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Dr Chris Miele IHBC MRTPI

Heritage and Townscape Matters

October 2020



REDEVELOPMENT OF THE FORMER WOODLANDS AND MASTERS HOUSE, OFF DUGARD WAY, KENNINGTON, SE11 4TH

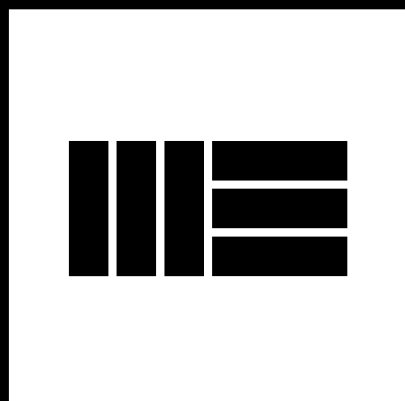
ANTHOLOGY KENNINGTON STAGE LTD

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HERITAGE AND TOWNSCAPE MATTERS FOR THE APPELLANT

OCTOBER 2020



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1.0 SUMMARY

- 1.1 My name is Chris Miele, and I appear on behalf of the Appellant to address Reasons for Refusal 4 and 5 which deal with two allegations from the LPA that the proposal will be harmful in terms of design and will cause less than significant harm to heritage assets.
- 1.2 I am a chartered town planner (since 2002) and member of the Institute of Historic Building Conservation (since 2000), and for many years have specialised in advising on the design integration of tall and large developments in central London contexts similar to this one.
- 1.3 I was not involved in promoting the application.
- 1.4 I was invited to review the scheme independently and prior to the then Applicant making this Appeal.
- 1.5 This was a stand-alone instruction. After offering initial views, orally, and which were favourable, I was then asked whether I could act in this matter, providing expert evidence in support of the Appellant.
- 1.6 Whilst I had then no reasons for refusal, I understand from the Appellant and his advisors the likely issues at play in this case.
- 1.7 There is, inevitably, a lot of information in the evidence before the Inspector.

Considerations on Design and Heritage

- 1.8 Essentially, the main points between the parties on these important topics amount to whether this is an appropriate location for a tall building, considering the context of the site, and, if it is, whether this is the right tall building for the site.
- 1.9 Underlying these considerations is the question of just what the character of the area is. The Rule 6 Party see their local area as part of Kennington and as having a suburban character. The proximity to Elephant and Castle is relevant to the way the Applicant has promoted the scheme.
- 1.10 There is no published baseline information – a Borough wide characterisation study or evidence base to support the location of tall buildings – to assist in this case.
- 1.11 The main issues – impact on character, impact on heritage and design quality – overlap to a considerable degree and my evidence treats all three to some extent at least.
- 1.12 I offer the following observations based on my experience of promoting tall buildings in London.
- 1.13 First the LPA has not positively characterised all of the land in its plan area as to the suitability or otherwise of this area for tall development, and although the LPA have produced a Local Distinctiveness Study (2012), there is no Borough-wide analysis.
- 1.14 Second, I am not aware that such a study is in hand as part of the evidence base to the new local plan.
- 1.15 Third, the Borough has identified selected areas as inappropriate for tall buildings. This area is not one of those.
- 1.16 Fourth, notwithstanding that the site is not in the adjoining Opportunity Area (OA, Elephant and Castle) it is close to it, and practically speaking its sustainability credentials are similar to land in the OA. The OA designation is Southwark's not Lambeth's; I have no information as to why the boundary did not extend across the Boroughs.

- 1.17 Accordingly, and fifth, moving to and from the site, one is aware of tall buildings in the OA, and of other tall buildings in the wider area, including south along Kennington Lane and other buildings one experiences variously, moving towards Waterloo.
- 1.18 I add on this point, finally, that the Borough has not sought to define character areas as such for the purpose of development control, so assertions about where any particular piece of land sits in the experience of this part of London are un-evidenced. I am a local resident of many years, living in Herne Hill but travelling and visiting Kennington and the Elephant and Castle. I know Kennington includes the Oval. I know that the Elephant and Castle includes the shopping centre and the former Aylesbury Estate land, but the land between them cannot easily be characterised and this is true also of the site in its more immediate context.
- 1.19 Therefore, from a policy perspective, the matter comes down to criteria testing.
- 1.20 The second main issue goes to one of those criteria, the impact of the proposals on designated heritage assets.
- 1.21 The Council have identified harm to four distinct groups of listed buildings along with their attendant conservation areas.
- 1.22 I agree with the Council that one of the CAs (including some of the LBs in it) is harmfully affected.
- 1.23 This is the one nearest the site, the Renfrew Road CA, a small CA with several listed buildings within it. The Appeal site abuts and lies partly within this CA, and the proposals involve direct works (buildings and landscape) in it. The harm to the CA arises mostly from the impact on the listed buildings because their settings overlap to a significant degree with the character and appearance of the area, and its significance.
- 1.24 The source of that harm is, simply, the scale of the tower.
- 1.25 At 29 floors (the tallest element of the design) is clearly many times greater in height than the character buildings in the CA. The parties agree that such harm as does arise from this scale contrast is less than substantial, engaging the terms of Framework 196.
- 1.26 The parties will also agree that any harm to a designed asset is weighted harm, and that the presumption against causing such harm is, however, rebuttable on the balance of benefits (both heritage and land use planning, and the latter comprising contribution to housing, including affordable housing, and regeneration more generally).
- 1.27 The difference between me and my fellow expert appearing for the Council is where within the less than substantial scale the harm falls, at the high end, which is the Council's position, or at the low end, which is mine. The degree of weighted harm within the less than substantial scale is relevant to the exercise of the planning balance, particularly the 196 balance in the Framework.
- 1.28 Inspectors will be used to this debate, and the tendency for overstatement on both sides of it.
- 1.29 In my experience the difference between witnesses as to impact is often the result of how one approaches the assessment.
- 1.30 It is my understanding that in order to carry out any such assessment one looks at the whole of a designated asset's significance, and all physical characteristics and associations that contribute to that significance.
- 1.31 One then looks at what aspects of significance are reduced, drained away or removed from it, in other words what significance is there at the moment and what would be left if the development is carried out. It is the degree of loss measured against the whole that sets the scale in the less than substantial spectrum.
- 1.32 This approach derives from that taken in the Bedford Case¹. Although this was about substantial harm, the judge's formulation is applicable as a matter of general approach (and I have treated it in terms in evidence prepared for recovered inquiries).

¹ Bedford BC v SSCLG [2013] EWHC 2847 (Admin)

- 1.33 I put the identification of harm as low because the greater part of the significance of the assets, and the appreciation of that significance, is not affected by the proposals. If the majority of significance is unharmed, then it follows that the scale of impact is low. The impact amounts to the potential for the proposals to raise the eye and draw attention away from the assets. The assets' intrinsic significance is unaffected because that setting does not embody their significance to any material extent.
- 1.34 The detailed design of the development – massing, materials and articulation – reduces the harm.
- 1.35 Another factor is the character of the wide area. Someone in coming to this site, and viewing the assets, is aware of the influence/presence of tall buildings across the area, both in the Elephant and Castle and on towards Kennington and even Waterloo.
- 1.36 Finally, the proposals do remove the existing development, which detracts from the character and appearance of the area and the CA, and in its place provides a high quality landscape and buildings which by their quality enhance aspects of significance.
- 1.37 A further public benefit comprises the offer of a long leasehold interest to the Trustees of the Cinema Museum. I know this is a matter of dispute as between the parties. There is also the benefit of opening up a new public route across the site.
- 1.38 In this context, which is varied, with examples of architecture over a long period and some of poor quality, it is fair to be asked whether there is any harm at all to the Renfrew Road CA. Contrast in itself is not, in my experience, enough, because in London's remarkable townscape passing views of landmarks (for instance, of clusters of tall buildings in areas of intensification) will sometimes invite the exploration of a site or make one appreciate the qualities of historic buildings more.
- 1.39 I am put in mind particularly of the striking contrast that is developing as between the fine early C19 streetscape that is the Roupell Street CA in the north of the Borough, abutting the Waterloo Opportunity Area (I worked on the David Chipperfield design for Elizabeth House, which would have such an effect, application ref. 12/01327/FUL).
- 1.40 The contrast out from streets that Dickens could have walked to buildings he could scarcely have imagined possible illustrates the process of historical change emphatically. That does not mean that any contrast is acceptable. It is a question of the particular characteristics under consideration. The principle of harm through contrast or simple inter-visibility is not accepted in practice in this environment.
- 1.41 As to the two other CAs, West Square and Walcot Square, these include a number of listed buildings, all individually identified, I think the allegation of any harm cannot be made at all.
- 1.42 One experiences the significance of these assets moving into them and through them. They are distinctive town-planning ensembles, with an almost stage set quality, remarkable in a sense that they have survived at all, given the range of building types, styles and sizes we see and experience as part of our experience of them, given the impact of WWII bombing on south London, given the pace of change since the 1960s and more recently.
- 1.43 These have a strong sense of enclosure and a robust character which is the product of a continuity of materials and repetition of domestic features standard on listed buildings of this age and date. And whilst the Inspector has of course to consider the s
- 1.44 Section 66 (1) duty expressly, because of the listing, my own view is that the individual identity of the listed buildings merge into the larger structure and ensemble.
- 1.45 The views out from these well-defined spaces vary, and include larger buildings which are merely one cue of several that one is in a central London location where one sees and is likely to see bigger buildings. There is, on this analysis, no incongruence between these proposals and what one experiences in their setting at the moment and is not judged, insofar as I am aware, as harmful.

- 1.46 The contrast is characteristic of London and exciting, communicating the dynamism of what the first London Plan referred to as the capital's World City status. London's importance on a world stage has not diminished since.
- 1.47 In and around OA's and other central sites, which are sustainable, the contrast between old and new is inevitable because older places are by definition sustainable. They evolved in relation to road, river and rail infrastructure and well located generally for facilities that cater for intensive uses. RfR4's wording is explicit. It refers to the area including the wider area, so the relevant context for assessment as the Council define it is not just the immediate context of the site but the wider one too, which must include the Elephant and Castle and parts of North Lambeth.
- 1.48 The last asset which the local authority consider would be harmed is Lambeth Palace and neighbouring St Mary's Church, and in views from the Westminster Embankment. I simply do not understand this objection. First the setting of the Palace is emphatically the river, then the bridge, then St Thomas's Hospital.
- 1.49 It enjoys a partly landscaped setting that sets it apart. Taller buildings at the Elephant and Castle are visible in the background, providing a layer of modern development in the hinterland. The current proposals have a marginal impact at most over distance, and from no formally defined point.
- 1.50 I think it is arguable that the setting effect would not be noticeable and in which case potentially not even engage the terms of Section 66 (1). I would not advise that finding, however, given the litigious nature of heritage and the myriad judgments it has generated since the first Framework sought to simplify planning policy. Instead, I advise a negligible neutral impact, one not harming the significance of the asset at all.
- 1.51 This leads me to the third main issue, which is whether the tower is right for this site, as a matter of design and having regard to the character of the area.
- 1.52 I start by remembering my introduction to this project at the architect's offices, where I was struck by the comprehensive options analysis which Mr Graham and his team undertook and which is reflected in the DAS and his evidence.
- 1.53 I concluded a tower was the most suitable form of development for this site. It enables open space, and an attractive route. It adds to the skyline at a metropolitan level, contributing to the area's identity which is changing as a consequence of new development in the adjoining part of Southwark and also in the northern part of Lambeth.
- 1.54 High development can also have a lesser impact on the immediate skyline than lower forms achieving the same density.
- 1.55 In my Section 6.0 I assess the proposals in detail, and as the basis for my subsequent analyses.
- 1.56 There I conclude that the tower represents design of the highest quality because:
- 1.56.1 It presents an attractive silhouette seen from all angles, and so is legible at the primary scale, having a single and well defined identity which is the hallmark of a successful tower design.
 - 1.56.2 The framing and rhythm of the cladding provides interest at a secondary scale, enlivening views in medium distant views.
 - 1.56.3 Finally, the variety of materials and depth in the façade treatment provides a fine grain of detail.
- 1.57 At the immediate local scale, the scale of the building is relieved by the use of angled pilotis, which would introduce a sense of movement and event for someone moving across the area. That experience would be enlivened by high quality landscape, which has been developed in its design for this Appeal.
- 1.58 When close to tall buildings, one in fact only appreciates the lower parts of them. That observation is viewed cynically by some but it is proved by experience, particularly when tall buildings are experienced in isolation as distinct, say, from Canary Wharf where the sheer intensity of them produces a more pronounced awareness.

- 1.59 I am aware that the GLA and the Borough consider that the route across the site is not completely successful because it is not direct. I disagree with this assessment because I consider someone walking across the site will be drawn into it by the distinctive architecture and new landscape. And routes which are angled or oblique or even have a bend in them add to the interest of a city. The authorities may have a preference for some other arrangement, but the assessment should be as between the existing situation, which is poor, and the proposed. And if there is any harm, then that would need to be evidenced clearly, and at the moment the criticism as I read it is based on judgments about which can reasonably vary.
- 1.60 Overall, then, I conclude this is a very high quality scheme, demonstrably enhancing the character and appearance of the area, affecting no highly graded designated assets, having a very slight harmful effect on those nearest to the proposals. The proposals do also bring place making benefits to the CA's setting.
- 1.61 The harm I identify is residual or net heritage harm, which is weighted harm but as a matter of planning judgment not very much of it, and hence comes to be balanced against the land use benefits of the proposals which fall outwith my evidence.

2.0 WITNESS INTRODUCTION

- 2.1 My name is Chris Miele and I am a Senior Partner at Montagu Evans' central London office. I am a Chartered Town Planner (MRTP) and a Member of the Institute of Historic Building Conservation (IHBC).

Our Practice

- 2.2 Montagu Evans is a leading firm of chartered surveyors, established in 1921. My partners and I employ more than 200 staff. Most are based in our West End head office. We provide all areas of development surveying consultancy, from rating and valuation to management and investment advice. The town planning consultancy has always been central to our business, and it is provided through our Planning and Development Department.

Professional Background

- 2.3 An overview of my background and experience is provided within my Curriculum Vitae at **Appendix 1.0**, which also includes a list of my publications.
- 2.4 As a partner in the Planning and Development Department I provide specialist advice on sites that involve development on and adjoining sensitive land, and my particular work over many years has focussed on the historic environment. I also specialise in townscape and visual impact work.
- 2.5 I have extensive experience of advising on the interaction of many forms of development with sensitive land, including conservation areas, listed buildings, of World Heritage Sites, Registered Parks and Gardens, National Parks, and Areas of Outstanding Natural Beauty.
- 2.6 I act regularly as an independent witness on planning appeals and call-in inquiries as well as before the Upper Tribunal (Lands Chamber). I am aware of the duties of expert planning witnesses and adhere to the RTPI Code of Conduct in this regard.
- 2.7 My client base is diverse, and includes major public institutions such as the Trustees of the British Museum, the Dean and Chapter of Westminster Abbey, galleries and universities (Southampton, Bath, Oxford, Durham, Leicester, Sheffield, Sussex, UCL and Kings). This is in addition to major private development companies, including Land Securities, CIT, Commercial Estates Group, and all the major house builders active in London and many in the southern England and the Midlands too.
- 2.8 I first began to advise on tall development in the early 2000s, shortly after the establishment of the Greater London Authority and around the time of the new London Plan, which promoted this form of development as a means of achieving best use of land. I then had the privilege to advise the GLA itself on the London View Management Framework 2007 (supplementary planning guidance to the then London Plan, since updated twice) I was its principal author. This document is accepted best practice nationally, and since then I have discharged many instructions in London and in several other UK cities too (including Bristol, York, Birmingham, Nottingham, and Glasgow).
- 2.9 I have advised on many tall buildings proposals in the Elephant and Castle Opportunity Area, near to which the Appeal site is located.
- 2.10 I have acted on many projects in Lambeth over this long period, and have since 1999 advised the Trustees of the South Bank Centre. Another major project, supported by the Borough, was the Doon Street Tower and related development for Coin Street Community Builders. I also advised on the redevelopment of Elizabeth House, near the South Bank Centre (the scheme consented for developers Chelsfield Partners and designed by Sir David Chipperfield, application ref. 12/01327/FUL). Presently I am appearing as an expert witness for the redevelopment of the fire station HQ at 8 Albert Embankment (appeal refs. APP/N5660/V/20/3257106 & APP/N5660/V/20/3254203 which includes the reuse of a listed building and the construction of two towers (the site is in the Vauxhall and Nine Elms Opportunity Area). This received resolution to grant but was called-in by the Secretary of State (SoS).

Past Employment

- 2.11 Before joining Montagu Evans, I was a professional officer of English Heritage (now Historic England, "HE", 1991-98) advising in connection with its statutory duties. I was then a Director at Alan Baxter and Associates (1998-2003) and Senior Planning Director at RPS (2004-05).
- 2.12 I joined Montagu Evans as Partner in 2005.

Academic Qualifications and Credentials / Publications

- 2.13 Before settling in the United Kingdom, and whilst completing my masters and doctoral work, I held several academic and museum appointments at Columbia University, New York University and the Metropolitan Museum of Art and Museum of Modern Art, all in New York.
- 2.14 I hold an Honours Degree (BA) in the History of Architecture and Urban Planning from Columbia College, Columbia University and post-graduate degrees – an MA and a PhD – in this subject area from the Graduate School of Arts and Sciences, New York University. I then studied town and country planning at South Bank University.
- 2.15 My special subject area is C19 and C20 British architecture.
- 2.16 In recognition of this independent historical work, I have been elected a Fellow of the Royal Historical Society and of the Society of Antiquaries.
- 2.17 I maintain my academic credentials through publishing and lecturing (see **Appendix 1.0** for my list of publications). I am an Honorary Professor in the Social Sciences Faculty at Glasgow University, and outgoing Chair of the Board of the Centre for Urban History at Leicester University.

3.0 BACKGROUND TO THIS INSTRUCTION

- 3.1 I was first instructed by Anthology Kennington Stage Limited (the "Appellant") in connection with the Former Woodlands and Masters House in early February 2020. My initial instruction was to undertake an independent design review of the proposals prepared by Rolfe Judd and the relevant heritage, townscape and visual material which supported the application submitted by the Appellant in July 2019 (the "Application") (reference number: 19/02696/FUL).
- 3.2 I understand that the then Applicant wished to seek expert advice in relation to its decision to appeal for non-determination, which appeal was made in early March 2020.
- 3.3 In the discharge of this first instruction, I visited the site and the relevant viewpoints and attended a briefing at the offices of Rolfe Judd (the "Architect") shortly before the COVID 19 lockdown restrictions. At that meeting I gave advice to the Applicant and project team on the merits of the scheme and commented on the criticisms that had been made against it. I was asked then to hold my written opinion in abeyance whilst the now Appellant considered how it would take the appeal forward.
- 3.4 In June 2020, the Appellant rang me to see whether I would consider acting on its behalf at the forthcoming inquiry and it was then that I made an offer of service. I have acted for the Appellant in a similar capacity on another site, in the London Legacy Development Corporation area, providing expert design and townscape evidence at a Section 78 Appeal (decision pending determination). My partners in the development team have also advised the Appellant on viability matters.
- 3.5 In light of this, my instruction evolved from undertaking a review of the proposals to being asked to prepare expert evidence in support of the proposals for the Former Woodlands and Masters House site and in relation to matters concerning heritage, townscape and visual considerations and design.
- 3.6 I have worked with Rolfe Judd on different projects, including tall buildings, over the last 20 years, and in particular with Mr Graham, one of the senior directors and who gives architectural evidence to the Inquiry. I know them to be a very successful practice, with a reputation for high quality design which is based on the careful consideration of site context and sensitivities. I commend in particular, as noted earlier, the options analysis Mr Graham and his team carried out for the Appeal site, which I consider demonstrates why a tall building is the best way to optimise the use of this particular site. I commend that analysis to the Inspector.

