Agreement to be triggered (see paragraph 5.5 above and ID8.11, appendix E).

12. Inspector's Conclusions

- 12.1 From the cases reported above, I draw the following conclusions. The numbers in brackets [] within the text identify individual paragraph references supporting particular findings.
- 12.2 I begin my conclusions by dealing with matters arising from the form and content of the applications. I then deal with the main planning considerations raised by the proposals and other matters raised in the representations. Following that, I briefly consider planning conditions and Obligations, set out my overall conclusions and, finally, make my recommendations.

Form and content of the applications

- 12.3 In outline planning applications, "reserved matters" relate to buildings, not uses, so it is important when considering applications involving both forms of development to ensure that proposals are described in a way that avoids confusion over which details, other than the statutory reserved matters, are intended to be reserved for future consideration. I expressed concern at the Inquiry that the description in the application form, by including a general reference to the Revised Development Specification document, did not provide the requisite degree of clarity. It was accordingly agreed that the description should be amended to exclude specific reference to that document [1.4, 1.5].
- 12.4 At the time when these outline applications were submitted the reserved matters were those defined in Article 1 of the Town and Country Planning (General Development Procedure) Order 1995, rather than the reserved matters now defined in the Planning (Applications for Planning Permission, Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2006, which have come into force since. This bears particularly on the interpretation of "siting" and "means of access" [1.3] and the interpretation of the "parameter plans" in the Revised Development Specification [1.4]. Having raised the point with the parties, a legal submission was made to the Inquiry in the light of which the parties expressed broad contentment that the "new" (2006) reserved matters should take the place of the "old" (1995) [1.3]. My consideration of the outline proposals has therefore been undertaken on this basis.
- 12.5 The Triangle Site represents only a relatively small part of the Appellants' wider land holding in the area [2.1], and itself forms only part of the wider King's Cross Opportunity Area established in the London Plan [3.14]. To distinguish them, I have referred to the appellant's land holding in addition to the Triangle Site as the "Main Site" and the Triangle Site together with the Main Site as the "Combined Sites".
- 12.6 The King's Cross Railway Lands Group and Cally Rail Group (henceforth "the Amenity Groups") advanced the view that separation of the Triangle Site application from the Main Site application [1.2, 2.1] has had detrimental consequences for the consideration of the current appeals applications [9.1, 9.2]. The submission of an application to each Council was, however, an administrative necessity [1.1] and it would not in my view have been appropriate to submit these in the form of applications for the Combined Sites, since Islington would then have been faced with the burden of considering the whole before separating out the matters pertinent to its own determination, for

the understanding of those involved at consultation, publicity, member report and decision stages. While there are powers under Section 29 of the Planning and Compulsory Purchase Act for constituting joint committees on large, cross-boundary sites for the purposes of LDF policy formulation, there is no similar power for development control decision making. The Councils have worked together on the former [3.3, 3.8, 6.5] and it falls to the Secretary of State to intervene if considered expedient to do so, when there are differences between them on the latter [4.1, 4.2]. The Main Site application has been permitted without such intervention [6.44]. Nonetheless, there are important inter-relationships between the Main and Triangle sites, for example in the form of joint infrastructure investment [6.14, 7.2], which ought not be ignored. I identify these and comment upon them in the relevant following sections of this Report.

Main Considerations

- 12.7 In the light of the foregoing, the evidence at the Inquiry, the written submissions, and my inspection of the site and its surroundings, I am led to the view that there are two main considerations in these appeals, as follows:
1. The suitability of the affordable housing offer in terms of number, mix, tenure, price/affordability and arrangements for recycling of subsidy.
 2. The suitability of the site for residential development in the context of the existing and future noise (air- and ground-borne) environment.
- 12.8 I structure my reasoning on the first of these considerations around the nature of the matters raised by all parties to the Inquiry, rather than Islington's reason for refusal alone [6.3]. In particular, while I have relied upon the PPS3 Annex B definition in its formulation and thus use the word "subsidy", affordable housing is dependent upon the availability of funding in various forms which might include elements of both (capital) grant or (revenue) subsidy. I have taken the PPS3 definition as intending to cover both.

Consideration 1: Suitability of the affordable housing offer

Number: Quantum of housing

- 12.9 Policy KC4 of the adopted Camden UDP seeks provision of at least 1000 dwellings (1074 gross) across the whole of the King's Cross Opportunity Area [3.6]. This is a figure that may be taken to be extended to embrace Islington's part of the Opportunity Area by reason of paragraph 2.9.4 of the jointly adopted development brief [7.11]. It is not a maximum figure and the Brief indicates that some 1800 dwellings could be accommodated on the entirety among which, subject to satisfactory designs and residential amenity being achieved this close to the railway lines, the Triangle Site could itself accommodate about 200 one- and two-bed homes in contributing towards the overall housing provision in the Area [3.14].
- 12.10 There is good reason to promote housing provision on the Triangle Site to the maximum extent that environmental conditions allow. This is because Planning Policy Statement 3 "Housing" (PPS3) and its accompanying "Delivering Affordable Housing" document, urge that overall housing provision should be set at levels based on evidence of current and future need and demand, thereby avoiding adding to upward pressures on price (and thus

affordability) in both market and affordable sectors while also establishing a suitable balance between the two. This is with the aims of creating sustainable, inclusive, mixed communities and ensuring that everyone has the opportunity of living in a decent home, which they can afford, in a community where they want to live.

- 12.11 On the Main Site, 1700 dwellings have been permitted and, with 246 proposed for the Triangle Site, total housing numbers would be 1946 (gross) [6.10]. This is below the 2,250 figure now anticipated in the London Plan, but which applies to Opportunity Area as a whole for the period 2001-2026 [3.3, 9.3, 6.12]. Both independently and in combination, the Main and Triangle Site proposals exceed the Brief requirements [6.10] and, to that extent, represent a welcome potential addition to London's housing stock. Given that this may be found to result in a commensurate increase in affordable housing provision, such an outcome would be doubly beneficial.

Number: Quantum of affordable housing

- 12.12 Affordable housing policies to date have been predicated almost entirely on the outcome of Housing Needs Surveys. As PPS3 advises, it is intended that the appropriate proportions of market and social housing are in future to be determined on a broader basis following the process of identification of relevant Housing Market Areas (HMAs) and the carrying out of Strategic Housing Market Assessments (SHMAs). However, HMAs have not yet been identified in London and SHMAs have not yet been carried out. In the interim, Government Office for London and the GLA have agreed that the 2004 Housing Requirements Study satisfies most of the requirements of PPS3 at the regional level [8.3]. It is primarily from this Study that current London-wide targets for affordable housing derive.
- 12.13 These targets inform the formulation of London Plan policies 3A.9 and 3A.10. The first of these policies bears primarily on the preparation of Development Plan Documents at Borough level, while the purpose of the second is essentially to enable strategic intervention in the handling by the Boroughs of individual planning applications [7.1]. While it is open to Boroughs to call upon the latter policy in support of their own development control decisions, it is at least expedient to do so only when there is some indication of objection from the strategic planning authority. In this case, correspondence between the Boroughs and the GLA Head of Decisions makes clear that he is content and does not propose to recommend the London Mayor to issue a Direction to refuse permission on the basis of the inadequacy of affordable housing provision or, indeed, for any other reason) [6.3].
- 12.14 Policy 3A.10 does not, in any event, stipulate that 50% affordable housing must be provided in all cases [6.8]. Rather, it seeks the "maximum reasonable amount" having regard to a range of factors [6.9]. Explanatory text says that this includes taking account of economic viability and the most effective use of private and public investment in the assessment of schemes. It does not, however, state that the GLA will, or is obliged to, undertake viability assessment itself. Rather, both policy and text imply that the GLA relies primarily on the Boroughs to undertake or provide such assessment to the extent necessary in any particular case [3.4]. The proposal for 34% affordable housing on the Triangle Site (43% on the combined sites) [5.5] falls below the 50% target in London Plan policy 3A.7 but, given the clearly stated

position of GLA, I thus find no reason to doubt that the proposed proportion of affordable housing would satisfy strategic development control policy 3A.10 requirements.

- 12.15 In Camden, UDP policies H2 (for affordable housing in general) and KC4(b) (for the tranche of housing above the first 1,000 units on King's Cross Opportunity area in particular) both adopt the same 50% target for affordable housing. This is expressed in the policies as a negotiable local development control policy target having regard, among other things, to the "economics of provision" or "economic circumstances" respectively [3.6]. Neither, however, require the developers to provide the Council with economic analyses of their schemes [8.6, 8.7, 8.8], the only passing reference that may be taken to authoritatively suggest otherwise being in the penultimate sentence of paragraph 18.14 of the GLA's Housing SPG [8.6].
- 12.16 In the event, the Council employed its own consultants (DTZ) to undertake independent analysis of the viability of the Main Site and only sought additional information relating to the Triangle Site from those consultants in the run-up to these appeals [6.13-6.15 and 7.5]. The original economic appraisal of the Main Site nonetheless found that the affordable element of proposed housing provision on that site at 44.1% was at, or close to, the maximum that the development could bear [6.14]. The up-date note deals with the Triangle Site as an integral component of the Main Site rather than separately and concludes that the Triangle Site proposals (which would reduce affordable provision to 42.8% on the Combined Sites) do not significantly affect this finding [6.14]. That is unsurprising given the relative sizes of the two sites.
- 12.17 Nonetheless, I do not regard Camden's approach to the appraisal of the economics of provision in this particular case to be anything other than appropriate in the light of the inherent economic linkages between the Main and Triangle Sites, including the substantial amount of common infrastructure investment involved and its requisite phasing. I was informed that a financial appraisal using the Three Dragons toolkit or similar could be undertaken expeditiously [3.4]. However, it seems to me that such analysis is not best suited to deal with developments where costs and benefits are spread across more than one site and where development (as here) is likely to take place some years hence. The DTZ appraisal has been carried out by a firm well acquainted with the financial aspects of large developments in major cities, and includes separately sourced valuation advice on infrastructure costs. Valuation is not a precise science and it is inevitable that all such exercises will be hedged about with caveats and provisos. I doubt, in this particular case, that any more verifiable economic assessment could be achieved for a development of the scale and complexity involved without compromising either commercial sensitivity or the independence of the analysis. The appraisal was, I judge, sufficient to guide the Council's negotiations when considering the proposals for the Main Site, and to provide reassurance on its approach to the Triangle Site. The economics of development are not, by themselves, determinative under policies H2 and KC4(b) in any event [7.4, 7.5]. Whether the Triangle Site is considered separately or together with the Main Site, the requirements of those policies to "have regard" have been satisfied to the extent that their formulation requires and I see no reason to delve further into the economics of provision on the Triangle Site alone in order to further satisfy them.

- 12.18 Turning to Islington, none of the Main Site lies within its administrative boundary, and the boundary divides the Triangle Site in such a way that the Borough would have none of the Block B affordable housing and only a small amount of the Block A market housing within its area [1.1, 1.2]. In its UDP, policy Imp18 deals specifically with the King's Cross "regeneration area" but contains only a brief reference to affordable homes in the wider context of securing appropriate community benefits [3.8]. Several of its other "saved" policies are concerned with affordable housing provision in the Borough as a whole, but none include a specific numerical or proportional requirement for market/affordable mix [3.8, 1.6, 6.3, 6.11]. Its 2003 Supplementary Planning Guidance establishes an "interim" affordable housing target of 35%, a figure that the appeal scheme does not fall significantly short of [3.13, 6.11]. I attach little significance to the Council's 2006 Guidance Note on affordable housing as this has no formal status in the context of PPG12 or PPS12 advice [6.11], but note that it adopts the same 50% figure as the London Plan (and Camden's UDP) and observe only that it says independent financial assessment will be undertaken where a developer does not consider it possible to meet requirements. As in Camden, that does not require the developer to provide such an assessment and the Council accepted that, notwithstanding policy Imp18, its own interpretation of London Plan and Joint Development Brief policies, it had never invited the Appellant to supply one, or considered commissioning one itself, whether before or after determining the application [8.6, 8.7, 6.15].
- 12.19 The Amenity Groups' main concern on quantitative matters is simply to maximise affordable housing provision across the combined sites, arguing that housing need in the King's Cross area is especially high [9.2-9.4] and suggesting that above average provision should therefore be made here rather than the below average provision proposed [9.5]. Various interpretations have been placed on what may be regarded as "average" provision [6.12, 8.5]. Whatever the case may be in that particular respect, the London Plan makes clear that the 50% strategic target includes affordable housing from all sources and not just that secured through planning Obligations [6.8]. It is not therefore sufficient to say that, simply because a particular scheme fails to provide 50% affordable housing, it is unacceptable – some schemes may significantly exceed, or fall below, this strategic target figure. Nor is it accurate to claim that this figure can only be undershot if justified by rigorous financial appraisal. That is not what the policies require.
- 12.20 I see no reason for any different approach in this case simply because the Government has some pecuniary interest in the land [8.8]. To the extent that there is any 50% target applying to public land, it might reasonably be applied to land being developed by public bodies in the future but not, in my view, to development being initiated by others and which has already been in the planning pipeline for some years [8.7].
- 12.21 In the light of all of these findings, I regard even the 34% of affordable housing in the appeal schemes for the Triangle Site alone to be compliant with the statutory development plan for this part of London, and am content that, in the context of those policies, it represents the maximum reasonable level of provision in all the circumstances. This is the more so if the Main Site and the Triangle Site are treated as a single entity, but this conclusion stands in either case.

Tenure: Proportions of social rented and intermediate housing

12.22 The parties advance different ways in which the mix of affordable housing in the scheme proposals might be calculated [6.24, 7.3, 7.7, 9.6]. All, however, agreed that in their own assessments they had relied upon calculation by units rather than floorspace or habitable rooms, so I adopt the same approach. It further seems to me that calculations for the Triangle Site and for the Combined Sites both have some relevance. On that basis, the scheme proposals are for a 43:57 mix on the Triangle Site alone and 64:36 mix on the Combined Sites.

12.23 Neither accord with the 70:30 target mix¹ in London Plan policy 3A.9 or Camden UDP policies H2 and KC4 [3.4,3.6]. As with the overall quantum of affordable housing, however, strategic policy takes the form of guidance for LDF formulation (there being no target mix in London Plan policy 3A.10) and all require a range of factors to be taken into account.

12.24 The Joint Brief identifies differences between Camden's and Islington's UDP policy approach [3.11], but this is largely because the latter pre-dated the ascendancy of intermediate forms of affordable housing tenure. Islington has drawn attention to the provenance of the 70:30 target mix in the Greater London Housing Requirements Study 2004 [8.3]. Solely on the basis of house prices and incomes (affordability), this indicated that an 89:11² mix should be required, before concluding that in the light of the broader remit to consider sustainable communities, a 70:30 mix remained the GLA's overall target. The Amenity Groups also consider that precedence should be given to social rented provision, because their own data indicates that intermediate housing is unaffordable to local people in need [9.4]. Nonetheless, while table 9.4 in Camden's Housing Needs Survey is broadly supportive of a 70:30 target at Borough level [3.12], table 11.5 in Islington's Housing Needs Survey suggests that a 45:54 mix would be appropriate [3.12]. Part of the reason for Islington's insistence now on a 70:30 mix may be found in criticisms of its Draft Core Strategy, which was withdrawn following an exploratory meeting with the Inspector undertaking its Examination, and later press commentary voiced by the then London Mayor [8.2]. In the absence of detailed analysis in the form of Strategic Housing Market Assessment of an agreed Housing Market Area, I do not consider the science sufficiently well developed to inform a judgement on suitable proportions of social rented and intermediate housing with any great degree of precision. The tenor of the correspondence from the GLA Head of Decisions makes clear, however, that Islington would not be exposed to further criticism for failing to apply the strategic 70:30 policy mix in this case [7.3].

12.25 Despite the differences over proportions, there is some congruity in approach between the Amenity Groups and the Appellants inasmuch as both focus on needs among the established King's Cross Community rather than the Boroughs' respective administrative areas. This, it seems to me, is a more suitably pragmatic approach to ensuring that local needs are met than reliance

¹ This equates to 35:15 in terms of overall housing provision given the 50% affordable housing target, and is expressed as such in some, but not all, of the documents, policies and submissions. For clarity, however, I use 70:30 (and its equivalents in terms of the "offer") throughout.

² Translated from 59:7:34 in paragraph 33 of CD7.11

on numerical proportions alone. The Amenity Groups and the Appellants both acknowledge that the Triangle Site is embedded in a part of Camden/Islington where there is already a high proportion of social rented accommodation. By enabling some tenants to staircase out of this social rented housing, an option that is not readily available in the area other than through "right to buy" (and consequent loss) of existing social housing, the Appellants contend that the higher than policy target provision of intermediate housing proposed would contribute to the Government's aim of establishing sustainable mixed communities [6.19-6.25].

- 12.26 To counter this point, the Amenity Groups point out that the existing stock of social rented accommodation in the area is occupied by a stable range of people from a diverse range of backgrounds, while intermediate housing would be more likely to be occupied by transient sectors of the population as well as being more likely to be attractive to the most upwardly-mobile among the existing tenants. The result of intermediate housing provision would thus be the replacement of a stable community by a less stable one, with the existing social rented accommodation in the area increasingly becoming characterised as "sink estates". Further transience may be lent by the inherent attractiveness of the location for buy-to-let rather than owner-occupation, or sub-letting rather than occupation by the primary tenant [9.4, 9.5].
- 12.27 The arguments are, in my view, finely balanced. However, while I acknowledge that the King's Cross Opportunity area is sufficiently large, as a whole, to establish its own social rented/intermediate mix in accordance with policy targets, irrespective of the characteristics of the surrounding area, the Amenity Groups' concerns overlook the purposes of regeneration and its intended "ripple-out" effects to the wider area. If the scheme is to stimulate wider regeneration of this part of London, it will be important to ensure integration of existing and new populations and ensure that the area is made more attractive to all as a place in which to remain resident, by preference rather than because of the absence of alternatives. This objective would, in my judgment, be better served through provision of a range of housing choices on the Triangle Site than by further consolidating the area's already sizeable concentration of social rented housing, as the Environmental Statement avers [6.21]. Environmental conditions also weigh in favour of a higher proportion of intermediate housing than the norm [7.7], while the achievement of a suitable mix of housing across the combined sites is a further positive feature of the proposals [6.17]. These factors, to my mind, justify a departure from the target mix in Camden UDP policies H2 and KC4(b) even if a higher proportion of social rented accommodation was to be held to be more likely to meet the needs of the present local population.
- 12.28 Moreover, PPS3 promotes an approach to affordable housing that takes a wider view of the housing market than the findings of housing needs surveys alone [8.3, 9.4] and encourages the intermediate sector in particular. The provision of intermediate housing has a particular focus on key-workers (not all of whom either need or want social rented accommodation) and there is a strategic need in London for this type of accommodation which this site, because of its ease of access to a wide range of the City's public services and amenities that depend on key-worker employment, is well placed to meet. Provided the house types and tenure arrangements satisfactorily target the

relevant groups, the mix in favour of intermediate rather than social rented accommodation can, I consider, be seen as being entirely appropriate here.

Price/affordability

- 12.29 I deal with two distinct matters under this consideration, the first being the “transfer prices” of the affordable housing to Registered Social Landlords [5.5] and the second being the affordability (and, more widely, suitability and accessibility) of the proposed housing to those in need.
- 12.30 Although Islington criticises the proposed transfer prices for the lack of transparency in their formulation [8.8], they are inevitably dependent upon a number of variables. These include estimates of build costs at the time of construction, levels of subsidy available at the time of transfer and the ratios between house prices/rents and incomes at the time of occupation. They do not include the provision of “white goods”, changes to 2007 build quality standards or additional costs associated with their provision as wheelchair accessible homes. Among the uncertainties, availability of grant funding from the Housing Corporation (or potentially, in London, from the GLA) will be a key determinant of the affordability of the transfer prices to the RSLs.
- 12.31 Evidence of the Housing Corporation’s involvement in discussions concerning funding is ambiguous [6.33, 8.9], with preliminary discussions seeming to have focussed on the Main Site rather than the Triangle Site, which it may reasonably have regarded simply as a later phase. However, while involvement in planning discussions and sight of wider economic analysis (such as the DTZ appraisal) may assist the Housing Corporation and other bodies in anticipating the potential amount and timing of calls for funding, this does not take the place of later audit of schemes by the funding bodies themselves at the time when finance for procurement of the affordable housing is sought by the RSLs involved. There is some iteration between the two processes but it would in my judgement and experience be unusual for the Housing Corporation to make a firm commitment to a set level of funding at outline planning application stage and particularly for a scheme having the scale and complexity of the Combined Sites or, in the case of the Triangle Site alone, having a likely procurement date long after the outline permission date (potentially 15 years or more). This is not least because resources, processes and priorities may fluctuate in the interim. In the context of this particular scheme, it would therefore clearly be premature to seek to resolve now, at outline planning stage, detailed questions over “additionality” [8.8, 8.9] and the extent to which the transfer price (and thus the amount of subsidy required to facilitate procurement) may vary in consequence of potential additional costs (such as noise insulation). Notably in this respect, given that “Shared Equity” and “Right to Buy Homebuy” units would be entirely developer funded [6.29, 6.30], Islington’s preference for affordable housing offer (B) [5.5, 8.13] would involve more public subsidy than the Appellants’ and Camden’s preferred offer (A) [5.5, 7.9], and thus greater uncertainty.
- 12.32 There can, however, be no doubt that both the Housing Corporation and the GLA are, at the very least, aware of Plan-led proposals to provide affordable housing on the Triangle Site [8.9, 6.12, 6.33]. The proposed cascade mechanism in the planning Obligation [5.5] is a customary and necessary approach to the management of uncertainty over future funding levels. It would be disappointing if the optimum range of tenures did not, in the event,

result but the proposed cascade arrangements work sequentially through a series of alternatives to secure the most beneficial level of provision relative to subsidy available at the time development takes place. If no subsidy is made available, I acknowledge that this could lead, in effect, to a significant diminution of the "baseline mix" affordable housing offer [5.5, 8.10]. Nonetheless, to my mind the cascade represents a realistic and sensible approach, given the uncertainties inherently involved at planning stage. Camden, for its own part, is willing to accept the risk in order to ensure achievement of other planning priorities [7.6]. Unlike the Filton Airfield case, the initial affordable housing offer also establishes a suitably demanding point from which any departure would need to be justified. Moreover, none of the RSLs involved in procurement of affordable housing on the Main Site have found the transfer prices unaffordable and there is no contrary evidence to suggest that circumstances would be different on the Triangle Site [6.33, 8.14].

