

Representation	Officer Response
<p data-bbox="185 316 488 344">Annex 4: Borough Views</p> <p data-bbox="185 355 784 421">Organisation: Friends of One Tree Hill Committee NSPPSV404</p> <p data-bbox="185 464 1104 671">To make detailed comments in response to L.B.Southwark’s consultation about the view of St. Paul’s Cathedral from various significant viewpoints is difficult without specific details about the buildings planned, including their proposed height and the density of new structures. So this response is to set out the significance and history of the view of St Paul’s Cathedral from the top of One Tree Hill, SE23.</p> <p data-bbox="185 715 1115 890">At the outset it is important to contextualise the view of St Paul’s in London, since until 1963 it had been the tallest building in London for some 300 years. The more recent 55 years have seen the cathedral gradually disappear amongst massively tall buildings many of which, ironically, remain largely empty as potentially safe stashes for foreign capital.</p> <p data-bbox="185 933 1099 1425">The view of St. Paul’s, from One Tree Hill, has been enjoyed by the public since at least 1905 when Eastern edge of the southern ridge across London became an open public space. This is evidenced from photographs in local history collections showing people at the top of the hill looking towards central London. [See Fig. 1] Thanks to the local people and the work of Southwark councillors at the time of the ‘agitations’ in the latter part of the 19th century, this space was saved from a bid by the local golf club to privatize the land. It is now a designated Local Nature Reserve (LNR). The Parks and Ecology officer in collaboration with the Friends of One Tree Hill (FrOTH) and the London Wildlife Trust (LWT - as part of the Heritage Lottery funding for the Great North Wood Project) have maintained and developed the site as an important place supporting nature and providing a green environment for people to enjoy. An important part of One Tree Hill is its position on one of the highest points of South London thus affording a</p>	<p data-bbox="1137 464 2063 707">Annex 4: Borough Views has been updated so that the proposed view geometry is consistent with the approach taken in the London View Management Framework. This provides greater protection for view from One Tree Hill and Nunhead Cemetery. P19: Borough Views, P14: Tall Buildings, and ANNEX 4: Borough Views, and the London View Management Framework will ensure tall buildings are appropriate and maintain London’s strategic views and Borough views.</p>

spectacular view across the capital with St. Paul's as the centre point. At all times of the day one can walk to the top of the hill and find someone sitting on a bench, beyond the old WWI 'gun emplacement', looking towards the cathedral landmark. Any further reduction in the view clearly signifies a loss of amenity for an important and historic Southwark open space. In the planning document [ref?] the so-called protected view is very limited. The view has been maintained by the L.B.Southwark over the years by trimming the tops of the trees growing further down the hill. It would be rather odd if this concern shown by the Council over the years was to be rendered pointless because there was no longer a view. The NSP PSV Amended policy document appears to show a slight reduction in the obscuration of St Paul's revealing some of the main roof. This is not much of an 'improvement' considering the whole building is of architectural interest. Groups associated with One Tree Hill have also made observations about the view: Figure 3:

View used by London Wildlife Trust

As London Wildlife Trust puts it:

One Tree Hill rises majestically at the northern end of the Great North Wood and offers a wonderful view of central London. This Local Nature Reserve is designated as a Grade 1 Site of Borough Importance for Nature Conservation and has a fascinating mixture of historical and ecological features.

London Wildlife Trust

<https://www.wildlondon.org.uk/blog/edwin-malins/2018/05/18/remnants-great-north-wood-focus-one-tree-hill>

There is a calmness in the Nature Reserve which tends to lift one out of the noise and hustle and bustle of city life. There are new, 20th century landmarks in London, but one of the features of the city is its 2000 year old history. It is the panoramic view of the stretch of this historic world city that is so uplifting from the top of the hill. Figure 4: Time Out - Incredible views of London

Time Out listed the view from One Tree Hill as one of the 8 incredible views of London. It perhaps ought to be incredible that St Pauls could be obscured from this popular viewpoint. A repeat of the obscuring of view such as has

<p>occurred on King Henry’s Mound in Richmond Park ought to be avoided.</p> <p>Whilst there is no objection to ‘progress’ there is an argument for this being thoughtful and considerate of some historic situations. In 50 years the once proud cathedral of St Paul’s, protected during the Blitz, is now being lost to London through the dwarfing towers built in the last 30 years. The argument here is that the historic views of this once significant landmark in London, a representation of the city, should be respected and maintained. One Tree Hill has been an ‘incredible’ viewpoint over the City of London. Let us seek to establish credible planning parameters which sustain some elements of an historic city.</p>	
<p>Organisation: Friends of Nunhead Cemetery NSPPSV366</p> <p>I welcome the proposed protection of the Borough Views and control of tall buildings within planning guidance. I'd like to reiterate my concerns about challenge by developers to the policy. Given their historic and cultural importance (see comments above) the borough views from Nunhead and One Tree Hill to St Paul's need to be guaranteed appropriately robust protection within planning decisions.</p>	<p>Support noted.</p>
<p>Organisation: DP9 Limited on behalf of Lendlease NSPPSV107</p> <p>Annex 4: Borough View</p> <p>We support the proposed changes to View 3: Camberwell Road Linear View towards St. Paul’s Cathedral.</p> <p>We respectfully request that our representations are given due consideration and reserve the right to add to them in due course. We wish to participate in</p>	<p>Support noted.</p>