4.0 SCOPE OF EVIDENCE

4.1 The LPA has prepared a detailed Statement of Case (SoC) to which is appended (at **Appendix 1**) the Delegated Officer Report and which contains the indicative Reasons for Refusal (hereafter "RfR").

4.2 My Proof treats the following Reasons for Refusal (RfR):

- Indicative Reason for Refusal No.4: Inappropriate Design and Unacceptable Impact on Townscape – (RfR4 or the design reason); and
- Indicative Reason for Refusal No.5: Unjustified Harmful Impacts on the Setting of Heritage Assets and Insufficient Public Benefits (RfR5 or the heritage reason).

Reason for Refusal 4 – Design Reason

4.3 RfR 4 states:

The proposed layout, height and massing relate poorly to the site itself and are also considered out of keeping with the site, its context and townscape and is symptomatic of over-development. The scheme does not successfully integrate the proposed uses on site or with the surrounding area, creates illegible pedestrian routes and forms an overbearing relationship to adjacent sites which in turn would cause harm to amenity. The scheme fails to achieve a high quality of architectural design in terms of its form, materials, and finished appearance and therefore does not make an overall positive contribution to area. The proposal is therefore considered not to be of the highest quality and would be contrary to NPPF (2019) Chapters 12 and 16 and development plan policies including London Plan (MALP 2016) Policies 3.4, 3.5, 7.4, 7.5, 7.6 and 7.7; Policies D3, D4, D6, D8, D9 of the Intend to Publish London Plan (December 2019); Policies Q1, Q2, Q3, Q5, Q6, Q7, Q14, and Q26 of the Lambeth Local Plan (2015) and Draft Revised Lambeth Local Plan Policies Q1, Q2, Q3, Q5, Q6, Q7 and Q26 (Submission Version January 2020).

4.4 This makes several allegations but at the heart of them is concern about the tall building.

The Reason Explained and Analysed

4.5 This RfR is addressed in the LPA's SoC at section 6.1.20 and within the Officer Delegated Report (**Appendix 1**) at section 10.4.17. I consider those criticisms in the apposite part of my Proof (Section 6.0)

4.6 The LPA's SoC adopts the reasoning set out in detail in the Officer's Delegated Report. Paragraph 6.1.21 of the SoC helpfully summarises the essence of the dispute between the parties on design:

The Appeal Scheme proposed two independent buildings that comprise a part 3 and part 4 storey block and part 24 and part 29 storey tall building. The issue of contention for the Council relates in particular to the adverse impact of the proposed 29-storey tall building (by reason of its scale, bulk and mass) on the established character, form and function of the immediate and wider townscape. The Council will contend that the Appeal Scheme does not make a positive contribution to the area but will instead detract from it and is therefore unacceptable.

4.7 From this, I understand the main concern of the Council to be the tall building, and its relationship not just with its immediate setting but with the character the 'wider townscape'.

4.8 This can only mean, I think, the whole of the surrounding area which experiences an effect from the tower, and has been modelled in the presented views.

4.9 That wider townscape must include the Elephant and Castle as well and other land running back towards Kennington Station and north towards Waterloo. I agree this is the relevant frame of analysis for a development of this significance.

- 4.10 I make this point because the Council's case, severally, seeks to dismiss the height proposed on the basis the site is not in an Opportunity Area, and so should be seen differently to the E&C. This is true as a matter of policy, but the character of an area does not stop at a formally defined boundary. The Appeal site is no less sustainable, I understand, than land adjoining it in the OA boundary particularly after the creation of the new route.
- 4.11 Secondly, the cited SoC paragraph refers to an 'established character'.
- 4.12 This presumes the character of that wider area can be established. The character of the wider area is, however, varied and subject to further changes through the operation of the development plans relevant to it, all of which, in different ways, seeking land use optimisation which brings with it change to character.
- 4.13 The nearest document that I have been able to find to a Borough-wide characterisation study is the 2012 Local Distinctiveness Study (see **CD1/13**). This is not a comprehensive character analysis of the whole Borough. The largest part of the study, some 34 pages, essentially documents architectural typologies across Lambeth. There are some more detailed area survey notes following on from the conclusions, but the site and its surrounds do not appear to be covered and I found no reference to 'Renfrew Road'. I did find a reference to 'Kennington' at page 38, but the assessment is not particular to the site. I do not consider this document is helpful to the matters being debated at this Inquiry.
- 4.14 Finally, and turning back to the reason for refusal, this asserts that the proposals additionally do not comprise design of the highest quality by reason of their 'form, materials and finished appearance'. Essentially, the tower, the Council say, is not of the highest architectural quality per se. Such quality as a matter of policy has a contextual component, but the reason expresses the criticism in absolute terms: looked at abstractly in other words, the proposals are not good architecture.
- 4.15 This is helpfully set out in terms at 6.1.23, the LPA identify four matters as below, which I will address accordingly in my evidence:
- *The Appeal Scheme does not integrate successfully with the predominately low-rise character that makes up the immediate site context;*
 - *The Appeal Scheme does not demonstrate distinctiveness in its architectural design, form, use of materials and finished appearance;*
 - *The Appeal Scheme creates an illegible pedestrian routes through the site; and*
 - *The Appeal Scheme does not provide adequate dedicated/formal play space for children and residential communal spaces for its future residents.*
- 4.16 I treat the first three of these reasons, leaving play space to others. I do not give evidence, however, on the objective evidence of overdevelopment (amenity, sunlight and daylight, and privacy, for example),
- 4.17 I note, first, that this reason does not allege that the site is in principle unacceptable for a tall building and I understand that is not part of LBL's case. As I understand Mr Considine's evidence to the Inquiry, for the Appellant and treating planning matters, there is no policy reason why the site may not be developed with this form of building, subject to the design meeting the criteria that underpin this area of policy.
- 4.18 I note here that The GLA, which has no difficulty with the height proposed, does express concern about this component of the development. Its criticism relates to the third bullet point of the LPA's Statement of Case at 6.1.23 cited above.
- 4.19 I do not agree with the GLA's assessment, for reasons described later and with reference to new visual information and landscape design revisions.
- 4.20 However, I think the GLA's conclusion that the height is acceptable in context is highly relevant for two reasons.
- 4.21 First, the GLA has a developed design competency, and, second, as a matter of fact its oversight of urban design matters expressly includes the wider context. Its role is effectively to manage the way that the wider area's form, function and appearance is changing.

Reason for Refusal 5 – Heritage Reason

4.22 Reason for Refusal No.5 states the following:

The proposed bulk, scale and massing of development would cause less than substantial harm to adjacent heritage assets which has not been justified and is not outweighed by the public benefits of the scheme. In particular, the 29-storey element by reason of its size, architectural design and choice of materials creates a dominant building form that amplifies its incongruousness with designated heritage assets. The heritage issues that arise as a result of the unsuitable development design are symptomatic of over-development. As such the proposals would be contrary to London Plan Policies 7.7 and 7.8; Policies D9, HC1 and HC3 of the Intend to Publish London Plan (December 2019); Policies Q5 (b), Q7 (ii), Q20 (ii), Q21(ii) Q22 (ii), Q25 and Q26 (iv) of the Lambeth Local Plan (2015) and Draft Revised Lambeth Local Plan Policies Q5 (b), Q7 (ii), Q20 (ii), Q21(ii) Q22 (ii), Q25 and Q26 (iv) (Submission Version January 2020).

4.23 This RfR is addressed in the LPA's SoC at section 6.1.24 onwards and within the Officer Delegated Report (**Appendix 1**) at Section 10.4.36.

4.24 I will say at once that the heritage is straightforward. It confirms, first, that the Borough is looking at the proposal against the backcloth of the wider area, and:

- Second, that the main concern is the tower.
- Third, that this concern is a question not just of scale but also of detailed design.
- Fourth that the tower is dominant, forming an incongruous element in the setting of heritage assets.

4.25 I highlight the word 'incongruous', an adjective which the Oxford English Dictionary defines in its first meaning as:

"Disagreeing in character or qualities; not corresponding; out of keeping; discordant, inconsistent, inharmonious, unsuited... often with mixture of sense, stress being laid upon the inappropriateness or absurdity resulting from the want of correspondence."

4.26 It will be understood that across this part of London, heritage assets, and very highly graded ones too, are experienced in the context of tall and very tall development, some of it recent, some historic (and indeed listed – for example, Centre Point is the background setting of the Palace of Westminster in a view from Lambeth Bridge).

4.27 That is the result of the operation of planning policy over many years, and the trajectory of which will only lead to more contrasts of the kind that trouble the Borough in this case.

4.28 Therefore, I reason the discordance is not a matter of principle but one resulting from the particular characteristics of the proposals and, in one case at least (of the Renfrew Road CA) of proximity.

4.29 The heritage assets that are identified in the LPA's SoC as being affected by the proposals include many listed buildings.

4.30 The impact requiring the closest analysis is, in my opinion, that on the Renfrew Road CA, which the site abuts and is partly located within.

4.31 There are two other conservation areas identified in the heritage reason, Walcot Square and West Square. The listed buildings in each which are cited as harmed effectively contribute to historic town planning forms (squares, one of which, at Walcot Square has a rather unusual triangular form).

4.32 I think the Borough's allegation of harm in respect of these is overstated, and in fact I do not consider that the proposals cause harm to the significance of these assets. In advising the Inspector of that I note that I am disagreeing with Historic England. It also must be said that the question of harm in respect of these is a matter of fine judgment. Drawing on my experience of these kind of cases in central London, it seems to me more to do with the details of the design than with the height in absolute terms per se.

- 4.33 HE was notified of the proposals not by reason of impact on these assets, but rather, as I understand the referral rules, by reason of impacts on highly graded assets, one of which features in Lambeth's reason, Lambeth Palace which is a conservation area comprised of high quality spaces and buildings.² That said, it may also be that the scale of development part within the Renfrew Road CA may also have provided a basis for referral.

Historic England Consultation Response

- 4.34 This is an apposite point to summarise HE's response to the application (**CD7/16**). HE identify harm to the Renfrew Road CA and its listed buildings, and also to West Square, but not from Walcot Square. They also identify some harm to the Imperial War Museum, Grade II, which is not identified by Lambeth. Finally, HE identify no harm to either the Lambeth Palace CA or the Eliot's Row CA, where Lambeth identifies harm to the former.
- 4.35 Thus, there appears to be some disagreement as to the scale and effect on several assets identified in the HTVIA, with HE identifying harm to one, the Imperial War Museum, which Lambeth do not.
- 4.36 My Section 10, where I treat the most sensitive asset, Lambeth Palace, concludes that Lambeth's allegation of harm to the Lambeth Palace CA and its constituent assets to be without merit.

Approach

- 4.37 Because each asset needs its own assessment, I treat them individually as discrete sections in this evidence, beginning at Section 7.0.
- 4.38 In tall buildings cases, there are usually a range of heritage assets in play, and in some cases one identifies several instances of less than substantial harm.
- 4.39 My understanding is that several less than substantial harms should not be added up to reach substantial harm; rather, I understand the approach to be that in cases of several impacts, then the number (and of course nature of each) goes to the exercise of planning judgment.

The Reason Explained and Analysed

- 4.40 Again, the LPA's SoC at paragraph 6.1.24 adopts the relevant parts of the Officer's Delegated Report.
- 4.41 Essentially, the LPA state that the proposals cause less than substantial harm to a number of heritage assets which they identify at paragraph 6.1.28.
- 4.42 The SoC addresses one unusual aspect of these proposals, which is the Appellant's offer of a long leasehold interest to the Cinema Museum, which occupies the listed building nearest the proposals, the Grade II Master's House, the most obvious remnant of the Victorian Workhouse.
- 4.43 The Borough say that this benefit cannot be secured through the planning process which is not a matter for my evidence.
- 4.44 However, and even assuming it could be, the Borough invite the Inspector to give such a benefit only limited weight. This does fall to me because the Cinema Museum contributes to the heritage of the site and is the beneficial user of a listed building.

² See notification criteria summarised at HE's website, <https://historicengland.org.uk/services-skills/our-planning-services/charter/when-we-are-consulted/proposals-for-development-management/>. See also the formal note at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/415876/150316_Final_Arrangements_for_handling_heritage_applications_direction.pdf.

5.0 STATUTORY PROVISIONS, POLICY & APPROACH

- 5.1 Mr Considine's evidence for the Appellant deals with land use planning matters including the Development Plan.
- 5.2 For the purpose of this evidence, and as I will explain later, I note the relevant Development Plan policies and confirm I am familiar with them. However and to avoid duplication of evidence and a proof which is overly long, I am going to limit my detailed discussion to the Statutory Provisions and national policies and the approach that flows from them.
- 5.3 On a main point of contention, which is the height of the proposed tall building and its impacts, I understand that the LPA and Appellant agree that the Site is, in principle, acceptable for tall development. The matter in dispute is the impact of the height and design proposed.

The Planning (Listed Buildings and Conservation Areas) Act 1990 and the Framework

- 5.4 First, I address the relevant statutory provision as set out at Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("PLBCAA"). This requires the decision maker to pay special regard to the desirability of preserving, amongst other things, the character and appearance of the Renfrew Road CA, nearby listed buildings and all of their settings. The courts have clarified that harm to the significance of the identified heritage asset attracts considerable weight and importance in the planning balance. Such impacts fall to be weighed against public benefits of the proposal in policy terms paragraph 196 of the NPPF and my later comment on the application in light of various Court judgments.
- 5.5 Section 72 (1) applies because part of the site lies within the Renfrew Road CA. The Inspector will be familiar with the operation of this provision, which requires special regard to be paid to the desirability of either preserving or enhancing the character or appearance of an area. On my evidence, the proposals as they fall within the CA enhance the appearance of the area, which is a weighted benefit. In parallel, I identify harm to its setting, which is not protected by the statutory provision.

The NPPF and the PPG

- 5.6 The Inspector will be familiar with the policies on the historic environment in the Framework and supporting guidance in the PPG.
- 5.7 Instead of reciting them, which is not helpful, I think it is better to summarise the salient objectives or approaches advised in policy. And I do so in the following bullet points.
- The significance of the heritage assets affected should be identified and assessed (paragraph 190 NPPF). Heritage interest may be archaeological, architectural, artistic or historic (Glossary to the NPPF);
 - The impact of the proposed development on the significance of the identified heritage assets is then to be considered (paragraph 193 NPPF);
 - Harm to significance can be direct harm (a physical alteration) or it can be indirect (setting harm). In setting cases, such as this one, there is an established approach set out in guidance from HE, GPA3 (CD1/24). Notwithstanding that very useful guidance, setting impacts can often be very hard to define precisely on a spectrum of harm which is the same as for direct impacts. The reason is of course that a direct impact removes something tangible, whilst a setting impact affects, in most cases such as this one, the ability to appreciate significance, usually by way of distraction from the contemplation of significance. It is actually hard to think of a listed building or landscape whose intrinsic interest is so embodied in its setting that the removal of setting removes its significance. I have written about this matter (paper to the Joint Planning Law Conference, 2018);

- If the proposed development is held to cause harm to the significance of a designated heritage asset, such harm should be categorised as either less than substantial or substantial, and within each category the extent of harm should be clearly articulated (PPG paragraph 18);
- In either case, if a proposal would result in harm to the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193 NPPF);
- The fact that heritage harm is weighted harm does not mean all impacts are to be treated the same as a matter of planning judgment. This was a point directly debated at the recent Brentford Inquiry, and I direct the Inspector's attention to Mr Nicholson's report at 15.22 and 15.23 (SoS reference APP/G6100/V/19/3226914, see **CD7/12**). What this means, as I understand it, is this: a decision maker must give significant weight to any harm caused to a designated heritage asset (as a matter of policy and law too, where there is express statutory provision); however, when it comes to the balancing up of harm versus benefit, the degree of harm becomes relevant to the planning judgment. In other words, there is a material difference between a slightly harmful impact and a greater one when it comes to applying the 196 balance. The first stage, the acknowledgment that such harm is weighted, reflects the statutory duty. The planning judgment, which is broad, follows on from that;
- Any harm to the significance of a designated heritage asset should require 'clear and convincing justification', as per paragraph 194 NPPF. A clear and convincing justification does not create a freestanding test requiring the demonstration of less damaging alternatives. To the extent that there is a test it is to be found in paragraphs 195 (in the case of substantial harm) or 196 NPPF (in the case of less than substantial harm);
- In either case, and particularly looking at less than substantial harm, the clear and convincing justification the Framework requires are countervailing public benefits, including heritage benefits;
- The less than substantial category is a broad one, and should be treated as a spectrum ranging from negligible and or limited impacts to major ones brushing to just under the substantial scale;
- Substantial harm is a high test and amounts to the draining away of all or most of significance. This is the Bedford formulation;
- It follows that when looking at less than substantial harm, one should assess the significance of an asset before a proposed development and then after, if the development is carried out. The amount of significance removed, or conversely the amount retained, is the basis for calibrating impact. I have given evidence many times on this basis at called in appeals and recovered applications, and I think this is a very helpful way to get to some measure of shared and objective assessment;
- That said, and as established in the well-known wind farm case, Barnwell Manor (Barnwell Manor Wind Energy Ltd v. E. Northants DC, English Heritage National Trust & SSCLG, [2014] EWCA Civ 137) a less than substantial impact is still sufficient reason to withhold consent.
- I often find authorities or third parties asserting a high level of less than substantial harm. On the basis of the Bedford judgment, this must mean harm that only just avoids the complete or near complete removal of significance. This is a high level of harm and I do not think that such an allegation can be sustained on the facts of this case;
- Public benefits can be anything which delivers economic, social or environmental progress as described in the NPPF (PPG paragraph 20) and on the facts of this case would include housing and affordable housing, which in my experience are important countervailing benefits in a London context;
- If it is concluded that the harm is substantial, then consent should be forthcoming only on the basis of either a) the harm is necessary to deliver benefits which themselves are deemed substantial or b) the harm arises essentially because the asset is redundant and has no viable use, preventing the beneficial use of the site; and

- Finally, and underpinning the above principles, is one of proportionality, such that the more important the asset, the greater its potential sensitivity to change. A World Heritage Site (WHS) is an asset of the highest importance, and its significance is termed Outstanding Universal Value ('OUV').

Design Considerations in the NPPF

- 5.8 Chapter 12 of the NPPF addresses design. The framework is helpful because it presents in one convenient place the accepted attributes illustrating good architecture and urban design. I will apply those criteria in my treatment of RfR4 in Section 6.0 and so do not cite the policy here. I refer again to the Framework, and to 127 specifically, in my concluding policy consideration at Section 11.0.
- 5.9 I do not summarise them because there is no issues arising from their interpretation which is a straightforward matter. The new LP policies on design are particularly developed, and I discuss those below.

The Development Plan

- 5.10 A full policy appraisal is provided in the planning evidence presented by the parties to the Inquiry, and, again, I do not think it helps the Inspector for me to recite them all.
- 5.11 I comment below on aspects of the DP policies that I consider apposite and particularly relevant. I take the whole of that cascade, with which I am familiar, as read.