- 12.33 Turning then to affordability (and suitability and accessibility) for those in housing need, it is intended that the local lettings plan will cover the social rented and shared ownership units and give priority to those who currently live in the "Central Impact Zone" (CIZ) and then to those in the "Wider Impact Zone" (WIZ) [5.5, 6.19, 6.23]. Thus, although Block B (the affordable housing block) would lie wholly within Camden, there is no question that Islington residents would qualify on equal terms with Camden residents for access to the proposed affordable housing [6.1]. The mix of unit sizes has also been designed having regard to local needs, the environmental qualities of the site and to complement the range of provision on the Main Site. This accords with the Development Brief, and is undisputed [6.17, 6.21].
- 12.34 In addition to social rented units, four different types of intermediate housing "product" are proposed [6.23-6.30]. Provision of social rented housing enjoys the support of all principal parties to the Inquiry. Some priority also attaches to the need to provide housing for key workers [3.12, 6.27] and I note that Camden's Housing Needs Survey, despite identifying greatest need for social rented housing, says that intermediate tenures are most likely to be appropriate in meeting the needs of such workers [8.3]. The 12 sub-market rented units proposed in this category would go some way to meeting that need locally, to the benefit of London as a whole. It also seems to me that the Housing Market Area for this type of provision might therefore be drawn rather more widely than just King's Cross and, in consequence, embrace a wider range of income levels [8.14]. Whatever the case may be in that particular respect, I consider that such provision should be supported here to meet key worker needs, irrespective of any implications there might be for increased transience in the local population [9.5].
- 12.35 The remaining three categories ("Shared Ownership", "Shared Equity" and "Right to Buy Homebuy") all carry the risk of increased transience [9.5], but equally provide wider housing opportunities than currently exist to "anchor" residents who might otherwise have no opportunity to satisfy changing housing needs other than by moving away [6.22, 6.25]. The "Shared Ownership" product involves the payment of both mortgage and rent, but on a discounted purchase price [6.28], so will offer a route into home ownership for some, particularly young people who can qualify for the full term of a mortgage but have less by way of deposit and who might be first-time

purchasers. The "shared equity" product offers a similar opportunity [6.29] and while private subsidy for this may be open to criticism for amounting to little more than an opportunity for the developer to share in any future increase in house values, this is subject to the usual caveat that the value of investments can go down as well as up. The "Right to Buy Homebuy" product is targeted particularly at existing local residents who wish to stay in the area (but not necessarily in their existing home) and would enable them to do so without public subsidy or loss of social rented accommodation [6.30]. All, to my mind, have a role to play in delivering a sustainable mixed community in King's Cross, and are more likely to add to the diversity of the area than detract from it [9.5].

- 12.36 The Appellants do not deny that the intermediate products would be most likely to be affordable only by those in the upper half of the London average income range [3.11, 6.32, 6.33]. There can also be little doubt that the incomes of those in the wards nearest the Triangle Site who are in housing need are likely to be low [6.19, 9.14]. That is not to say, however, that the intermediate products would not be both affordable and accessible to some local residents whose needs are not met by market housing or by the social rented sector. For those eligible households, the products would, in varying measure, be available at a cost low enough for them to afford, determined with regard to local incomes and local house prices [6.33].

Arrangements for re-cycling

- 12.37 The point raised under this heading is a very specific one, concerning the period over which grant or subsidy should be expected to be re-invested, and how. This in turn bears on whether certain of the intermediate housing products proposed actually fall within the definition of Affordable Housing [8.11, 8.12, 9.8]. Such concern would be met to Islington's satisfaction in the Affordable Housing Agreement Schedule B baseline mix [5.5] simply by converting the developer funded "Shared Equity" and "Right to Buy Homebuy" units into RSL-provided "Shared Ownership" units [8.13, 6.34]. However, neither the Appellants nor Camden support that option and wish to adhere to Schedule A [6.35 -6.38 and 7.8 - 7.9]. Nonetheless, with Schedule B tabled, the re-cycling point no longer represents a potential reason for dismissing these appeals and bears only upon the form in which the proposals might be permitted.
- 12.38 The subject of recycling is expanded upon in the PPS3 daughter document "Delivering Affordable Housing" at paragraph 40. The advice there is that "the purchaser may staircase out, but there should be secure arrangements for subsidy to be recycled to provide more affordable homes or buy back the home if needed". This, however, is expressed in elaboration of an example rather than as a specific requirement. Indeed, the evidence suggests that RSLs do not always recycle staircasing receipts to provide more homes [6.36], and I am not aware of any provision that requires Councils to include "buy back" clauses in sales under current "right to buy" entitlements within the existing and extensive Council-controlled local housing stock [7.8]. Once purchased, the units themselves and any public subsidy involved in their construction are lost to the social rented sector in perpetuity. This contrasts starkly with the proposed "Right to Buy Homebuy" units that the Appellants propose. These would both save public subsidy in their provision and ensure the return to the social sector of the social rented unit being vacated [6.30].

As the Appellants point out, under option A, recycling would include not just the original subsidy but also rent income and the whole amount of staircasing receipts, including those from any uplift in property value, over a 15 year period [6.38]. I therefore find the advantages of option A convincing and consider that option B should not be triggered [11.1].

12.39 Even if not regarded as Affordable Housing, paragraph 41 of "Delivering Affordable Housing" urges Local Planning Authorities to consider the potential to provide low cost market housing as part of their approach to achieving a mix of housing. Given that concern focuses on only 24 of intermediate units, and just 12 if the "Right to Buy Homebuy" units are excluded, it seems to me that the potential for their loss to the intermediate sector would be off-set in some measure by their potential gain to the low cost market sector. This would be without compromising their siting, form and layout [6.18]. In an urban regeneration project of the size of that on the Combined Sites there is potential for housing in many forms at the margins of affordability to fulfil the needs or aspirations of future households and these units would, at least, make some contribution to doing so.

Consideration 2: Noise Environment

12.40 It is unusual to consider the suitability of a site for housing development only after having considered the affordable housing aspects, but this reflects the fact that neither Council objects to the proposals on environmental grounds, the concern having been raised at the Inquiry primarily by the Amenity Groups. This does not diminish the importance attaching to the subject, as the treatment of it in Volumes 1, 4, 5 and 6 of the Environmental Statement, and in evidence, confirm [1.2, 6.38-6.43, 7.10, 9.9-9.16 and 10.1].

12.41 National guidance on planning and noise in PPG24 states that the planning system has the task of guiding development to the most appropriate locations, and acknowledges that some land uses, such as housing, may be hard to reconcile with other activities that generate high levels of noise, such as road, rail and certain types of industrial development. The advice is promulgated on the basis that, wherever practicable, noise sensitive developments should be separated from major sources of noise, and Development Plans are expected to establish a policy framework for ensuring this is so. However, where it is not possible to achieve separation of land uses, Local Planning Authorities are urged to consider whether it is practicable to control or reduce noise levels, or to mitigate the impact of noise, through the use of conditions or planning Obligations.

12.42 A number of noise sources currently exist around the site. These include the existing ECML and CTRL routes, traffic on York Way and the nearby Cemex concrete batching plant [6.40, 6.42, 6.43, 9.13, 10.1]. Noise surveys and estimates carried out on behalf of the Appellants indicate that, for new dwellings, parts of the site will variously fall within PPG24 Noise Exposure Category C (permission should not normally be granted) and D (permission should normally be refused) [6.41]. Camden UDP policy SD7 and Appendix 1 tables A, B and C reconfigure these categories and indicate that they will be applied with rigour [9.11-9.13]. While noting the advice in Annex 2 to PPG24, I attach little significance to Appellant's argument that the noisiest parts of the site fall only just within NEC D [6.41]. The human ear may well be unable to distinguish the difference of only 0.7dB, but that applies both ways. At the

margins, residents might just as easily perceive themselves to be exposed to noise levels above NEC C as below NEC D. Noise sources in the vicinity are also likely to increase rather than decrease. This will be in consequence of trains using the new Thameslink tunnel when it becomes operational, as well as construction activity on the Main Site and, in the longer term, increased traffic on York Way arising from that development. The Environmental Statement assesses the increased noise from these sources not to be material [1,2, 6.39, 9.14]. Even so, there can be little doubt that the site is, and is likely to continue to be, exposed to major sources of noise that, under current policies, militate against residential development.

- 12.43 In the highest noise exposure category, however, neither PPG24 nor Camden's UDP preclude residential development altogether. As Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires, other material considerations must always be weighed in the balance. These include the need for, or the desirability of, noise sensitive development going ahead, and the extent to which mitigation can produce a satisfactory environment. The desirability of providing housing, including affordable housing, on the Triangle Site is most briefly encapsulated in Camden's submissions [7.10]. The noise limits proposed in the conditions agreed by the parties are also indicative of the mitigation required to reconcile the *exposure of the site* to noise with the creation of a satisfactory noise environment *within the proposed dwellings* [11.1]. With advances in acoustic technology since PPG24 was published, I have no doubt that this level of mitigation is achievable [6.41, 6.42].
- 12.44 This does not mean that living conditions would be perfect. Occupiers would be reliant upon closed windows and an operational ventilation system to ensure the required degree of quietude in their homes. There would remain the risk of exposure to periodic loud noise events, such as passing vehicles with faulty silencers or high-powered music systems. Beyond any screening effect deriving from the proposed placement of buildings on the site, the open amenity areas would also remain fully exposed to the prevailing noise environment [9.14].
- 12.45 Nonetheless, modern air-conditioned buildings customarily rely upon ducted ventilation rather than opening windows. The former might be held to create a more comfortable environment in warm conditions than the latter, and paragraph 42 of the Climate Change Supplement to PPS1 indicates how, at reserved matters stage, passive climate control measures can be integrated into building design. Sudden noise from the Cemex plant is now confined to normal waking hours [10.1] and the long term future of the plant in this location is, perhaps, also open to question [6.43]. I further observed during my site inspection that ECML and CTRL trains move relatively slowly here as they manoeuvre through curves and across points on departing from or arriving at the respective London termini. While this, together with the powering up and down of the engines, does result in some tonal and other noise effects at and beyond the tunnel portals, it is very different from the sudden bursts of noise associated with trains periodically hurtling past at full speed, as may be the case in the much broader and straighter sections of permanent way approaching Paddington or Waterloo through London's more suburban parts, for example. I would expect Thameslink trains to follow a similarly reduced speed of movement through the new tunnel, and thus perhaps have less ground- and air-borne noise impact when compared with

trains near Gatwick or passing through the Barking Portal [9.14]. The railway alarm bell just inside the existing ECML tunnel was audible at the ground level of the site during my site inspection, but not excessively so, and was quickly drowned out by the passage of the trains that triggered it [9.13, 6.43]. Road noise, albeit during a relatively quiet period of the day, was less than I have experienced on other housing sites being developed alongside main radial routes into London. Indeed, while having been prepared to be dismayed by the local noise environment when I arrived on the site, my overall impression once there was to be surprised that it was not much different from what might be regarded, in Central London at least, as fairly commonplace. With mitigation against internal noise to the level required by the suggested planning conditions and with easy access to quieter open spaces such as the Camley Street park reasonably close to hand, I (like the Councils) have no doubt that satisfactory living conditions can be assured.

Other matters raised in the representations

- 12.46 It is conceivable that that if these appeals are dismissed, the Appellants could bring forward proposals that exclude housing provision altogether [6.6, 9.16]. This would not be inconsistent with the King's Cross Development Brief, which does not stipulate that housing must be provided here [3.14], while the increased housing expectation on the London Plan refers to the Opportunity Area as a whole, rather than to the Triangle Site in particular [9.3]. Nonetheless, there is no "fall-back" position in this case that the Appellant could rely upon. This is because any alternative development, whether including or excluding housing, would require permission in its own right and would stand or fall on its individual merits within the framework of Section 38(6) of the 2004 Act. The risk to housing provision is not therefore a factor to which weight should, I consider, be attributed.
- 12.47 The responses to consultation and publicity indicate a good measure of support for the proposals [10.2, 10.6, 10.9] as well as objection. Points concerning the suitability of the site for housing, the appropriateness of providing more social rented housing and the attractiveness of the proposed amenity space have been covered in my commentary on the main considerations. Government Office for London expressed the view, on Camden's handling of the Main Site application, that its report had included a very thorough and comprehensive consideration of the proposals [6.44]. Having read the representations alongside the respective Council's Committee reports on the Triangle Site [10.9], I find no reason to come to any different conclusion in this case. In particular, paragraph 1.10.5 of Camden's Report refers to the conclusion in the Environmental Statement that the retail and leisure components on the Combined Sites are likely to have a major beneficial impact on the social capital of the CIZ and WIZ. Paragraph 1.12.75 also notes that reductions in parking provision have been negotiated since the proposals were originally submitted but that the subject is one that will need to be finalised at detailed approval stage. The suggested conditions facilitate this [11.1]. Overall, I find nothing in the representations that are of such significance as to alter my conclusions on the main considerations or, in themselves, to warrant the refusal of planning permission.

The proposed conditions and obligations

Conditions

- 12.48 In the event that the Secretary of State is minded to allow both of the appeals and grant planning permissions, I attached at Appendix C to this Report a list of recommended conditions (*with, for information purposes only, the Councils' reasons for seeking their imposition*). These have evolved through a process of discussion between the parties to the Inquiry [11.1], and those in Appendix C include amendments that were considered and agreed in open session on the penultimate sitting day, primarily to ensure compliance with Circular 11/95 advice. They are listed under summary subject headings, and for the most part deal with normal development control matters that are unexceptional. I comment only on those that might be considered otherwise.
- 12.49 Conditions 1, 2, 4 and 5 vary the statutory time periods for submission of reserved matters and commencement. The definition of "reserved matters" for the purposes of these appeals is set out in the "definitions" section at the end of the conditions list. In effect, these four conditions require development to be begun not later than 8 years from the date of the permission or two years from the final approval of the first reserved matters, whichever is the later. The latter could, as conditions 4 and 5 indicate, be after 14 years, or longer if there are delays in actually gaining approval of the details in accordance with condition 3. This compares with the expected duration of development on the combined sites of 21 years, and in that context, does not seem unreasonable. I understand that the Triangle Site will, until development is about to take place, accommodate a Construction Training Centre displaced from the Main Site. Permission has apparently been granted for this, so the Triangle site would be unlikely to stand vacant or derelict. Circular 08/05 commends the variation of statutory time limits in appropriate cases, and I therefore see no obstacle to doing so here [11.1].
- 12.50 Condition 10 would deal suitably with sustainable construction in support of the Planning and Climate Change supplement to PPS1. It should be read in conjunction with the "All Parties" Agreement, which includes clauses to ensure that implementation tracks good practice current at the time the Triangle Site is developed. Condition 12 touches upon the subject of inclusivity. The subject is covered in greater detail by the "All Parties" Agreement. This includes provision for an "inclusive design champion", requires development to follow inclusive design principles and establishes the aim of ensuring that all of the housing is developed to "lifetime home" standards. Specific provision for wheelchair accessible homes was a matter of particular concern to the Amenity Groups [11.1]. However, while wheelchair accessible housing is suitable for some, lifetime homes are capable of adaptation for all.
- 12.51 Conditions 17-20 control development content [1.5]. Condition 19 includes a reference to Appendix D to this Report. The reference letter might need to be changed depending upon the format of the Secretary of State's own decision.
- 12.52 Conditions 27-30 deal with noise. Condition 28 includes the words "special attention shall be given to...." and I have modified condition 29 to include the word "normally". This is because there may be circumstances in which noise might exceed the limits proposed but would be beyond the control of the Appellants. It was explained to me that this might, for example, include the

passing of a train that, through wear, had developed flat spots on one or more of its wheels. The conditions guide the design of the attenuation scheme rather than invoke a penalty if the noise limit is, for such reasons, exceeded. To that extent I consider the terminology I recommend to be neither unacceptably vague nor unenforceable and I regard the conditions as acceptable.

- 12.53 Lastly, if the Secretary of State shares my views on the subject of recycling of funding for affordable housing, the wording of the Obligation is such that there is no need for a condition triggering affordable housing offer B.

Obligations

- 12.54 The planning Obligations, like the proposed planning conditions, have considerable resonance with those for the main site. It seem to me that they cover matters to which the Secretary of State is likely to attach importance, especially with regard to affordable housing, and that they accord with policy guidance in Circular 5/2005. Islington made clear to me that, irrespective of the outcome of these appeals, it had no intention of signing up to an Obligation on affordable housing the substance of which it was fundamentally opposed to. However, that Council has not criticised the actual formulation of the Affordable Housing Obligation and, irrespective of Islington's stance, I have no reason to believe that the Obligations will not deliver what is promised [5.4, 5.5].
- 12.55 Should the Secretary of State be minded to allow the appeals but for details of the affordable housing offer in the Obligations (such as to alter the 15 year period for recycling of staircasing receipts), the Appellants wish the Secretary of State to know that they are amenable to considering modifications if invited to do so.

Overall conclusions

- 12.56 The parties have indicated that these appeals raise questions of more than local significance [1.1, 8.16]. In that connection, among the matters discussed at the Inquiry I consider that three warrant specific mention. The first is whether the aspirations to develop a sustainable mixed community here through the provision of a wide range of tenures, rather than meet in the fullest possible measure identified housing needs, will result in a widening social divide rather than a narrowing one (paragraphs 12.25 -12.28 and 12.34 - 12.36 above). On the balance of evidence, I am content that the likelihood is the latter rather than the former. The second is whether the proposed intermediate forms of tenure truly represent affordable housing in the PPS3 sense. Much depends in this regard on the adequacy of the proposals for grant and subsidy recycling and whether the arbitrary 15 year period proposed for such recycling is sufficiently enduring having particular regard to it being private rather than public funding that would be involved (paragraphs 12.8 12.37, 12.38 above). In my estimation the proposals are compliant with the now current PPS3 definition of affordable housing. Even if that were not held to be the case, the proposals would provide a seamless transition of tenures, ranging from social rented through to full open market housing and thereby go some way to maximising housing choice for new and existing residents. The third is the adequacy of the arrangements for decision making on large scale projects spanning administrative boundaries (paragraph 12.6 above). In this

respect, it is notable that there is provision for joint plan making by Local Planning Authorities but not for the determination of individual planning applications either on a case by case basis or, as may become increasingly significant in the future, at sub-Regional level across complete housing market areas. This inevitably leads to uncertainties and delays when, as here, the Councils concerned do not share a united perspective. It is not, however, a matter that has any direct bearing on the Secretary of States consideration of these proposals.

- 12.57 Those matters aside, taking the Main Site and Triangle Site together, the proposals would contribute to providing 834 new affordable homes in an area of regeneration where the respective Councils' UDP policies and the joint King's Cross Development Brief had required no more than 1,000 home in total, equating under the GLA's 50% target to just 500 affordable homes.
- 12.58 Overall housing expectations from the Opportunity Area as a whole have been raised in the recently adopted London Plan Further Alterations but, with the Main Site proposals already permitted and provision elsewhere within the Opportunity Area, it cannot be said that the proposals for the Triangle Site are deficient. The 84 affordable units proposed here are fewer than the 100 (applying the same GLA 50% target figure) that the Triangle Site alone may have potential to contribute, but housing has never been a requirement on this site, only an aspiration if suitable environmental conditions can be ensured. Given also the importance attaching in the King's Cross Opportunity Area to planning objectives other than maximising housing delivery, I regard the amount of housing, and the proportion of affordable housing, proposed in the appeal schemes to be entirely acceptable.
- 12.59 In simple housing land use planning terms that might be said to be the end of the matter. However, the spatial planning system under the 2004 Act is concerned with delivering outcomes rather than solely regulating the development and use of land, and the primary objective in this case is to establish a sustainable mixed community. This, it seems to me, applies not to the Triangle Site in isolation, but to the much more ambitious project of regenerating the King's Cross Area as a whole, incorporating not just the Opportunity Area but also the neighbouring existing communities. As PPS3 recognises, spatial planning in this sense demands much more detailed investigation of housing mix and tenure than simply imposing greater amounts of social rented housing. Spatial planning is progressing with increasing momentum in London, but for Camden and Islington the only component currently in place is the London Plan. The process is to be carried forward through Strategic Housing Market Assessment, but it is likely to be some considerable time before such assessment will be able to identify needs and demand at neighbourhood level in this part of London. Development of the Triangle Site cannot be delayed until that process is completed and nor, in my view, should it be. This is because although development may not take place until the post 2015 period, important decisions have to be made now about the level of infrastructure provision and other physical, economic and social relationships to the Main Site. It seems to me that the developers have gone to considerable effort to discuss the appropriate housing mix with the Councils and the local communities. While significant differences remain with the latter, I consider that the developers have produced an exemplary range of provision that, especially with regard to the intermediate housing sector, fully reflects

the principles advanced in PPS3 and its daughter document Delivering Affordable Housing. Conversely, Islington's eleventh hour objection, while plainly based on a misunderstanding and misapplication of London Plan policy and targets, seems to me to have derived largely from the GLA criticism, rather than constructive guidance, that its nascent Core Strategy met with at Examination stage.

12.60 Having considered these and all other matters raised at the Inquiry and in the representations, I conclude that the proposals accord with the statutory development plan for the area when read as a whole, and that there are no material considerations of sufficient importance to warrant a contrary decision. The affordable housing offer is acceptable, the noise environment of the site will be satisfactory and the scheme, if permitted, would suitably complement the proposals on the Main Site for the regeneration of this nationally significant area of London.

