

In the revised proposals the height has been substantially reduced from the 29 storeys presented in the Appeal scheme. Therefore, the imposition of the proposed tower identified by the Inspector has been removed in our opinion. A partial view of the upper floors of the tower would be seen above the roofline of the modern development in the foreground of views of the Water Tower from the south. It would be understood as a peripheral feature and, due to the difference in materiality and simple architectural expression, it would not challenge the architecture of the Water Tower, with the stronger red brick and detailing.

It is noted that the architectural expression of the crown of the proposed tower has a direct and deliberate design relationship to the forms within the Water Tower façade. The proposed tower is considered to be deferent but contextual in its design. Notwithstanding this, the loss of the crowning detail to the proposed tower would not materially change the way the new built form is read alongside the historic tower which would be complementary as a result of the traditional stock brick materiality and vertical detailing.

In addition, there have been important revisions to the massing of the proposals which mean that they will longer back-drop the building in views from the south, which is the location from which the water tower is best appreciated. The profile of the listed building will be seen against sky in the views from George Mathers Road and this will preserve the appreciation of its silhouette (see pages 25-26 of the pre-application submission). The Inspector identified harm to the listed building because of the way the previous scheme affected the silhouette, so this element of harm is removed.

Whilst there are private views towards the listed building from the Barrett Homes scheme and existing nursing home built in the north-eastern part of the Site, it is noted that it is principally from George Mathers Road where it is possible to appreciate the full height of the water tower. The full height of the tower is not appreciable from locations outwith this immediate townscape context, thus any back-dropping effect from other locations in the surrounding area is not considered impactful. These other locations would also be kinetic views where one would appreciate the proposals and the water tower in a developed context, and the proposals would move away from the building as the viewer travelled through the area.

In our opinion, the Water Tower would remain the primary object in the close range views around and moving towards the site and its special interest would be preserved.

We find no harm to the Water Tower from the revised proposals at 12 or 16 storeys.

If LB Lambeth were to take a different view and identify some harm, this could only be less than substantial (we note that the Inspector identified the harm as less than substantial on the Appeal scheme which did have more of a visual impact) and at the low end of the scale, we suggest. This reflects the changes to the scheme which would now preserve the silhouette of the listed building, and the difference in the height of the proposed tower and the fact that less attention would be considered to be drawn by the proposed tower, which the Inspector found to result in a 'high magnitude' of less than substantial harm.

Master's House, Grade II

The Master's House, Grade II, is located immediately south of the site and the proposed tower is to the north-east. The main views of the listed building are from the south on Dugard Way and the gated entrance to the former workhouse complex. These views are represented by the model images on page 27-28 of the recent pre-application document. The proposed tower would appear above the Master's House in these views.

The Inspector identified a moderate level of less than substantial harm to the listed building because of the height and proximity of the tower which, he concluded, would detract from the appreciation of the architectural quality of the former workhouse.

In evidence presented at the Appeal, we also identified less than substantial harm from the 29 storey tower because it would compete for attention with the building, positioned directly behind it upon entry into the site, and found that this was mitigated to an extent by the architectural treatment of the proposals but not removed entirely

The model shots indicate that the 16 storey option would appear behind the Master's House. The height has been significantly reduced which likewise reduces the extent to which the proposals would take attention away from the listed building which, it is noted, has a broad and robust character in the view from the form of the building, materials and detailing. The proposals, on the other hand, have a contrasting materiality which blends into to the skydome that backdrops the listed building. The arches which crown the proposals are considered to soften the way the building terminates and respond to the architectural forms in the listed building.

It should be noted here that intervisibility between listed buildings and new development of a contrasting scale does not in itself equate to harm to an appreciation of their special interest. Notwithstanding this, we find that there would still be a degree of less than substantial harm arising from the 16 storey option, but this is considered to be at the very lowest end of the less than substantial scale given the considerable reduction in height from the Appeal scheme.

In the 12 storey option the proposals would not be visible together with the Master's House in views from the entry to the site, so the less than substantial harm would be removed.