London Plan (LP)

- 5.12 At the time of writing, I understand the Mayor's new emerging London Plan (Intend to Publish version, 2019) is the one being used for development control purposes.
- 5.13 The policies pertinent to my assessment from the Intend to Publish version (2019) of the London Plan are as follows:
- Policy D3 (Optimising site capacity through design-led approach)
 - Policy D4 (Delivering good design);
 - Policy D8 (Public realm);
 - Policy D9 (Tall buildings);
 - Policy HC1 (Heritage conservation and growth); and
 - Policy HC3 (Strategic and local views);
- 5.14 D3 is an overarching policy, which identifies the important role of design in achieving land use optimisation. This recognises context as an important aspect of this activity, and heritage assets as part of that context.
- 5.15 D4 is a complementary design policy, which encourages the use of a broad range of tools, including VR modelling. I mention that particularly because the Appellant has provided this kind of information to assist the Inquiry and also the updating of key renders of the proposals (see Visual Brochure and evidence of Mr Graham). This policy also supports pre-application design scrutiny. See Mr Graham's and Mr Considine's evidence for the pre-app process. My only observation is that whilst design review is of assistance in refining proposals, the absence of a design review does not mean a proposal is of poor design.
- 5.16 D8 treats public realm and is directly relevant to one aspect of RfR4, encouraging opportunities for new public realm which is well designed, functions well and creates a sense of place. Otherwise it repeats those general policies defining what comprises good urban design in the public realm. I note there is separate landscape evidence, which should be read in light of the detailed considerations which are treated in this policy. Mr Graham also deals with this.
- 5.17 D9 on tall buildings is of particular relevance.
- 5.18 The strategic component directs LPAs to identify locations and suitable heights for specific locations in their plan area. The 2015 local plan does not do this in terms.

- 5.19 The policy seeks a transition in scale as between lower surrounding heights and a tall building. The proposals do provide a transitional element on one boundary but not in others, but that in itself is not a mark against the scheme because practically speaking not all sites can achieve this and to require it would rule out tall buildings on many sites. The GLA, mindful of this policy, has not ruled out the possibility of height here, and here again I commend the options analysis presented by Mr Graham.
- 5.20 The policy highlights the sensitivity of heritage assets to this form of development, requiring proposals to take account of them and avoid harm to them, but then reverts to the Framework formulation, by advising that in cases where harm cannot be avoided then a public benefits justification is required.
- 5.21 The policy also highlights the functional aspects of tall buildings, particularly in relation to amenity. Again this is not for me to comment, and there is a policy seeking public access to the tops or similar viewing areas in tall buildings. Practically speaking this is not achievable on many sites, and previous London Plans have had a similar objective. The GLA recognises the practical issues and of course policies must be applied reasonably and flexibly and according to the facts of a case.
- 5.22 HC1 seeks to integrate London's growth objectives with the important objective of conserving heritage assets, and encourages, amongst other things, better appreciation of assets and enhancements to the historic environment.
- 5.23 HC3 treats strategic and local views, and is to be read alongside other documents, including the LVMF. I note there is no strategic view issue in this case. Boroughs are encouraged to identify their own view framework, and Lambeth has done that. None of those views are impacted.

Lambeth Local Plan (LLP)

- 5.24 I leave the policies on inclusive environments, amenity, and community safety, Q1 through Q3 to others.
- 5.25 The policies on listed buildings, RPGs and CAs, Q20 through Q22, effect statutory provision and then current Framework policies not materially different to current ones. If the Inspector applies 193 to 196, then he addresses these and also, it must be said, LP HC1 and HC3. These policies do not have the balancing provisions of the Framework, and are binary in their approach to impact on the significance of designated assets. Accordingly, they have due weight only.
- 5.26 Q6 and Q7 are general urban design policies, and I do not see there is anything in them warranting any particular comment from me, since they are based on established practice consistent with national policy and the LP.
- 5.27 I do, however, need to comment on Q25, views, and Q26, tall buildings.
- 5.28 Q25 on views has three objects. First it imports the LVMF views into the development plan. These are not at issue.
- 5.29 Second, it effects the creation of 17 local panoramas. None are affected in this case.
- 5.30 Third, it identifies certain local views that feature landmark silhouettes. None are affected.
- 5.31 Additionally, it seeks to protect local roofscapes, and the objectives include managing roof extensions. I surmise this is the component of the policy, Roofscape Views, which is at issue. If that is right, I cannot see the policy adds anything to the statutory framework and national policy as it relates to heritage and good design generally.
- 5.32 Q26 deals with tall and large buildings.
- 5.33 This seeks to identify areas as inappropriate for tall buildings. The Appeal site is not in such an area.
- 5.34 The second limb of the first part treats views including heritage assets, and I cannot see it adds anything the statutory and framework cascade.

- 5.35 The third, fourth and fifth limbs of the first part are familiar tall buildings policies, seeking high architectural quality and positive contribution to townscape. The amenity point is dealt with by others, limb 6, but I do not here that it seeks to avoid unacceptable harm, which means that the policy contemplates a tall building could likely cause some harm to this topic. I have to say that most do in varying degrees, but that is acceptable in the interest of the optimisation they bring.
- 5.36 The LLP, at reasoned justification at Q26, supports tall buildings in opportunity areas on the basis that they are deemed acceptable in the London Plan subject to criteria testing. It notes the tall buildings study that has looked at Waterloo, Vauxhall and Brixton, and Annex 11 identifies locations sensitive to tall buildings.
- 5.37 The Appeal site and its surroundings are not treated in any of these categories, and so there is no reason in principle why it should be acceptable or unacceptable in principles as a tall building site.
- 5.38 I work in almost all of the London Boroughs, promoting tall development and in my experience this authority's approach stands out. It is a light touch, generally permissive policy environment when looked at in relative terms. This allows a degree of flexibility because in my experience, attempts to zone expressly for specific heights tends to be counterproductive (not least because the height limitations basically affect the value of a site which, if it is sold, necessarily has to generate higher land values so exceeding a council's height expectations).
- 5.39 Finally, I comment on Q25, cited in RfR4. This treats 'Development in gardens and on backland sites' in addition to development in front gardens and return frontages. It is clearly directed to householder development of a small scale on residential gardens. The Appeal site is not a garden and it never was a garden. The fact that the Appeal site backs onto gardens does not make it a backland site. Mr Considine draws the same conclusion, that Q25 is not relevant to the facts of this case.

Material Considerations

- 5.40 Apart from national guidance, GPA2 and GPA3 from HE (see **CD1/23** and **CD1/24**), the main material considerations in this case are the adopted CA Appraisals which I consider later in evidence.
- 5.41 I have mentioned the 2014 Tall Buildings Study, **CD1/53**, but this is not determinative about the Appeal site, except insofar as it reflects the authority's broadly permissive, criteria based approach.
- 5.42 I cannot locate any Borough-wide characterisation study undertaken in the accepted best practice manner, which is to identify character areas on the basis of shared physical characteristics, function and/or spatial hierarchy.
- 5.43 There is some information on the form and function of this part of Lambeth in spatial planning documents, the State of Borough Review 2012, **CD1/25**. There is a 2016 update to this, State of the Wards (the site is in Prince's Ward) 2016. See **CD1/27**.
- 5.44 Of a more general nature is the Lambeth Local Distinctiveness Study, 2012, **CD1/13**, an SPD which forms part of the new local plan evidence base.

Incremental Change

- 5.45 In cases such as this, where a tall building is proposed in the context of other tall buildings which as a group have a visual interaction with townscape of a different character, there is often a debate as to how one treats the buildings that are already there. This is sometimes referred to as cumulative change when the correct term is incremental change.
- 5.46 In summary, it may sometimes be the case that a new development, a tall building, adds to a pre-existing harmful condition, and so any harmful effects are magnified. This was the point debated, at length, at the Brentford Recovered Appeal, where it was asserted that the modest impact of the proposals were to be added to historic harm to the Kew WHS caused by a 1960s tower block estate. See **CD7/12**. This, the case against the Appellant ran, gave rise to substantial harm by increment, in other words that the Appeal scheme was the tipping point.

- 5.47 For this kind of assessment to be relevant, an existing baseline condition (tall buildings at the Elephant and Castle in this case) must be deemed to be harmful to the townscape and character of an area. As I understand its position, LBL is not presenting evidence to that effect. The Rule 6 Party may which is why I address it here.
- 5.48 My observation is that this kind of assessment is fact dependent.
- 5.49 In summing up for the SoS at Brentford, the Inspector concluded the following (and the SoS agreed) at IR 15.29 (see **CD7/12**):

To my mind, cumulative harm should be assessed in three ways. First, it is the proposal that should be assessed initially, followed by a cumulative assessment. As HE AN4 [Historic England Advice Note 4] notes: Each building will need to be considered on its merits, and its cumulative impact assessed [Inspector's emphasis]. Which of these considerations carries more weight, and how these are combined, will be a matter for the decision-maker based on the circumstances. Second, existing harm should never be used to justify additional harm. Policy is unequivocal that the quantum of proposed harm should not be compared with existing harm in assessing whether it would make a significant difference. Finally, if the combination of existing and proposed harm would reach a tipping point then this would be particularly relevant in judging the overall effects.

6.0 REASON FOR REFUSAL 4: DESIGN AND URBAN DESIGN, INCLUDING TOWNSCAPE AND VISUAL IMPACT

6.1 In this section I consider the site in context, looking at the character of the immediate and wider area.

Historical Development and Wider Context

6.2 I begin with a broad appreciation of its historical development. The particular history of the site is treated under the first heritage topic section (7.0 below).

6.3 The site lies in an area of London that was, until about 1800, very lightly developed. In the post-Waterloo period, there were major infrastructure improvements linked to new river crossings: Waterloo, Blackfriars and London Bridges.

6.4 Along main routes and of them, there was considerable speculative housing development. Closer to the river were industrial uses, and that pattern was reinforced by the arrival of major railway termini, first London Bridge Station in 1836 and then Waterloo in 1848. At that time there were no statutory provisions to bring railways across the river, but that changed in the 1860s, with a crossing at Blackfriars. More efficiency between stations was created at about the same time by a new line linking London Bridge and Waterloo Stations.

6.5 The growth of the railways and population led to a mixture of residential and commercial uses, and, over time, a greater intensity of development because the area generally is well located, close to many facilities, the river and transport infrastructure (then and now).

6.6 It is important to note that much of the infrastructure in the area heads towards Elephant and Castle, which is where the A3 comes together with the A201 (and extension of the A2). These are major routes into London historically and now from the South.

6.7 Kennington Lane is, as the name suggests, an earlier route, from the time before the Georgian intensification of the area. But even this, also the A3204, has been absorbed into the strategic road network, and now effectively links Vauxhall Bridge and Roundabout (the first bridge was also built at about the same time as Waterloo) to the Elephant and Castle. A less but quite important road from the south is Walworth Road, which runs into this major network a few minutes walk away. Kennington Road has a lesser status too, but anyone familiar with the area knows this is the main way you get from Oval over to Westminster and Waterloo Bridges and on further to Blackfriars and the City.

6.8 The physical characteristics of the land and buildings enclosed by or related to these roads is varied in the extreme.

6.9 Mr Graham's firm has prepared a model shot of central London, as an aerial view, looking from south and east of the site, towards the arc of the Thames. And from that it is clear the site is closely associated not just with the Elephant and Castle but with a number of individual tall buildings and clusters of them. The Cotton Gardens Estate is another point of reference, comprising three towers designed by the Borough in its distinctive house style in the 1960s. There are similar blocks in Stockwell and Herne Hill. They have an estate plan and more open space than what is proposed at the Appeal, but they do sit in close proximity to more traditional housing.

6.10 There are also significantly scaled estates nearby, just at the end of Renfrew Road, in Dumain Court. Again, and as with the Cotton Gardens Estate, this post-WWII estate is set within its own landscape, and that does assist in its integration with the surrounding area. But it is an influence and relevant to considering the impact of the proposals on the visual amenity of the area and its townscape.

- 6.11 I also highlight the building opposite from the Renfrew Road CA is a former Telephone Exchange, five to six commercial floors, equivalent, say seven residential, and having a considerable length of frontage (about 90 or so metres) and monumental expression.
- 6.12 These sit in amongst traditionally scaled residential development of different periods, some historic and relevant to planning, some not.
- 6.13 The DAS identifies other potential development sites in the area, on the main roads, and whilst I do not know whether they will be 'tall' as formally defined, they will certainly have to be developed densely and efficiently given the sustainable location and planning policy objectives.
- 6.14 The application materials have emphasised the proximity of the Elephant and Castle, an OA with historic and more recent tall and very tall development. It is a major London destination and point of emphasis across this part of South London for reasons that are obvious.
- 6.15 The site falls outside the Elephant and Castle OA. That designation is entirely within the adjoining Borough. I do not know the reasons for it not extending further. But from the point of the character of the area, the OA and borough boundaries have no perceptual reality.
- 6.16 And I am advised by the Appellant team that the site is very sustainable and compares favourably with land in the OA nearby.
- 6.17 When thinking about how best to optimise the use of the Appeal site land, these influences close by and across the wider area, taken together with the sum total characteristics, lead me to conclude that the Appeal site's development will be different to its immediate context. I turn now to that.

Local Context

- 6.18 The immediate environs or setting of the site is varied too, and largely because of its history, and the impact of the former Workhouse on the way the land around it developed. These facilities were necessarily cut off from their surrounding area, and the shape of their sites was determined by their planning, which was largely standardised by this date (see next section on heritage which provides more information).
- 6.19 The piecemeal redevelopment of the facility has not produced a townscape of any consistency at all, apart from the residential use and scale which is, however, appreciated in a different context.
- 6.20 Castlebrook Close is a c.1990s redevelopment, rented tenure, which over time rights should be redeveloped enabling a direct connection into the Appeal site (the designs allow for that). The layout, with prominent parking forecourts, dates from the time when cars were deemed necessary to make these kind of central sites attractive (for example, see also the redevelopment of Rotherhithe in Southwark, by the LDDC).
- 6.21 Then there are the c.1970s terraced houses, with integral garages, on Renfrew Road, and which back onto the site. These are not of any particular design interest (which I mention because some of the buildings constructed in this idiom are becoming trendy and fashionable). Opposite these is a bland, neo-Georgian pastiche, then a consented development (APP 17/05992/RG3) for housing in buildings of 4-7 storeys, and the Telephone Exchange after.
- 6.22 There is a more recent flatted scheme to the south and east, developed by Bellway, which has an attractive landscaped layout, linking to George Mathers Road and Dante Road, which is the townscape transition to the Elephant and Castle.
- 6.23 On the north side of Dante Road are student blocks of the blandest kind, five floors, starkly contrasting with the ambitious architecture at the Elephant and Castle behind, including the Rogers Stirk Harbour Tower, the UNCLE Building at Churchyard Row.

- 6.24 George Mathers Road has two-storey houses with front gardens and more parking forecourts. These are incongruous in this location, and again feel to me like those brave early 1990s housing developments on land that had little value when central city living was still not seen as all that desirable.
- 6.25 The lower density and lower heights of the immediately surrounding townscape (excepting the CA) appear now anomalous.
- 6.26 I do not think any party to this Appeal credibly seeks the site to be developed on this pattern. That said, and on first consideration, the dramatic difference in scale struck me on my first review of the proposals. I concluded, however, after considering the alternatives, that this is the most suitable form of development.
- 6.27 I myself do not find these contrasts harmful; they are part of the fabric of the area and what I, as a long-time London resident, just understand to be characteristic of this area.
- 6.28 I think one just has to reflect the considerable changes that have taken place since the 1960s, first with the Shopping Centre and associated housing (including the listed Erno Goldfinger block), and more recently under the influence of the first and subsequent London Plans. The point has come where perceptions of it have been transformed from a place which, candidly, I would never imagine visiting for any reason to a place where now there is a strong sense of place generated by these larger buildings and landscape and the activity which gives the whole area a lively, busy quality. The proposals are completely consistent with this transformation. The fact that much of this has been achieved in Southwark is not relevant to how one experiences the area, and thus the possibility of the Appeal site's contribution to that wider transformation.
- 6.29 Before looking at the response of the proposals to context, I should also note that the closest document I can find to a Borough-wide characterisation study, the Local Distinctiveness Study (2012), is not a comprehensive analysis of areas across Lambeth and does not cover the site or its surrounds. The study is primarily a descriptive document of building types and architectural features.
- 6.30 I am aware from the documents that local objectors see the character of their area as suburban, that they link this to a wider suburban area comprising Kennington, and that they contrast it with the central characteristics of the Elephant.
- 6.31 I have to take issue with the use of the word suburban to describe any of this because of those wider contextual influences and characteristics I set out above.
- 6.32 To assist with understanding the range of building types, the architects prepared images in their DAS, at 2.4, which is a useful summary. This plan can be considered alongside the analysis of land uses and heights at 2.5 and 2.6 respectively.
- 6.33 Finally, and a propos to the site in relation to its context, is the Borough's characterisation of the site as backland. I think this is misleading and overlooks the historical development and use of the site. It is surrounded by houses and there is only one way through it, but it is a destination in its own right, with defined land uses. I have earlier explained, in my policy section, why I disagree that the backland development policy is relevant.
- 6.34 In the absence of a full characterisation study, the best documentation I could find on the Borough website are three spatial planning studies, essentially comprising evidence base for the local plan.
- 6.35 First, I consider the State of the Borough Review 2016 (CD1/26). The points it makes about this ward, Prince's Ward, are relevant and so I cite page 9:

Nearly a third of a million people live in Lambeth in central London. Situated between Wandsworth and Southwark, it has one of the largest geographic areas of any inner London borough. It reaches from the bank of the Thames to the Surrey Hills, following the A23 to Sussex Road. The northern tip of the borough, including Waterloo, is similar in character to central London, and the inner urban areas of Brixton, Clapham, Herne Hill, Kennington, Stockwell and Vauxhall make up the central part of the borough. South of the South Circular Road are the less built up suburbs of Norwood and Streatham. [My emphasis].