12.61 Recommendations:

12.62 I recommend that both Appeals A and B be allowed and that outline planning permission be granted for:

Mixed use development of part of the former railway lands within the Camden King's Cross Opportunity Area and an Islington Area of Opportunity. The development comprises: residential; shopping, food and drink and professional services within the A1, A2, A3 and A4 use classes; a health and fitness centre (use class D2) incorporating medi-centre facilities, a crèche and community facilities (use class D1); amenity and open space; habitat area; recycling and other ancillary uses; parking; highway works to provide access; and other supporting infrastructure works and facilities

Subject to the conditions listed in Appendix C to this Report.

D Lavender

Inspector.

Appendix A: APPEARANCES

FOR THE COUNCIL OF THE LONDON BOROUGH OF ISLINGTON:

Ms Morag Ellis Queen's Counsel, instructed by
Ms L Round, Director of Corporate Resources
Islington London Borough Council

She called
Mr C Clarke BA Hons,
MA, MRTPI Founder, Terence O'Rourke Ltd, Planning and
Environmental Consultancy
Mr H Lacey BSc(Hons) Development Manager, Pioneer Property
Services Ltd, Housing and Development
Consultants

FOR THE COUNCIL OF THE LONDON BOROUGH OF CAMDEN:

Mr Paul Brown Of Counsel, instructed by
Mr S Ashworth of Denton, Wilde, Sapte Solicitors

He called
Mr R Kirby BSc, MSc,
Dip TP King's Cross Applications Team Manager

FOR THE APPELLANT:

Mr Keith Linblom Queen's Counsel, instructed by
Lovells
Atlantic House, Holborn Viaduct, London, EC1A
2FG

He called
Mr S Robinson DipTP,
MRTPI Executive Director, CB Richard Ellis Property
Consultants
Ms C Dickinson Director, RPS Planning
BSc(Hons), DipTP,
MRTPI

Mr C English Partner, The English Cogger LLP, Independent
BSc(Hons), CEng, MIME Acoustic Consultancy

FOR THE KING'S CROSS RAILWAY LANDS GROUP and THE CALLEY RAIL GROUP:

Mr P Jeffries
He called
Mr M Edwards Co-Chair of the King's Cross Railway Lands
Group
Ms D Shelley Chair of the CALLEY Rail Group

INTERESTED PARTY:

Mr W Perrin Local Resident, Flat 3, 4 Rufford Street, London
N1 0AP

Appendix B: Documents

General Application Documents*

CD1.1	Camden Planning Application Form 2004/2311/P and covering letter
CD1.2	Islington Planning Application Form P041261 and covering letter
CD1.3	Development Specification (April 2004)
CD1.4	Revised Development Specification (August 2005)
CD1.5	Urban Design Statement
CD1.6	Statement of Community Engagement Document 1 (January 2004)
CD1.7	Statement of Community Engagement Document 2 (January 2004)
CD1.8	Statement of Community Engagement Document 3 (January 2004)
CD1.9	Urban Design Guidelines - North
CD1.10	Urban Design Guidelines - South
CD1.11	Implementation Strategy (April 2004)
CD1.12	Environmental Sustainability Strategy (April 2004)
CD1.13	Public Realm Strategy (April 2004)
CD1.14	Code of Construction Practice (April 2004)
CD1.15	Regeneration Strategy (April 2004)
CD1.16	Environmental Statement Volume 1 (May 2004)
CD1.17	Environmental Statement Volume 2 (May 2004)
CD1.18	Environmental Statement Volume 3 (May 2004)
CD1.19	Environmental Statement Volume 4 (May 2004)
CD1.20	Environmental Statement Non-Technical Summary (May 2004)
CD1.21	Transport Assessment (April 2004)
CD1.22	Green Travel Plan (April 2004)

* CD = Core Document, ID = Inquiry Document

CD1.23	Illustrative Highway Proposals (April 2004)
CD1.24	Retail Impact Assessment (March 2004)
CD1.25	Planning Statement (May 2004)
CD1.26	Triangle Site - Explanatory Statement (April 2004)
CD1.27	Environmental Statement Volume 5 - Supplement (September 2005)
CD1.27A	Environmental Statement Volume 6 - Triangle Supplement on Noise, Vibration and Wind Turbulence (January 2008September 2005)
CD1.28	Environmental Statement Revised Non-Technical Summary (September 2005) (in substitution for Document 1.20)
CD1.29	Revised Code of Construction Practice (September 2005) (in substitution for Document 1.14)
CD1.30	Revised Illustrative Highway Proposals (September 2005) (in substitution for Document 1.23)
CD1.31	Access and Inclusivity Strategy (September 2005)
CD1.32	Illustrative Scheme Plan, AO size
CD1.33	Energy Assessment (September 2005)
CD1.34	Planning Appeal Form - Islington Council
CD1.35	Planning Appeal Form - Camden Council
ID8.1	Core Documents List (superseded)
ID8.2	Appearance lists for each day of the Inquiry
ID8.3	Statement of Common Ground
ID8.4	Inspector's Pre-Inquiry Briefing Note
ID8.5	Bundle of third party representations received in response to publicity given to the appeals
ID8.6	Letter (undated) handed in at the opening of the Inquiry from the Chair of Somertown and St Pancras Art
ID8.7	Composite version of London Plan, consolidated with Alterations since 2004
ID8.8	Inspector's Adjournment Note
ID8.9	Inspector's Adjournment Note on Conditions
ID8.10	Joint Statement from Government Office for London and the Greater London Authority
ID8.11	List of suggested conditions, agreed between the parties, following meeting on 28 March 2008 (with 2 Annexes)
ID8.12	Letter from Lovells dated 4 April 2008 concerning interpretation of "reserved matters"

Appellant Documents

CD1.36	Draft Section 106 Agreement (v6) - submitted by Appellants, 22 November 2007
CD1.37	Draft Section 106 Agreement (v7) - submitted by Appellants, 10 January 2008
CD1.38	Letter from Argent plc to Islington Council, 7 December 2006
CD 2.4	Government Office for London, Direction on UDP Policies, 24 September 2007
CD 2.10	Report of the Shared Equity Task Force, December 2006
CD 3.1	The London Plan, February 2004
CD 3.2	Early Alterations to the London Plan, December 2006
CD 3.3	Draft Further Alterations to the London Plan, September 2006
CD 3.4	Draft Mayor's Housing Strategy, September 2007
CD 3.5	Letter from Head of Planning Decisions to Camden Council, 10 September 2007
CD 3.6	Letter from Head of Planning Decisions to Camden Council, 13 December 2007
CD 3.7	Letter from Senior Strategic planner to Camden Council, 4 October 2007
CD 3.10	London Plan Annual Monitoring Report 3, February 2007
CD 3.19	Examination in Public Panel Report, July 2003
CD 3.20	Letter from Mr Giles Dolphin to CBRE, 21 January 2008
CD 7.1	King's Cross Railway Lands Group v London Borough of Camden Interested Parties [2007] EWHC 1515 (Admin)
CD 7.2	King's Cross Railway Lands Group v London Borough of Camden Interested Parties - Transcript of Day 1, 24 May 2007
CD 7.3	King's Cross Railway Lands Group v London Borough of Camden Interested Parties - Transcript of Day 2,

	24 May 2007
CD7.12	Section 106 Agreement, Main King's Cross Site
CD7.13	Decision letter sent on behalf of the Secretary of State to Circadian Ltd re Lots Road Power Station, 30 January 2006 and Inspectors Report, 17 August 2005
CD7.14	Housing Corporation, Recycled Capital Grant Funds and Disposal Proceeds Funds Review, Consultation Paper 2005
CD7.15	Housing Corporation, Recycled Capital Grant Fund, Consultation Paper, 2007
CD7.16	Housing Corporation, Have you heard about Open Market Homebuy? 2006
CD7.17	National Audit Report, A foot on the Ladder; Low Cost Home Ownership, July 2006
CD7.18	Decision letter sent on behalf of the Secretary of State to St George South London Ltd re Vauxhall Tower, 14 July 2005 and Inspector's Report, 27 September 2004
CD7.19	East Planning Committee Report on PIMS House 1-20 Mildmay Avenue and Service House 3 Mildmay Avenue, Islington, London dated 15 January 2007
CD7.20	West Planning Committee Report on 14-18 and 20-26 Market Road, Islington, London dated 19 April 2007
ID9.1	Opening Statement by Mr Lindblom
ID9.2	Mr Robinson's written evidence and summary
ID9.3	Ms Dickinson's written evidence, appendices and summary
ID9.4	Ms Dickinson's written response to Inspector's pre-Inquiry briefing note
ID9.5	Mr English's Note on Noise and Vibration
ID9.6	Letter dated 9 March 2006 from the Assistant Director of Planning at Islington LBC to the Director of Culture and Environment at Camden LBC
ID9.7	Letter dated 1 November 2004 from GLA Head of Decisions to Director of Environment and Conservation at Islington LBC
ID9.8	Town and Country Planning (Mayor of London) Order 2000
ID9.9	Response to Inspector's Adjournment Note
ID9.10	Appeal decision APP/A5270/A/06/2032281 for 437 Uxbridge Road, Ealing
ID9.11	Camden LBC Decision notice on Main Site, dated 22 December 2006
ID9.12	GOL letter dated 11 April 2006 responding to reference of main site under the Town and Country Planning (Shopping Direction)(No2) Direction 1993
ID9.13	Letter dated 28 March 2008 requesting recovery
ID9.14	Response by Ms Dickinson to Mr Lacey's briefing

	note on intermediate tenures
ID9.15	Letter from GLA to PINS dated 2 April 2008
ID9.16	Explanatory Note on the submitted S106 Obligations
ID9.17	Final S106 Other Matters
ID9.18	Final S106 Affordable Housing
ID9.19	Mr Lindblom's closing statement

Islington Documents

CD 2.6	UK Treasury/Office of Government Commerce, Guide for the Disposal of Surplus Property, November 2005
CD 2.7	Strategic Housing Market Assessment Practice Guidance Version 2, August 2007
CD 2.8	Housing Green Paper "Homes for the Future: More Affordable, More Sustainable", 23 July 2007
CD 2.9	ODPM Circular 5/05, 18 July 2005
CD 3.8	Mayor's Housing SPG, November 2005
CD 3.9	GLA Planning Report PDU/LDF19/LDD01101 and letter (response to Islington Council Consultation Draft Core Strategy) 23 February 2006
CD 3.11	GLA Press Release - "Boroughs must learn the lessons of Islington's housing mistakes, says Mayor", 2 July 2007
CD 3.12	GLA Planning Report PDU/0347/01, 15 January 2003
CD 3.13	GLA Planning Report PDU/0347/01, 27 October 2004
CD 3.14	GLA Planning Report PDU/0347/02, 16 November 2005
CD 3.15	GLA Planning Report PDU/0347/03, 23 March 2006
CD 3.16	Letter from Mr Giles Dolphin (GLA) to Mr Bob West (LBC), 18 November 2003
CD 3.17	Draft London Plan, June 2002
CD 3.18	Examination in Public Panel Report to the Draft Further Alterations to the London Plan, September 2007
CD 5.1	Islington Unitary Development Plan, June 2002
CD 5.2	One Islington Corporate Plan 2006-2009
CD 5.3	One Islington Best Value Performance Indicators 2006-2007

CD 5.4	Performance Review Committee, 2 July 2007
CD 5.5	Affordable Housing, April 2003
CD 5.6	West Area Committee Report, 25 November 2003
CD 5.7	West Area Committee Report, 13 January 2004
CD 5.8	Executive Committee Report, 5 October 2006
CD 5.9	Notice of Call-in, 12 October 2006
CD 5.10	Overview Committee Report, 19 October 2006
CD 5.11	Overview Committee Minute to meeting of 19 October 2006
CD 5.12	Affordable Housing, Guidance Note, October 2006
CD 5.13	Islington's Core Planning Strategy, Submission Draft, March 2007
CD 5.14	West Area Planning Sub-committee Report & Minute, 12 February 2007
CD 5.15	West Area Planning Sub-committee Report & Minute, 18 April 2006
CD 5.16	Mayor's Letter (and attached Report) on draft Core Strategy, 18 April 2007
CD 5.17	Examination in Public Inspector's Notes of Exploratory Meeting, 5 June 2007
CD 5.18	Advice of Miss A Williams, Counsel, 14 May 2007
CD 5.19	Council Committee Report & Minute, 26 June 2007
CD 5.20	West Area Planning Sub-committee Report & Minute, 10 July 2007
CD 5.21	Refusal Notice, 17 July 2007
CD 5.22	Letter to Planning Inspectorate on Decision Notice, 3 December 2007
CD 5.23	Letter from Islington Council to Appellant, 30 July 2007
CD 5.24	Islington's Annual Monitoring Report 2007
CD 5.25	Islington Preferred Options draft Core Strategy, January 2006
CD 5.26	Islington Housing Strategy 2004-2007

CD 7.4	Housing Corporation, National Affordable Housing Programme Prospectus 2008/2011
CD 7.5	Housing Corporation, Atlas Advisory Team, and English Partnerships, "Cascades: Improving the Certainty in the Delivery of Affordable Housing for Large-scale Development?", September 2007
CD 7.6	Decision letter sent on behalf of the Secretary of State to Bovis Homes Ltd re Filton Northfield Appeal and Inspector's Report, 19 June 2007 (Appeal closed 28 February 2007)
CD 7.7	2007 Queens Speech, 6 November 2007
CD 7.8	Housing and Regeneration Bill Background Briefing Note to the Queen's Speech, 6 November 2007
CD 7.9	Housing Corporation, Capital Funding Guide, 2007
CD 7.10	Fordham Associates Ltd, Islington Housing Needs Survey 2002
CD 7.11	Outside Research Services Ltd, Greater London Housing Requirements Study 2004
ID10.1	Opening Statement by Ms Ellis
ID10.2	Mr Clarke's written evidence and summary
ID10.3	Mr Lacey's written evidence, summary and appendices
ID10.4	Mr Lacey's written response to the Inspector's Pre-Inquiry Briefing Note and revised draft S106 (15 Feb version)
ID10.5	Mr Lacey's final briefing note on intermediate tenures, dated 27 March 2008
ID10.6	Ms Ellis's closing statement

Camden Documents

CD 4.1	Camden Unitary Development Plan Alteration Number 1, May 2003
CD 4.2	Camden Unitary Development Plan, June 2006

CD 4.3	Planning Guidance, December 2006
CD 4.4	Planning Sub-committee Report & Minute, 18 October 2007
CD 4.5	Planning Sub-Committee Report, 8/9 March 2006
CD 4.6	DTZ Briefing Note (Financial assessment), 8 March 2006
CD 4.7	DTZ letter to Camden Council, 29 November 2007
CD 4.8	Camden Housing Strategy 2005-2010
CD 4.9	Camden's Housing Need Survey, Fordham Research, January 2004
CD 6.1	King's Cross Opportunity Area Planning and Development Brief, December 2003 (Camden) and January 2004 (Islington)
ID11.1	Opening Statement by Mr Brown
ID11.2	Mr Kirby's written evidence and summary
ID11.3	Note dated 13 February 2008 from Camden LBC Environmental Health Team, commenting on Further Environmental Information (Noise)
ID11.4	Response to Adjournment Note
ID11.5	Report to the Council's Executive dated 28 February 2008
ID11.6	Letter dated 1 April 2008 from Denton, Wilde, Sapte requesting recovery
ID11.7	Extract from "Principles for a Human City"
ID11.8	Report on Main Site planning application and covering note identifying key passages and paragraphs
ID11.9	Mr Brown's closing statement

KXRLG/CALLY/Other Interested Parties' Documents

ID12.1	Opening Statement by Mr Jeffries
ID12.2	Mr Edwards's written evidence, summary, supplementary written evidence and appendices
ID12.3	Ms Shelley's written evidence , summary and appendices (DS1-

	9) and consultation response on Further Environmental Information
ID12.4	Extract from London Development Database (% affordable in 2006/07)
ID12.5	Three bundles of background documents
ID12.6	Argent (King's Cross) Limited Main Site Baseline Monitoring Report
ID12.7	BS 8233:1999
ID12.8	Mr Perrin's written submission and appendices
ID12.9	Planning History of Cemex Batching Plant
ID12.10	Mr Perrin's Response to Inspector's Adjournment Note
ID12.11	Proposed Amendments to Conditions
ID12.12	Mr Jeffries' closing statement
ID12.13	Union Railways (North) Ltd

Appendix C: Recommended Planning Conditions

COMMENCEMENT	
1	<p>The development must be begun not later than either 8 years from the date of this permission or two years from the final approval of the first reserved matters application, whichever is the later.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
2	<p>The permission shall lapse unless the first Reserved Matters Application is made within eight years of the date of this permission.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
APPROVAL OF RESERVED MATTERS	
GENERAL	
3	<p>Approval of the Reserved Matters shall be obtained from the Local Planning Authority in writing prior to the commencement of any development to which those Reserved Matters relate and the development shall be carried out only as so approved.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
4.	<p>No later than 12 years following the date of this permission an application or applications shall have been submitted to the Local Planning Authority for the approval of all Reserved Matters.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
5.	<p>No Reserved Matters approval shall be implemented more than 14 years from the date of this permission or two years from the date of the final approval of any Reserved Matters Application, whichever is the later.</p> <p>Reason: In order to comply with the provisions of Section 92 of the Town and Country Planning Act 1990 (as amended).</p>
LANDSCAPING AND TREES	
6.	<p>The details of the landscaping to be submitted as part of the applications for Reserved Matters shall include;</p> <p style="padding-left: 20px;">a) the design of building foundations and the</p>

	<p>layout, with the dimensions and levels, of service trenches and other excavations on site in so far as these items will affect any trees adjoining that part of the site</p> <p>b) New tree and other planting, earth works, ground finishes, top soiling, levels, drainage, including falls and drain types;</p> <p>c) The treatment of land within the Habitat Area shown on plan TS004 Rev K.</p> <p>d) The central amenity space with planting as shown on TS006.</p> <p>and all works shall only be carried out in accordance with the details so approved</p> <p>Reason: To ensure a comprehensive and sustainable development, to ensure good design, to ensure a minimal impact on existing trees, to contribute to biodiversity and to ensure that the details accord with the assessment in the Environmental Assessment, in accordance with policies within the Statutory Development Plan.</p>
7.	<p>Applications for approval of Reserved Matters including landscaping shall include for specific approval a programme for commencing and completing the planting and laying out, and the detailed scheme (s) so approved shall be carried out only in accordance with the approved programme.</p> <p>Reason: To ensure a comprehensive and sustainable development, to ensure good design, to ensure a minimal impact on existing trees, to contribute to biodiversity and to ensure that details accord with the assessment and Environmental Assessment, in accordance with policies within the Statutory Development Plan.</p>
8.	<p>Any trees or areas of planting which, within a period of five years from the completion of the relevant phase of landscaping, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possibly and in any case, by no later than the end of the following planting season, with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.</p> <p>Reason: To ensure a comprehensive and sustainable development, to ensure good design, to ensure a minimal impact on existing trees, to contribute to biodiversity and to ensure that details accord with the assessment and Environmental Assessment, in accordance with policies within the Statutory Development Plan.</p>
9.	<p>Where steps are to be constructed within the</p>

	<p>landscaping to change level, gentle inclines and ramps (at a gradient of 1:20 or less) and/or lifts shall also be incorporated, to provide an equally commodious alternative for all members of the public.</p> <p>Reason: To ensure a comprehensive and sustainable development, to ensure good design, to ensure a minimal impact on existing trees, to contribute to biodiversity and to ensure that details accords with the assessment in the Environmental Assessment, in accordance with policies within the Statutory Development Plan.</p>
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ENVIRONMENTAL SUSTAINABILITY PLAN

<p>10.</p>	<p>Relevant applications (or groups of related applications) for Reserved Matters approval in respect of buildings shall be accompanied by an Environmental Sustainability Plan. The Environmental Sustainability Plan shall explain:</p> <ul style="list-style-type: none"> a. How the proposed building design(s) realise(s) opportunities to include design and technology energy efficiency measures; b. The reduction in carbon emissions achieved through these building design and technology energy efficiency measures, compared with the emissions permitted under the national Building Regulations prevailing at the time of the application(s) for approval of reserved matters are submitted; c. The specification for green and/or brown roofs on buildings within Blocks A, B and C; d. How energy shall be supplied to the building(s), highlighting: <ul style="list-style-type: none"> i. How the building(s) relate(s) to the strategy for district heating and combined heat and power across the King's Cross Central development. ii. The assessment of the cost-effectiveness and the reliability of the supply chain for bio fuels (<i>referred to in paragraph 12 of page 35 of the "All Parties" S106 Agreement</i>) iii. Any other measures to incorporate renewables e. How the proposed building(s) have been designed to achieve a BREEAM and/or Eco Homes rating of "very good" (or an equivalent assessment method and rating) or better; f. the incorporation of bird boxes, bat roofs and other wildlife features on buildings <p>Reason: To ensure a comprehensive and sustainable development, to ensure good design,</p>
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	to ensure a minimal impact on existing trees, to contribute to biodiversity and to ensure that the details accord with the assessment in the Environmental Assessment, in accordance with policies within the Statutory Development Plan.
EARTHWORKS AND REMEDIATION PLAN	
11.	<p>Relevant applications (or groups of related applications) for approval of the Reserved Matters shall be accompanied by an Earthworks and Remediation Plan to deliver appropriate site levels and ground conditions for that part of the development. All work shall be carried out in accordance with the Earthworks and Remediation Plan as approved.</p> <p>Reason: To ensure the development is carried out in accordance with the assessment and the conclusions of the Environmental Impact Assessment in accordance with policies within the statutory Development Plan.</p>
ACCESS STATEMENT	
12.	<p>Relevant applications for approval of Reserved Matters pursuant to this permission shall be accompanied by an Access Statement. Each Access Statement shall:</p> <ol style="list-style-type: none"> a. Address the relevant design principles set out in the Access and Inclusivity Strategy dated September 2005 and update the Access Audit included at Annex C of that strategy; b. Highlight any areas where technical or other constraints have prevented or constrained the application of these design principles; c. Include a project programme for that building or phase, to identify the key stages which important decisions affecting inclusivity and accessibility will be made. <p>Reason: To ensure a comprehensive and sustainable development and to ensure good design for the development in accordance with the Environmental Impact Assessment and in accordance with the policies of the Statutory Development Plan.</p>
SERVICING STRATEGY	
13.	<p>Servicing shall take place in accordance with plans TS003, TS004 and TS005 unless otherwise agreed in writing with the Local Planning Authority.</p> <p>Reason: To ensure safe, efficient and sustainable access to and protect amenities in the development in accordance with the Environmental Impact Assessment and in accordance with the policies of the Statutory Development Plan.</p>