Magistrates Court, Grade II

The Grade II listed Magistrates Court is located approximately 10m south of the site, and 80m south of the proposed tower. The relevant view is view 9 from Renfrew Road which looks towards the site and across the Magistrates Court. The Magistrates Court is also located in the Renfrew Road Conservation Area, and view 9 also demonstrates the effect on this designated heritage asset (see below).

The Inspector recognised that the Magistrates Court is experienced principally from Renfrew Road and we agree with this assessment. He noted that the UNCLE building projects above the roofline and that the 29 storey tower would do the same. The Inspector found a minor magnitude of less than substantial harm to the Magistrates Court resulting from the 29 storey tower but did not give detailed reasons.

In the evidence presented at the Appeal, we also found a limited degree of less than substantial harm by reason of visibility of the scheme in the background to the listed building. It was noted that this harm was limited to a small area of pavement so it was on a strict proportional basis and mitigated by design as far as possible.

The 16 storey option would rise above the roof profile of the building in its background. The reduction in the height of the tower and the changes to the design and materiality means that it has become a less expressive building and therefore design mitigation has also improved the relationship to the listed building as well as the reduction in height.

It is considered there would still be a degree of less than substantial harm to the Magistrates Court from the 16 storey proposal, but this would be at the very low end of the scale and significantly reduced from the Appeal scheme. Further, any such harm must be considerably lower than the 'minor magnitude' of less than substantial harm identified by the Inspector with regard to the Appeal scheme, given the reduction in scale.

In the 12 storey option, the model shots presented in the pre-application pack show how the parapet of the 12 storey scheme would align with the stack of the listed building and appear to bridge across to the part of the roof to the east. The human eye would read the distance and appreciate the proposals as a building in the backdrop that is separated and distinct from the listed building in the foreground, but nevertheless we consider that the 16 storey option is more effective, because of the greater distinction between the tower and the roof profile of the listed building which is created by the taller tower.

In both options, the proposed changes to the materiality helps to preserve the character of the historic building in the foreground which is red brick with stucco. The proposed arches to crown the building also offer a contrasting language to the gable forms expressed in the listed building.

Renfrew Road Conservation Area

The Renfrew Road Conservation Area takes in the southern part of the site, including the Water Tower and Master's House and the group of Victorian buildings on the road to the south-of the site. The relevant view is view 9.

The Inspector identified that the visibility and proximity of Block B would undermine visual and historical link between the group of Victorian listed buildings and their contribution to character of the conservation area, notwithstanding removal of the existing nursing home which is a benefit. He found less than substantial harm to a moderate magnitude.

In evidence presented at the Appeal, we also found less than substantial harm at the lowest end of that scale by reason of the scale of the tower and mostly derived from the impact on the setting of listed buildings in the conservation area (the Master's House and the Magistrates Court).

The reduction in the height of the proposed scheme, at either 16 or 12 storey options, must reduce the level of less than substantial harm. It is our view that the changes to the design reduce that harm further still.

IMPACT ON OTHER HERITAGE ASSETS

Elliotts Row Conservation Area

The Elliotts Row Conservation Area is located 30m north of the site. The relevant view is view 8 which looks south-west along Hayles Street which is defined by terraces of three storey Victorian properties with tall stacks surmounted by chimney pots that define the roofscape, and mark the party walls of each terrace.

The Inspector found a minor magnitude of less than substantial harm from the 29 storey tower because of the way it would rise well above the existing height datum at the end of the view along Hayles Street and introduce an intrusive feature here, and other parts of the conservation area. In our evidence to the Appeal, we concluded that the orientation of the tower in view 8 was dramatic and had an 'intense' impact. The quality of the architecture was the main consideration: if it was considered to be of a high standard then we considered the effect would be beneficial notwithstanding the magnitude of change. The Inspector took the view that the magnitude of change was harmful in and of itself.

In the options now presented for a 12 and 16 storey tower, the reduction in height reduces the harm – which was mainly to do with the intrusion of the building caused by its height. In the options now presented, we consider the 'intrusion' is much reduced or removed entirely. In both options, the proposals are commensurate with the established heights in the view.