- 6.36 The accompanying footnote states 'There are two Roman roads in the borough, the A3 Clapham Road and the A23 Brixton Hill/Road, and three ancient medieval lanes: Acre Lane, Loughborough Road and Coldharbour Lane.'
- 6.37 The site lies on the edge of Princes Ward, which is described in a 2012 version of the State of the Borough Review at page 18 as:
- Prince's ward is bounded by the Thames between Lambeth Bridge and Vauxhall Bridge, along the Albert embankment to Vauxhall station. The A202 Kennington Lane as far as the A23 Kennington Road bounds it to the south. Kennington underground station is just outside the eastern boundary of the A3 Kennington Park Road, which reaches north to and includes the Cottington Close estate. The boundary to the north is Brook Drive, just to the south of the Imperial War museum, and Fitzalan Street and Old Paradise Street. Vauxhall rail and underground station is largely in this ward. Spring Gardens is the largest open space in the ward.*
- The Durning Library and the Vauxhall City Farm are also in the ward. The largest housing estates in the ward are Ethelred, Black Prince, and Vauxhall Gardens, Cottington Close, Penwith Manor, Cotton Gardens, Kennings. The City and Guilds of London Art School is on the eastern edge of the ward, close to Kennington underground. Prince's ward is not deprived in public transport, with 27 bus routes, Vauxhall rail station and Kennington underground station.*
- The population of Prince's has had some of the fastest growth of any ward in Lambeth in recent years, and this growth is projected to continue. It grew by just under 15% between 2001 and 2012. Growth was especially high in older working age population (51% growth). However, the population aged 60 or over fell by just under 10%. If current trends continue, Prince's' population as a whole will grow by just under 13% in the next ten years.*
- 6.38 A 2016 update on the individual wards, State of the Wards (2016), **CD1/27**, states:
- Princes has a population of 15,400, which is average for Lambeth wards. There many people aged 65+ - almost 10% of the population, compared to 7.5% for Lambeth as a whole. There is a large working age population. Low fertility rate. Life expectancy and Childhood obesity are in line with the borough average. Princes is a mixed area, with both affluent areas, such as Kennington Lane, Kennington Road & Walcot Square, and poorer areas such as the Cottington Close, Cotton Gardens and Knights Walk Estates.*
- It is not one of the most deprived wards in Lambeth. There is a high number of jobs in the ward, and high employment per head of population. National Insurance registrations of migrant workers is also high. Median Household income is average for London. Prince's ward has an average rate of working age benefit claimants (Nov 2014), a high rate of out of work claimants, and an average rate of claimants aged under 25. It has a high population density: the ward has a high number of household spaces, 85% of which are flats.*
- Almost half - 47% - of households are social rented, and there is the lowest rate of private renting (20% of households). Home ownership is average for Lambeth at 27%. Nearly 40% of dwellings in council tax bands A or B, which is high. The percentage of BME people, people not born in UK and of households with no-one where English is first language are average for the borough. A high proportion (3.5%) of Princes' residents speak an African language as their first language.*
- 6.39 I have included that socio-economic information for completeness of citation. It falls to others to reflect on the degree to which the proposals meet local needs.
- How to Approach this Site's Redesign**
- 6.40 I think it is fair to say that the range of influences around the site, the history of the site, its shape and orientation all present certain challenges. It is not straightforward at all.
- 6.41 For this reason I commend the careful options analysis which Mr Graham and his colleagues undertook over a period of time.

- 6.42 Because the DAS is comprehensive, and because Mr Graham is presenting evidence on his design, I will keep my observations concise.
- 6.43 When one takes the orientation of the site, the potential way across it and immediate adjacencies (and direct overlooking) into account, there appears really only one logical way to optimise its redevelopment.
- 6.44 That is by means of lower buildings to the west, where the potential for outlook is direct, and to the north, for reasons of proximity and the angle of potential overlooking.
- 6.45 The west block parallel to Renfrew Road and the rear garden boundaries of the houses there, has a transitional scale, and provides a visual buffer, creating local scale. Whilst greater than the houses, at 4/5 floors (rising from a lower AOD than the houses) and the fifth set back, this is an entirely acceptable relationship.
- 6.46 The detailed design of the elevation and its residential character will ensure the proposals do not overbear (my comments here are not dealing with amenity points but go to townscape considerations). I do not doubt that the residents of these houses enjoy having an open aspect from the backs of their houses and gardens. But that is not the sort of outlook one expects in an inner, urban area, and development of the site at any scale would change that optimised the site's use would introduce that contrast.
- 6.47 This western block provides a buffer visually for the taller building. This will of course be appreciated, but in my opinion as an element beyond the immediate foreground of the view. I think this is an entirely appropriate and typical relationship found in the wider area, and characteristic too.
- 6.48 The scale of this new block is consistent with that of the listed Master's House, which has a strong presence anyway because of its distinctive architecture and polychrome decoration.
- 6.49 It is worth noting that, given the normal angle of view and the framing effect of windows, that a tall building or say half the height would have a substantially similar presence in this outlook. That is a hypothetical but I offer it to calibrate my judgments on impact.
- 6.50 The recent Bellway scheme to the east has a similar effect in relation to lower buildings in Dante Road: it provides a foregrounding and transitional element.
- 6.51 That leaves the position of the tower, which the DAS demonstrates was the subject of some consideration and care. In the event several factors led to its being aligned with the building line of the nearest buildings in the close to the north. Offset in this way the potential for overbearing on that townscape is reduced, and one's view straight ahead is not curtailed.
- 6.52 The two-storey houses in Dante Road are set sufficiently far from the tower to avoid any overbearing or discordance.
- 6.53 I should say that these judgments on scale rely, also, on an appreciation of detailed design which I come to in a moment. But in general terms the proximity here is not, uncharacteristic for what one finds in inner urban areas. Those residents in any event benefit from the enhancement to the landscape/public realm in George Mathers Road.
- 6.54 In simple terms, a lower scheme seeking to achieve similar levels of accommodation (including AH) would be more impactful on local townscape and context, than the Appeal scheme. The careful options appraisal, done with reference to several considerations, demonstrates this.
- 6.55 This approach also provides more and potentially better quality publicly accessible land.

The Route across the Site

- 6.56 This is a main area of disagreement with the LPA and the GLA have raised concerns about it too.
- 6.57 First, I think it will be common ground that opening up the site for public access benefits the way the area functions, increasing permeability.

- 6.58 Second, this opening up potentially increases the prominence of the Cinema Museum and provides an opportunity to enhance public understanding of the old workhouse and its historic significance.
- 6.59 I conclude this notwithstanding the present access to the south. The existing dead end obviously should be extended to the benefit of the area.
- 6.60 Third, the location of the tower and the other blocks means the space will not be harmfully overshadowed. It will have good aspect south in the centre.
- 6.61 Fourth, the treatment of the lower floors, which are open through the use of pilotis, increases the apparent scale of the space, and creates, fifth, a clear distinction between the residential use in the tower and the way through. The way through can have its own landscape identity and is not just providing access to a new residential core.
- 6.62 As I understand the GLA criticism, and the Borough's too, the route is not successful as a piece of public landscape because there is no direct line of sight across it and that it lacks a clarity of form and expression. Accordingly, it will not be inviting and the scale of the tower contributes to that.
- 6.63 I do not agree with this analysis for the following reasons.
- 6.64 First, there will be a continuous landscape treatment from the road to the east into the site, and there is no reason for the estate demise to be demarcated on that route by, for example, a sign and it will not be gated. I assume the landscape condition will deal with matters of signage and so can address any concern on that count. I would like to anticipate that the route would be marked anyway, not least to draw attention to the cultural attraction.
- 6.65 The recessed ground floor and stylish pilotis will be inviting to someone entering, as will the landscape (which is subject to separate evidence and which presents the potential for a very high quality solution maintained for the lifetime of the development).
- 6.66 As Mr Graham's DAS demonstrates (page 66), there is a diagonal line of sight across the land.
- 6.67 In any case, the visitors and residents coming to the site will probably have an understanding of the local area. This is as distinct from those public open spaces which are used by first-time visitors in busy locations (at stations, for example). Spaces with an irregular layout or orientation add to the interest of the environment.
- 6.68 This is a matter of fine judgment, but if it is a reason to withhold consent, then the effect of this layout has to lead to demonstrable harm to place making or the way the area functions. I have not seen any quantifiable evidence to support the objection in terms sufficient to warrant a refusal. Obviously, I must reserve my position on a rebuttal in response to a more developed criticism.
- 6.69 To assist the Inquiry the Appellant has instructed VR images from certain positions in the new landscape. These enable one to get a good impression of the scale and orientation of the space, and the interaction of the new buildings with it. I will refer to these in oral evidence, as demonstrating the points I make above.

The Design of the Tower

- 6.70 It is common to consider the design of tall buildings at three scales, primary, secondary and tertiary.
- 6.71 Primary scale is a function of overall proportions and silhouette, and other aspects of a design that are visible over distance (such as changes at the top providing an interesting skyline feature). Such primary scaling features often give tall buildings an orientation or direction. This goes to supporting the function of a tall building in increasing legibility, which is the awareness one has of urban form and character in longer views. Legibility is sometimes a positive feature of a tall building associated with major transport infrastructure. But it can be applied to other contexts validly here. Primary scale also relates tall buildings to existing clusters or groupings, and in that sense it can assist in better defining these skyline features.

- 6.72 Secondary scale is the product of elements which can be appreciated in medium distant views and give character and identity to the building.
- 6.73 Tertiary scale is the product of fine detailing, and includes features that will often be designed at conditions discharge stage.
- 6.74 One measure of a successful design is the degree to which these three scales are integrated into a single building image, one that can be readily understood.
- 6.75 At 29 floors overall, the building has a pleasing height to width ratio, see page 99 of the DAS.
- 6.76 This has been refined to respond to assist in softening the transition in scale on one side, which has the effect of giving the tower an orientation or direction and also presents the opportunity to architectural variety at the secondary scale.
- 6.77 The secondary scaling elements are explained at pages 99 and 100 of the DAS, an array of vertical and horizontal elements which were inspired by the proximity to the Cinema Museum. I do not think these should be taken as literal representations of celluloid film strips, but the result is distinctive and anyway the generation of an interesting architectural image has to start somewhere and local context is a very good place to start.
- 6.78 This secondary element has a regularity which has the benefit of allowing the cladding to have a varied elevation. In this way the building shape gets a strong overall and regular form, which variety at the tertiary scale. It is intended to respond to the architectural characteristics of sensitive historic assets, which lie in that direction.
- 6.79 The interaction of the secondary and tertiary scaling elements in section gives the façade depth and richness of colour.
- 6.80 The stepped elevation has a different detailed treatment to respond to its local context (pages 103 and 104).
- 6.81 The differences between the two is subtle but will be effective, and reduce the scale impact overall in distant and local views.
- 6.82 Here I refer to the detailed design work which Mr Graham has done to develop the details of the proposals, and which have been done to address the LPA's specific allegation of poor detailed design, not meeting the requirements for design excellence in the LLP tall buildings policy and in the LP. I commend that section of his proof to the Inspector, and I have had regard to it (I have had the opportunity to review this information as it emerged).
- 6.83 The design of Building A (detail and scale) is not a matter at issue with the LPA.
- 6.84 It is clear from the DAS, pages 106 and following, that they have sought to interpret the massing and detailing of the Master's House in a contemporary way, drawing on recent design aesthetics.
- 6.85 Its elevations demonstrate a clear sense of order and organisation, and it will be a distinguished addition to the setting of the listed building and conservation area by reason of providing better enclosure through scale that is similar to that of the original workhouse buildings.
- 6.86 These materials and detailing also reinforce the palette of materials in the lower structures at the entrance.
- 6.87 The varied treatment of brick will produce an attractive and interesting, distinctive finish, providing a contrast with the tower.
- 6.88 Thus, within the site is a new building that relates directly to local context (historic and contemporary) and a tall building that relates to a wider context, but whose form has been shaped to make it more locally responsive (the lower element and its detailing).
- 6.89 The whole will be set within an attractive landscape scheme which is publicly accessible.

- 6.90 I comment on this interaction with the heritage assets in the following section.
- 6.91 Overall, I conclude that the design of the tall building is distinguished, demonstrating care and consideration in its external form and detailing. Thus it meets the policy requirement for a building of very high architectural quality on a freestanding basis. This is not surprising given Mr Graham's experience of projects of this nature and track record. Whilst that in itself does not guarantee a high standard, it does contribute to the credibility of the presented information including an understanding of deliverability.
- 6.92 It should also be noted that the height of the proposal overall is lower than the nearest, tall buildings in the OA which reflects the spatial hierarchy of the site relative to that designation. The LPA might wish to see a more significant introduction to signal that change, but as a matter of fact the design does do this.

Visual Impact

- 6.93 The last consideration on design is the how the building looks when seen against the London skyline, as a new element in it.
- 6.94 I will comment on a number of views which include heritage assets and I take those points as read in my heritage analysis (the areas overlap).
- 6.95 For this, I will be referring to the visualisations which are to be found in the HTVIA prepared by Turley (July 2019, **CD2/13**). In discussion with Mr Graham, we have identified four views which we have advised the Appellant to render again because they are of particular importance to understanding the design quality of the proposals in context. The enhancement of such information as part of the Inquiry process is accepted and not unusual.
- 6.96 I note, first, that I understand these views are accepted to be sufficient to understand the impact of the proposals on the visual amenity of the local and wider area. For the most part these are representative views not formally designated ones.

Viewpoints 3, 4, 5a and 5b, from the IWM Gardens, Geraldine Harmsworth Park (winter) towards West Square CA

- 6.97 This sequence enables an appreciation of the building from this area of high quality townscape, over distances ranging from c.260-480 metres. I treat the heritage considerations (West Square CA) in Section 9.0.
- 6.98 The visual impact from the front of the listed, former Bethlehem Hospital now the Imperial War Museum, is illustrated by a wireline in View 3.
- 6.99 The impact is limited by the cover of mature trees. Nevertheless in winter one would be aware of the proposals as a medium distant feature appreciated in the context of taller buildings at Elephant and Castle. The stepped form would be appreciated over this distance.
- 6.100 Overall, however, I agree with the characterisation of the effect as neutral.
- 6.101 Moving to the east of the building, the landscape opens out and provides clear views of the Elephant and Castle skyline rising to the edge of it from the main concentrated cluster around the Strata development (the first of the new generation of larger residential blocks). The proposals are well separated from those buildings, and so appear as part of a line of taller development at the Elephant and Castle. See View 4.
- 6.102 The fact that the tower lies outside the OA is not immaterial to one's perception of the spatial hierarchy in this part of London, since the boundary here is practically meaningless when it comes to the perception of the city at this scale.
- 6.103 The distance from the viewpoint to the proposals is significant, some 390 metres or so in this view as against some 520 metres to the UNCLE building and 670 metres to the Strata. The scale of effect is appreciated from an open area, bounded by lower buildings on its edge.

- 6.104 It does not overbear or unsettle any composition of the sense of space in the view, or its character, which is already the product of contrast between a higher skyline in the medium distance seen over, traditionally scaled buildings.
- 6.105 One enters West Square itself, which is an important component of the CA, on this sequence, with the presence of tall buildings already established in the understanding and perception of the place. Having moved along St George's Road anyway you can be in no doubt about where you are, in central London, and moving around Waterloo and towards the Elephant and Castle.
- 6.106 The visual impact on entering, View 5a, is limited because of interposing vegetation. There is in winter, though, a glimpsed view of the UNCLE building.
- 6.107 The distinctive form of the square, the landscape in front of you, and its special character, create a sense of intimacy and remove that is, in my experience, not undermined by the ability to see a bigger building out from it.
- 6.108 The proposals are likewise partly occluded by vegetation and separated by a significant interval from the nearest tower. There is no overbearing as a consequence of that and the proportions of the proposals.
- 6.109 It appears to me the debate on West Square turns solely on 5b, at the northern entrance to the Gardens, where the view opens up somewhat, albeit it is still closed by large plane trees and the buildings bounding the square.
- 6.110 This impact is particularly affected seasonally, and in summer with the mature trees in full leaf I think it unlikely a visitor to the square would pay much notice to the proposals as they move into the lovely gardens and enjoy the openness of the landscape of the trees. In any case one is not magically transported to this position. One has got here in the full understanding there is something significant, the Elephant and Castle, to the south and east, and towers which from this position are some 320 – 370 metres away.
- 6.111 The proposals would be more noticeable from the north entrance, but then as one moves into the square, reduce in height relative to the treeline and buildings. The upper parts of the building are light and there is an open parapet or upper floor creating a light feeling at the top. The scale of the building is broken down by the stepped element. The secondary scaling elements of the proposals are seen here to particularly good effect and beneficially break down the scale of the development, comprising an attractive element as well.
- 6.112 I do not, therefore, agree with the HTVIA which identifies a moderate adverse effect. That judgment appears to be based on a single viewing position analysis and on the assumption that the UNCLE building is harmful. I do not see it is.
- 6.113 Whether or not this impact is neutral or beneficial (and I incline to the latter) depends on the weight the assessor gives to design quality and the more general awareness of the setting of this historic townscape. Additionally, the proposals have no effect whatsoever on views experienced serially in the other direction or from any direction on the south east side of the square, so the impact of a moderate impact on visual amenity (which is the measure not on the view) is disproportionate.
- 6.114 It is axiomatic in any visual impact assessment that one treats the impacts on the whole of any receptor or receptor experience and not on a single view, even one at the point of entering a garden.
- 6.115 I add that when I was first instructed I advised the then Applicant that I did not agree with these judgments, for the reasons set out above.

Walcot Square, Views 6a and 6b

- 6.116 I follow on from that last point, to remark again that the view impacts from this very attractive and unusually planned square (see Section 8.0) have to be understood as a totality and not just from points of maximum visual impact. To base the analysis on such points skews it.

- 6.117 Thus, the proposals have no effect on the visual character of the scene and its qualities for someone moving from the east to the west or moving to the north corner of the square, which is a cul-de-sac anyway. Thus the number of people who experience the view from 6a will necessarily be limited because it is not a through route.
- 6.118 Those on the south side of Walcot square will not be able to see the tall building because the terraces will interpose. The individuals experiencing the change in view thus comprise a relatively small proportion of users. I have no data to say how many, but the Inspector will form his own view on that based on his site inspection.
- 6.119 Those who do experience the view will see a dramatic, even exciting skyline contrast out from the enclosed, pretty squares. Straight on the view is the heart of the Elephant and Castle Cluster. Peripheral to it is the UNCLE building.
- 6.120 The proposals will interact with that building, either occluding it or partly occluding it, but again the experience is peripheral relevant to an enclosed space.
- 6.121 And the features of the tower one will notice the stepped form, fine detailing and warm colours that assist in its visual integration with the scene and emphasise, along with the scale of openings, its residential character.
- 6.122 I agree that the impact will be moderate, as per the HTVIA, but cannot see why it is harmful to the visual quality of the scene because one will continue to appreciate the square and enjoy, as many will, the exciting contrast between historic and modern London which is characteristic of the experience at the moment and deemed acceptable.
- 6.123 The visual distance as between the main cluster and the proposals/UNCLE building mean that the reduction in sky gap or skyline is minimal. The impact is more intense than from UNCLE because the distance is nearer, but seeing two things of a different character in this context is not in itself harmful.
- 6.124 From this angle one perceives the stepped form of the tower, and would appreciate the difference in detailing of it, which adds visual interest. The overall proportions of the tower can be appreciated to good effect. I think it is a positive addition to the skyline.

View 7, St Mary's Gardens

- 6.125 Very similar comments apply to this impact, about proportionality and character of the existing scene. The composition of the tower is from this area seen to good effect, and whilst in relative scale terms it will appear taller than the main cluster (which is higher), human perception adjusts for that so a viewer would understand that there is in fact a change in scale down.
- 6.126 In this and the previous views, as noted, I do not see any viewer would visually dissociate the tower from the Elephant and Castle; again, in this conditions the boundary of the OA is arbitrary to the experience of the place.

View 8, from Elliot's Row CA

- 6.127 This scene is fairly characteristic of north Lambeth, comprising of fairly typical Victorian terraced housing laid out on a by-law street, and demonstrating the hands of different builders providing variations of the same domestic product range.
- 6.128 I note that the Council allege no harm to this asset in its SoC, and agree.
- 6.129 The orientation of the tower to this view is very dramatic, so that the different steps appear very clearly delineated and over the approach distances here (decreasing) the tower becomes more prominent, but no more so that other towers in the wider area seen in relation to other streets.
- 6.130 Still it is an intense impact, and I agree with the HTVIA that it is high. As to the direction of effect, that depends on the judgment formed about the quality of the building design. If it is considered of the requisite high standard, then the impact is beneficial notwithstanding the magnitude of change.

- 6.131 I must here that the reasoning in the HTVIA's analysis of this scene is telling and explains why the assessor came up with harmful impacts. Paragraph 6.65 the assessment depends in part on the introduction of a view of a tall building in a scene that currently has none. That approach is not consistent with the London Plan, because change in this context is not in itself harmful. This is the sort of comment I would expect to see in a landscape and visual impact assessment, in open countryside, for instance. The text also refers to potential overshadowing, but I cannot see the evidence for that. Yes, the tower is located to the south but set at some distance, and there is no overshadowing analysis of this effect in the documentation I could find, and the LPA apparently has not requested one.