DETAILS REQUIRED BY CONDITION	
STRUCTURES	
14.	<p>Details of the siting of buildings as shown on plans TS004 revision K to TS007 revision K inclusive shall be submitted to the Local Planning Authority and approved in writing prior to any works taking place in relation to such buildings. All works should be carried out in accordance with the details as approved.</p> <p>Reason: To ensure a comprehensive and sustainable development and to achieve good design, to ensure the development is carried out in accordance with the assessment and conclusions of the Environmental Impact Assessment, in accordance with policies within the Statutory Development Plan.</p>
FLOOR PLANS ETC	
15.	<p>Details and particulars (including floorspace figures, floor plans and layouts of the uses), and the vehicle and other servicing and access arrangements, including provision of parking to be accommodated in built accommodation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.</p> <p>Reason: To ensure a comprehensive and sustainable development to ensure safe and efficient access, to achieve good design and protect amenities and to ensure the development is carried out in accordance with the assessments and conclusions of the Environmental Impact Assessment and to ensure the development complies with the policies and standards set out in the Statutory Development Plan.</p>
REFUSE STORAGE AND COLLECTION	
16.	<p>Details and arrangements for storage and collection of refuse, including location, design, screening, operation and inclusion of facilities for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.</p> <p>Reason: To ensure good design, to safeguard the amenity of the area and ensure the development is sustainable and has adequate facilities, in accordance with the Environmental Impact Assessment and in accordance with Policies contained within the Statutory Development Plan.</p>

DEVELOPMENT TO BE CARRIED OUT IN ACCORDANCE WITH PERMISSION		
PARAMETER PLANS AND DEVELOPMENT SPECIFICATION		
17.	<p>The development shall be carried out in accordance with the Development Parameters shown on the Revised Parameters Plans and as described in the specified paragraphs of the Revised Development Specification dated August 2005 comprising:</p> <ol style="list-style-type: none"> a. the access arrangements shown on drawings TS003 revision K together with paragraph 4.10; b. the lower ground level arrangements shown on drawing TS004 revision K together with paragraphs 4.11-4.15; c. the upper ground level arrangements shown on drawings TS005 revision K together with paragraphs 4.16-4.18; d. the garden level arrangements shown on drawing TS006 revision K including the maximum building heights shown, together with paragraphs 4.19-4.22; e. the upper level arrangements shown on drawing TS007 revision K including the maximum building heights shown together with paragraphs 4.23-4.25; f. the section shown on drawings TS008 revision E and TS009 revision E to the extent that they show indicative proposals only for the works and land uses, together with paragraphs 4.26 and 4.27. <p>Reason: The development is the subject of an Environmental Impact Assessment and any change to the development from the particulars assessed as above might have an impact that has not been identified and assessed. The requirements of this condition are to ensure a comprehensive and sustainable development, to achieve integration, regeneration and good design, in accordance with the assessment and conclusions of the Environmental Impact Assessment and in accordance with policies within the Statutory Development Plan.</p>	
FLOORSPACE PERMITTED		
18.	<p>The total floorspace constructed and used pursuant to this outline planning permission shall not exceed 26,600 sq m (gross external area). This total floorspace excludes:</p> <ol style="list-style-type: none"> a. Plant, infrastructure and utilities forming part of supporting the development including substations, transformers, waste storage and ancillary recycling facilities b. Service access including a covered loading 	

	<p>bay</p> <p>c. Residential balconies</p> <p>d. Car and bicycle parking provided (with lifts and stairs) at lower ground level</p> <p>Reason: The development is the subject of an Environmental Impact Assessment and any change to the development from the particulars assessed might have an impact that has not been identified and assessed. The requirements of this condition are to ensure a comprehensive and sustainable development, to achieve integration, regeneration and good design, in accordance with the assessment and conclusion of the Environmental Impact Assessment and in accordance with policies within the Statutory Development Plan.</p>
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USES PERMITTED

<p>19.</p>	<p>Notwithstanding the provisions of the Use Classes Order, permission is hereby granted only for the following uses;</p> <p>a. Residential use within Class C3</p> <p>b. Shopping, food and drink uses within Classes A1, A2, A3 and A4</p> <p>c. Crèche, day nursery, day centre and public hall uses within Class D1</p> <p>d. Health and fitness, indoor sport and leisure uses within Class D2</p> <p>e. Other miscellaneous uses, including car and bicycle parking, plant, sub-stations, transformers, waste storage and recycling facilities and a covered loading bay.</p> <p>The floorspace constructed and used pursuant to the planning permission shall not, unless otherwise agreed in writing by the Local Planning Authority, exceed in the case of any use or group of uses, the individual maximum floorspace figures are set out in Appendix D (floorspace schedule) attached, that table being read together with the notes 1-3 inclusive.</p> <p>Reason: The development is the subject of an Environmental Impact Assessment and any change to the development from the particulars assessed might have an impact that has not been identified and assessed. The requirements of this condition are to ensure a comprehensive and sustainable development, to achieve integration, regeneration and good design, in accordance with the assessment and conclusion of the Environmental Impact Assessment and in accordance with policies within the Statutory Development Plan.</p>
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20.	<p>The residential floorspace constructed and used pursuant to this permission when completed shall include no more than 246 residential units within Class C3 of the Use Classes Order 1997 unless otherwise approved in writing by the Local Planning Authority.</p> <p>Reason: To ensure appropriate provision for housing needs within a comprehensive and sustainable development, to achieve regeneration, integration and good design.</p>
RESIDENTIAL AMENITY SPACE	
21.	<p>The central amenity space shall be developed before the first occupancy of any dwelling at the same level hereby permitted and shall thereafter be kept available for use only by the residents of the development.</p> <p>Reason: To ensure a sustainable development and good design and to safeguard the amenity of future occupiers of the development in accordance with the environmental impact assessment and to ensure the development complies with policy set out in the Statutory Development Plan.</p>
RESIDENTIAL DAYLIGHT AND SUNLIGHT	
22.	<p>Applications for the approval of Reserved Matters in relation to the residential accommodation shall be accompanied by details of how the proposed design applies the standards recommended in the Building Research Establishment's 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 1991'.</p> <p>Reason: To ensure a sustainable development and good design and to safeguard the amenity of future occupiers of the development in accordance with the Environmental Impact Assessment.</p>
DRAINAGE INFRASTRUCTURE	
23.	<p>The new drainage infrastructure within the site shall be designed such that the peak stormwater discharge to the existing combined sewers shall not be more than 67 litres per second.</p> <p>Reason: To protect future occupiers of the development, services and utilities and prevent the pollution of the water Environmental Impact Assessment and Policy in the statutory development plan</p>
GREEN AND BROWN ROOFS	
24.	<p>New buildings constructed pursuant to the planning permission within Blocks A, B and C shall incorporate Green and/or Brown Roofs as specified in Paras 3.31 and 3.32 of the Revised Development Specification dated August 2005.</p>

	<p>Reason: To ensure a comprehensive and sustainable development and to ensure that the development complies with the Environmental Impact Assessment and policy within the statutory development plan.</p>
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CAR PARKING STANDARDS

<p>25.</p>	<p>Unless otherwise agreed in writing by the Local Planning Authority, the development shall be constructed in accordance with the following:</p> <p>(a) Maximum car parking/storage standards;</p> <ul style="list-style-type: none"> i. Residential: an average of 0.40 spaces per unit across all unit types and tenures, to be provided within the lower ground level shown on drawing TS004 Rev K; ii. Class D1/D2 uses: 1 space per 1:1000 sq m gross floor area; iii. Classes A1-A4 inclusive uses; No provision other than for people with disabilities (to be agreed in writing by the Local Planning Authority at the Reserved Matters stage) <p>(b) 4 visitor parking spaces to be provided to the north of block A as shown in drawing TS003 revision K</p> <p>(c) Any additional parking required by the Local Planning Authority by people with disabilities may be provided in addition to the above standards</p> <p>(d) The standards exclude provision for city car club spaces (such spaces may be provided in addition to the above) and the provision of service bays to be approved as part of the Reserved Matters for the development.</p> <p>Reason: To ensure a comprehensive and sustainable development and to ensure that the development complies with the Environmental Impact Assessment and policy within the statutory development plan.</p>
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CYCLE PARKING

<p>26.</p>	<p>Unless otherwise agreed in writing by the Local Planning Authority, the development shall provide for the use of occupiers of the development cycle parking/storage for 246 bicycles at Lower Ground Level.</p> <p>Reason: To ensure a comprehensive and sustainable development and to ensure that the development complies with the Environmental Impact Assessment and policy within the statutory</p>
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	development plan.
NOISE	
27.	<p>Prior to commencing any construction on the site, a base line noise monitoring survey shall be carried out and made available to the Local Planning Authority.</p> <p>Reason: To ensure a sustainable development and to safeguard the amenities of the development and adjoining premises and the area generally and to ensure that the development is carried out in accordance with the Environmental Impact Assessment and Planning Policy within the Statutory Development Plan</p>
28.	<p>Before development commences, details shall be submitted to, and approved by, the Local Planning Authority to demonstrate that the noise impact of any plant or equipment to be installed on the site will meet the following standards:</p> <ol style="list-style-type: none"> a. Noise levels at a point 1metre external to sensitive facades to be at least 5dB(A) less than the existing measurement (L_{A90}), expressed in dB(A) when all plant/equipment are in operation b. Where it is anticipated that any plant/equipment will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps) special attention to be given to reducing the noise level from that piece of plant/equipment at any sensitive façade at least 10dB(A) below the L_{A90}, expressed in dB(A). <p>The development shall be carried out in accordance with the details, as approved unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To ensure a sustainable development and to safeguard the amenities of the development and adjoining premises and the area generally and to ensure that the development is carried out in accordance with the Environment Impact Assessment and in accordance with planning policy with the Statutory Development Plan.</p>
29.	<p>Before development commences, a scheme shall be submitted to, and approved by, the Local Planning Authority to demonstrate how the proposed dwellings would be insulated to a standard that will ensure that internal groundborne noise levels do not normally exceed 35 dB $L_{Amax(s)}$. The dwellings shall be constructed in accordance with the scheme, as approved, unless otherwise</p>

	<p>agreed in writing by the Local Planning Authority..</p> <p>Reason: To safeguard the amenities of the development and to ensure that the development is carried out in accordance with the Environmental Impact Assessment and in accordance with Policies within the Statutory Development Plan.</p>
30.	<p>Construction of residential development within Blocks A and B (as shown on drawing TS006 revision K) shall not begin until approval in writing from the Local Planning Authority has been issued for a scheme to protect that development from environmental noise. The scheme shall be designed to ensure that, with windows closed and an alternative ventilation system provided:</p> <ul style="list-style-type: none"> • external environmental noise within the bedrooms shall not exceed 35 dB_{LAeq, 8hr} between 23:00 and 07:00 hours, and shall not normally exceed 45 dB_{LAmx(f)} at other times; • external environmental noise within other living rooms shall not exceed 40 dB_{LAeq, 16hr} between 07:00 and 23:00 hours. <p>Reason: To safeguard the amenities of the premises and the area generally and to ensure that the development is carried out in the accordance of the Environmental Impact Assessment and Policies from the Statutory Development Plan.</p>

DEFINITIONS

For the purposes of these conditions the following words and phrases shall have the following meanings:

1. "Blocks" means the blocks labelled A, B and C shown on TS006 Rev K, TS007 Rev K, TS008 Rev E and TS009 Rev E.
2. "Reserved Matters" means details of:
 - a. layout except as set out in the Parameter Plans TS003-TS009
 - b. scale
 - c. appearance
 - d. access except as set out in Parameter Plan TS003
 - e. landscaping including surface treatments of the site, including the Amenity space at Garden Level shown on TS006 Rev K and the Habitat Area shown on TS004 Rev K0

3. "Annex A" means the table set out in the Development Specification and attached at as Appendix D.

APPENDIX D

King's Cross Triangle Site
 Floorspace Schedule referred to in condition 19

Use	Total Floorspace Applied for (sq.m)	Notes
Residential	up to 21,100	To provide up to a maximum of 246 dwellings in Blocks A and B. The total of 21,100 sq m assumes 14,200 sq m within Block A and 6,900 sq m within Block B.
Retail (use classes A1/A2/A3/A4)	up to 2,500	Within Block B and beneath amenity space. All units to have frontage to York Way.
D1/D2 uses	up to 3,000	The application seeks permission for health and fitness/indoor sports facilities, including a swimming pool, within Block C, with the potential to also incorporate crèche/day nursery facilities; and day centre/public hall facilities.
TOTAL	up to 26,600	-

1. All figures are gross external
2. The floorspace figures exclude plant, infrastructure and utility elements which would form part of the development and for which planning permission is sought, for example substations, transformers, waste storage and recycling facilities, service access and a covered loading bay.
3. The floorspace figures exclude car and cycle parking/storage.
4. The floorspace figures exclude residential balconies.

Appendix 3

King's Cross Triangle Site: Secretary of State's decision letter

22 July 2008

Michael Gallimore
Lovells LLP
Atlantic House
Holborn Viaduct
London
EC1A 2FG

Our Ref: APP/V5570/A/07/2051902
APP/X5210/A/07/2051898

Your ref: CM1CSF/1754093

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEALS BY ARGENT ST GEORGE, LONDON & CONTINENTAL RAILWAYS,
AND EXEL PLC – MIXED USE DEVELOPMENT OF PART OF FORMER
RAILWAY LANDS – THE TRIANGLE SITE**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, D Lavender MRTPI, who held a public local inquiry between 19 February and 4 April 2008, into your clients' appeals against:
 - a. the decision of the London Borough of Islington to refuse outline planning permission (application ref: P041261) (**Appeal A**); and
 - b. the failure by the London Borough of Camden to give notice within the prescribed period of a decision on an application for outline planning permission (application ref: 2004/2311/P) (**Appeal B**);

The development proposed in both applications is for:

mixed use development of part of the former railway lands within the Camden King's Cross Opportunity Area and an Islington Area of Opportunity, as set out in the Revised Development Specification, comprising residential; shopping, food and drink and professional services within the A1, A2, A3 and A4 use classes; a health and fitness centre (use class D2) incorporating medi-centre facilities, a crèche and community facilities (use class D1); amenity and open space; habitat area; recycling and other ancillary uses; parking; highway works to provide access; and other supporting infrastructure works and facilities.

2. On 2 April 2008, the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990. The appeal was recovered as it

relates to residential development of 150 or more dwellings which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable mixed and inclusive communities.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeals be allowed and planning permission granted, subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions, and with his recommendations. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Procedural Matters

4. The Secretary of State has taken into account the Environmental Statement and the Environmental Statement Supplement, together with the further Environmental Information for the Triangle Site alone she requested on 26 November 2007 (IR1.2), which were submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. She is content that the Environmental Statement complies with the above regulations and that sufficient information has been provided for her to assess the environmental impact of the proposal.
5. The Secretary of State notes that the Revised Development Specification (RDS) includes a considerable amount of further information in amplification of the proposals, and that a range of specific scheme components is also considered in the Environmental Information and in the Statement of Common Ground that accompanies the appeals. She has had regard to the fact that, following exchange of correspondence on the subject during the course of adjournment and discussion with the parties at the Inquiry, it was agreed that the description of the proposed development should mirror that in the RDS (IR1.4), as follows:

Mixed use development of part of the former railway lands within the Camden King's Cross Opportunity Area and an Islington Area of Opportunity. The development comprises: residential; shopping, food and drink and professional services within the A1, A2, A3 and A4 use classes; a health and fitness centre (use class D2) incorporating medi-centre facilities, a crèche and community facilities (use class D1); amenity and open space; habitat area; recycling and other ancillary uses; parking; highway works to provide access; and other supporting infrastructure works and facilities.

Policy Considerations

6. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the London Plan 2004, incorporating the alterations adopted in 2006, and the further alterations adopted in 2008; the Camden Unitary Development Plan (UDP), adopted in 2006; and the policies in the Islington UDP, adopted in

2002, that have been saved and therefore remain part of the development plan. The Secretary of State has had regard to the fact that the further alterations to the London Plan were adopted during the inquiry into these appeals. She agrees with the Inspector that the proposals now stand to be judged in strategic terms against these new policies rather than those referred to in Islington Council's decision notice and the Statement of Common Ground, although the difference in those of relevance to the appeals affects their numbering rather than their substance (IR3.2). The Secretary of State agrees with the Inspector that the development plan policies most relevant to the appeal are those set out in IR3.3-3.6, and 3.8.

7. The Secretary of State attaches no weight to the draft Camden Core Strategy as it is at consultation stage (IR3.7). She attaches very limited weight to the draft Islington Core Strategy for the reasons set out in IR3.9.
8. In determining these appeals, the Secretary of State has also had regard to the other documents set out in IR3.10-3.14, including the planning and development brief for the King's Cross Opportunity Area brief "the Brief", published in 2004, on which both Camden and Islington Council co-operated (IR3.14).
9. Material considerations which the Secretary of State has taken into account include PPS1 *'Delivering Sustainable Development'*; PPS3 *'Housing'*; PPG24 *'Planning and Noise'*; the November 2006 DCLG document *"Delivering Affordable Housing"*; Practice Guidance on Strategic Housing Market Assessments; Circular 11/95 *Use of Conditions in Planning Permission*; and Circular 5/05 *Planning Obligations*.

Main Issues

10. The Secretary of State agrees with the Inspector that the main considerations in determining these appeals are those set out in IR12.7. The Secretary of State has, like the Inspector, taken the use of the word "subsidy" in the PPS3 Annex B: *Definitions* as intending to cover both (capital) grant or (revenue) subsidy (IR12.8).

Suitability of the affordable housing offer

Number: quantum of housing

11. For the reasons in IR12.9-12.11, the Secretary of State agrees with the Inspector that, both independently and in combination, the Main and Triangle Site proposals exceed the Brief requirements and, to that extent, represent a welcome potential addition to London's housing stock. She also considers that, to the extent that this would result in a commensurate increase in affordable housing provision, such an outcome would be doubly beneficial (IR12.11).

Number: quantum of affordable housing

12. For the reasons in IR12.12-12.20, the Secretary of State agrees with the Inspector's conclusion that the 34% of affordable housing proposed for the

Triangle Site is compliant with the statutory development plan for this part of London, and, in the context of those policies, represents the maximum reasonable level of provision in all the circumstances (IR12.21). She further agrees with the Inspector that this is the more so if the Main Site and the Triangle Site are treated as a single entity, but that this conclusion stands in either case (IR12.21).

Tenure: proportions of social rented and intermediate housing

13. The Secretary of State notes that the main parties advance different ways in which the mix of affordable housing in the scheme proposals might be calculated, and she also agrees that the calculations for the Triangle Site and for the Combined Sites have some relevance (IR12.22).
14. The Secretary of State agrees with the Inspector that the arguments concerning the proportions of social rented and intermediate housing are finely balanced. In the particular circumstances of the case, she agrees with the Inspector that the factors set out in IR12.27 justify a departure from the target mix in Camden UDP policies H2 and KC4(b) even if a higher proportion of social rented accommodation was to be held to be more likely to meet the needs of the present local population (IR12.27).
15. For these reasons, and the reasons in IR12.23-12.26 and 12.28, the Secretary of State agrees with the Inspector, and considers that the mix in favour of intermediate rather than social rented accommodation is appropriate in the circumstances of the case (IR12.28).

Price/affordability

16. For the reasons in IR12.30-12.32, the Secretary of State agrees with the Inspector that the proposed cascade mechanism represents a realistic and sensible approach, given the uncertainties inherently involved at the planning stage. She notes also that none of the Registered Social Landlords involved in housing on the Main Site have found the transfer prices unaffordable, and she agrees with the Inspector that there is no contrary evidence to suggest that circumstances would be different on the Triangle Site (IR12.32).
17. For the reasons in IR12.34-12.35, the Secretary of State agrees with the Inspector that the types of intermediate housing proposed would be both affordable and accessible to some local residents whose needs are not met by market housing or by the social rented sector. She also agrees with the Inspector that, for those eligible households, the products would, in varying measure, be available at a cost low enough for them to afford, determined with regard to local incomes and local house prices (IR12.36).

Arrangements for re-cycling

18. For the reasons in IR12.37-12.38, the Secretary of State, like the Inspector, finds the advantages of Schedule A of the S106 Agreement on affordable housing convincing, and considers that Schedule B should not be triggered (IR12.38). For the reasons in IR12.39, she agrees with the Inspector that, in an

urban regeneration project of the size of that on the Combined Sites, there is potential for housing in many forms at the margins of affordability to fulfil the needs or aspirations of future households, and that the intermediate housing units proposed would, at least, make some contribution to doing so (IR12.39).

Conclusion on suitability of the affordable housing offer

19. For the above reasons, the Secretary of State agrees with the Inspector that the proposals are compliant with the PPS3 definition of affordable housing (IR12.56), and that the 34% of affordable housing proposed is compliant with the development plan, and represents the maximum reasonable level of provision in the circumstances. Given the importance attached in the King's Cross Opportunity Area to planning objectives other than maximising housing delivery, she agrees with the Inspector that the amount of housing, and the proportion of affordable housing, proposed in the appeal schemes are entirely acceptable (IR12.58). She also agrees with the Inspector's view that the appellants have gone to considerable effort to discuss the appropriate housing mix with the Councils and the local communities, and that they have produced a range of provision that, especially with regard to the intermediate housing sector, fully reflects the principles advanced in PPS3 and its daughter document *Delivering Affordable Housing* (IR12.59).