It is noted that the existing historic development in the view has a taller and vertical character – they are three storey terraces which have a vertical emphasis created by the regular rhythm of repeated architectural features. With this in mind, we consider the 16 storey option to be more suitable in design-terms because it is more slender and vertical itself.

We would identify no harm to the character and appearance of the Elliotts Row Conservation Area arising from the much-reduced height in either option. The harm is also removed in our view by the revised architecture.

West Square Conservation Area and listed buildings within it

The West Square Conservation Area is located approximately 130m north-west of the site. The relevant views are 5a and 5b.

The views presented in the latest pre-application pack demonstrate that both the 12 and 16 storey options would be wholly screened by vegetation and interposing development in the summer months. The potential for glimpsed views in winter remains in the views, but this would only be the upper storeys and much reduced from the Appeal scheme. It would certainly not be a distinctive or prominent feature in the view. The design of the tower element and the light materiality proposed would blend the building into the context in these views. The tower element will not distract from the observer's focus from the listed terraces in the foreground or change the experience of the intimacy or enclosure of the square.

Therefore, it is considered that the harm identified by the Inspector to the West Square Conservation Area would be removed. Our position presented in evidence at the Appeal that there would be no harm is maintained.

It is noted that the Inspector concluded that no harm would be caused to the listed buildings within West Square Conservation Area and we agree with this finding.

Walcot Square Conservation Area and listed buildings within it

The Walcot Square Conservation area is located approximately 160m north-east of the site. The relevant views are 6a, 6b and 7.

In view 6b it has been demonstrated in the latest pack of information that the proposals will be obscured by interposing development in views from the south-west corner of the square.

In views 6a and 7, the proposals will appear above the rooflines of the historic development which defines the square. We maintain the judgement presented in evidence at the Appeal that there will be a moderate impact on the experience of the square, but we cannot see why it is harmful to the conservation area, because the appreciation of the historic townscape character, listed buildings and intimacy/enclosure of the square will continue. The proposals provide an opportunity to introduce an excitement of contrast between historic and modern London. We conclude that a well-designed tall building on the site would introduce a positive addition to the skyline from views 6a and 7.

In view 7 in particular, viewers would not dissociate the tower from the Elephant and Castle cluster.

The Inspector found less than substantial harm to the conservation area at a minor magnitude. It was considered minor in light of the existing presence of other tall buildings in the views. The proposed 29 storey tower was identified as closer than the existing cluster and to detract further from the historic character of the area.

It is a subjective matter and we have identified no harm to the conservation area where the Inspector has. If the LB Lambeth is minded to identify harm, then we would invite them to consider this must be very minor because of the significant reduction in height proposed in either option.

It is noted that the Inspector concluded that no harm would be caused to the listed buildings within the Walcot Square Conservation Area and we agree with this finding.

Other Heritage Assets

We note that no harm was identified by the Inspector to Lambeth Palace or the Church of St Mary (views 1a-c) from the 29 storey scheme by reason of the significant separating distance between the listed buildings and the site. We find no harm from the revised proposals in either option and any visibility would be significantly reduced or none because of the distances.

CLOSING

We hope this note is of assistance in setting out the position on harm to heritage assets arising from the two options recently presented for the scheme: 12 storeys and 16 storeys.

In summary, we identify low levels of less than substantial harm to the Master's House (Grade II), Magistrates Court (Grade II) and the Renfrew Road Conservation Area. In each case, the level of harm identified in evidence at the Appeal has been reduced by the change to the height and design of the scheme. The design changes have been taken into account in the finding of harm, as embedded mitigation.

In the case of the Magistrates Court, we think that the 16 storey option would be more appropriate as it would introduce less interference with roofscape features than the 12 storey option. The same analysis would apply to the effect identified on the Renfrew Road Conservation Area.

The 12 storey option would be occluded in the views of the Master's House so this option would be less harmful to this designated heritage asset.

The harm to the three designated heritage assets would engage paragraph 196 of the NPPF in the usual way which requires the local authority to consider the harm to heritage assets as part of the overall planning balance.

[REDACTED], Montagu Evans LLP, 13 July 2021