View 9, Renfrew Road

- 6.132 This will be the most contested view at the Inquiry. It is not a formally identified or defined view; however, it does affect sensitive land. In the following section I explain why I consider the visual interaction with the CA and the buildings in it, as shown in this view, causes a low order of less than substantial harm.
- 6.133 LVIA and TVIA requires the assessor to have regard to heritage sensitivities, albeit the form of assessment is different to HIA, and so on that basis the degree of harm I identify from the interaction with heritage assets is less in this context than in a pure heritage context. This appears a somewhat artificial distinction but there is a difference.
- 6.134 In any event, I treat this view more fully in the next section. If one were, for the sake of argument, to look at this scene from a purely townscape perspective, then points similar to the ones I have made earlier would apply and I would not be identifying a harmful impact by reason of contrast in scale in itself, having regard to detailed design.

Other Views

- 6.135 The range of visualisations undertaken illustrate that the orientation of streets and the interposition of existing development means that the proposals visual impact from significant parts of the surrounding area are limited, perhaps surprisingly so. Again, because no further views were requested, or at the time of writing have been, I assume the LPA is content with the coverage, which goes to the scale of impact overall (which is limited relative to what one often finds with 29-storey residential buildings in established locations).
- 6.136 So, to take some more views quickly, from Kennington Junction, View 10, an important townscape node with attractive and historic buildings, including the listed Durning Library, the proposals are not visible. The Strata is and so also the Boroughs Cotton Gardens Estate. Likewise from View 11, the Kennington Park Road CA: there is no material impact and that is over a relative close proximity.
- 6.137 View 12 from the Elephant and Castle, near the Walworth Road interchange, shows the building stepping down from the larger buildings at the Elephant, and one would have no real idea it was outside the OA. It is one more tall building seen in and around the elephant, and appreciated cleanly in silhouette. Its presence suggests that there is a destination and place at that location, and I have to say, again as a local resident (and one who uses the bike routes in this area a lot), that seeing something here does give an identity to what I have always felt was a kind of nowhere place, the land north of Kennington Lane. It lacks identity. To a future visitor to the Cinema Museum, there is obviously a legibility benefit. That destination would probably be signposted anyway so the benefit is, I think, a modest one and I give it less weight than the place-making and identity benefit.
- 6.138 Over this distance and on the approach one will also be able to admire the design of the building to good effect and its proportions, and if the judgment is that the design is of high quality then perforce the building enhances the amenity of the area.
- 6.139 Finally is View 13, from the roundabout itself, where the visibility over the UAL Brutalist building is minimal and the effect negligible.
- 6.140 The HTVIA models the strategic views, LVMF 4, 15, 17, 18, 20 in View 14 and following.
- 6.141 There is either no impact at all on any of these and if there is the impact is negligible and neutral in effect.

6.142 I mention that and the other non-impacts because they go to demonstrating just how relatively impactful this 29 storey building is. It affects no strategic views and on my evidence, see following sections, no highly graded heritage assets. It cannot as a matter of fact be said to overbear on any MOL or other sensitive land (excluding the Renfrew Road CA, but I do not consider it does overbear). As an order of height is several storeys taller than the tallest element of the Cotton Gardens Estate, and not part of the generation of very tall developments which the LVMF, for example, was meant particularly to manage.

Summary on Design Quality and Visual Amenity

6.143 Overall, then, I conclude the following:

- 1.62.1 First, and as to the last point, the area of impact is limited, perhaps surprisingly so.
- 1.62.2 Second, the impact on the wider area is either neutral or beneficial, because the quality of the design and scale are appropriate perceived in that context.
- 1.62.3 Third, the impact on the local context, the residential properties immediately around and near the site, is mediated through Block A and through positioning, and mitigated by the scaling and quality of the design.
- 1.62.4 Fourth the proposals include for the opening up of the site and high quality landscaping materially improving the local environment, the way it appears and functions.
- 1.62.5 Fifth, the design as design of Block A (not at issue and not seriously an issue) and Block B is demonstrably the product of great care and consideration, arrived at, in massing terms, by extensive options analysis intended to achieve optimisation.
- 1.62.6 The quality of the design is highly material to the assessment in policy terms, naturally, but importantly to that part of the policy assessment that relies on matters of judgment.

6.144 For these reasons I do not consider RfR4 can be sustained, and the proposals meet the terms of all the policies therein cited.

7.0 HERITAGE TOPIC 1: RENFREW ROAD CONSERVATION AREA AND ITS LISTED BUILDINGS

7.1 In this and each of the following sections, I undertake the following analysis:

- **Stage 1:** explain the significance of the affected assets;
- **Stage 2:** consider the setting of the affected assets and ascertain the contribution the site in its existing condition makes to that significance or an appreciation of that significance; and
- **Stage 3:** assess the impact of the proposals on a 'rolled up' basis treating listed building setting impacts, alongside CA, character and appearance impacts – I do this for reasons of concision and convenience, but of course mindful of the different statutory regimes and consequent policy considerations.

7.2 The listed buildings within the Renfrew Road CA considered in my evidence include:

- Grade II listed Master's House / Administrative Block of Former Lambeth Workhouse (discussed at 2.21 – 2.31 and 5.15 – 5.26 of the HTVIA);
- Grade II listed Water Tower (discussed at 2.32 – 2.40 and 5.27 – 5.31 of the HTVIA);
- Grade II listed Former Magistrates Court (discussed at 2.41 – 2.47 and 5.32 - 5.34 of the HTVIA); and
- Grade II listed K2 Kiosk outside Former Magistrates Court.

7.3 The adopted CA appraisal is reproduced at **CD1/10**, and the statutory list entries at **CD1/11**.

7.4 Renfrew Road Conservation Area is treated in the HTVIA at 3.6 – 3.8 and 5.37 – 5.40. The relevant view identified in the HTVIA is View 9. The Appellant has commissioned a new rendered view and also VR images illustrating how the scheme will appear from several positions if the development is completed. There are provided in the Visual Brochure, shared with Mr Graham.

7.5 Below, I address each heritage asset in turn. First I consider the significance of and contribution the site makes to the significance of the two closest listed buildings: the Master's House and the Water Tower, before turning to the impact of the proposals on their special interest. I then turn to the other listed buildings, the Former Magistrates Court and Telephone Kiosk, before addressing the setting of the group as a whole and analysing the impact of the proposals on all the identified listed buildings and the CA.

7.6 I include below a number of photographs of the assets as I viewed them on a recent inspection. I have not, for reasons of file size and formatting, included the rendered images in the written part of my proof. These are reproduced in the shared Visual Brochure and in the HTVIA (**CD2/13**).

Renfrew Road Conservation Area

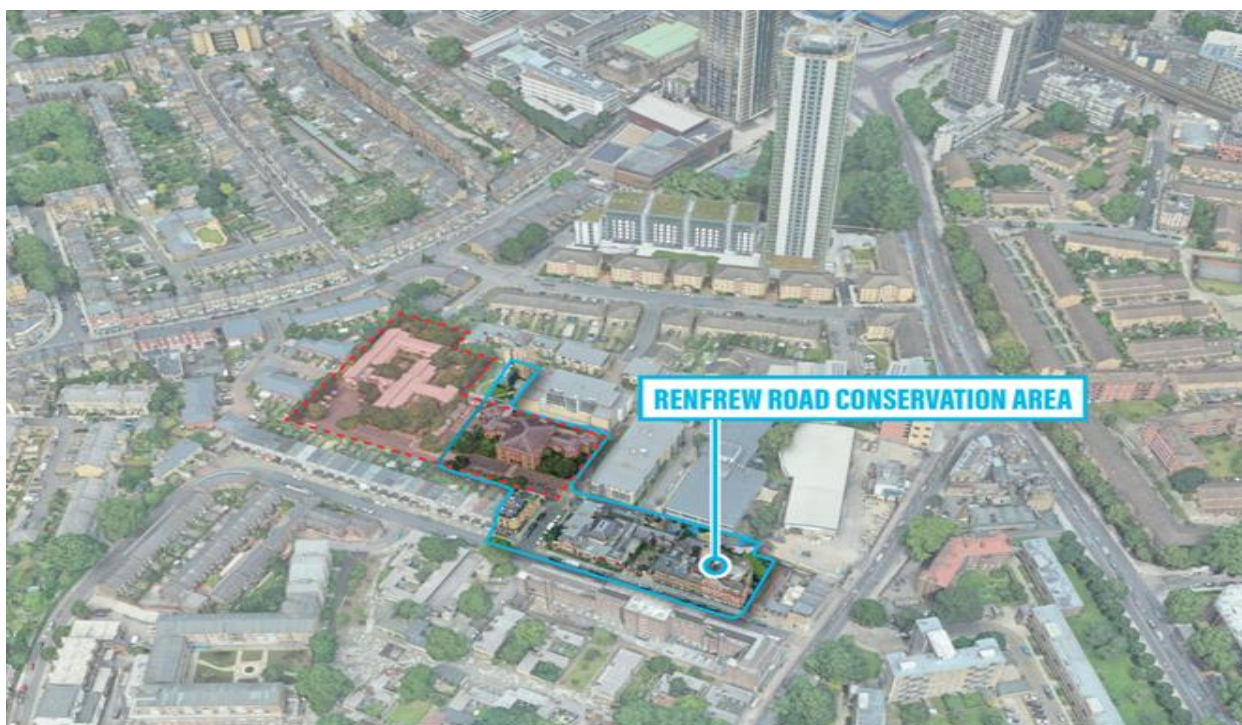


Figure 1 – Aerial View of Renfrew Road CA. Application Site highlighted in red.

- 7.7 The Renfrew Road Conservation Area was designated in 1985. This was in recognition of the area's "unique assemblage of 19th-century civic and institutional buildings".³ I agree that this co-location is important. I do not agree it is unique by any means, because it was quite common for C19 public service buildings to cluster on associated sites (Woolwich, Hendon, Tottenham Hale, Shoreditch are some examples and include buildings).
- 7.8 In the mid-19th century this part of Lambeth experienced a significant rise in population: a demand for housing led to the area being laid out in a grid and developed with new terraced housing.
- 7.9 In response to this rising population in the area of Lambeth a number of civic buildings were constructed in or around Renfrew Road in the 1860s and 1870s: this included a Magistrates' Court with prison cells (1869), a fire station (1868) and Lambeth Workhouse and infirmary (1871-7). These buildings no longer serve their original functions, today used variously as private residences or as meeting places for community groups and a as museum.
- 7.10 The Renfrew Road Conservation Area contains five listed buildings, all Grade II (the Administration Block and Water Tower of the former workhouse, the Fire Station, the Magistrates Court and a telephone kiosk).

Statement of Significance

- 7.11 The Renfrew Road CA is subject to an adopted Statement (November 2007, **CD1/10**) which summarises the special interest of the asset as follows:

The Renfrew Road conservation area contains an impressive collection of historically important and architecturally interesting civic and institutional buildings dating from the mid-late 19th Century.

- 7.12 The Statement emphasises that each of the buildings within the CA 'has its own strong form based on its function and use and this variety is also reflected in the architectural styles'.
- 7.13 I now consider each of the listed buildings within the CA in turn. Given the size of the CA, its character and appearance overlap with the settings of these buildings. The CA designation effectively recognises their group value one with the other.

³ Renfrew Road Conservation Area Statement, 2007, Conservation & Urban Design, Lambeth Planning Division

Master's House / Administrative Block of Former Lambeth Workhouse (Grade II)



Figure 1 – Master's House / Administrative Block from the south-west.

- 7.14 The Administrative Block / Master's House building was once part of the Lambeth Workhouse complex (later known as Lambeth Hospital). This workhouse complex was built 1871-3 to replace an older workhouse, using funds from the Parish of St Mary, Lambeth. It was one of many workhouses to be rebuilt following the passing of the Metropolitan Poor Act of 1867. There is a detailed analysis of this complex in its context in the DAS, pages 42 and following. This illustrates just how extensive the original complex was and how it came to set the road geometry of the area. The Master's House is, it will be seen, a fragment of that building.
- 7.15 The competition for the design of the workhouse was won by R. Parris and T.W. Aldwinckle. The complex was executed in the Venetian Gothic style and followed the "pavilion plan" principle: a central administrative block, dining halls (for men and women) and service buildings situated at the rear, with two long 2-storey pavilion ward blocks flanking these buildings on either side. The main block was perfectly symmetrical when first constructed. The whole complex was linked with a long lateral corridor on each floor as well as covered walkways between the blocks. In 1877 an infirmary designed by Flower and Hill was added on an adjacent site to the north-west of the workhouse. Many other additions of the late-19th and early-20th century gradually eroded the original symmetrical plan of the building.
- 7.16 In 1922 the workhouse and infirmary were amalgamated, and the entire complex was repurposed as Lambeth Hospital: by the late 1930s. This repurposing was typical of many workhouses, which consequently came into the NHS estate after the war. The complex this was one of the three largest municipal hospitals in London. During the Second World War two ward blocks, the kitchens, laundry and dining room were all damaged as a result of bomb damage and these were eventually demolished in the mid-20th century. New buildings were added 1960-63 (including operating theatres, kitchens, dining room and offices). The hospital eventually closed in 1976 and services were moved to St Thomas' Hospital.
- 7.17 Lambeth Workhouse was the first workhouse in London (and amongst the earliest in Britain) to be constructed using the pavilion plan scheme which was promoted centrally through the use of model plans.

- 7.18 Today only a limited number of the original buildings of the workhouse complex survive. This includes the Administrative Block (also known as the Master's House), flanked by lower 2-storey wings, originally the Master's Office (north side) and the Master's living quarters (to the south). Inside, the administrative block follows its original plan: it has a central corridor with rooms to both sides and a cross corridor with stairs. Rooms here included the committee room, visiting room and day room for youths. On the upper floor is a large, open-plan chapel.
- 7.19 The pavilion blocks and other buildings at the rear of the complex were demolished in the mid-20th century. The Water Tower to the north-east of the Administrative Block is all that remains of the infirmary range of the workhouse. Workhouse infirmaries mark the step towards some form of publicly provided health care for the poor, albeit only accessible to inmates.
- 7.20 The complex's original lodges and former receiving wards (reception buildings) to either side of the entrance of the site are not considered by Historic England to be of special interest, though these are included on the London Borough of Lambeth's Local Heritage List. These elements make a positive contribution to the setting of the listed Administrative Block, adding to an historical and architectural understanding of the workhouse complex. A later flat-roofed structure to the rear of the Administrative Block is not considered by Historic England to be of special interest.

Statement of Significance

- 7.21 The Administrative Block (Master's House) is considered of special interest, and consequently listed at Grade II, for the following reasons:
- The building's rarity as the principle building of a 19th-century metropolitan workhouse, only a small number of which survive in London. I note that another example is in Southwark, and was incorporated into the London Fire Brigade HQ in the mid-Victorian period. I worked on its conversion to a secondary school, now operational or shortly to open;
 - The building's historic interest as an example of a workhouse built immediately following the introduction of the Metropolitan Poor Act (1867);
 - The building as the first workhouse in London to be constructed using the pavilion plan scheme (and amongst the earliest in Britain to adopt this plan form);
 - The architectural quality of the exterior, with intact principle elevations that are highly ornate for a building of this type and period in London;
 - The internal decorative treatment of the chapel, which echoes that of the exterior of the building and contains an elaborate and unusual roof; and
 - The value of the building as part of a group ensemble along with the Water Tower, which once served the workhouse infirmary, former Magistrates Court and Fire Station, all heritage assets on Renfrew Road. Together these buildings form a grouping that is illustrative of typical Victorian urban municipal buildings. That these buildings were all constructed 1860s/70s reveals the coordinated development of this area with such a civic grouping.
- 7.22 It should be noted that the comments above, from the statutory entry, relate to aspects of the site which do not exist (such as the pavilion plan).
- 7.23 An aspect of the site's historical interest lies in its association with the actor Charlie Chaplin who was resident at the workhouse aged 7 in 1896 with his mother. In addition, the foundation stone of the building (dating to 3 April 1871) was laid by businessman and pottery manufacturer John Doulton, who was Chairman of the Board of Guardians at this time (Doulton later founded a pottery manufacturing firm in Lambeth, which became Royal Doulton). Part of the Doulton Factory complex by the river, now Albert Embankment, survives and is listed Grade II. Doulton's was an extremely important manufacturer of fired earth products, from building materials to decorative art.

Water Tower (Grade II)



Figure 3 – Water Tower from the south.

- 7.24 In 1877 a new infirmary block was added to the Lambeth Workhouse, which had been constructed 1871-3 (see above). The construction of separate infirmaries for workhouses was a key requirement of the Metropolitan Poor Act of 1867: this helps to explain the construction of this infirmary at Lambeth Workhouse. As part of the building work of 1877 a water tower was constructed, intended to serve both the infirmary and the workhouse.
- 7.25 The Water Tower was designed by architectural firm Fowler and Hill and executed in the Venetian Gothic style. Fowler and Hill were known for their work designing hotels and theatres. The Water Tower was constructed of yellow stock brick with red brick dressings and banding and has Portland stone dressings and a clay tile roof. The Water Tower is ornate when compared to other examples of the time: this was likely the result of the architect's wish for the tower to blend stylistically with the existing workhouse buildings.
- 7.26 A number of buildings that were once part of the workhouse and infirmary complex were demolished from the mid-20th century onwards. Today all that remains of the original development (in addition to the Water Tower) is the Administrative Block, with the Master's living quarters and the lodges and former receiving wards (reception buildings) to either side of the entrance.
- 7.27 The two have group value one with the other.
- 7.28 Other remaining elements of the workhouse/infirmary complex make a positive contribution to the setting of the Water Tower Block, adding to an historical and architectural understanding of the entire complex. The surrounding setting of the Water Tower has undergone much alteration over the course of the last 140 years. Yet, the ability to view the Water Tower alongside other surviving structures of the Lambeth Workhouse adds to the historical appreciation of the building and this setting therefore contributes to the building's significance.

- 7.29 The Water Tower was converted in 2008 for residential use; as part of this work additions were constructed at the western and northern sides of the tower, these included a lift shaft and a modern cube-like living space at the base of the tower. These additions were executed in a modern style, contrasting with the design and materials of the original structure. This project featured in an episode of the series, 'Grand Designs'⁴.

Statement of Significance

- 7.30 The Water Tower is listed at Grade II and its significance owes to:
- Its imposing and distinctive architectural style, rare for a water tower of this age and location;
 - Its historic associations with the Lambeth Workhouse and Infirmary (a rare example of a 19th-century metropolitan workhouse and an early example of one built immediately following the introduction of the Metropolitan Poor Act of 1867); and
 - The group value of the building with the other surviving workhouse buildings, especially the Administrative Block (of a similar architectural style) as well as with the Former Magistrates Court and the Fire Station in Renfrew Road, all heritage assets on Renfrew Road. Together these buildings form a grouping that is illustrative of typical Victorian urban municipal buildings. That these buildings were all constructed 1860s/70s reveals the coordinated development of this area with such a civic grouping.