Noise Environment

20. For the reasons in IR12.40-12.45, the Secretary of State agrees with the Inspector that, with mitigation against internal noise to the level required by the suggested planning conditions, and with easy access to quieter open spaces reasonably close to hand, satisfactory living conditions can be assured in the proposed development (IR12.45).

Other matters

21. The Secretary of State notes that paragraph 1.10.5 of Camden's Report (IR12.47) refers to the conclusion in the Environmental Statement that the retail and leisure components on the Combined Sites are likely to have a major beneficial impact on the social capital of the Central Impact Zone and Wider Impact Zone; and that paragraph 1.12.75 of Camden's report notes that reductions in parking provision have been negotiated since the proposals were originally submitted but that the subject is one that will need to be finalised at detailed approval stage. Overall, the Secretary of State, like the Inspector, finds nothing in the representations that are of such significance as to alter her conclusions on the main considerations or, in themselves, to warrant the refusal of planning permission (IR12.47).

Development Plan

22. For the above reasons, the Secretary of State agrees with the Inspector's conclusion that the proposals accord with the statutory development plan for the area when read as a whole, and that there are no material considerations of sufficient importance to warrant a contrary decision (IR12.60).

Conditions and Obligations

23. The Secretary of State agrees with the Inspector's assessment and conclusions on the conditions and the S106 Agreements, as set out in IR12.48-12.55. As noted at paragraph 16 above, the Secretary of State finds the advantages of Schedule A of the S106 Agreement on affordable housing convincing, and considers that there is no need for a condition which would trigger Schedule B. She considers that the proposed conditions and the S106 Agreements comply with the requirements of Circulars 11/95 *Use of Conditions in Planning Permission* and 05/2005 *Planning Obligations* respectively.

Overall conclusions

24. The Secretary of State concludes that the proposals accord with the statutory development plan for the area when read as a whole, and that there are no material considerations of sufficient importance to warrant a contrary decision. She concludes that the affordable housing offer is acceptable, that the noise environment of the site will be satisfactory, and that the scheme would suitably complement the proposals on the Main Site for the regeneration of this nationally significant area of London.

Formal Decision

25. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. She hereby allows both Appeals A and B, and grants outline planning permission for mixed use development of part of the former railway lands within the Camden King's Cross Opportunity Area and an Islington Area of Opportunity, comprising: residential; shopping, food and drink and professional services within the A1, A2, A3 and A4 use classes; a health and fitness centre (use class D2) incorporating medi-centre facilities, a crèche and community facilities (use class D1); amenity and open space; habitat area; recycling and other ancillary uses; parking; highway works to provide access; and other supporting infrastructure works and facilities, in accordance with applications P041261 and 2004/2311/P, both dated 24 May 2004, subject to the conditions set out in Appendix A to this letter.

26. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fail to give notice of their decision within the prescribed period.

27. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

28. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

29. A copy of this letter has been sent to the Council for the London Boroughs of Islington and Camden and all parties who appeared at the inquiry and requested a copy.

Yours faithfully

Richard Watson

Authorised by the Secretary of State to sign in that behalf

APPENDIX A

CONDITIONS

COMMENCEMENT		
1	The development must be begun not later than either 8 years from the date of this permission or two years from the final approval of the first reserved matters application, whichever is the later.	
2	The permission shall lapse unless the first Reserved Matters Application is made within eight years of the date of this permission.	
APPROVAL OF RESERVED MATTERS		
GENERAL		
3	Approval of the Reserved Matters shall be obtained from the Local Planning Authority in writing prior to the commencement of any development to which those Reserved Matters relate and the development shall be carried out only as so approved.	
4.	No later than 12 years following the date of this permission an application or applications shall have been submitted to the Local Planning Authority for the approval of all Reserved Matters.	
5.	No Reserved Matters approval shall be implemented more than 14 years from the date of this permission or two years from the date of the final approval of any Reserved Matters Application, whichever is the later.	
LANDSCAPING AND TREES		
6.	The details of the landscaping to be submitted as part of the applications for Reserved Matters shall include; a) the design of building foundations and the layout, with the dimensions and levels, of service trenches and other excavations on site in so far as these items will affect any trees adjoining that part of the site b) New tree and other planting, earth works, ground finishes, top soiling, levels, drainage, including falls and	

	<p>drain types;</p> <p>c) The treatment of land within the Habitat Area shown on plan TS004 Rev K.</p> <p>d) The central amenity space with planting as shown on TS006.</p> <p>and all works shall only be carried out in accordance with the details so approved.</p>
7.	Applications for approval of Reserved Matters including landscaping shall include for specific approval a programme for commencing and completing the planting and laying out, and the detailed scheme (s) so approved shall be carried out only in accordance with the approved programme.
8.	Any trees or areas of planting which, within a period of five years from the completion of the relevant phase of landscaping, die, are removed or become seriously damaged or diseased, shall be replaced as soon as is reasonably possible and in any case, by no later than the end of the following planting season, with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
9.	Where steps are to be constructed within the landscaping to change level, gentle inclines and ramps (at a gradient of 1:20 or less) and/or lifts shall also be incorporated, to provide an equally commodious alternative for all members of the public.

ENVIRONMENTAL SUSTAINABILITY PLAN

10.	<p>Relevant applications (or groups of related applications) for Reserved Matters approval in respect of buildings shall be accompanied by an Environmental Sustainability Plan. The Environmental Sustainability Plan shall explain:</p> <p>a. How the proposed building design(s) realise(s) opportunities to include design and technology energy efficiency measures;</p> <p>b. The reduction in carbon emissions achieved through these building design and technology energy efficiency</p>
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	<p>measures, compared with the emissions permitted under the national Building Regulations prevailing at the time of the application(s) for approval of reserved matters are submitted;</p> <ul style="list-style-type: none"> c. The specification for green and/or brown roofs on buildings within Blocks A, B and C; d. How energy shall be supplied to the building(s), highlighting: <ul style="list-style-type: none"> i. How the building(s) relate(s) to the strategy for district heating and combined heat and power across the King's Cross Central development. ii. The assessment of the cost-effectiveness and the reliability of the supply chain for bio fuels <i>(referred to in paragraph 12 of page 35 of the "All Parties" S106 Agreement)</i> iii. Any other measures to incorporate renewables e. How the proposed building(s) have been designed to achieve a BREEAM and/or Eco Homes rating of "very good" (or an equivalent assessment method and rating) or better; f. the incorporation of bird boxes, bat roofs and other wildlife features on buildings.
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EARTHWORKS AND REMEDIATION PLAN

11.	<p>Relevant applications (or groups of related applications) for approval of the Reserved Matters shall be accompanied by an Earthworks and Remediation Plan to deliver appropriate site levels and ground conditions for that part of the development. All work shall be carried out in accordance with the Earthworks and Remediation Plan as approved.</p>
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ACCESS STATEMENT

12.	<p>Relevant applications for approval of Reserved Matters pursuant to this permission shall be accompanied by an Access Statement. Each Access Statement shall:</p> <ul style="list-style-type: none"> a. Address the relevant design principles set out in the Access and Inclusivity Strategy dated September 2005 and
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	<p>update the Access Audit included at Annex C of that strategy;</p> <p>b. Highlight any areas where technical or other constraints have prevented or constrained the application of these design principles;</p> <p>c. Include a project programme for that building or phase, to identify the key stages which important decisions affecting inclusivity and accessibility will be made.</p>
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SERVICING STRATEGY

13.	<p>Servicing shall take place in accordance with plans TS003, TS004 and TS005 unless otherwise agreed in writing with the Local Planning Authority.</p>
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DETAILS REQUIRED BY CONDITION

STRUCTURES

14.	<p>Details of the siting of buildings as shown on plans TS004 revision K to TS007 revision K inclusive shall be submitted to the Local Planning Authority and approved in writing prior to any works taking place in relation to such buildings. All works should be carried out in accordance with the details as approved.</p>
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FLOOR PLANS ETC

15.	<p>Details and particulars (including floorspace figures, floor plans and layouts of the uses), and the vehicle and other servicing and access arrangements, including provision of parking to be accommodated in built accommodation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.</p>
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REFUSE STORAGE AND COLLECTION

16.	<p>Details and arrangements for storage and collection of refuse, including location, design, screening, operation and inclusion of facilities for the storage of recyclable materials, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.</p>
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**DEVELOPMENT TO BE CARRIED OUT IN ACCORDANCE WITH PERMISSION
PARAMETER PLANS AND DEVELOPMENT SPECIFICATION**

17.	<p>The development shall be carried out in accordance with the Development Parameters shown on the Revised Parameters Plans and as described in the specified paragraphs of the Revised Development Specification dated August 2005 comprising:</p> <ul style="list-style-type: none"> a. the access arrangements shown on drawings TS003 revision K together with paragraph 4.10; b. the lower ground level arrangements shown on drawing TS004 revision K together with paragraphs 4.11-4.15; c. the upper ground level arrangements shown on drawings TS005 revision K together with paragraphs 4.16-4.18; d. the garden level arrangements shown on drawing TS006 revision K including the maximum building heights shown, together with paragraphs 4.19-4.22; e. the upper level arrangements shown on drawing TS007 revision K including the maximum building heights shown together with paragraphs 4.23-4.25; f. the section shown on drawings TS008 revision E and TS009 revision E to the extent that they show indicative proposals only for the works and land uses, together with paragraphs 4.26 and 4.27.
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FLOORSPACE PERMITTED

18.	<p>The total floorspace constructed and used pursuant to this outline planning permission shall not exceed 26,600 sq m (gross external area). This total floorspace excludes:</p> <ul style="list-style-type: none"> a. Plant, infrastructure and utilities forming part of supporting the development including substations, transformers, waste storage and ancillary recycling facilities b. Service access including a covered loading bay c. Residential balconies d. Car and bicycle parking provided (with lifts and stairs) at lower ground level.
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USES PERMITTED

19.	<p>Notwithstanding the provisions of the Use Classes Order, permission is hereby granted only for the following uses;</p> <ul style="list-style-type: none">a. Residential use within Class C3b. Shopping, food and drink uses within Classes A1, A2, A3 and A4c. Crèche, day nursery, day centre and public hall uses within Class D1d. Health and fitness, indoor sport and leisure uses within Class D2e. Other miscellaneous uses, including car and bicycle parking, plant, sub-stations, transformers, waste storage and recycling facilities and a covered loading bay. <p>The floorspace constructed and used pursuant to the planning permission shall not, unless otherwise agreed in writing by the Local Planning Authority, exceed in the case of any use or group of uses, the individual maximum floorspace figures as set out in Appendix B (floorspace schedule) attached, that table being read together with the notes 1-3 inclusive.</p>
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20.	<p>The residential floorspace constructed and used pursuant to this permission when completed shall include no more than 246 residential units within Class C3 of the Use Classes Order 1997 unless otherwise approved in writing by the Local Planning Authority.</p>
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RESIDENTIAL AMENITY SPACE

21.	<p>The central amenity space shall be developed before the first occupancy of any dwelling at the same level hereby permitted and shall thereafter be kept available for use only by the residents of the development.</p>
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RESIDENTIAL DAYLIGHT AND SUNLIGHT

22.	<p>Applications for the approval of Reserved Matters in relation to the residential accommodation shall be accompanied by details of how the proposed design applies the standards recommended in the Building Research Establishment's 'Site Layout</p>
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	Planning for Daylight and Sunlight: A Guide to Good Practice 1991’.
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DRAINAGE INFRASTRUCTURE

23.	The new drainage infrastructure within the site shall be designed such that the peak stormwater discharge to the existing combined sewers shall not be more than 67 litres per second.
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GREEN AND BROWN ROOFS

24.	New buildings constructed pursuant to the planning permission within Blocks A, B and C shall incorporate Green and/or Brown Roofs as specified in Paras 3.31 and 3.32 of the Revised Development Specification dated August 2005.
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CAR PARKING STANDARDS

25.	<p>Unless otherwise agreed in writing by the Local Planning Authority, the development shall be constructed in accordance with the following:</p> <p>(a) Maximum car parking/storage standards;</p> <ul style="list-style-type: none"> i. Residential: an average of 0.40 spaces per unit across all unit types and tenures, to be provided within the lower ground level shown on drawing TS004 Rev K; ii. Class D1/D2 uses: 1 space per 1:1000 sq m gross floor area; iii. Classes A1-A4 inclusive uses; No provision other than for people with disabilities (to be agreed in writing by the Local Planning Authority at the Reserved Matters stage) <p>(b) 4 visitor parking spaces to be provided to the north of block A as shown in drawing TS003 revision K</p> <p>(c) Any additional parking required by the Local Planning Authority by people with disabilities may be provided in addition to the above standards</p> <p>(d) The standards exclude provision for city car club spaces (such spaces may be provided in addition to the above) and the provision of service bays to be approved as part of the Reserved Matters for the development.</p>
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CYCLE PARKING

26.	Unless otherwise agreed in writing by the Local Planning Authority, the development shall provide for the use of occupiers of the development cycle parking/storage for 246 bicycles at Lower Ground Level.
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NOISE

27.	Prior to commencing any construction on the site, a base line noise monitoring survey shall be carried out and made available to the Local Planning Authority.
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28.	<p>Before development commences, details shall be submitted to, and approved by, the Local Planning Authority to demonstrate that the noise impact of any plant or equipment to be installed on the site will meet the following standards:</p> <ul style="list-style-type: none">a. Noise levels at a point 1metre external to sensitive facades to be at least 5dB(A) less than the existing measurement (L_{A90}), expressed in dB(A) when all plant/equipment are in operationb. Where it is anticipated that any plant/equipment will have a noise that has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or if there are distinct impulses (bangs, clicks, clatters, thumps) special attention to be given to reducing the noise level from that piece of plant/equipment at any sensitive façade at least 10dB(A) below the L_{A90}, expressed in dB(A). <p>The development shall be carried out in accordance with the details, as approved unless otherwise agreed in writing by the Local Planning Authority.</p>
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29.	Before development commences, a scheme shall be submitted to, and approved by, the Local Planning Authority to demonstrate how the proposed dwellings would be insulated to a standard that will ensure that internal groundborne noise levels do not normally exceed 35 dB $L_{Amax(s)}$. The dwellings shall be constructed in accordance with the scheme, as
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	approved, unless otherwise agreed in writing by the Local Planning Authority.
30.	<p>Construction of residential development within Blocks A and B (as shown on drawing TS006 revision K) shall not begin until approval in writing from the Local Planning Authority has been issued for a scheme to protect that development from environmental noise. The scheme shall be designed to ensure that, with windows closed and an alternative ventilation system provided:</p> <ul style="list-style-type: none"> • external environmental noise within the bedrooms shall not exceed 35 dB_{LAeq, 8hr} between 23:00 and 07:00 hours, and shall not normally exceed 45 dB_{LAmx(f)} at other times; • external environmental noise within other living rooms shall not exceed 40 dB_{LAeq, 16hr} between 07:00 and 23:00 hours.

DEFINITIONS

For the purposes of these conditions the following words and phrases shall have the following meanings:

1. "Blocks" means the blocks labelled A, B and C shown on TS006 Rev K, TS007 Rev K, TS008 Rev E and TS009 Rev E.
2. "Reserved Matters" means details of:
 - a. layout except as set out in the Parameter Plans TS003-TS009
 - b. scale
 - c. appearance
 - d. access except as set out in Parameter Plan TS003
 - e. landscaping including surface treatments of the site, including the Amenity space at Garden Level shown on TS006 Rev K and the Habitat Area shown on TS004 Rev K0
3. "Annex A" means the table set out in the Development Specification and attached as Appendix B to this letter.

APPENDIX B

King's Cross Triangle Site
Floorspace Schedule referred to in condition 19

Use	Total Floorspace Applied for (sq.m)	Notes
Residential	up to 21,100	To provide up to a maximum of 246 dwellings in Blocks A and B. The total of 21,100 sq m assumes 14,200 sq m within Block A and 6,900 sq m within Block B.
Retail (use classes A1/A2/A3/A4)	up to 2,500	Within Block B and beneath amenity space. All units to have frontage to York Way.
D1/D2 uses	up to 3,000	The application seeks permission for health and fitness/indoor sports facilities, including a swimming pool, within Block C, with the potential to also incorporate crèche/day nursery facilities; and day centre/public hall facilities.
TOTAL	up to 26,600	-

1. All figures are gross external
2. The floorspace figures exclude plant, infrastructure and utility elements which would form part of the development and for which planning permission is sought, for example substations, transformers, waste storage and recycling facilities, service access and a covered loading bay.
3. The floorspace figures exclude car and cycle parking/storage.
4. The floorspace figures exclude residential balconies.

Appendix 4

Blackfriars Road: Inspector's report



Report to the Secretary of State for Communities and Local Government

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

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

Date 9 December 2008

TOWN AND COUNTRY PLANNING ACT 1990

LONDON BOROUGH OF SOUTHWARK

APPLICATIONS

by

BEETHAM LANDMARK LONDON LIMITED

and

BLACKFRIARS LIMITED

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

1 & 20 Blackfriars Road, London SE1

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

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

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

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

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

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

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

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

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

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

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

1 PRELIMINARY MATTERS

Call-in

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

Pre-inquiry meeting

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

^A Document ID/2.

Inquiry

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

Site visits

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

2 THE SITES AND THEIR SURROUNDINGS

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

1 Blackfriars Road

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

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

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

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

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

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

Its immediate surroundings

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

20 Blackfriars Road

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

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

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

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

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

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

Its immediate surroundings

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

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

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

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

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

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

Blackfriars Road

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

The Roupell Street and Waterloo Conservation Areas^C

2.14 The Roupell Street Conservation Area lies a short distance to the south-west of the application sites. It is an enclave of early nineteenth century housing, essentially comprising three terraced streets of modest houses running, approximately, east-west. On its southern edge is the nineteenth century railway viaduct running east from Waterloo East station. Various tall modern buildings – King's Reach Tower, the LWT Tower and the Shell Centre^D – can be seen from different parts of the Conservation Area.

2.15 The Waterloo Conservation Area abuts the Roupell Street Conservation Area to its north and has a more varied character. It, too, has nineteenth century workers' housing, in Aquinas Street, but it also includes the busy and much more mixed Stamford Street. Again, the existing tall buildings in the area are evident from various parts of the Conservation Area.

Other conservation areas and listed buildings

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

^A CD20/6.

^B CD20/7.

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

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

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

3 PLANNING POLICY

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

The London Plan

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

The Southwark Plan

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

^A CD8/1.

^B CD7/1.

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

^D CD8/4.

^E CD8/5.

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

National policy guidance

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

4 PLANNING HISTORY

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

1 Blackfriars Road

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

20 Blackfriars Road

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

THE PROPOSALS

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

1 Blackfriars Road

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

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

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

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

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

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

20 Blackfriars Road

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

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

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

Introduction

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

Design Issues

Architectural quality^A

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

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

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

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

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

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

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

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

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

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

The architect

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

Design excellence and sustainability

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

The place of the building in London

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

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

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

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

Southwark Bridge^A

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

The Millennium Footbridge and the Northern Embankment^B

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

St Paul's Golden Gallery^C

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

Blackfriars Bridge^D

6.19 It is from here that the sentinel qualities of the building would be at their most apparent. The slim elegance of the northern façade would be clearly read. But the movement off-axis also allows a glimpse of the shoulder as a secondary elevation and a hint of the kinetic feel of the building as a whole.

6.20 It is easy to forget how powerful the bridges are in the overall townscape. This feeling is enhanced by the stanchions for the incomplete railway bridge visible between the existing road and rail crossings. The tower responds to these powerful townscape forces with appropriate scale and height. There would be no harm to any listed buildings or their settings. Indeed, as a result of the orientation of the tower and the location of the plaza, previously hidden glimpses of the listed buildings in Stamford Street would be revealed.

Waterloo Bridge^E

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

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

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

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

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

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

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

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

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

^A CD12/11.

^B CD17/1.

^C CD17/2, p. 2.

^D CD12/11.

^E BE/2E, View 131a.

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

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

Other more local views

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

The policy approach

The location of tall buildings

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

Sufficiency of policy

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

^A BE/2E, View 130.

^B CD2/21, Views 148 and 150.

^C CD2/21, view 151.

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

The application of London Plan locational policy

The creation of an attractive landmark

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

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

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

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

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

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

Design and impact upon surroundings

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

The application of Southwark Plan locational policy

Excellent public transport accessibility

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

^A CD8/1, para. 3.279.

^B CD16/5 and CD16/6.

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

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

Location in the Central Activities Zone (CAZ)

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

Positive contribution to the landscape

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

Point of landmark significance

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

The highest architectural standard

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

Relationship to surroundings, particularly at street level

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

^A CD8/1, para. 5.174.

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

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

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

Contribution to the London skyline as a whole

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

EH/CABE guidance

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

Overall conclusion on policy

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

Views from the Blue Bridge in St James's Park

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

^A CD6/2.

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

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

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

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

Specific guidance on the St James's Park view

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

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

6.64 Several critical conclusions flow from this:

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

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

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

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

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

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

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

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

Application of the LVMF guidance

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

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

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

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

^D CD24/1, para. 17.

^E CD24/1, para. 23.

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

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

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

The case against the proposal

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

^A CD24/7, para. 96.

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

^C CD8/4, para. 3.22.

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

^E CD24/2, para. 15.23.

^F CD24/2, para. 15.21.

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

Alleged singularity of impact

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

Reptonian illusion

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

Conclusion on the view from the Blue Bridge

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

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

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

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

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

Wider impact on St James's Park

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

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

6.79 This view gives a wonderful impression of the relationship between the City of Westminster and the City of London and Southwark. 30 St Mary Axe is clearly visible, as is the King's Reach tower. The Pinnacle will become an important element in the view, as will 122 Leadenhall Street and 20 Fenchurch Street. In this context, No. 1 would be a remarkable and welcome addition, though it would be obscured if Doon Street were built.