Contribution of Setting to Significance of Master's House and Water Tower

- 7.31 The two buildings have group value one with the other by reason of proximity and shared historical associations.
- 7.32 The bulk and mass of the housing scheme to the south provides a degree of context, and at a similar scale, reflecting very broadly the earlier blocks (materials and scale and to some extent through courtyard arrangement). Thus the grain of the land to the south is positive.
- 7.33 The Appeal site building and landscape detracts from the setting of both listed buildings by reason of their poor design and lack of complementary grain. The social purpose of the building reflects the historic origins of the site, but this use is redundant. The housing to the west in Renfrew Road detracts also from the setting of the listed Master's House by reason of presenting the backs of buildings to it. Neither these houses nor those to the north are of any real architectural value.
- 7.34 Overall the immediate setting of these assets have experienced considerable change over time both through the loss of their extensive functional and architectural context but also through development in the historic curtilage which is, largely, not complementary in terms of scale or design.

Impact on Significance

- 7.35 The proposals are proximate to the assets, albeit I do not find that proximity to the Water Tower or the marked difference in scale is problematic or harmful because that listed building is a standalone feature of unusual form, whose singular character has been augmented by its extension in a contemporary architectural language. The new use gives it more of a separate identity and it has a very well defined setting to the rear of the Master's House. The visual interaction or relationship of the two is limited as a consequence, or at least reduced to some extent.
- 7.36 The tower causes some harm to the significance of the Master's House by reason of its position behind it, in a good view of it on entering the site. The prominence of the tower and its conspicuousness compete for attention with the asset, albeit the striking design of the building is not so easily overwhelmed and will continue to maintain its integrity in this changed context.
- 7.37 The architectural treatment of the tower on this side (see Section 6.0) mitigates the harmful impact. Nevertheless the change to skyline will be marked.

⁴ Grand Designs, Season 12, Episode 5 (Kennington, 2012): <https://www.channel4.com/programmes/grand-designs/on-demand/52739-005>

- 7.38 The proposals also have the following beneficial effects on setting.
- 7.39 First is an improved landscape setting to the heritage assets.
- 7.40 Second is the design and position of Block A, which provides better enclosure and a more seemly architectural form and outlook from the listed building than the backs of the houses in Renfrew Road (again see my discussion in Section 6.0).
- 7.41 Third is the change to character of the site – with people passing through it and residents coming and going – it provides a more sympathetic use than the institutional one, and notwithstanding that, has some resonance with the historic one.
- 7.42 Fourth that change to access passed the site is a public benefit, from a townscape perspective and also one enhancing public appreciation of the asset (particularly if allied with a scheme of interpretation, which I assume would be secured through a condition and possibly part of any landscape. I also consider a recording condition appropriate, because the site is interesting and warrants formal documentation and deposit in local archives).
- 7.43 Finally, the proposals bring with them the offer of a long leasehold interest to the beneficial occupier of the building, the Cinema Museum, and such a long leasehold interest is required to apply for funding (I know this as a former trustee of two historic houses in London). I consider this a modest benefit only. In the event, and sadly, the Cinema Museum cannot continue on the site, and the building becomes vacant, then its incorporation into an attractive estate setting will inevitably make its conservation more likely. Here again any benefit on this count is likely to be modest.
- 7.44 I think the benefits above go some way to offsetting the harm as it has been mitigated through design, but nevertheless identify net harm which is limited and low on the less than substantial scale.
- 7.45 To help calibrate that harm precisely, I note the following. None of the intrinsic reasons why this building is listed are affected at all. Second, its significance is not embodied in its setting any longer anyway, to any significant extent. Thus, the single impact is one of intrusion or distraction.

Former Magistrates Court (Grade II)



Figure 4 – Magistrates Court from Renfrew Road, looking north-east.

- 7.46 This former criminal magistrates' court was constructed in 1869 in the Gothic style to the designs of Thomas Charles Sorby, an architect who designed many of the new style Magistrates Courts in England in the 19th century.
- 7.47 According to architectural historian Nikolaus Pevsner it is the earliest surviving example of a Criminal Magistrates Court in the metropolitan area of London. Whilst this court may well be one of the earliest surviving examples of a Criminal Magistrates Court in London, it is not as a matter of fact the earliest surviving example in the country: earlier ones still surviving include Thame High Street, Oxfordshire, 1861; Downham Market, Norfolk, 1861; Ormskirk, Lancashire, 1850; Dale Street, Liverpool, 1857-9; Bicester, Oxfordshire, 1857; and Stony Stratford, Milton Keynes, 1862.
- 7.48 There was a noticeable a surge in the number of criminal courts being built in the mid-19th century in Britain. This owed not only to population growth and urbanisation, but also to the 1835 Municipal Corporations Act. This Act imposed several reforms on local government of England and Wales: one reform resulted in the new ability of boroughs to request the appointment of a paid or 'stipendiary' magistrate, for whom a courtroom then needed to be provided.
- 7.49 The Historic England selection criteria document for "Buildings of the Criminal Law" provides the following explanation for this change:

"During the mid-19th century a long overdue reform of local government, and of the associated judicial system, took place. The issues raised by the expansion of small towns into large industrial cities were first tackled by the Municipal Corporations Act 1835 and during the course of the subsequent decades the scale of local government grew to meet the needs of an increasingly complex urban society...The Municipal Corporations Act 1835 standardised the government of corporations and regularised the system for administering justice.

The growing complexity of the law, the rising status of its practitioners and the increasing scope of local government led to major changes in legal and civic buildings. The small town hall and purpose-built court that had served market and county towns like Stafford in the 18th century, and continued to suffice for small towns such as Bodmin, were unsuitable for rapidly growing industrial cities.

While some purpose-built police and court buildings did exist prior to 1856, the second half of the 19th century saw the erection of a large number of purpose-built, combined police stations and Petty Sessions (Magistrates) courts (Fig 22, Lambeth Magistrates Court). The most comprehensive programme of 19th-century Petty Sessions (Magistrates) court building occurred in Gloucestershire...The evolution of the Magistrates' Court building reflects the increasing formality and status of the court of the magistrate."

- 7.50 The Lambeth Magistrates Court building originally comprised a courtroom with offices (north side) and a cell block (south side). It is constructed of red brick in Flemish bond with stone dressing and a slate roof, of an asymmetrical design, varying between one and three storeys and with irregular fenestration. That the court is built in the Gothic Revival style and shows quality and finesse in its construction reflects the need for this municipal building to project a confident and authoritative image.
- 7.51 The building was extended in the 1930s and as a result the structure exhibits a series of distinctive rooflines. Inside, some of the cells remain unaltered, as does the Courtroom, which retains its original fittings. I have not seen these but they are documented.
- 7.52 As a court building, a large part of its value lies in the arrangement and character of the functional spaces, their sequence, grandeur or simplicity, and so forth. These interiors and the survival of plan elements contribute significantly to the special interest of the building as does the historic use. The building is now designated for community use and as a result of modern alterations some internal historic understanding and value of the building has been diminished.

Statement of Significance

- 7.53 The Former Magistrates Court is considered of special interest as a high-quality example of a Magistrates Court of the mid-19th century, one built in the Gothic Revival style and that was used for a new generation of court.
- 7.54 Certain architectural interest lies in the fact that some of the cells inside the building remain unaltered, as does the Courtroom, which retains its original fittings. These interiors and the survival of plan elements contribute significantly to the special interest of the building.
- 7.55 The value of the building is also connected to its place as part of a group ensemble along with other heritage assets on Renfrew Road, including the Lambeth Workhouse and Fire Station. Together these buildings form a grouping that is illustrative of typical Victorian urban municipal buildings. That these buildings were all constructed in the 1860s/70s reflects the coordinated development of this area with such a civic grouping. The Magistrates Court is also connected architecturally with the Workhouse: both are executed in variations of the Gothic style. A 20th-century police station on the west side of Renfrew Road (replacing a 19th-century police station) also adds somewhat to this civic ensemble.
- 7.56 Finally, the Gothic style of the building was adopted for all the new magistrates' courts, reflecting the association as between the UK's medieval past and its legal present, and notwithstanding the legislative not common-law basis for this new service. The medievalising style of court buildings, and the first amongst them, the RCJ in the Strand, reflects widespread historical ideas about the source of the British legal system in its medieval past. This was a vague kind of association, so contemporaries would not be troubled by the use of Elizabethan Revival for the courts and not the Romanesque style strictly associated with the time of Magna Carta.
- 7.57 Thus, the materials used, the varied profile of the building and the Gothic detailing are both distinctive and attractive and convey a symbolic content too, as well as the reflecting the house style of the reformed magistrates system.

K2 Kiosk outside Former Magistrates Court (Grade II)



Figure 5 – K2 Kiosk outside former Magistrates Court on Renfrew Road, looking east.

- 7.58 A telephone kiosk, of the K2-type designed by Sir Giles Gilbert Scott as part of a competition of 1924, is located to the south of the Former Magistrates Court on Renfrew Road. The K2 telephone kiosks were produced and erected on streets between 1926 and 1935. This kiosk features crowns to the top panel, this indicated that it was produced after 1926. The K2 kiosk was expensive to produce and costly to transport and as a result it was replaced with a more cost-effective design after 1935, the K3-type kiosk.
- 7.59 Around 2,000 K-type telephone kiosks in total are listed. Around 1,700 examples of the K2-type kiosk were installed in London between 1926 and 1935. 224 of these remain on London streets today and all are listed at grade II level. It is very rare to see a K2-type kiosk outside of London.
- 7.60 Practically speaking, these structures are stand-alone features with a distinct identity and design, instantly recognisable and mass produced. The site falls within its setting; however, the strong and singular nature of this piece of historic street furniture means that new development in its setting has no real impact on the ability to appreciate its significance. Essentially, and for efficiency's sake, I will say here that I do not see the proposals have any real impact on the significance of this K2, and so say no more about it evidence. I am hopeful the local authority will agree this in a Statement of Common Ground.
- 7.61 Red telephone kiosks of this type are considered “design icons”, instantly recognizable symbols of Britain. The historic association that these structures have with Sir Giles Gilbert Scott also adds to their historic interest (Gilbert Scott is also known for his work on Cambridge University Library. Liverpool Cathedral and the Palace of Westminster).

Statement of Significance

- 7.62 The telephone kiosk is considered of special interest for its artistic and functional design by Giles Gilbert Scott and for its status as an iconic marker of 20th century technological design.

Overall analysis of the setting of the CA and Listed Buildings and Contribution to their Significance

- 7.63 I have the following observations on the setting of the Renfrew Road CA and the listed buildings within it, and what the site contributes to an appreciation of their significance.
- 7.64 The Renfrew CA is bounded to the north, south and east by post-war and modern residential development. The LPA's appraisal (Renfrew Road CA Appraisal, 2007, **CD1/10**) identifies the late-20th century terraces on Renfrew Road as having a fragmented relationship with the historic buildings within the CA by reason of their materiality and form. By contrast, I judge the residential development by Bellway to the south and east of Master's House to be successful in its response to this part of the CA, the former workhouse and the listed water tower. Attractive views of the latter are created on the approach from the east from George Mathers Road and west from Dugard Way where its profile and landmark quality is appreciable.
- 7.65 I note that the experience of the CA from Renfrew Road is linear and relatively contained. Visibility and interaction with the interior part of the CA, centred on the Master's House, is limited from the west to fleeting views. I anticipate that the convoluted route through the residential development deters pedestrians from walking through the CA, limiting public engagement.
- 7.66 Views from within the CA, to the south, east and west are characterised by residential tower blocks. The listed buildings on Renfrew Road are all seen against a background comprising recent tall developments to the east and towards Elephant and Castle, including Strata SE1, the UNCLE building and 1 St Gabriel Walk.
- 7.67 The CA is experienced in a dynamic urban environment, comprising both low scale and tall development, and inclusive of areas that are positively identified for growth.
- 7.68 In relation to the CA, the Master's House and Water Tower, the site is a negative feature by reason of its poor design, non-complementary materials, low quality landscaping and hardstanding and poorly resolved boundaries. The presence of the former nursing home truncates free pedestrian access into and through the CA, impacting its permeability. These assets, their setting and an appreciation of their significance is harmed by the site in its existing condition.
- 7.69 The site is not intervisible with the Former Magistrates Court or the Telephone Kiosk, albeit it is a detracting feature of their setting.

Synthesis of the CA and Listed Buildings

- 7.70 The proximity and scale considerations relevant to the listed building are relevant to the CA assessment. It being a larger and more varied asset, I identify a low order of less than substantial harm and less than to the individual listed buildings. There are benefits countervailing that harm and which I have identified. They go to reducing the net harmful impact but not removing it.
- 7.71 Historic England have raised concerns about this impact. I consider the impact is overstated and for reasons which are set out clearly above. See **CD7/16** for their response. Likewise the HTVIA identified some less than substantial harm to these assets.
- 7.72 The proposals are relatively proximate to the nearest part of the tower, say c. 100 to 110 metres away, but is set obliquely to the street views of it, and there is common orientation as between them.
- 7.73 The dimensions of the building nevertheless mean it will be prominent in views of the listed building, seen over it, as one walks on the west side of Renfrew Road as one passes the historic fire station (the round-arched building, no harm is alleged to its setting).

- 7.74 At this point there are two service yards service yards, one for each historic building. The southern range of the court returns with some decoration. The yard itself is not particularly attractive.
- 7.75 The Magistrate's Court has a two storey return gable to the main section, but otherwise its architectural interest is focused on the front elevation. The building will be a noticeable addition to the skyspace above it, but not one without precedent first because tall anyone visiting the site is more or less moving to or from the Elephant and Castle and by routes where one sees tall buildings more widely. The influence is not pervasive, but the idea is reinforced regularly. Those buildings are in the existing view of the court already. A new tall building is, therefore, not in itself harmful and certainly would not appear incongruous, a point made severally in the application materials in this case.
- 7.76 However, the Appeal proposals are closer, and although lower than the UNCLE have a greater presence. Accordingly, I see that as causing a limited degree of less than substantial harm.
- 7.77 I get to this calibration of harm for these reasons. First, there is no impact on the historic associations of the court, as reinforced by the grouping with other public-services buildings. There is no impact on the architectural interest of the building. There is no material impact on views from the north side of the street, except for some limited is really important. There is no impact on views approaching from the north, on the west side of the pavement. The view impact is over a limited stretch of pavement on the west side, approaching from Kennington Lane. Therefore, on a strict proportional basis, before even taking design mitigation into account, the impact is limited. The design detailing does mitigate the impact but not, in my opinion, remove it.

8.0 HERITAGE TOPIC 2: WALCOT SQUARE CONSERVATION AREA AND THE LISTED BUILDINGS WITHIN IT

8.1 The listed buildings within the CA considered in my evidence include:

- Grade II listed Nos. 14-56 Walcot Square (evens) (discussed at 2.103 – 2.109 and 5.46 - 5.48 of the HTVIA);
- Grade II listed Nos. 27-81 Walcot Square (odds) (discussed at 2.103 – 2.109 and 5.46 - 5.48 of the HTVIA); and
- Grade II listed Nos. 18-28 St Mary's Gardens (evens) (discussed at 2.110 – 2.116 and 5.49 – 5.52 of the HTVIA).

8.2 **CD1/10** contains the adopted appraisal, and **CD1/11** reproduces the list schedule entries.

8.3 Walcot Square Conservation Area is treated in the HTVIA at 3.9 and 5.54 - 5.55. The relevant views identified in the HTVIA are Views 6a and 6b and View 7. The proposals are approximately 200 metres to the west of the CA.

8.4 The listed buildings in Walcot Square are broadly similar in their appearance, materials, character and age, as well as type, and the impact examined in this Appeal is less on them individually than on their group identity.

8.5 That group identity is enhanced by the unusual form of the square, and it is the ensemble which is subject to the effect. I appreciate the Inspector needs to consider each one individually. I am conflating the two designations because I consider that to be a fair way to understand them, based on my expertise and historical understanding.

8.6 The Renfrew Road CA and group of listed buildings within it is multifarious and varied. I am now moving on to talk about two collections of assets where the CA and listed building points overlap to a considerable degree and so I have applied a different structure to their analysis, touching first on the special interest and history of the heritage assets, before considering their setting and the contribution the site makes to this as a whole. I then turn to an assessment of the proposals on the CA and the listed buildings within it.

8.7 As above, I include below a number of photographs of the assets as I viewed them on a recent inspection. I have not, for reasons of file size and formatting, included the rendered images with this document. These are reproduced in the shared visual bundle and in the HTVIA (**CD2/13**).

Walcot Square Conservation Area



Figure 6 – Aerial View of Walcot Square CA. Application Site highlighted in red.

- 8.8 The Walcot Square Conservation Area was designated in 1968, and enlarged in 1980. That mid-Victorian date is surprising, given the character of the buildings, which might lead one to conclude an earlier date (which observation is not meant to denigrate the asset).
- 8.9 The CA is residential in character, with 19th-century terraces and grand houses. The area was designated in recognition of its “attractive garden squares and the disciplined and unpretentious early-19th-century housing”. Lambeth Council considers it “one of the most intact and architecturally coherent areas of late-18th and early/mid-19th development in Lambeth” and an illustration of “the character of London’s growth at that period”.⁵ Furthermore that:
- “[w]ith its combination of grand houses on Kennington Road and modest, tighter-grained terraces to the east, it usefully illustrates some of the earliest speculative residential development in the area and the changes brought about by the completion of the Westminster Bridge. The relationship between the landscape / gardens and the buildings creates an area of strong streetscape character, enhanced by good architectural detailing and a consistent palette of materials.”*
- 8.10 Westminster Bridge was completed in 1750 and due to a subsequent increase in traffic in surrounding areas an Act was passed to enable the repair and widening of certain existing road and to create new ones. Kennington Road was one such new road, laid to link Westminster Bridge to Kennington Common. Much of the road and surrounding streets were developed soon after, and especially in the early part of the 19th century.
- 8.11 By the 1890s the areas around Kennington Road were largely complete, with residential terraces and gardens, as well as some small pockets of commercial premises and industrial buildings.
- 8.12 Some remaining gaps in the development were filled in the 20th century: for example a mansion block of 1901 in Walcot Gardens, a block of flats with shops of the 1930s in Wincott Parade/Kenneth Court.

⁵ Walcot Square Conservation Area, Draft Character Appraisal, 2016, Conservation & Urban Design, Lambeth Planning Division.

- 8.13 During the Second World War the area suffered from bomb damage and thereafter followed a period of neglect and decline for the Walcot Square area. Investment in the area improved from the 1970s onwards.
- 8.14 Walcot Square and St Mary's Square are both included on the London Borough of Lambeth's Local Heritage List as open spaces of local architectural or historic interest. I consider that an assessment of the CA would encompass one on the open space, and so to avoid repetition combine them practically for assessment.

Statement of Significance

- 8.15 The Walcot Square CA was the subject of a 2016 Conservation Area Appraisal (draft, not yet adopted). The appraisal summarised the significance of the CA as follows:

The Walcot Square Conservation Area is one of the most intact and architecturally coherent areas of late 18th and early/mid-19th development in Lambeth. With its combination of grand houses on Kennington Road and modest, tighter-grained terraces to the east, it usefully illustrates some of the earliest speculative residential development in the area and the changes brought about by the completion of the Westminster Bridge. The relationship between the landscape / gardens and the buildings creates an area of strong streetscape character, enhanced by good architectural detailing and a consistent palette of materials.

14-32 and 46-50 and 52-56 Walcot Square (evens) (Grade II) and 27-81 Walcot Square (odds) (Grade II)



Figure 7 – Looking from the west into Walcot Square, with the south and north terrace and central green space visible.



Figure 8 – South side of Walcot Square.



Figure 9 – North side of Walcot Square and Grade II Nos. 27-81.



Figure 10 – North-west corner of Walcot Square.



Figure 11 – North side of Walcot Square looking east towards tall development in setting.

- 8.16 Walcot Square is considered by Lambeth Council as the principle garden square of the Walcot Square Conservation Area. Lambeth assert the “very strong sense of townscape” and the particular attractiveness of the “centre of the triangle, enclosed by reproduction iron railings”.⁶ The triangular form is, in my experience, unusual. I agree there is a strong sense of enclosure.

The Perceptual Dynamics of an Enclosed Space (as a precursor to the analysis of impact)

- 8.17 The implication of that spatial reality invites one of two approaches to the impact.
- 8.18 As to the first approach, one could take the view that an enclosed space is particularly susceptible to sight of external influences. In coming to that view one has to acknowledge and give weight to the fact that views out do contain some tall buildings, depending on where you look. There are external influences, and the consideration then falls to be whether the additional impact undermines the sense of the enclosure.
- 8.19 The second approach is to consider that the strong sense of enclosure is not easily undermined by views of things outside. In coming to this view, it is worth considering the experience of moving across the space and whether the buildings have any particular skyline features or strong compositional character. That is not the case here. The uniformity of the ensemble does not, in my opinion, create a sense of focus apart from the landscaped square, which one appreciates for its soft contrasting quality, verdancy and human scale.
- 8.20 I incline in this case to the second view. This is an unusual urban square, which has a robust sense of spatial enclosure and an unusual form that holds attention, and getting to it, and looking around it, one is already aware of what goes on outside.
- 8.21 The modelled views discussed above, Views 6a and 6b, and my analysis of the experience of looking out from the square are relevant to the following analysis.

History

- 8.22 The houses around Walcot Square were erected in the early to mid-19th century (c.1837-39), with different terraces executed by different builders to slightly different designs (9-81 by John Woodward of Paradise Street; 16-24 by Charles Newnham of Newnham Place, Paris Street; 26-50 by John Chapman of Waterloo Road). All are modest formal domestic properties of two or three storeys, “simply executed in stock brick and stucco” in a Classical style and with similar features such as black painted doors, stucco door surrounds, long casement windows and ornamental anthemion cast iron balconettes. The two-storey houses have a cornice band and parapet, sash windows with key blocks and stuccoed lintels. It is the front elevations of these properties that affords the terraces most architectural interest and gives them a cohesive character.
- 8.23 Numbers 14 and 34-42 Walcot Square were constructed following the Second World War in a style intended to mirror the existing houses. The London Borough of Lambeth considers this terrace to have group value with the adjoining statutory listed buildings and I agree
- 8.24 The central garden of Walcot Square is enclosed by railings, containing a central lawn and several specimen trees. This garden adds to the sense of this being an intact historic streetscape. The central garden square contributes in a positive way to the setting of the surrounding heritage assets, reflecting the particular residential character of this development in the 19th century.
- 8.25 The areas around Walcot Square contain some 19th century properties and some 20th century development. The buildings of a contemporary date contribute to the setting of the Walcot Square properties. Certain 20th century buildings can be seen above the roofline of some of the houses (for example the Imperial War Museum. The Shard, One the Elephant at Elephant Park and Highpoint). A consequence of the presence of these established buildings is that the listed building group in Walcot Square is now part of a wider and diverse townscape. The Water Tower of the Lambeth Workhouse complex is visible from Walcot Square. Having been built in the 1870s, this structure would have been historically

⁶ Ibid.

appreciable from the Walcot Square development from the time of its first being built. Yet the Water Tower does not reference the Walcot Square terraces architecturally.

Statement of Significance

- 8.26 The interest of these properties dating to c.1837-39 lies primarily in their value as an intact historic streetscape. The front elevations of the houses afford the complete terrace a cohesive character and the central garden adds to the sense of this being an intact historic streetscape. Overall the square is a good example of a typical middle-class residential development of the early Victorian period in London. I comment now on the individual listed building groupings.

18-28 St Mary's Gardens (even) (Grade II)



Figure 12 – East side of St Mary's Gardens.



Figure 13 – North-east corner of St Mary's Gardens.



Figure 14 – Views eastwards from north side of St Mary's Gardens towards Elephant and Castle.



Figure 15 – Views eastwards from north-west corner of St Mary's Gardens towards Elephant and Castle.

- 8.27 The construction of this triangular garden square began in the mid-19th century.
- 8.28 The terraces of the north and east sides were built first. These Classically-influenced townhouses are of two-storeys with high parapets and they are notable for their "intact historic detailing which includes, stucco door surrounds, and tall casements with ornamental anthemion cast iron balconettes and railings".⁷
- 8.29 The houses of the west side were constructed in the later part of the 19th century and are executed in an Italianate style. They contrast with, and are more imposing than, the houses of the north and east side of the square, being of three storeys with semi-basement, high parapets, stucco bays, door surrounds and attractive railings.
- 8.30 The design of the houses reflects a general preference for the application of Classical motifs to domestic architecture in the 19th century: linking to the aspirations and preferences of the intended occupants.
- 8.31 The central garden of the square is enclosed by railings with a central lawn.
- 8.32 Numbers 1-4 and 14-17 St Mary's Gardens were constructed following the Second World War in a style intended to mimic the existing houses. The London Borough of Lambeth considers this terrace to have group value with the adjoining statutory listed buildings.
- 8.33 Certain 20th century buildings can be seen above the roofline of some of the houses (for example the Imperial War Museum. The Shard, One the Elephant at Elephant Park and Highpoint). A consequence of the presence of these established buildings is that the listed building group in Walcot Square is now part of a wider and diverse townscape.

⁷ Ibid.

Statement of Significance

- 8.34 The square, with its mid-19th century townhouses (displaying intact historic detailing) and central garden enclosed by railings, retains a sense of its historic streetscape and is a good, intact example of the kinds of development middle or professional class people were aspiring to reside in at the time they were built. Overall the square is a good example of a typical middle-class residential development of the early Victorian period in London.

The Setting of the CA and Listed Buildings and Contribution to their Significance

- 8.35 At present the site makes no real contribution to the significance of the CA or the listed buildings within it.

Synthesis of the CA and Listed Buildings

- 8.36 To a greater extent even than was the case with Renfrew Road, the individual listed building at issues in the CA have a shared identity which amplifies the scale and presence of each individual element. Their shared identity and presence is reinforced further by the well enclosed nature of the town-planning arrangement
- 8.37 This is a well-defined environment. Views out from this well-defined environment to different things, in this case tall buildings, and the proposals, are not the source of harm per se. The proposals appear closer to the listed buildings and CA than the existing features at Elephant and Castle, but they are visually associated with it, and there are gaps between parts of the existing cluster and the proposed so there is no continuous overtopping of the skyline.
- 8.38 For the reasons, set out in part earlier, but also here again in summary, I find no harm to the ability to appreciate the history of the ensemble or its spatial character and quality. The design detailing of the building, already described, goes to achieving its visual integration and the avoidance of harm.
- 8.39 I note, furthermore, that in other parts of the Borough there are similar views out from enclosed environments to larger buildings.
- 8.40 This is the effect recognised, I believe, by the Borough from development within the Waterloo Opportunity Area from the Roupell Street CA. I have direct experience of this from advising on the Elizabeth House proposals (application ref. 12/01327/FUL).
- 8.41 On this topic I add further, and it is obvious, that no individual coming to Walcot Square, or indeed to any of the other assets addressed here, is magically transported to them down from a starship. Our appreciation of townscape is something built up as we move across a place and in memory. Expectations and wider experiences affect perception and what we find incongruous or overbearing or not.
- 8.42 On my evidence, then, the terms of the Framework 193 are met, and also the statutory test, will cognate development plan policies that flow from that.
- 8.43 I note Historic England have raised concern over this impact (see **CD7/16**). My reasons for finding differently are set out above.
- 8.44 The HTVIA found a degree of less than substantial harm in respect of these assets, at paragraphs 5.51 and 5.55. Its reasons were that the contrast between the historic townscape within the CA and setting of the listed buildings and development in the wider, evolving urban setting would be sharpened and that the proposals would introduce a new element on the skyline which would provide visual distraction.
- 8.45 My conclusions are based on a different judgment, and an appreciation of the wider experience of the asset. I have set these out above.

9.0 HERITAGE TOPIC 3: WEST SQUARE CONSERVATION AREA AND THE LISTED BUILDINGS WITHIN IT

- 9.1 The listed buildings within the CA addressed in this evidence are nos. 20-45 West Square (consecutive).
- 9.2 These are discussed at 2.152, 2.156, 5.59 to 5.62 of the HTVIA:
- Grade II listed Nos. 20-45 West Square (consecutive) (discussed at 2.152 – 2.156 and 5.59 – 5.62 of the HTVIA).
- 9.3 The adopted appraisal is reproduced in **C1/10** and the list entries from the statutory schedule are reproduced in **CD1/11**.
- 9.4 West Square Conservation Area is treated in the HTVIA at 3.9 and 5.68 – 5.70. The relevant views identified in the HTVIA are Views 5a, 5b and View 8.
- 9.5 The proposals are approximately 130 metres north of the CA.
- 9.6 I have taken the same approach to the structure of the following section as at Heritage Topic 2. First, I touch on the special interest and history of the assets, and then consider their setting as a whole. I then turn to an assessment of the proposals.
- 9.7 I include below a number of photographs of the assets as I viewed them on a recent inspection. The rendered images of the proposals are reproduced in the shared visual bundle and in the HTVIA (**CD2/13**).

West Square Conservation Area



Figure 16 – Aerial view of West Square CA. Application Site highlighted in red.

- 9.8 Southwark Council considers the West Square Conservation Area “a notable example of high quality late Georgian and mid-19th century townscape, with a number of significant public buildings.” I agree.
- 9.9 The Imperial War Museum, and the Geraldine Mary Hamsworth Park surrounding it, lies at the centre of the CA. Also in the CA is St George’s Roman Catholic Church (Cathedral), designed by A.W. Pugin and built 1841-49. As an aside, the Inspector may be interested to know that Pugin’s favourite builder, George Myers, occupied one of the terraced houses opposite which is marked by an official blue plaque.
- 9.10 Much of the areas within the West Square CA was developed in the 18th and 19th centuries. The construction of Westminster Bridge in 1739-50 and Blackfriars Bridge in 1760-9 encouraged the development of land south of the river from the mid-18th century onwards. New roads were laid out and building leases were granted to construct residential areas following rapid population growth thereafter. This development intensified in the 19th century and in addition to terraced housing, new churches, schools and other institutions were built in the West Square Conservation Area. By the end of the 19th century, as well as domestic properties the CA also contained buildings intended for educational, religious and community use, as well as museums, public houses and restaurants. Some parts of the CA were damaged by bombing during the Second World War and redeveloped in the later 20th century.
- 9.11 Between 1812 and 1815 the Bethlehem Hospital was constructed on St George’s Field, one of the first institutions in Europe then known as “lunatic asylums” (now considered psychiatric hospitals). Designed by James Lewis, the building was altered between 1835 and 1844-46 by Robert Smirke. This building was further altered in the 1930s and the surviving central section became the Imperial War Museum in 1936.
- 9.12 West Square CA is surrounded by a variety of townscapes, ranging from well-defined streets with quality 18th, 19th and 20th century houses to large modern town centre buildings (e.g. Elephant and Castle town centre).
- 9.13 The CA is divided into character areas (sub-areas), each containing groups of similar buildings:
- West Square and St George’s Road;

- Albert Triangle; and
- Hayles Street and Brook Drive.

9.14 The CA is generally flat with terraced housing lining streets. Certain major landmarks can be seen in views from the Geraldine Mary Harmsworth Park: the Imperial War Museum, St George's Cathedral and St Jude's Church. Other views from the CA include those towards the adjoining Elliott's Row Conservation Area, the 20th century developments of the Elephant and Castle town centre, and a diverse and dynamic urban area further beyond, for example the modern developments in the borough of Lambeth.

Statement of Significance

9.15 The West Square CA was the subject of a 2013 Conservation Area Appraisal. The appraisal summarised the significance of the CA as follows:

The West Square Conservation Area is a notable example of high quality late Georgian and mid-19th century townscape, with a number of significant public buildings. The Imperial War Museum, with its surrounding parkland; Geraldine Mary Harmsworth Park, is the centrepiece of the conservation area. St George's Roman Catholic Cathedral is another important building.

20-45 West Square (20-24, 25-28, 29-45) (Grade II)



Figure 17 – West side of West Square.



Figure 18 – East side of West Square.



Figure 19 – West side of West Square.

- 9.16 West Square was laid out from 1794 and completed by 1810, it is therefore “one of the earliest surviving Georgian squares in south London.”
- 9.17 The Georgian townhouses, arranged in terraces, are good-quality houses: they were intended to house the professional and middle classes of the early 19th century. The listed buildings are those at the west, south and east corners of the square.

- 9.18 Other houses of the square are of a later date, but they add to the wider streetscape of West Square with their principle elevations. In 1884 the Charlotte Sharman School was constructed, replacing numbers 1-5 of West Square terrace on the north-west side and interrupting the uniformity of the square. The north-east corner of the square was reconstructed in a neo-Georgian style following damage during the Second World War.
- 9.19 The houses of West Square are generally uniform and mostly of three storeys, with a basement level. Some have been enlarged with the addition of mansard roof extensions, this fourth floor addition breaks the continuity of the skyline somewhat. The houses are constructed of yellow stock bricks, with stucco dressings, dentil cornicing to parapet roofs, and recessed sash windows with gauged flat brick arches. Numbers 29-32 have their upper floors rebuilt, cornices removed and parapets raised, and number 45 has a stuccoed cornice and blocking course. The houses are constructed of similar materials and are of a similar scale and character in their architecture: this creates a unified composition and picturesque grouping. Other features include pediments and eaves cornice detailing. The houses are more elaborate than those in Walcot Square, and are older reflecting the first phase of intensive, speculative development of the area whose fortunes began to change in the late C18 and early C19.
- 9.20 The houses are arranged around a formal central garden square, enclosed by railings with paths, trees and flowerbeds. There is limited access to the formal square from the north and south, affording the square a sense of privacy and reducing traffic through the square. It feels enclosed and insular, and as a result the wider townscape does not add to the significance of the heritage assets by enhancing their setting in any way.
- 9.21 Views of the wider surrounding townscape from the CA are limited due to the established orientation, pattern and proportions of this square, but they are possible: developments of tall buildings to the east and south-east of the square can be glimpsed, though they are much screened by mature planting in the non-winter months. Modern taller buildings are therefore already established in the wider setting of the heritage assets in West Square.

Statement of Significance

- 9.22 The significance of West Square lies in its historical and architectural value: it is one of the earliest surviving Georgian squares in south London, built between 1794 and 1810. Architecturally the terraced houses create a unified and picturesque grouping. The houses and central garden form an intact historic streetscape, a good example of a Georgian square intended to house the professional and middle classes of early C19 century London.

The Setting of the CA and Listed Buildings and Contribution to their Significance

- 9.23 The site is not visible from the CA or listed buildings within it and at the moment and makes no material contribution to their significance.

Synthesis of the CA and Listed Buildings

- 9.24 In respect of West Square, many of my earlier comments are apposite.
- 9.25 West square has had its character eroded on the north side and is less complete than Walcot Square, losing a degree of its consistency and enclosure.
- 9.26 Nonetheless, the landscaped centre, the entrances into the square and the consistent architecture, give the grouping a strong and well-designed character. Consequently, the CA has a robustness of form that needs to be taken into account when assessing impacts, an interaction with the surrounding townscape of a kind I have already described at paragraph 9.21 and which I do not need to repeat here.
- 9.27 Turning to the GPA3 guidance, then, at **CD1/24**, I note the buildings are proximate to the asset, such they appear in views out from it in varying degrees and as one moves south from the park. I refer the Inspector to my earlier discussion of the sequence of views 3, 4, 5a and 5b, from paragraph 6.92.

- 9.28 I do not repeat that analysis here because the same observations on how one experiences the townscape as a listed asset apply equally here, albeit of course recognising the particular planning sensitivity that goes to this form of assessment.
- 9.29 Notwithstanding that, and similarly to my analysis on Walcot Square: the strong spatial enclosure of the square, the product of its distinctive architecture, the focus of it on the garden, the fine detailing that attracts the eye, and the presence, already of tall buildings in various views, combined with an awareness of the wider environment, all lead me to conclude that the proposed tower scale, height, bulk and mass is not harmful to the significance of this asset or the ability to appreciate that. None of its historic interest is touched. Its architecture is not affected. Its setting does not embody its value or significance. The tower seen in combination with the others does not overbear on an incremental basis either.

10.0 HERITAGE TOPIC 4: LAMBETH PALACE CONSERVATION AREA AND THE LISTED BUILDINGS WITHIN IT

- 10.1 The listed buildings within the CA addressed in this evidence are as follows:
- Grade I listed Lambeth Palace; and
 - Grade II* listed Church of St Mary⁸.
- 10.2 Neither the Council nor Historic England requested any more detailed form of assessment beyond the visualisations prepared for the VIA part of the HTVIA (Views 1a to 1c). I note here, and mindful of the very great sensitivity of these assets, that HE have not identified any harm to their significance by reason of visual-setting change.
- 10.3 The proposals are approximately 700 metres from the CA, and the intervisibility as between the development and the viewpoints is c.1.3-1.4 kilometres.
- 10.4 The adopted appraisal is to be found at **CD1/10** and the list entries from the statutory schedule at **CD1/11**.
- 10.5 Given the distances involved, and the central London setting of the Palace, and taking into account the marginal intervisibility with the proposals, I am surprised that the LPA has identified these important assets as part of the RfR.
- 10.6 In making this observation, which I do not make lightly, I am mindful of the position which the LPA has taken in regards to numerous decisions, including that of Elizabeth House (application ref. 12/01327/FUL), which I have already noted, and more appropriately perhaps, the regeneration of 8 Albert Embankment (appeal refs. APP/N5660/V/20/3257106 & APP/N5660/V/20/3254203). In the latter case, the Council is content with supporting two towers behind and in the backdrop setting of an important Grade II listed building, the interwar headquarters of the London Fire Brigade.
- 10.7 This is currently subject to a call-in Inquiry in which I am preparing alongside Lambeth in supporting its resolution to grant consent.
- 10.8 Notwithstanding that, obviously this is a sensitive asset and I will assess it in the fullest terms.
- 10.9 In this section I follow the same structure as at Heritage Topic's 2 and 3: first I consider the history and significance of each asset in turn, followed by a consideration of their setting as a whole. I then turn to an assessment of the proposals.
- 10.10 As above, I include below a number of images of the assets. I have not, for reasons of file size and formatting, included the rendered images in the written part of my proof. These are reproduced in the shared visual bundle and in the HTVIA (**CD2/13**).

⁸ *Erroneously identified as a Grade II listed building in the LPA's SoC but it is in fact Grade II*. It is deconsecrated and serves a community purpose, as the Gardens Museum, and its churchyard has been landscaped as part of this change of use.*

Lambeth Palace Conservation Area



Figure 20 – Aerial view of Lambeth Palace CA.