6.80 The location at the parapet wall above St James's Park would give an even better view of the cluster of City and Southwark buildings. Again, No. 1 would be an impressive addition, though only to be seen if Doon Street is not built.

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

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

Cumulative impact

Visual impact

6.82 Consultation between the applicants for No. 1 and No. 20 has resulted in a townscape solution to the development of the two sites which would be one of the most exciting architectural juxtapositions in London.

6.83 The evidence from the two architects made clear their joint recognition that the site of No. 1 is the more visible and singular, calling for a singular tower at the apex of the river views; in turn, this meant that the site of No. 20 could be graced by the no less elegant but quieter, complementary presence of two lower towers. As a townscape ensemble, the developments represent the best that British architecture can offer. The river prospects, for example from the Millennium Bridge and Blackfriars Bridge,^D would be truly spectacular.

6.84 In most of these views, the impact of the Doon Street tower is either positive, in that it adds to the clustering effect of the proposed towers, or neutral, in that it is too distant to have any meaningful effect.

6.85 In short, if the Secretary of State were to find No. 1 acceptable by itself, then there is nothing in these views which could suggest that that acceptability would be taken away by the grant of consent for and construction of No. 20.

^A CD24/2, para. 15.32.

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

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

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

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

Development control matters

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

^A A point accepted on behalf of WCC.

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

^C W/1, para. 5.19.

^D BE3/D, para. 3.6.

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

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

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

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

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

Housing

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

Housing on an office site

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

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

^B CD24/2, para. 15.150.

^C W/1, para. 5.20.

^D W/1, para. 4.4.

^E BE/3/B, Appendix 6.

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

^G CD7/1, Policy 4.1.

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

^I CD7/1, Policy 1.3.

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

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

Quantum of affordable housing

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

Off-site provision

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

^A CD7/1, para. 394.

^B CD7/1, Policy 4.4.

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

^D CD8/1, para, 3.57.

^E CD8/6, para, 18.17

^F CD7/11, para. 3.6.

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

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

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

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

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

Mixed and balanced communities

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

^A CD15/1, para. 28.

^B CD16/3.

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

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

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

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

Support from the relevant authorities

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

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

^B W/11, para. 24.

^C CD7/1, para. 386.

^D BE/9.

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

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

^G Mr Dennis, in re-examination.

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

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

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

Other policy issues

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

Emerging policy and the position of the new Mayor

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

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

Hotel for a World City

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

^A Mr Dennis, in evidence in chief.

^B CD23/5/A.

^C CW/1, Appendix 2.

^D CD8/20.

^E CD24/1, para. 8.

^F BE/10.

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

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

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

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

Transportation

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

Conclusion

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

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

^B CD7/1, para. 194.

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

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

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

7 THE CASE FOR BLACKFRIARS LIMITED (20 BLACKFRIARS ROAD)

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

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

Design

Design quality

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

^A BL3.

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

^A BL/5/B, Appendix 3.

^B In cross-examination by Mr Katkowski.

^C BL/5/D.

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

Views of and across London

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

Impact on views from St James's Park

Policy approach

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

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

^B CD8/4.

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

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

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

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

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

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

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

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

^D CD24/2, paras 15.20-28.

^E CD24/1, para. 17.

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

^G Ditto.

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

Doon Street

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

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

^B CD24/8, paras. 28–35.

^C [1992] 2 AC 141.

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

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

^F CD17/6, para. 7.4.5.

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

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

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

The WCC objection

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

^A This was common ground at the inquiry.

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

^C Conceded by Mr Ayton in cross-examination.

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

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

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

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

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

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

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

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

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

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

^E Conceded in cross-examination by Mr Katkowski.

^F CD24/2, para. 15.21.

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

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

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

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

The Royal Parks' objection

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

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

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

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

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

^E In cross-examination by Mr Katkowski.

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

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

^A Explained in cross-examination.

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

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

^D Conceded in cross-examination by Mr Harris.

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

^F In cross-examination by Mr Harris.

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

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

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

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

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

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

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

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

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

^D CD17/7.

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

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

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

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

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

^J CD21/13, para. 3.30.

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

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

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

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

The WCC objection

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

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

^B Agreed by Mr Ayton in cross-examination.

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

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

^E Agreed by Mr Ayton in cross-examination.

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

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

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

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

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

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

^E Claimed by Mr Ayton in cross-examination.

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

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

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

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

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

^K CD12/7, p. 2.

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

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

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

Impact on the settings of listed buildings and conservation areas

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

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

^B CD21/13, p. 57.

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

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

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

Conclusion on design

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

Housing

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

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

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

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

^D CD8/1, pp. 245-53, Policies 4B.1, 4B.2, 4B.3, 4B.5 and 4B.10;
CD7/1, pp. 49-50, Policies 3.12, 3.13 and 3.18; also the protection sought by Policy 3.20.

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

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

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

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

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

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

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

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

Other policy

Appropriate location for tall buildings

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

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

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

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

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

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

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

^G BL/5/H.

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

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

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

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

^A CD7/1, p. 55.

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

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

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

^E LBS/1/A, Appendix 2.

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

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

^H BL/4/A.

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

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

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

English Heritage/CABE guidance

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

Land uses

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

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

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

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

^D BL/5/B, Appendix 2.

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

CD23/5/A, paras 7.211-212.

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

Transport

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

Conclusions

7.95 The proposal for 20 Blackfriars Road has been designed by an architect of the highest calibre. It is of the highest architectural quality. It would enhance the skyline of London and energise the regeneration that has begun in north Southwark. It would cause no harm to important views of and across London. Even if the conclusion were that minor harm would be caused to any such view, as English Heritage argues, that would be substantially outweighed by the planning benefits held in prospect by the scheme – significant levels of high quality residential and office accommodation, community facilities, substantial new areas of open space and significant contributions towards environmental enhancements and education and training, amongst other things. When the overall planning balance is struck, the arguments in favour of the scheme are decisive.

7.96 The responses to the call-in matters are these.

- Tall buildings are appropriate in this location and these proposals accord with the EH/CABE Guidance. They have been properly planned as part of an exercise in place-making, informed by a clear long-term vision for the area.
- The proposals meet the objectives of PPS1, promoting high quality and inclusive design and making the most of the opportunities available for improving the character and quality of the area.
- They also accord with PPS3, including the provisions relating to affordable housing. They would make a significant contribution to the quantum of housing provision in the Borough. They would provide a mix of accommodation that would help to meet the needs of the whole community, in a highly sustainable location.
- They would be consistent with the relevant provisions of the London and Southwark Plans.
- Appropriate conditions and obligations have been discussed at the inquiry.

7.97 The view walking across the Millennium Bridge from St Paul's^B encapsulates what stands to be gained by permitting these proposals. The scene is depicted beautifully in the Hayes Davidson images – with the Shards of Glass to the left at London Bridge, the Tate Modern directly ahead and the truly memorable and uplifting sight of James Eyre's designs for No. 20, together with the distinctive shape of Ian Simpson's tower at No. 1, balancing and enhancing the composition at Blackfriars Bridge. There is no sound reason for turning away these proposals – but there are many good and significant reasons for allowing them to proceed. Planning permission should be recommended and granted.

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

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

8 THE CASE FOR THE LONDON BOROUGH OF SOUTHWARK

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

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

Design

Plan-led approach to the location of tall buildings

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

London Plan and supplementary guidance

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

^A CD6/2.

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

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

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

^E CD19/4, para. 16.115.

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

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

The Southwark Plan

- 8.8 Policy 3.20 gives clear locational guidance, as well as setting out criteria for assessment of proposals. In particular, sites should:

- be within the CAZ (particularly in OAs);
- have excellent accessibility to public transport facilities;
- be outside landmark viewing corridors; and
- be at a point of landmark significance.

A point of landmark significance is defined^D as where a number of important routes converge, where there is a concentration of activity and which is or will be the focus of views from several directions.

- 8.9 The first three criteria apply to proposals for buildings significantly taller than their surroundings or which have a significant impact on the skyline; the fourth applies, in addition, to any building over 30m tall. It is possible to use the criteria to map appropriate locations for tall buildings within Southwark.^E There are few locations where all of the criteria are met. Accordingly, the Southwark Plan does, as the Guidance seeks, take a plan-led approach to the identification of areas suitable for tall buildings – and those which are shown to be appropriate for tall buildings include the application sites.

Evolution of the Southwark Plan

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

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

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

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

^D CD7/1, p. 150.

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

^F LBS7.

^G CD7/1, para. 319.

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

Written representations from English Heritage

8.12 Confirmation that the Southwark Plan follows the approach of the Guidance is provided by English Heritage in its written representations to the inquiry. It states that its initial response '*did not recognise that a tall buildings policy that covered North Southwark had been adopted in the Unitary Development Plan in July 2007*' and that '*Whilst we consider that the policy adopted has sought to take the plan-led approach advocated by the EH/CABE guidance, we do not think the policy itself strikes the right balance between the sometimes competing planning considerations. In particular, the impacts on the historic environment and the statutory provisions and national and regional policy that protect against them have not been given appropriate weight*'.^D

8.13 Thus, English Heritage does, at least, recognise that the Southwark Plan takes the plan-led approach advocated by the Guidance. Its criticism that the content of the policy takes insufficient account of heritage issues is easily met. One must read the Southwark Plan as a whole. Its policies seek to ensure that the historic environment is protected.^E

The Council's draft supplementary planning guidance (SPG)

8.14 Because the development plan takes the plan-led approach advocated by the Guidance, it is unnecessary for the Council to produce SPG specifically relating to tall buildings. It did produce, in November 2005, draft SPG which showed the area of the application sites as being appropriate for tall buildings. The Council's Executive did not approve the draft for consultation, considering that the OAs at London Bridge and Elephant and Castle should be identified as the only locations suitable for tall buildings.

8.15 In June 2006, however, members approved the final version of Policy 3.20 in the knowledge, as advised by officers, that it was designed to allow for tall buildings in '*a small area of the CAZ in the north-west corner of the Borough*', as well as at London Bridge and Elephant and Castle.^F Thus, in approving the policy, members were aware that it gave locational guidance and pointed towards the area of the application sites as being suitable for tall buildings.

^A CD7/2, p. 326.

^B CD7/1, para. 2.3.205.

^C CD7/1, para. 2.3.205.

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

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

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

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

Summary

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

Application of the locational criteria

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

Overall

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

Are the proposals acceptable in design terms?

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

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

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

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

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

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

St James's Park

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

^A CD17/6 and CD17/7.

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

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

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

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

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

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

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

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

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

^E CD24/1, para. 17.

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

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

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

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

^B CD15/9.

^C CD24/1, para. 8.

^D LBS/2, section 4.

^E CD17/6 and CD17/7.

^F CD16/5 and CD16/9.

^G RP/1, para. 9.11.

^H RP/1, para. 11.7.

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

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

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

The World Heritage Site

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

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

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

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

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

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

^F CD12/1.

^G CD12/11

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

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

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

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

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

Other views

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

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

^B CD12/7.

^C CD21/13.

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

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

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

^G CD24/1, para. 21.

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

Overall summary on design

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

Housing

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

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

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

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

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

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

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

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

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

Policy

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

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

^B CD15/9.

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

^D W/10.

^E W/1, para. 5.20.

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

Land uses

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

Obligations

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

Conclusions

8.64 Tall buildings are appropriate in this location and these proposals, which can be described as very tall buildings, accord with the EH/CABE Guidance. This is a case where tall buildings have been properly planned as part of an exercise in place-making, informed by a clear long-term vision.

8.65 The proposals accord with all of the policies in PPS1. Both will promote high quality and inclusive design, making the most of the opportunities available for improving the character and quality of the area.

8.66 Both proposals accord with PPS3, including the provisions relating to affordable housing. They would help to meet the housing requirements of the whole community, as well as creating mixed communities, in highly sustainable and well designed developments.

8.67 Both proposals accord with the relevant provisions of the Southwark Plan and the London Plan.

8.68 Conditions have been discussed and agreed with both applicants.

8.69 Finally, each of these schemes is a masterwork by one of this country's leading architects. Each fully deserves the grant of planning permission.

^A CD7/1, Policy 1.3.

^B CD7/1, Policy 1.7.

^C CD7/1, Policy 1.12.

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

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

^F Confirmed by Mr Dennis in evidence in chief.

9 THE CASE FOR WESTMINSTER CITY COUNCIL AND THE ROYAL PARKS

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

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

^A CD8/1, para. 1.11.

^B CD8/1, para. 1.27.

^C CD8/1, p. 245.

The appropriateness of a tall building in this location

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

Whether the proposals accord with policy

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

1 Blackfriars Road

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

^A CD6/2, para 2.7.

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

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

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

20 Blackfriars Road

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

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

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

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

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

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

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

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

^C Approximately 3-4 million visitors a year.

^D TP/1.

^E RP/3, p. 5.

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

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

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

Townscape View 26 – Policy

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

Townscape View 26 - LVMF

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

^A CD21/9.

^B CD25/6.

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

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

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

Impact of No. 1

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

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

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

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

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

Impact of No. 20

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

Cumulative impact of Nos. 1 and 20

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

Conclusions on impact on Townscape View 26

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

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

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

^C CD24/5.

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

Doon Street and other consented schemes

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

^A CD17/6.

^B CD24/1, para. 17.

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

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

Impact on the World Heritage Site (WHS)

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

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

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

^C CD25/6.

^D CD25/6, para. 3.1.3.1.

^E CD25/6, para. 3.1.3.2.

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

Impact on views from within the Royal Parks Conservation Area

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

Other matters

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

Conclusions

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

^A CD21/13, p. 57.

^B CD21/13, p. 55.

^C CD12/7.

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

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

^F CD8/20, p. 36.

^G CD24/5, para. 103.

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

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

10 THE CASE FOR THE WATERLOO COMMUNITY DEVELOPMENT GROUP

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

1 Blackfriars Road

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

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

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

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

^D W/9.

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

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

^A Mr Simpson, in his evidence in chief.

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

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

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

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

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

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

1 and 20 Blackfriars Road – effect on Conservation Areas

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

Microclimate

10.13 There should be great concern about the microclimate these very tall buildings may produce. Experience in Waterloo of tall buildings at the Shell Centre and King's Reach, and the 3i's on Waterloo Road, is of being frequently blasted by unpleasant and dangerous gusts of wind. And that is with buildings much less tall than proposed here. The applicants' microclimate analysis is open to criticism. The use of standard baseline data from Heathrow does not sufficiently match actual conditions at Waterloo. The effect of the river is to channel prevailing winds westwards.^E The applicant says that the model used in the wind tunnel should generate this effect. But it cannot be generated without using a far more extensive model of central London.

10.14 It is not standard practice to compare the predictions generated by wind tunnel testing against the actual outcome at the completed building.^F The two studies from 1975 and 1991 produced by the applicants were of wind loads on low rise agricultural barns.^G Further challenge brought forth a study of wind loading on a high rise building from 1968, along with a study of the pedestrian wind environment in Ottawa from 1992.^H But wind loading studies concerned with the impact on structures are less relevant to the ground around them.

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

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

^C W/4.

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

^E W/1, Appendix G.

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

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

^H BE/7, Appendix 1.

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

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

1 Blackfriars Road – affordable housing

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

^A BE/7, para. 4.2.

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

^C W/1, para. 5.64.

^D CD2/4.

^E For example, floor 44.

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

^G CD2/15, para. 16.4.4.

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

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

Tall buildings policy

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

10.23 Consideration of how that policy evolved is instructive.

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

^A CD6/2, para. 2.6.

^B LBS/1 para. 2.2.17.

^C LBS/1, para. 5.2.2.

^D In Policy 2B.21.

^E S/1, para. 5.2.3.

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

^G LBS/1, para. 5.2.9.

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

^I LBS/1, para. 5.3.3.

^J LBS/1, para. 5.2.25.

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

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

^B CD15/1.

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

^D LBS/1, para. 2.4.5.

^E CD7/1, section 6.

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

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

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

^I CD15/9.

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

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

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

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

Regeneration

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

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

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

^C CD7/1, Appendix 18.

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

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

^F CD7/1, para. 491.

^G W/10.

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

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

Section 106 agreement

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

Conclusion

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

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

^B LBS/4, para. 4.2.

^C Asked of Mr Dennis in cross-examination.

^D The Inspector's question to Mr Simpson.

11 WRITTEN REPRESENTATIONS

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

^A CD17/6 and CD17/7.

^B CD15/9.

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

^D CD18/1.

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

^A TP/1 and TP/13.

^B TP/5.

^C TP/10 and TP/11.

^D TP/8.

^E TP/2.

^F TP/4.

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

^H TP/3.

^I TP/6.

12 CONDITIONS AND OBLIGATIONS

Conditions

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

Obligations

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

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

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

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

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

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

13 CONCLUSIONS

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

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

Design

13.2 Design is not simply a question of whether, on paper, a building will look good. A design acknowledged as high quality architecture could be wrong for the site on which it is proposed. *By Design*^A sets out succinctly the objectives of urban design – character, continuity and enclosure, quality of public realm, ease of movement, legibility, adaptability and diversity. The EH/CABE *Guidance on tall buildings*^B sets out 11 criteria for evaluation: relationship to context, effect on the historic context, effect on World Heritage Sites, relationship to transport infrastructure, architectural quality, sustainable design and construction, credibility of design, contribution to public space and facilities, effect on the local environment, contribution to permeability of the site and surrounding area and the provision of a well-designed environment. It is not only in tall buildings that good design must include sustainability. *PPS1*^C makes that point, while also endorsing the approach in *By Design*. And good design must also take into account how a proposal would sit against adopted policy, which has, after all, been through a robust process in order to become adopted.

13.3 Two separate schemes were considered at the inquiry – 1 Blackfriars Road and 20 Blackfriars Road – different schemes for different applicants. I shall first consider locational policy for tall buildings, since that is essentially the same for both. I shall then assess the proposals individually and cumulatively, including with other developments which have been permitted and have a bearing on the matters being discussed. The Secretary of State’s decision on the Doon Street proposal, which has been challenged in the High Court,^D makes it important to look not just at the effect of that development being implemented but also at how the reasoning employed by the Secretary of State^E might affect the judgements to be made on these two applications.

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

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

^A CD6/1, p. 15.

^B CD6/2, section 4.

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

^D CD24/8.

^E CD24/1.

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

^G CD6/2, section 2.

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

Policy 3.20 criteria

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

^A CD8/4.

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

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

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

- 13.11 There was also dispute about whether the application sites lie within an OA. To my mind, the OAs in South East London are designated by Policy 5D.2 of the London Plan.^{A; 6.50; 7.83; 8.19} Map 5G.1 shows the indicative boundary for the CAZ and, within that, again indicatively, the OAs.^B The '*boundaries*' shown on that map are to be '*refined ... for definition in DPDs*'. The use of the plural '*boundaries*' implies to me all of the areas indicated on the plan, not just the CAZ; and, to be refined, they must be considered already defined, in other words designated. While the supporting text to Policy 5D.2 refers to the '*riverside and its hinterland between Blackfriars Bridge and Tower Bridge*', the Sub-Regional Development Framework (SRDF) for Central London echoes the London Plan Map by showing contiguous boundaries, the particular OA boundary being along the Borough boundary, not along Blackfriars Road. And the text indicates that '*there should be a contiguous boundary between the London South Central Opportunity Areas*'.^{C; 6.50; 7.83}
- 13.12 All of that persuades me, contrary to the representations of the new Deputy Mayor,^{7.83; 11.5} that the application sites should be considered as being within an OA. At the same time, there seems to be no reason why the sites must be in an OA. Policy 3.20 parenthesises the phrase '*particularly in opportunity areas*'; that a site is within the CAZ should suffice. Policy 4B.9 says that suitable locations for tall buildings may include parts of the CAZ and some OAs – but there is no requirement that a suitable site must be in an OA.

Policy 4B.9 criteria

- 13.13 The area around the sites is already host to variety of activities. The South Bank offers a wide range of culture and tourism opportunities. There are office uses immediately east and west of the site of No. 1 (including King's Reach^D) and to the south on Blackfriars Road (including recent permissions for No. 240 and Wedge House^E). The sites are within a defined District Centre in the Southwark Plan; they are also in a Preferred Office Location and a Strategic Cultural Area. One of the proposals would bring an hotel; the other would bring offices; both would bring housing, shops/cafes/restaurants and open space. Whether individually or jointly, it is difficult to see how the two proposals could not, by consolidating and adding to what is there, '*help to provide a coherent location for economic clusters of related activities*'.
- 13.14 Considerable regeneration is already to be seen in the area. More can be anticipated by dint of planning permissions already granted. That does not, however, mean that the proposed developments could not '*act as a catalyst for regeneration*'. Both are prominent sites on Blackfriars Road and Stamford Street, one cleared and the other almost vacant. Their redevelopment, along with No. 240 on the east side of Blackfriars Road, would bring a significant enhancement of the area which would be highly likely to encourage further

^A CD8/1, p. 327.

^B CD8/1, p. 353.

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

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

^E CD20/6 and CD20/7 respectively.

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

Conclusion on locational policy

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

1 Blackfriars Road

Architectural design

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

The tower

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

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

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

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

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

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

The plaza

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

The Rennie Street building

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

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

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

Conclusion on architectural design

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

Environmental design

Wind ^{6.90-92; 10.13-16}

- 13.27 WCDG's objection is understandable, given the wind conditions sometimes experienced in the vicinity of high-rise developments. So too is its failure to be convinced by the supplementary evidence.
- 13.28 The form of the tower proposed here would, however, clearly offer less wind resistance than one with a larger floorplate or, more particularly, one with angular corners. It does not surprise me that wind tunnel testing showed only minor mitigation measures to be necessary. The Lawson comfort criteria shown to be achieved are entirely compatible with the uses of the development proposed, sitting in the plaza in particular. And, of course, it could be said to be against the developer's and the hotelier's own best interests for wind conditions within the site or at the entrances to the buildings to be worse than in the conclusions from the testing.
- 13.29 The types of building investigated in some of the supplementary evidence do not appear to be directly comparable with the building form proposed; on the other hand, I consider that the study of wind conditions in central Ottawa does offer a measure of support. The objection, however, was not based on any technical evidence which might have helped me to a more considered conclusion, one way or the other; it took the form of allegations based simply on a view of conditions sometimes to be found elsewhere on the South Bank.