- 10.11 The Lambeth Palace Conservation Area (CA) was designated in 1968. It originally consisted only of Lambeth Palace and its grounds. The area was extended several times and certain parts of it were removed in order to be incorporated into other conservation areas. The CA boundary was last changed on 18 July 2016.
- 10.12 Today, the Lambeth Palace CA primarily encompasses the land historically associated with Lambeth Palace. The focal point of the CA is the medieval complex of buildings of Lambeth Palace (Grade I listed). The CA also includes the former Church of St. Mary (now housing the Garden Museum) and a number of open spaces: the large private garden of Lambeth Palace; the public park of Archbishop's Park (a locally designated open space); the smaller historic burial ground of Old Paradise Gardens; and the historic churchyard of the Church of St. Mary.
- 10.13 Lambeth Palace was originally a manor house, in place on the site of Lambeth Palace by 1090. When government was centralised and began to meet in Westminster under William II the manor house became the residence of visiting Archbishops of Canterbury. Because of this, the Palace site has a strong physical and constitutional relationship with the Palace of Westminster where meetings of government were held. From the very early time of the Archbishop's residence at Lambeth Palace there was a ferry running to Westminster and a dock on the south side of the river, known as Lambeth Stairs.
- 10.14 By 1197 the entire Lambeth Palace site was in the possession of the Archbishop of Canterbury and a series of buildings had been erected here, collectively known as the 'Archbishop's Houses'. In 1513 the Archbishop granted permission for a horse ferry, enabling better transportation to Westminster (including the transport of horses and coaches).
- 10.15 In the medieval period the area around the Palace was predominantly rural, served by the church of St Mary. In 1750, Westminster Bridge was completed and this encouraged the development of the open land in Lambeth Marshes. Other glebe land and waste land around the Palace was developed for residential and commercial use from 1778 onwards. From the 1820s the Archbishop was permitted to grant long building leases for land adjoining the Palace and this led to further development in areas around the complex.
- 10.16 The railway line from Nine Elms was extended to Waterloo in the 1840s and the viaduct at Carile Lane was constructed. The railway line was later widened as it became more popular.

- 10.17 The first Lambeth Bridge was constructed in 1862: this was a suspension bridge designed by P.W. Barlow. The bridge was rebuilt in 1932 to the current design, designed by Sir George Humphreys, Sir Reginald Blomfield and G. Topham Forrest.
- 10.18 The Albert Embankment was constructed 1866-1870, when a good deal of medieval steps, wharfs and riverside buildings on the banks of the Thames were demolished in order to make way for the new scheme, led by Sir Joseph Bazalgette. This resulted in the creation of a formal riverside walkway. Morton Tower, part of the Palace complex, gained a landscaped embankment.
- 10.19 By the end of the 19th century the old Lambeth village had all but disappeared, being incorporated into the wider city and transformed into an urban area. Following the Second World War many urban areas around the Palace were redeveloped.
- 10.20 In the early-20th century the Archbishop gifted much of the parkland surrounding the Palace to the people of Lambeth, resulting in the formation of the public Archbishops Park. This large open space around the Palace is an important public area and the gardens are designated as a Registered Park and Garden at Grade II level.

Statement of Significance

- 10.21 The Lambeth Palace CA was the subject of a 2017 character appraisal, the introduction to which summarises its significance thus:

'Lambeth Palace's substantial private gardens and the adjoining Archbishop's Park encompass a large proportion of landscaped open space which, being so close to the centre of the city, has great importance as an amenity space, public park and habitat. The conservation area also looks out in part to London's exceptional river frontage which allows views of the Palace of Westminster which is the key landmark in the internationally significant Westminster World Heritage Site.'

Lambeth Palace (Grade I)



Figure 21 – Morton's Tower at Lambeth Palace.



Figure 22 – Interior courtyard at Lambeth Palace.

- 10.22 Lambeth Palace is a complex of historic ecclesiastical and residential buildings dating from the 13th to the 19th centuries. The complex comprises a great hall (library), chapel, gate house, domestic accommodation/house and cloisters.
- 10.23 In the 11th century a manor belonging to the monks of Rochester Cathedral Priory stood on the site, along with a church with strong links to Rochester Cathedral. This manor was customarily used as accommodation for visiting Archbishops of Canterbury.
- 10.24 By 1197 the manor was in the possession of the Archbishop of Canterbury and a series of new buildings has been erected to enlarge the structure. The earliest parts of the Palace surviving today date to the 12th century: the chapel crypt survives from this period. In 1262 Archbishop Boniface received papal permission to build the current Lambeth Palace. The tower, the chapel, the Guard Room, and the crypt are the only medieval sections of Lambeth Palace that remain.
- 10.25 Owing to the use of the Palace by the Archbishop as his primary residence in London in order to attend meetings of government in Westminster, the building has always maintained a strong physical and constitutional relationship with the Palace of Westminster. Each can be seen from the other across the River Thames.
- 10.26 The Peasants Revolt of 1381 caused much damage to the Palace as a result of fire and it was necessary to rebuild. In fact, continued renewal, refurbishment, reconstruction has been a consistent theme in the history of the Palace as it has been damaged, rebuilt and enlarged many times in its history. The Palace has therefore undergone various phases of development as different Archbishops developed different parts of the complex: for example, Lollard's Tower was completed in 1435, Morton's Tower in 1490 and the Gatehouse in the 1480s.
- 10.27 The Great Hall of the Palace was rebuilt in 1616 and in 1660 it became the principle residence of the Archbishop of Canterbury in London, the location of his prerogative court and extensive library and archive. At this time the Palace was increasingly used for royal occasions and proclamations; royal weddings occasionally took place at the palace and treaties were often signed there.
- 10.28 During the English Civil War (1642-1651) the Palace was commandeered by the state for use as a prison. Following the Restoration of the monarchy the Palace was repaired and refurbished.

- 10.29 The Palace was rebuilt and restored once again in the 1830s by architect Edward Blore: older parts of the complex were demolished and replaced with buildings in the Neo-Tudor style (e.g. the Blore Buildings). The Great Hall was repurposed as the library at this time.
- 10.30 Damage to the Palace from bombing during the Second World War necessitated restoration work, carried out by architects Seely & Paget in the 1950s. The Palace was first designated as Grade I in October 1951.
- 10.31 The river front, which sits to the east of the Lambeth Palace Road, consists of two medieval towers flanking the Great Hall, a gothic range which sits back from the adjacent buildings. The gatehouse, Morton Tower, forms the principal entrance into the Palace and is a landmark building on the approach to the Palace from Lambeth Bridge and the south: it was built at the very end of the 15th century and is one of a number of buildings in the complex that have survived from this time (the Guard Room, the Chapel and Crypt being the others). Morton Tower is red brick, with black brick diapering and two wings each side of the central gateway. Internally, it features high quality woodwork including a panelled room with 17th-century wall paintings.
- 10.32 From the medieval period the Palace was surrounded by extensive private gardens: as well as formal gardens and a park there were also working gardens, vegetable plots, orchards, vineyards, herb gardens and fish ponds.
- 10.33 From the medieval period onwards the park around the Palace was a large landscaped open space, it has been re-landscaped many times over the course of its history. This park is now a public park: known as the Archbishops Park. From here views of the Palace of Westminster and the Westminster World Heritage Site are possible.
- 10.34 Today the Palace remains the London residence of the Archbishop of Canterbury, who visits frequently to carry out his ministry, receive guests and perform royal duties. The library of the Palace is extensive and of international importance: it is one of the oldest public libraries in the UK and houses the most important ecclesiastical collection of rare books and manuscripts outside of the Vatican Library. It is the main centre for research on the history of the Church of England.
- 10.35 The immediate setting of the Palace is relatively contained in nature: it sits within walled grounds, which form a Registered Park and Garden (Grade II). The buildings of the Palace sit at the southwest of the RPG, and face into a central courtyard (save the two medieval towers which face onto Lambeth Palace Road).
- 10.36 Morton Tower, at the south-western corner of the site, has a more open setting: it is fronted by an area of hardstanding which opens out onto the Lambeth Palace Road and a roundabout linking this road with Lambeth Road, Lambeth Bridge and Albert Embankment. This is a busy junction and gives this part of its setting a busy character. St Mary's Church (see below) stands adjacent to the tower on the southeast side and the two buildings form an attractive group.
- 10.37 To the south of the Palace, on the opposite side of Lambeth Road, modern development have been constructed (for example No. 1 Albert Embankment / Parliament View Apartments). These developments contrast with the immediate historic setting of the Palace.
- 10.38 The River Thames forms a key part of the setting of the Palace: its two medieval towers and Great Hall would have formed an attractive group of buildings when approached from the River Thames, before the Embankment was built. The site of the Palace was chosen due to its proximity to the Palace of Westminster and the Royal Court. This functional relationship with the Palace of Westminster has now been lost, but the two sites still share a visual relationship across the River Thames: this can be seen in conjunction from Lambeth Bridge and other key views. These views are recognised in the London View Management Framework.
- 10.39 To the north, the Palace is set within the Archbishop's Park, which provides a buffer of greenery between the Palace and the busy, dense townscape as one moves north along Lambeth Palace Road towards Waterloo Station.

Statement of Significance

- 10.40 Lambeth Palace is considered the principal ancient monument of Lambeth. It has considerable architectural and historical significance owing to its age, built form and association with the monarchy and Archbishopric of Canterbury: Lambeth Palace is the official seat of the Archbishop of Canterbury, representing the “church” as the symbolic centre of the governance of the Church of England. The Palace is a centre for religious worship: this makes the site of significant historic and cultural significance for Anglicans worldwide.

Church of St Mary (Grade II*)



Figure 23 – Church of St Mary.

- 10.41 Records of a church dedicated to St Mary's Church on the Lambeth bank of the Thames exist from pre-Normal times. At first the church was highly connected to, and adjoined Lambeth Palace (the rectors being chaplains or part of the household of the Archbishop). The church also served the local population of the old village of Lambeth.
- 10.42 The ragstone tower of the church dates to 1374-77, considered to be the oldest church tower in the borough of Lambeth.
- 10.43 A good deal of the church was demolished in 1851 and rebuilt in 1852. The design, by Philip Charles Hardwick, retained several medieval parts of the church (including the tower, monuments and churchyard). A stone wall with gates and railings was installed around the churchyard at this time.
- 10.44 A number of local Lambeth residents of note are buried in the churchyard, this includes Admiral Bligh and John Tradescant the elder. The collections of natural history and ethnography that eventually formed the Ashmolean Museum were formed

by John Tradescant the elder (1570–1638) and his son, John Tradescant the younger (1608–1662), gardeners to King Charles I in the early-17th century. Their Musaeum Tradescantianum was displayed in a large house, 'The Ark.' in Lambeth where it could be viewed by members of the public for a small fee.

- 10.45 The churchyard of St Mary's has never been cleared and retains a Georgian character, having been closed for burials in the 1850s. This character is overlaid with modern garden planting that reflects the didactic theme of the current use.
- 10.46 In 1972 St Mary's Church was deconsecrated and was deemed suitable only for demolition. Instead of demolition, however, the building was saved and used as the venue for the Museum of Garden History, which opened in the late 1970s. The subject of the museum links with the work of John Tradescant.
- 10.47 The building was refurbished and adapted in the 2000s to provide additional space for museum exhibitions, this work won Building Design magazine's 'Refurbishment of the Year Award' in 2008.

Statement of Significance

- 10.48 The Church of St Mary has historical and architectural significance. Certain medieval parts of the church remain, this includes the ragstone tower of 1374-77 (considered to be the oldest church tower in the Borough of Lambeth). Except for the crypt of Lambeth Palace, the church is the oldest structure in the Borough of Lambeth.
- 10.49 The burials and monuments within the church and churchyard record 950 years of community history, with connections to a number of residents of note (including Admiral Bligh, John Tradescant and Sir Henry Doulton). Several monuments and tombs are of significant quality. The church also contains an immersion font, inserted in the early 20th century and thought to be one of only two examples in Anglican churches in England.

The Setting of the CA and Listed Buildings and Contribution to their Significance

- 10.50 The site is not visible from the CA or the listed buildings within it and makes no contribution to their significance or an appreciation of it.
- 10.51 There are views of modern and tall development in the nearby opportunity area at Vauxhall and Nine Elms, and from many parts of the CA land, including within the Palace's own gardens. No impact is identified from here.
- 10.52 The setting of the palace by the river obviously contributes to its significance and its position close by the landing of Lambeth Bridge gives it a certain prominence notwithstanding the general increase in scale in the local area.
- 10.53 From the Westminster Embankment opposite, and out from Victoria Tower Gardens, an RPG in the setting of the Westminster WHS, and from the road nearby (bridge approach), one sees taller buildings over distance in the background of the Palace complex already, interacting to some extent with the tower of the Church.
- 10.54 I understand no party has alleged this setting context harms the appreciation of this fine asset's multifarious tiers of historic, architectural, archaeological and artistic significance. Hence, I do not see the LPA is making a point about incremental change.

Synthesis of the CA and Listed Buildings

- 10.55 In summary, I cannot see how any of the rich and varied significance I have identified above could in any way be undermined by the proposals.
- 10.56 The separating distance as between the modelled views, the Palace and the proposed tower will produce motion parallax as one moves in the scene, and setting depth more generally. The historic asset's strong relationship is with the river and the bridge, which create a foreground context that holds attention. The scale of the tower's impact behind is limited, and not much greater than the tree line in parts. The effect will be perceptible and therefore significant for planning purposes, but practically unnoticeable even if it were not harmful for the reasons just given.

- 10.57 I am fortified in my conclusions on this point when I reflect on the fact that HE raised no objection to the impact which is now a concern to Lambeth.
- 10.58 I remind the Inspector of HE's particular role in advising Local Authorities and the SoS on impacts on the significance of highly graded assets.
- 10.59 Obviously, I have formed a different view to HE in relation to the different assets and set out my reasons for this earlier.
- 10.60 Therefore, in conclusion, I find the great weight provision of the Framework complied with, and with it, therefore, all cognate policies in the development plan.

11.0 POLICY CONSIDERATIONS

- 11.1 I start with the heritage RfR in this summation because any harm on designated assets is weighted harm, as explained in my Section 5.0.
- 11.2 I have explained my findings in relation to the statutory tests (Sections 66 (1) and 72 (1) and in relation to the set of policies at Framework 193 to 196.
- 11.3 In summary, I agree with the LPA that the proposals cause less than substantial harm to two listed buildings in the Renfrew Road CA (the Master's House and Magistrate's Court) and to the Renfrew Road CA which comprises them.
- 11.4 I disagree with the LPA as to the extent of harm within the less than substantial scale. I put it low, for the reasons explained, and they put it higher.
- 11.5 I assume in forming this view the LPA accept at least some benefits arising from the urban design of the site. But they may not. Similarly, the parties appear to be at odds over the relevance or not of the offer of a long leasehold interest forming part of the grant of any consent to the Cinema Museum. I treat this as comprising a modest benefit. I leave the matter as to weight to Mr Considine, and I adopt his position, offering an opinion on the leasehold as a heritage benefit.
- 11.6 I identify no harm at all to the other three asset groupings identified in the LPA's RfR and SoC.
- 11.7 As to the relevant local plan policies, and particularly Q20 and Q22, these do not support any harm to any aspect of a LB or CA's significance. Those policies do not have the balancing provisions presented in the Framework. This is not so with the Intend to Publish version of the London Plan (2019).
- 11.8 As to the design reason, RfR 4, there is no agreement between my conclusions and the LPA's. For reasons set out in summary analysis at the end of Section 6.0, I conclude that the proposals represent design of the highest quality, both as to architecture and urban design, and so meet all the relevant cited policies in Section 5.0 and the reason.
- 11.9 I do not consider that Q14 is applicable, on backland development, so say no more about it and for reasons discussed in Section 5.0.
- 11.10 The policies on design in the cascade all cite context as a relevant consideration, and objectors to proposals acknowledged to cause some harm will sometimes assert that this fact means that one or another set of proposals cannot comprise design of the highest quality for that reason.
- 11.11 I do not think that is the right approach as a matter of principle. The object of good design in a planning context is to balance out competing objectives in the pursuit of sustainable development and optimisation. That balancing out does not mean causing no harm.
- 11.12 I do not appraise all parts of the development plan, leaving that to Mr Considine.
- 11.13 It follows then that on my evidence the proposals meet the terms of Q5, 6 and 7. I do not comment expressly on Q9, which is a landscape policy, leaving that to another witness.
- 11.14 As to Q26, the tall buildings policy, I note that the proposals are not located in an area deemed inappropriate for tall buildings, and that whilst there is an impact on heritage assets identified in my evidence that in itself needs to be understood in the overall balance. I leave that to Mr Considine's analysis.
- 11.15 I consider my analysis does demonstrate that the proposals achieve design excellence, and I direct attention not just to the submitted information but to the design development work Mr Graham has done, which shows how the framework that defines the main attributes of Block B can successfully be developed at the next stage. My analysis has furthermore demonstrated the positive contribution to the skyline. Aligned to Q26 is Q25, on views, and part 3 on 'Roofscape Views'.

I have treated these impacts in my consideration of the heritage case against the Appeal and say no more about that policy here (again deferring anyway to Mr Considine who carries out a full policy appraisal).

- 11.16 It follows, therefore, that on my evidence that the proposals meet the design requirements of the Intend to Publish version of the London Plan (2019), reading these in tandem with the Framework on heritage (and that part of the development plan has been formulated with the requisite balancing provisions anyway).
- 11.17 I think it is helpful to conclude with the Framework's policy on good urban design, paragraph 127. I conclude the proposals will add to the overall quality of the area for the lifetime of the development, providing good and visually attractive architecture and effective landscaping. For the detailed reasons set out in Section 6.0, I conclude that the proposals are sympathetic to local character, whilst introducing a new element that optimises the site potential. The combination of high quality architecture and landscape will create a strong sense of place, reinforcing that sense already conveyed by the heritage assets on and near the site.

12.0 SIGNED AFFIRMATION

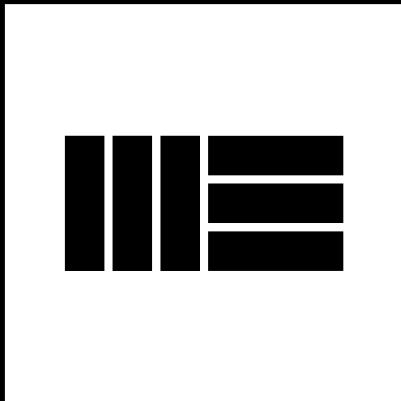
- 12.1 I confirm that, insofar as the facts stated in my PoE are within my own knowledge, I have made clear which they are and that I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion.
- 12.2 I confirm that my PoE includes all facts which I regard as being relevant to the opinions that I have expressed and that attention has been drawn to any matter which would affect the validity of those opinions.
- 12.3 I confirm that my duty to the Inspector and the SoS as an expert witness overrides any duty to those instructing or paying me, that I have understood this duty and complied with it in giving my evidence impartially and objectively, and that I will continue to comply with that duty as required. I confirm that I am neither instructed, nor paid, under any conditional fee arrangement by the Applicant.
- 12.4 I confirm that I have no conflicts of interest of any kind other than any already disclosed in my PoE.
- 12.5 I confirm that my PoE complies with the requirements of the Royal Town Planning Institute, as set down in the revised Royal Town Planning Institute guidance 'Chartered Town Planners at Inquiries – Practice Advice Note 4'.
- 12.6 I confirm here that I am not advising the Applicant on any other site it is promoting.
- 12.7 My signature below confirms my acceptance of the above duties.



Dr Chris Miele MRTPI IHBC
Senior Partner
Montagu Evans LLP

Date: Saturday, 17 October 2020

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WE CONSIDER OUR CREDENTIALS, HOW WE HAVE STRUCTURED OUR BID AND OUR PROPOSED CHARGING RATES TO BE COMMERCIALY SENSITIVE INFORMATION.
WE REQUEST THAT THESE BE TREATED AS CONFIDENTIAL.