Daylight/sunlight/overshadowing ^{6.93; 11.8}

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

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

Sustainability ^{6.13-14}

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

Impact in views

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Other views

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

^A CD12/11.

^B CD11/2, para. 89.

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

Overall conclusion on the design of No. 1

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

20 Blackfriars Road

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

Architectural design

The residential tower

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

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

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

The office tower

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

The towers together

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

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

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

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

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

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

The low-rise buildings

13.62 There are two low-rise residential buildings, giving an almost continuous frontage along Paris Garden, on the west side of the site, and a retail and commercial building facing Stamford Street. The residential buildings are designed in the same idiom, which is adapted for the commercial building. Above the ground floors of the residential buildings, which are given over to retail and community uses, residential accesses and service access, there is, in essence, a stock brick matrix within which glazed solid and painted metal panels are disposed according to the nature of the accommodation behind. The commercial building has that matrix, in a less regular form, expressed by limestone cladding, with glazed and painted metal panels within it. Both seem to me to keep the buildings firmly grounded in an attractive modern style which would sit well amongst the varying styles of neighbouring buildings.^{7.9} In particular, I find the Stamford Street façade of the commercial building an appropriate companion for the two listed buildings to its west.

13.63 The residential tower comes down to the ground on the inner side of the northerly low-rise residential building, linked with it but maintaining its own architectural expression to ground level. Within the ground floor facing the open space are retail units as well as the access lobby. The office tower is not directly linked to any of the low-rise buildings but its façade treatment is brought to a stop above ground floor level, above a spacious entrance lobby and a retail unit.

13.64 Thus, the proposals are successful in presenting an appropriate scale of façade on all sides where significant pedestrian activity can be anticipated.

The open space

13.65 Ground level within the site offers a complex arrangement of different types of space. Those outside the site would glimpse the space within.^{7.8} A wide opening to Stamford Street gives access to the residential tower and to the open space contained by the towers and the rears of the Mad Hatter (3-7 Stamford Street) and the new commercial building. It is flanked by 'green walls' (planting on the vertical flank walls of the low-rise commercial and residential buildings).^{7.8} A second approach to the space is from Blackfriars Road between the base of the office tower and the rear of no. 1 Stamford Street, which also provides a terrace for the Mad Hatter. A third approach is from Paris Garden.

13.66 However, the really successful ploy, in my opinion, is to link the open space in the site with Christ Church Garden to the south,^{7.8} making much better use of what exists as well as providing new space. The space within the site is essentially hard, partially covered with a canopy, with a central water feature, and with greenery provided by way of climbing plants on the angled supporting structure of the canopy. This then merges with the existing garden and its mature trees. The variety thus offered promises to be vibrant and exciting.

Conclusion on architectural design

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

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

Environmental design

Wind ^{7.12-13; 10.13-16}

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

Sustainability ^{7.10}

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

Daylight/sunlight/overshadowing

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

Impact in views

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

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

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

Other views from St James's Park

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

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

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

^A CD3/8, section 9.

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

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

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

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

Other views

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

Overall conclusion on the design of No. 20

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

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

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

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

13.82 I consider that, from almost every standpoint, the two proposed developments would work better together than individually. In no case does the cumulative impact weigh against one or the other, or both. The three towers of the two schemes would form a much more concentrated cluster of tall buildings – themselves, with the King’s Reach tower (in both its existing and permitted forms) and also with 240 Blackfriars Road and other lower developments either implemented or permitted in the vicinity – than would either scheme on its own. Together, the three towers would create a visually attractive composition from all angles. The geometry and location of the two lower towers at No. 20 would have a dynamic relationship with the taller, sculptural form of No. 1, which, because of its position closer to the Blackfriars Bridge, would rightly be the most prominent element.^{6.82-83}

13.83 The appearance of both schemes in the view from the footbridge in St James’s Park would give a stronger impression of the modern city beyond the Park than either individually, but still without dominating or overpowering the short-range view. Moreover, either scheme, or both, must be considered in the context of other permitted developments, particularly in the City. Numerous developments, some under construction at the time of the inquiry, will become visible from the footbridge. All but two would be further away than Blackfriars Road – but, even if neither No. 1 nor No. 20 went ahead, those developments would appear on the skyline in views from the footbridge.

13.84 The two nearer developments are King’s Reach and Doon Street. King’s Reach already exists but has permission for an increase in height, which would make it visible above treed skyline in the view. Doon Street, its recent permission subject to challenge in the High Court, would be nearer still and would be taller and much more prominent in the view. Indeed, No. 1 would be all but obscured if Doon Street were built.

13.85 Thus, the objections are weakened when one takes into account permitted developments in the City, even more so if one takes Doon Street into account.

13.86 A different form of cumulative impact could arise in the Waterloo and Roupell Street Conservation Areas. In the former, No. 1 and the residential tower of No. 20 would both be visible from some points in Aquinas Street, and certainly by simply moving from one side of the street to the other. Nevertheless, my conclusion remains that the robust character of the street would not itself be diminished by being able to see these two towers. In the Roupell Street Conservation Area, I doubt that there is a viewpoint in which both No. 1 and

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

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

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

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

13.88 The Doon Street decision is important not only because of the relative impact that the now-permitted tower would have, if built, but also because of the reasoning deployed by the Secretary of State in coming to her decision. I have come to my conclusion on the intentions and interpretation of the LVMF based on the evidence to the inquiry and my own understanding of the text of the document in relation to the view from the footbridge in St James's Park. I have then assessed both proposals on the basis of that conclusion and found that the proposed towers would not, either individually or cumulatively, harm that view, or the character and appearance of the Royal Parks Conservation Area, or the settings of the listed buildings seen in the view.

13.89 In so doing, I am fortified that the Secretary of State appears to adopt exactly the same approach to the LVMF and that the approach itself is not the subject of the challenge. She draws two conclusions – that the proposed Doon Street tower would not overpower the view from the footbridge or damage the delicate balance between landscape and buildings; and that it would not fail to preserve or enhance the setting of the Royal Parks Conservation Area. She draws no specific conclusion in relation to the settings of the listed buildings seen in the view – I have dealt with that explicitly, though it seems to me that it may be considered subsumed within the other two conclusions.

13.90 The towers subject of this inquiry would be further distant than Doon Street in the view from the footbridge and would be, or would appear to be, lower. On that basis alone, their impact is bound to be significantly less than that of the Doon Street tower. Also, even if the Doon Street decision were to be quashed, it does not seem to me that that could cast doubt on the approach I have adopted in my reasoning.

13.91 In addition, the Secretary of State considered the effect the Doon Street tower might have on the character and appearance of the Roupell Street Conservation Area. While she agrees with the Inspector that there would be '*some detrimental impact to the setting*' of the Conservation Area, she concludes that it '*would not be great*'. I have taken a slightly different approach, concluding that the robust character of the Conservation Area would not be diminished by the appearance of the proposed towers in views from it.

Housing

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

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

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

13.93 The application site is not allocated for housing. The permitted office scheme has no housing in it. The admissibility of the hotel use is what enables housing to be provided as well. The site is within a Preferred Office Location, subject to Southwark Plan Policy 1.3. The hotel is an acceptable exception to Policy 1.3 in that it is a tourism use.^B The proposed housing brings Policy 4.4 into play, seeking that, in the CAZ, at least 40% of new dwellings are affordable, with a 70:30 social rented : intermediate tenure split.^C The proposal offers a 58:42 tenure split but I consider that a minor conflict with policy, insufficient to weigh significantly against it. So, too, does LB Southwark.

13.94 In the London Plan, the supporting text to Policy 3A.10^D says that, in exceptional cases, consideration may be given to providing the required affordable housing off-site. PPS3 also admits of off-site provision, as does the Southwark Plan. Both the GLA and LB Southwark support the proposal. In fact, it was the Mayor who first suggested partial off-site provision. The main reasons for so doing are the economic difficulty in placing affordable dwellings in the higher levels of the tower (above the hotel), the potential amenity impact on residents of Rennie Court of putting more housing in the Rennie Street building (making it higher) and the relative inappropriateness of placing family housing in this particular location, at the junction of two of Southwark's busiest roads.

13.95 The proposal would help to meet an identified need for larger market units, even though some of those proposed are conspicuously large. In fact, it may be the sheer size and relative market value of some that enables an affordable housing solution exceeding policy requirements. The proposal also helps to address an apparent dearth of intermediate housing in the area. In that context, and because I consider it inappropriate to assess this matter on the narrow basis of the application site alone, the proposal would help towards achieving a mixed and balanced community. Indeed, it may be reasonable to look at the Community Council area, in which case the contribution made by the proposal to off-site family housing is another benefit of the scheme, one which likely could not have been achieved with a purely on-site solution.

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

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

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

^B CD7/1, p. 31.

^C CD7/1, p. 66.

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

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

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

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

Policy

1 Blackfriars Road

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

20 Blackfriars Road

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

Summary

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

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

14 OVERALL CONCLUSION

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

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

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

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

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

g) *Any other relevant material considerations.*

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

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

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

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

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

15 RECOMMENDATIONS

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

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

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

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

John L Gray

Inspector

ANNEX A: APPEARANCES

FOR BEETHAM LANDMARK LONDON LIMITED

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

FOR BLACKFRIARS LIMITED

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

FOR THE LONDON BOROUGH OF SOUTHWARK

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

FOR THE CITY OF WESTMINSTER AND THE ROYAL PARKS

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

FOR THE WATERLOO COMMUNITY DEVELOPMENT GROUP

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

ANNEX B: DOCUMENTS

CORE DOCUMENTS

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

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

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

CD8/9	The London Plan SPG - Sustainable Design and Construction (May 2006).
CD8/10	The London Plan SPG - Accessible London: Achieving an Inclusive Environment (April 2004).
CD8/11	GLA Housing Requirements Study (2004).
CD8/12	GLA Draft Housing Strategy (2007).
CD8/13	Joint Statement by Government Office for London and GLA on the Greater London Housing Requirement Study (15 June 2007).
CD8/14	Joint Statement by Government Office for London and GLA on the Greater London Housing Requirement Study (March 2008).
CD8/15	Joint Statement by Government Office for London and GLA and the London Councils on the Greater London Housing Requirements Study.
CD8/16	London Office Policy Review 2002 (2003).
CD8/17	London Office Policy Review 2007 (2007).
CD8/18	The London Plan SPG – Planning for Equality and Diversity in London (October 2007).
CD8/19	Mayor’s Biodiversity Strategy (July 2002).
CD8/20	The Mayor of London's Report: – Planning for a Better London (July 2008).
CD8/21	GLA Blue Badge Parking Standards for Off Street Car Parking (December 2006).
CD8/22	Transport for London Cycle Parking Standards.
CD8/23	London Renewables Toolkit (September 2004).
CD8/24	Mayor's London Tourism Vision (June 2006).
CD8/25	Central London Tourism Development Framework (June 2006).

CD9 Beetham Landmark London Limited Core Documents

CD9/1	Statement of Case for 1 Blackfriars Road.
CD9/2	Letter from Southbank Employers Group (21 April 2008).

CD10 Blackfriars Limited Core Documents

CD10/1	Statement of Case for 20 Blackfriars Road.
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CD11 London Borough of Southwark Core Documents

1 Blackfriars Road

CD11/1	Statement of Case for 1 Blackfriars Road.
CD11/2	Officer's Report and Recommendation to the LB Southwark Planning Committee on application 06-AP-2117 (24 July 2007) and minutes of the Committee meeting.
CD11/3	Addendum to Officer's Report to the LB Southwark Planning Committee on application 06-AP-2117 (24 July 2007).
CD11/4	Officer's Report and Recommendation to the LB Southwark Planning Committee on amended application 06-AP-2117 (18 December 2007) and minutes of the Committee meeting.

20 Blackfriars Road

CD11/5	Statement of Case for 20 Blackfriars Road.
CD11/6	Officer's Report and Recommendation to the LB Southwark Planning Committee on application 07-AP-0301 (22 January 2008).
CD11/7	Addendum to Officer's Report and Recommendation to the LB Southwark Planning Committee on application 07-AP-0301 (22 January 2008).
CD11/8	Minutes of meeting of LB Southwark Planning Committee (22 January 2008).

CD12 City of Westminster Core Documents

CD12/1	Statement of Case for 1 Blackfriars Road and 20 Blackfriars Road.
CD12/2	Letter to PINS requesting call-in in respect of 1 Blackfriars Road (23 January 2008).
CD12/3	Letter to PINS in respect of 1 Blackfriars Road (23 April 2008).
CD12/4	Objection letters from the City of Westminster to LB Southwark in respect of 20 Blackfriars Road (11 May 2007 and 10 October 2007).
CD12/5	Unitary Development Plan – The City of Westminster (January 2007).
CD12/6	Design Matters in Westminster (June 2001).

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

CD17 English Heritage Correspondence

1 Blackfriars Road

- CD17/1** Letter from EH to LB Southwark (7 December 2006).
CD17/2 Letter from EH to LB Southwark (30 November 2007).

20 Blackfriars Road

- CD17/3** Letter from EH to LB Southwark (27 March 2007).
CD17/4 Email from EH to LB Southwark (12 October 2007).
CD17/5 Letter from EH to LB Southwark (31 October 2007).

1 and 20 Blackfriars Road

- CD17/6** English Heritage Written Representations (6 August 2008).
CD17/7 English Heritage Supplemental Written Representations (20 August 2008, sent to parties 2 September 2008).

CD18 Other Correspondence

1 Blackfriars Road

- CD18/1** Letter from Lambeth Council to PINS, enclosing decision notice and officer's report (20 May 2008).
CD18/2 Letter from London Parks and Gardens Trust to Government Office for London (19 January 2008).
CD18/3 Folder containing other consultation responses in respect of the planning application.

20 Blackfriars Road

- CD18/4** Folder containing other consultation responses in respect of the planning application.
CD 18/5 Consultee letter dated 1 September 2008 from City Designers to Linklaters.

CD19 Relevant Planning Decisions

- CD19/1** Secretary of State Decision concerning 106-110 Bishopsgate, EC3 ('Heron Tower') (22 July 2002).
CD19/2 Inspector's Report concerning 106-110 Bishopsgate, EC3 ('Heron Tower') (30 April 2002).
CD19/3 Secretary of State Decision concerning the London Bridge Tower, SE1 ('Shards of Glass') (18 November 2003).
CD19/4 Inspector's Report concerning the London Bridge Tower, SE1 ('Shards of Glass') (23 July 2003).
CD19/5 Secretary of State Decision concerning St George's Wharf, SW18 ('Vauxhall Tower') (14 July 2005) and Secretary of State Decision Deferral Letter (31 March 2005).
CD19/6 Inspector's Report concerning St George's Wharf, SW18 ('Vauxhall Tower') (27 September 2004).
CD19/7 Secretary of State Decision concerning Potters Fields, SE1 (10 October 2005).
CD19/8 Inspector's Report concerning Potters Fields, SE1.
CD19/9 Secretary of State Decision concerning Lots Road Power Station, SW10 (30 January 2006).
CD19/10 Inspector's Report concerning Lots Road Power Station, SW10 (17 August 2005).
CD19/11 Secretary of State decision concerning Cory's Wharf, Essex (15 May 2008).
CD19/12 Inspector's Report concerning Cory's Wharf, Essex (21 February 2006).
CD19/13 Letter from Secretary of State to City of London re Bishopsgate Tower (22 November 2006).

CD20 Relevant development proposals in the vicinity of 1 and 20 Blackfriars Road

- CD20/1** Kings Reach (ref: 05/AP/0227).
CD20/1/A Design and Access Statement.
CD20/1/B Decision Notice.
CD20/1/C Location Plan.
CD20/2 Bankside 123 (ref: 06/AP/1436).

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

CD21 Conservation Area Assessments

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

CD22 Legislation (not submitted with report)

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

CD23 Statement of Common Ground

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

CD24 Doon Street

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

CD25 Miscellaneous

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

1 BLACKFRIARS ROAD DOCUMENTS (BEETHAM LANDMARK LONDON LIMITED)

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

20 BLACKFRIARS ROAD DOCUMENTS (BLACKFRIARS LIMITED)

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

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

LONDON BOROUGH OF SOUTHWARK DOCUMENTS

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

CITY OF WESTMINSTER DOCUMENTS

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

ROYAL PARKS DOCUMENTS

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

WATERLOO COMMUNITY DEVELOPMENT GROUP DOCUMENTS

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

THIRD PARTY REPRESENTATIONS

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

INSPECTOR'S DOCUMENTS

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

ANNEX C: SUGGESTED CONDITIONS

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

Description of development^A

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

Conditions^B

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

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

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

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

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

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

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

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

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

Description of development^A

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

Conditions^B

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

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

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

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

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

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

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

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

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

Appendix 5

Blackfriars Road: Secretary of State's decision letter

Robert Share
Herbert Smith LLP
Exchange House
Primrose Street
London EC2A 2HS

Our Ref: APP/A5840/V/08/1202839
APP/A5840/V/08/1203024

Linklaters LLP
One Silk Street
London
EC2Y 8HQ

25 March 2009

Dear Sir/Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77.
APPLICATIONS BY BEETHAM LANDMARK LONDON LIMITED AND
BLACKFRIARS LIMITED.
1 AND 20 BLACKFRIARS ROAD, LONDON, SE1
APPLICATION REFS: 06-AP-2117 AND 07-AP-0301**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, John L Gray DipArch MSc who held a public local inquiry which opened on 9 September and closed on 2 October, into your respective clients' applications for planning permission for:-

1. The erection of buildings of ground plus 5 storeys and ground plus 51 storeys comprising a hotel, residential, viewing deck and Class A uses with associated public open space, landscaping, car parking, servicing arrangements and associated works, on 1 Blackfriars Road - land bounded by Blackfriars Road, Stamford Street, Rennie Street and Upper Ground, London, SE1; and

2. Demolition of existing buildings and redevelopment for mixed use purposes comprising residential (Class C3), office (Class B1), retail (Class A) and Class D1 uses; creation of new open space; reconfigured vehicular and pedestrian access and works to the public highway; together with associated works including landscaping and the provision of parking, servicing and plant areas, on 20 Blackfriars Road - land bounded by Stamford Street, Blackfriars Road, Paris Garden and Colombo Street, London, SE1.

2. More comprehensive descriptions, which the Inspector recommended be used if planning permission is granted, are found at paragraph 29 of this letter.

3. On 10 March 2008 the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that the applications be referred to her instead of being dealt with by the relevant planning authority, the London Borough of Southwark. Her reasons for doing so were that each proposal may conflict with national and regional policies on important matters.

4. The Inspector, whose report is enclosed with this letter, recommended that planning permission be granted for both proposals. For the reasons given below, the Secretary of State agrees with his recommendation. All references to paragraph numbers, unless otherwise stated, are to that report.

PROCEDURAL MATTERS

5. The Secretary of State agrees that the publicity of the inquiry was satisfactory. (IR1.6)

6. In reaching her decision, the Secretary of State has taken into account the Environmental Statements and Addendums, which were submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999. The Secretary of State considers that the Environmental Statements as a whole for both proposals meet the requirements of these regulations and that sufficient information has been provided for her to assess the environmental impact of both applications.

POLICY CONSIDERATIONS AND RELEVANT GUIDANCE

7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the London Plan – Consolidated with Alterations since 2004 (LPC) and the London Borough of Southwark Unitary Development Plan 2007 (UDP). The Secretary of State agrees with the Inspector's assessment of which development plan policies and supplementary planning guidance are most relevant to these applications, as set out in IR3.1-3.6. She has also taken into account those other policies having a bearing on the proposals as set out in the Statement of Common Ground (IR3.1)

8. The Secretary of State also agrees with the Inspector's assessment of which national planning guidance and guidance on design matters are most relevant to these applications, as set out in IR3.7-3.8.

9. The Secretary of State has had special regard to the desirability of preserving any listed buildings and their settings or any features of special architectural or historic interest which they possess, as required by section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. In view of the potential impact of the proposals on conservation areas, the Secretary of State has also paid special attention to the desirability of preserving or enhancing the character or appearance of those areas, as required by section 72(1) of the same Act.

10. The Secretary of State has also taken into account *Planning for a Better London*, published by the Mayor of London in July 2008. However, as this

document is still at consultation stage and may be subject to change, she affords it little weight.

MAIN ISSUES

11. The Secretary of State agrees with the Inspector's assessment of the main issues and his approach to these, as set out in IR13.1.

Design

12. The Secretary of State agrees with the Inspector's views on design issues as set out in IR13.2-13.3.

Policy on the location of tall buildings

13. The Secretary of State agrees with the Inspector's reasoning and conclusions on the policy and location of tall buildings, as set out in IR13.4-13.15. She agrees with the Inspector that both proposals would satisfy the policy framework relating to the location of tall buildings (IR13.15), including that they would have excellent accessibility to public transport facilities (IR13.8) and be at a point of landmark significance (IR13.8). In terms of the policy preference for tall buildings to be located in the Central Activities Zone, particularly in Opportunity Areas, the Secretary of State agrees with the Inspector that the application sites should be considered as being within such an area for the reasons given in IR 13.11 and IR13.12. She also agrees that the proposals would help to provide a coherent location for economic clusters of related activities (IR13.13), and act as a catalyst for regeneration (IR13.14).

1 Blackfriars Road

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on 1 Blackfriars Road, as set out in IR13.16-13.56.

15. With regard to design, the Secretary of State agrees with the Inspector that the location is one at which a tall building is appropriate in principle, as set out in the London Plan Policy 4B.9 and Southwark Plan Policy 3.20 (IR13.53). She has considered the arguments that the proposal would be at odds with its immediate urban context, but agrees with the Inspector that the massing of the lower elements of the scheme responds visually to the neighbouring buildings and roads, and that the overall layout enables pedestrian movement through the site as well as enhancing the routes around it (IR13.26). Overall, the Secretary of State agrees with the Inspector that the design of each of the constituent parts of the proposal is of very high quality, individually and as part of the overall composition, would be highly sustainable in terms of emissions and energy efficiency, and would have no harmful effect on the level of amenity enjoyed by neighbouring residents or on the microclimate experienced by those passing through or around it (IR13.54).

16. With regard to the impact on views, including from the footbridge in St James's Park, the Secretary of State has considered this issue carefully. She agrees with the Inspector that the wording in the visual management guidance

for Townscape View 26 clearly anticipates that there may be development, and that what is required is that any “tall building in the distant background should be of exceptional design quality,” and that the “scale or appearance of the building should not dominate or over-power the setting of this short-range view” (IR13.37). In this respect, she agrees with the Inspector that the proposal would not in any way dominate or overpower the view (IR13.40). Overall, the Secretary of State agrees that the proposal would not have a harmful effect on the view from the footbridge in St James's Park, or on the character and appearance of the Royal Parks Conservation Area or the settings of the listed buildings in that view. Nor would it have any harmful effect on the Waterloo or Roupell Street Conservation Areas; or on views from the banks of the Thames, the bridges across it or the buildings and spaces adjoining (IR13.55).

20 Blackfriars Road

17. The Secretary of State agrees with the Inspector's reasoning and conclusions on 20 Blackfriars Road, as set out in IR13.57-13.81.

18. With regard to design, she agrees with the Inspector that the design of both towers, and of the low-rise buildings, is of very high quality, would be highly sustainable in terms of emissions and energy efficiency, and would have no harmful effect on the amenity of neighbouring residents or on the microclimate experienced by those passing through or around the development (IR13.79).

19. With regard to the impact on views, she agrees with the Inspector that the proposal would not have any harmful effect on the view from the footbridge in St James's Park, or on the character and appearance of the Royal Parks Conservation Area or the settings of the listed buildings in that view. It would have no harmful effect on the Westminster WHS or views from it. Nor would it have any harmful effect on the Waterloo or Roupell Street Conservation Areas; or on views from the banks of the Thames, the bridges across it or the buildings and spaces adjoining (IR13.80).

Cumulative impact

20. The Secretary of State agrees with the Inspector's reasoning and conclusions on cumulative impact, as set out in IR13.82-13.91. She agrees that the appearance of both schemes in the view from the footbridge in St James's Park would give a stronger impression of the modern city beyond the Park than either individually, but still without dominating or overpowering the short-range view (IR13.83). She also agrees that objections to the proposal are weakened when one takes into account permitted developments in the City, even more so if one takes Doon Street into account (IR13.85). As regards the Waterloo and Roupell Street Conservation Areas, the Secretary of State agrees with the Inspector that their character would not be diminished by views of No 1 and No 20 (IR13.86). As regards the settings of listed buildings, she agrees that the settings of the National Theatre and Royal Festival Hall would not be compromised, especially given their distance from the proposals, and nor would the character of County Hall be diminished (IR13.86).

Housing, other uses and movement

21. The Secretary of State agrees with the Inspector's reasoning and conclusions on housing, as set out in IR13.92-13.98. She agrees that the housing provision in both proposals would contribute towards a more mixed and balanced community, and that the overall amount of affordable housing for both proposals is acceptable. The Secretary of State also agrees that partial off-site provision of affordable housing by way of a financial contribution is appropriate in the case of No1 Blackfriars Road (IR13.94). She also agrees that the tenure mix for both is below that required by the development plan and therefore conflicts with policy in this respect (IR13.93 and 13.13.96). She considers this to be a factor which weighs against the proposal, but that the conflict with the development plan is minor and should not attract significant weight.

22. The Secretary of State agrees with the Inspector's assessment that the proposed hotel in the No 1 Blackfriars Road application is an acceptable exception to policy (IR13.93), and that this scheme would bring significant improvements to the pedestrian environment in the vicinity of the site (IR13.97). She also agrees that the office, residential and other non-residential uses in the No 20 proposal are appropriate in this location (IR13.98), and that this proposal would bring substantial environmental improvements to routes near the site.

Conditions and Planning Obligations

23. The Secretary of State has considered the Inspector's proposed conditions, as set out at Annex C of his report, his statements at IR12.1-12.3 and footnotes to Annex C, and national policy as set out in Circular 11/95. She agrees with the Inspector's views and considers that his proposed conditions for both proposals are reasonable and necessary and meet the tests of Circular 11/95.

24. The Secretary of State has considered the provisions of the executed Section 106 Planning Agreements between the developers and LB Southwark, the Inspector's views on these agreements at IR12.4-12.6 and national policy as set out in Circular 05/2005. She agrees that permission should not be granted without the Agreements (IR14.12), and considers that the agreement is relevant to the proposed development and meets the policy tests of Circular 05/2005.

OVERALL CONCLUSIONS

25. The Secretary of State agrees with the Inspector's overall conclusions as set out in IR14.1-14.13. She considers that the proposals are in appropriate locations for tall buildings by virtue of the provisions of London Plan Policy 4.9 and Southwark Plan Policy 3.20, and that the design of both buildings would be of a high quality, inclusive and sustainable design which would improve the character of the area and produce attractive public spaces. The effect of the proposals on the local environment would be acceptable, including impacts on microclimate and overshadowing.

26. The Secretary of State is satisfied that the proposals comply with PPG 15 and associated development plan policies on protecting the setting of listed

buildings and preserving and enhancing conservation areas and their settings. She further considers that each proposal is of appropriate scale and geometry not to overpower the existing built form or detract from night time views, and that the scale or appearance of the proposals, individually or cumulatively, would not dominate or overpower the setting of the view from St James Park.

27. The proposed housing would contribute to the quantum of housing provision in the Borough and would provide a mix of accommodation that would help meet the needs of the whole community. The Secretary of State considers that the affordable provision would be adequate and that the affordable housing tenure split constitutes only a minor conflict with the development plan.

28. Overall, the Secretary of State considers that the proposals are in line with the development plan and national plan policies, except in respect to affordable housing tenure split. She does not place significant weight on this minor conflict, which therefore does not outweigh the overall compliance with the development plan and national plan policies in other respects. She therefore concludes that there are no material considerations of sufficient weight which would justify refusing planning permission for these proposals.

FORMAL DECISION

29. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations. She hereby grants planning permission for:-

1. Application ref 06-AP-2117, dated 30 October 2006: The erection of two buildings and a podium (a tower of 52 storeys plus basement levels, of maximum height 170m above Ordnance Datum (AOD), and a low-rise building of 6 storeys above ground level) providing a mixed use scheme totalling 76,060sqm gross external area comprising: 35,348sqm of Class C1 use (hotel) comprising 261 rooms, associated facilities including a business centre, wellness centre/gym, restaurants and bars; 26,864sqm of Class C3 (residential use) comprising 96 flats; 993sqm of Class D2 use as a Sky Deck for observation and function areas; 911sqm of Class A uses (372sqm of Class A3 restaurant use, 46sqm of retail and 493sqm of flexible Class A use); 11,944sqm of ancillary plant, servicing and car parking; all in accordance with the drawings listed and contained in Inquiry Document CD/2/29/A: on land at 1 Blackfriars Road - land bounded by Blackfriars Road, Stamford Street, Rennie Street and Upper Ground, London, SE1, subject to the conditions set out in Annex A to this letter.

2. Application ref 07-AP-0301, dated 7 February 2007: Demolition of existing buildings and redevelopment to provide a mixed use scheme totalling 83,915sqm gross external area comprising: 286 residential units (Class C3), 25,769sqm of office floorspace (Class B1), 1,710sqm of retail floorspace (Class A), 562sqm of community uses (Class D1), creation of new open space, reconfigured vehicular and pedestrian access and works to the public highway together with associated works including landscaping and the provision of a basement car park for 82 cars, plus servicing and plant areas; the buildings comprising an office tower of 23

storeys (maximum height 109m AOD) a residential tower of 42 storeys (maximum height 148m AOD) and low-rise buildings of up to 7 storeys fronting Stamford Street and Paris Garden; all in accordance with the drawings listed and contained in Inquiry Document CD3/25/A: on land at 20 Blackfriars Road - land bounded by Stamford Street, Blackfriars Road, Paris Garden and Colombo Street, London, SE1, subject to the conditions set out in Annex B to this letter.

RIGHT TO CHALLENGE THE DECISION

28. An applicant for any consent, agreement or approval required by a condition of this permission has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the local planning authority fails to give notice of their decision within the prescribed period.

29. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than that required under section 57 of the Town and Country Planning Act 1990.

30. This letter serves as the Secretary of State's statement under Regulation 21(2) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

31. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court.

32. A copy of this letter has been sent to the London Borough of Southwark and all parties who appeared at the inquiry.

Yours sincerely,

Julian Pitt

Authorised by the Secretary of State to sign in that behalf

ANNEX A

SCHEDULE OF CONDITIONS: APPLICATION REF 06-AP-2117 (1 BLACKFRIARS RD)

1. The development hereby permitted shall be begun not later than three years from the date of this permission.
2. Full details of the items listed below, including samples or sample panels as appropriate, shall be submitted to and approved in writing by the local planning authority prior to commencement of the relevant phase of the development hereby permitted; and the development shall be constructed and maintained thereafter in accordance with the approved details:
 - a. the double-skin façade and winter gardens of the tower, including details of the outer skin glass, mullion, transome and louvre components, the integration of façade cleaning rails into the outer skin, the photovoltaic interlayer (including the siting of panels), extract/intake grilles for the whole house ventilation system, the solar control blind system and mechanism, details of the colour and pattern of openable doors, fixed clear panels and fixed opaque panels in the inner skin, and the soffit cladding and lighting in the winter gardens;
 - b. the sky deck of the tower, including details of the structural support for the glazed enclosure, solar protection blinds, openings for cleaning equipment, and the core enclosure;
 - c. the structural columns/walls at the base of the tower and the base details of the skirt of the glass outer skin;
 - d. the double-skin façade of the Rennie Street building, including details of the outer skin glass, mullion, transome and louvre components and the pattern of fritting, the integration of any façade cleaning rails into the outer skin, details of the colour and pattern of openable doors, fixed clear panels and fixed opaque panels in the inner skin, and the soffit cladding and lighting in the winter gardens;
 - e. the roof of the Rennie Street building, including the solar collectors, and the plant room enclosure;
 - f. all façade cleaning equipment for both the tower and the Rennie Street building;
 - g. the canopy on Blackfriars Road, including the support legs;
 - h. all entrances and fascia signs, including signage and shopfronts;
 - i. the facing materials to be used on the inhabited wall of the podium and the roof cladding to the retail units; and
 - l. the water feature, wind mitigating screens, security gates and any other structures to be located in the plaza or at the entrances to the plaza.
3. Notwithstanding the provisions of Parts 24 and 25 of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no external telecommunications equipment or structures shall be placed on any part of the buildings hereby permitted without the prior written consent of the local planning authority.

4. No development shall take place until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the local planning authority. Hard landscape details shall include proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials and minor artefacts and structures. Soft landscape details shall include planting plans, written specifications and schedules of plants. All hard and soft landscape works shall be carried out in accordance with the approved details and programme.
5. Any tree or shrub comprised in the approved details of landscaping which, within two years of the completion of either the building works or the landscape scheme (whichever is later), dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season by another of similar size and species, unless the local planning authority gives written approval to any variation.
6. No external lighting or security equipment shall be installed until details have been submitted to and approved in writing by the local planning authority. Those details shall include:
 - a. external lighting of the tower and Rennie Street building, including the integrated lighting system to the tower 'shoulder blades' (and including the design, power and position of all luminaries);
 - b. lighting of the plaza (including the design, power and position of all luminaries) and security surveillance equipment of external areas surrounding the buildings.

Development shall be carried out in accordance with the approved details.

7. Notwithstanding the details shown on the drawings hereby approved, the maximum number of car parking spaces that shall be provided on site shall not exceed 33 for hotel use and 29 for residential use. Details of the car parking, including provision for disabled car parking and electrical charging points, shall be submitted to and approved in writing by the local planning authority before the development hereby permitted is commenced. Development shall be in accordance with the approved details.
8. No development shall take place until the applicant, or its agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.
9. No development shall take place until full details of the scope and arrangement of foundation design and ground works, including the use of piling or other penetrative methods, have been submitted to and approved in writing by the local planning authority. Development shall be in accordance with the approved details.
10. No development shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period. The plan shall include provision for:
 - site working hours, including deliveries and collections;
 - parking of vehicles of site operatives and visitors;
 - loading, unloading and storage of plant and materials;

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

**ANNEX B – SCHEDULE OF CONDITIONS: APPLICATION REF 07-AP- 0301
(20 BLACKFRIARS RD)**

1. The development hereby permitted shall be begun before the end of three years from the date of this permission.
2. No development shall take place until full details of the water feature, canopy, green walls, seating and any other structures to be located in the open space, or the entrances or approaches to it, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
3. Full details of the items listed below, including samples or sample panels as appropriate, shall be submitted to and approved in writing by the local planning authority prior to commencement of the relevant phase of the development and the development shall be constructed and maintained thereafter in accordance with the approved details:
 - a. the double-skin façade and winter gardens of the residential tower, including details of the outer skin glass, mullion, transome, louvre and balcony components, the integration of façade cleaning rails into the outer skin, extract/intake grilles for the whole-house ventilation system, details of the colour and pattern of openable doors, fixed clear panels and fixed opaque panels in the inner skin, any solar control blind system and its mechanism, and the soffit cladding and lighting in the winter gardens;
 - b. the façade of the commercial tower, including details of the glass, mullion, transome and louvre components, the solar shading louvres and their supporting structure, the integration of façade cleaning rails, any extract/intake ventilation grilles, and the perforated metal cladding around the core at the southern end of the tower;
 - c. the roof details for the residential and commercial towers, including details of the façade-cleaning equipment and its housing;
 - d. external elevations of the low-rise residential buildings, including details of all fixed glazed panels, fixed opaque panels and balcony façades, balustrading, soffit cladding and lighting;
 - e. external elevations of the low-rise commercial building;
 - f. the roofs of the low-rise residential and commercial buildings, including details of green roofs, solar panels and façade-cleaning equipment and its housing; and
 - g. all photovoltaic panels, including details and siting.
4. The Class A3-A5 use hereby permitted shall not open to customers outside the hours of 08:00–24:00 on any day.
5. Notwithstanding the provisions of Parts 24 and 25 of the Town & Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no external telecommunications equipment or structures shall be placed on any part of the buildings hereby permitted without the prior written consent of the local planning authority.
6. No development shall take place until full details of both hard and soft landscape works, including an implementation programme, have been submitted to and approved in writing by the local planning authority. Hard

landscape details shall include proposed finished levels, means of enclosure, pedestrian access and circulation areas, hard surfacing materials, the water feature, the canopy, seating and any other structures to be located in the open space or the entrances or approaches to it. Soft landscape details shall include the green walls and the planting for the canopy structure, including any associated water retention/recycling system, planting plans, written specifications and schedules of plants. All hard and soft landscape works shall be carried out in accordance with the approved details and programme.

7. Any tree or shrub comprised in the approved details of landscaping which, within two years of the completion of either the building works or the landscape scheme (whichever is later), dies, is removed or becomes seriously damaged or diseased, shall be replaced in the next planting season by another of similar size and species, unless the local planning authority gives written approval to any variation.
8. No development shall take place until details of the existing trees in Christ Church Garden within 10m of the boundary of the application site, together with measures to be taken for their protection during development works, have been submitted to and approved in writing by the local planning authority. The approved measures shall be implemented before development commences and maintained until completion of the landscape works comprised in condition 6 above. If any retained tree dies, is removed or becomes seriously damaged or diseased within two years of the completion of the development, another tree shall be planted at the same place, at such time and of such size and species as may be specified in writing by the local planning authority.
9. No external lighting or security equipment shall be installed until details have been submitted to and approved in writing by the local planning authority. Those details shall include all external lighting, including integrated lighting systems for both towers (including the design, power and position of all luminaries) and all security surveillance equipment for external areas around the buildings. Development shall be carried out in accordance with the approved details.
10. In accordance with the drawings hereby approved, the maximum number of car parking spaces that shall be provided on site shall not exceed the following:
 - 55 for the residential use (including 12 disabled);
 - 10 for car club use (including 1 disabled);
 - 10 for electric car use (including 1 disabled);
 - 3 for community use (including 1 disabled);
 - 2 for the commercial uses (both disabled)
 - 1 for retail use (disabled);
 - 1 for non-residential operational use.

Details of the car parking, including power supply locations for the electric car spaces and the location of disabled spaces, shall be submitted to and approved in writing by the local planning authority before the development hereby permitted commences. Development shall be in accordance with the approved details.

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

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

Appendix 6

SEEDA letter in support of Brighton Marina regeneration project

Sian Evans

Planning Inspectorate, Registry/Scanning
Room 3/05 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol, BS1 6PN

29th September 2009

Dear Miss Evans

Planning Appeal Reference: APP/Q1455/A/09/2102048/NWF
Residential Led Mixed Use Development: Brighton Marina

I understand that this appeal is to be determined in the fairly near future.

SEEDA is a statutory consultee on planning applications that exceed the criteria issued to all local authorities in April 2007ⁱ. The Brighton Marina application (LPA reference: BH2007/03454) satisfied these criteria, and SEEDA were therefore consulted on the planning application by Brighton and Hove City Council.

We supported the application because we considered that the proposed development complemented the aims and aspirations of the Regional Economic Strategy. A copy of our response is attached.

Since the submission of the planning application and its refusal by the City Council's Planning Committee in December 2008, the credit crunch and the subsequent recession have had a significant impact on economies at the national, regional and local level.

Economic and Employment Benefit

The weakening economic conditions have had a significant impact on the construction industry, and especially on the viability of regeneration projects. This is reflected by research commissioned by SEEDA showing that *'commercial, mixed use and housing development schemes, both large and small, are being deferred across the South East, including projects worth more than £1 billion in Brighton and Hove'*ⁱⁱ.



As a result, construction has been one of the worst affected sectors in the current recession to date, with output and employment levels falling substantially over the past year. The unemployment rate in the industry increased significantly during 2008, rising from 11 per 1,000 employees in the first quarter to 31 per 1,000 in the fourth quarterⁱⁱⁱ. In addition, the Office for National Statistics predicts that the sector will contract by up to nine per cent in 2009^{iv}.

The construction sector is likely to be at the forefront of the upturn and we are concerned that the recession could leave the sector ill-equipped to meet skills needs required for the upturn.

Regional Economic Strategy and The South East Plan

In addition, since the refusal of planning permission by the City Council's Planning Committee in December 2008, the South East Plan (2009) has been adopted as the Regional Spatial Strategy and part of the statutory Development Plan. Brighton is identified as key regional hub and, in accordance with Regional Economic Strategy, as a Diamond for Investment and Growth. The South East Plan identifies that the role of regional hubs should be supported and developed including encouraging higher density land uses and/or mixed land uses. Brighton is identified as part of the Sussex Coast sub-region where the priority is to proactively pursue and promote sustainable economic growth and regeneration. As part of growth in the Sussex Coast sub-region The South East Plan identifies that in particular, care will be taken to optimise the use of previously developed land, particularly in Brighton & Hove.

We consider the proposals will comply with The South East Plan and the scheme will support the role of Brighton as a regional hub and particularly a Diamond for Investment and Growth, by contributing significantly to the City's economy through direct and indirect benefits. The scheme will also deliver development that will support regeneration and sustainable economic growth whilst maximising the use of previously developed land.

SEEDA supports new housing provision, which is an important component in achieving economic competitiveness, including within the Diamond area. In the context of significant housing affordability issues, the South East Plan defines a housing requirement for the Region and for Brighton, towards which the appeal proposals' 1301 dwellings will make a significant and very welcome contribution. The mix of housing proposed, including the 40% that will be affordable, is in line with the South East Plan, and will help create sustainable communities, reflecting the evidence in Brighton's Strategic Housing Market Assessment, and therefore meeting the requirements of the Development Plan

Economic Benefits of World Class Places

In May 2009 the Government published its strategy on improving the quality of place, entitled 'World Class Places'. It outlines that whilst the Government's Regeneration Framework^v shows regeneration needs to be focused on economic outcomes and worklessness, to improve these there needs to be the creation of places where people want to live and work. The strategy identifies that quality of life factors, including quality of place, appear increasingly important in attracting private sector investment and skilled workers and that vibrant cities with striking new or rehabilitated buildings are important factors in attracting tourists and contributing to local and regional economies.

The improvements the proposed scheme will bring to Brighton Marina as a place of work, place of residence and as a destination will bring further economic benefits to Brighton as a City and to the Region as a whole.

Summary

In light of the above, we would like to emphasise the economic importance of the proposed development to the Brighton area, and that we think these are material considerations to be taken into account, alongside the proposal's full compliance with the policies of the statutory Development Plan, including The South East Plan which has been adopted since the planning application was considered by the Local Planning Authority. The development is set to generate approximately 420 temporary jobs during the construction phase and an additional 185 permanent jobs in the operation phase. The development, via an appropriate s106 agreement, will also release funding for a local skills and training initiative.

In summary, we think the advantages of the proposal are that it will:

- provide significant employment opportunities in the construction industry
- retain and develop capacity in the construction industry
- provide significant levels of market and affordable housing, which are critical to the delivery of sustainable prosperity in the Brighton Diamond for Investment and Growth, and in line with the South East Plan.

Yours sincerely

David Stewart
Head of Planning

ⁱ SEEDA Advice Note (August 2008): 'Responding to Consultations on Planning Applications'.

ⁱⁱ SEEDA (2009). 'Beyond the Crunch: Building a Stronger South East'.

ⁱⁱⁱ Alliance of Sector Skills Councils (May 2009). 'The impact of the economic downturn on business and skills in England'.

^{iv} Institute for Employment Studies (July 2009). 'Impact of the Recession on the Labour Market in the South East'.

^v CLG (2009) 'Transforming Places; Changing Lives – Delivering the Regeneration Framework'