<p>the Examination in Public and consequently request to be notified of the Examination in due course.</p>	
<p>Individual NSPPSV346</p> <p>Vast areas of London have already been ruined by the uncontrolled building of higher buildings than is appropriate; we do not want the same to continue unchecked and become even worse here as well.</p>	<p>Objection noted. The NSP has been prepared to ensure that policies and design guidance is sound, and ensuring compliance with the NPPF &amp; London Plan. P19: Borough Views, P14: Tall Buildings, and ANNEX 4: Borough Views, and the London View Management Framework will ensure tall buildings are appropriate and maintain London’s strategic views and Borough views.</p>
<p>Organisation: GLA NSPPSV66</p> <p>P19 Borough Views</p> <p>The Mayor welcomes the amended view geometries that aim to address some of the concerns raised in his previous response. However, as pointed out previously, the area the draft NSP covers falls within the background of a number of Protected Vistas as illustrated in the image below which shows part of Southwark. The maps shown in Annex 4 do not show the parts of Southwark that are affected by the viewing corridors, only the parts in the City of London.</p> <p>Placeholder for image illustrating Protected Vistas - this will be sent separately by email.</p> <p>Development proposals should carefully assess any impacts the development may have on Protected Vistas to ensure no harm would result to their composition.</p> <p>The background to these strategic views includes are as covered by the Central Activities Zone and Old Kent Road Opportunity Area. As stated above,</p>	<p>Support noted. It is considered unnecessary to include maps of the LVMF as this is a duplication of adopted London Plan policy and would need to be updated if the LVMF is updated.</p>

<p>the location identified as suitable for tall buildings in the Local Plan and area strategies must consider the location of the background area of the strategic views as well as the area covered by Southwark’s local views. Policy and planning guidance in respect of appropriate building heights for locations must not adversely impact on local or strategic views in accordance with London Plan Policy 7.7-part A, D. b and E.</p>	
<p><b>Individual</b> NSPPSV340</p> <p>Do you consider the document to be legally compliant in accordance with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012?</p> <p>Yes</p> <p>Do you consider this policy is sound?</p> <p>Yes</p> <p>Tests of soundness - Please answer this question if you said 'No' to the answer above. Do you consider that the New Southwark Plan is unsound because it is not: - Answer - Positively Prepared</p> <p>No further comment applied.</p>	<p>Support noted.</p>
<p><b>Organisation: Alvey Estate Tenants and Leaseholders Association</b> NSPPSV396</p> <p>This is Another Legalistic ILLEGAL QUESTION WHICH SEEKS TO IMPOSE AN IDEOLOGICAL SOCIAL CLEANSING NARRATIVE ON SOCIALLY DEPRIVED OR ESTHIC MINORITIES WHO ARE IN REALITY LARGELY EXCLUDED FROM THIS TOP DOWN APPROACH AND HAVE NEVER BEEN ASKED.</p>	<p>Objection noted. The NSP has been prepared to ensure that policies and design guidance is sound, and ensuring compliance with the NPPF &amp; London Plan.</p>

Note when aylesbury est tenants and leaseholders had a ballot in 2000/2001 they voted overwhelmingly NO.  
 A first step to getting any semblance of fairness is to RECOGNISE THE BALLOT AND SCRAP THE AYLESBURY PLAN WHICH IS ITSELF ILEGAL FOR A NUMBER OF REASONS - mentioned by me in the recent CPO enquiries on Aylesbury estate:

- ballot overruled
- Council decision in 2002 to trash ballot in was illegally conducted because councillors were not informed of certain matters, given false information and lied to by officers.
- the right to light is curtailed by the overdevelopment and this violates Lbs own policies. Scrap it and ballot

Organisation: Transport for London Commercial Development  
 NSPPSV182

Do you consider the document to be legally compliant in accordance with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012?

Not answered

Do you consider this policy is sound?

Not answered.

Tests of soundness - Please answer this question if you said 'No' to the answer above. Do you consider that the New Southwark Plan is unsound because it is not: - Answer - Positively Prepared

No further comment applied

Noted.

Organisation: Friends of Nunhead Cemetery

NSPPSV366

See comments in tall buildings section above. The views from Nunhead to London and St Paul's has a historic cultural significance having been painted by JMW Turner. In this respect it's similar to another Turner work in the Tate collection of the view from Blackheath that has more robust protection than either the view of St Paul's from Nunhead or One Tree Hill. Robust defence of the Borough views in planning decisions and stronger protection of both the borough views towards St Paul's as the location of tall building in Southwark moves further south in the borough. Ideally these views should be protected at London level, the same as Blackheath and Parliament Hill are. The borough views have social and historic significance, that from Nunhead to London and St Paul's having been one of those painted by JMW Turner.

Representation noted. Annex 4: Borough Views has been updated so that the proposed view geometry is consistent with the approach taken in the London View Management Framework. This provides greater protection for view from One Tree Hill and Nunhead Cemetery. Development encroaching on these views is not encouraged.

Organisation: JLL/DTZ Investors

NSPPSV369

DTZ Investors has been managing real estate investment for nearly 50 years. It currently has a team of 122 staff managing more than £8.0/ €10.0 billion of property in nearly 450 assets across Europe for long-term investor clients. Southernwood Retail Park (identified on the attached site plan at Appendix 1) is managed by DTZ Investors on behalf of the administrators of the Strathclyde Pension Fund, Glasgow City Council.

Southernwood Retail Park is approximately 1 hectare in size and broadly rectangular in shape. It is bordered by Old Kent Road to the south, Rowcross Street to the east, Humphrey Street (B204) to the west and Rolls Road (B204) to the north. It is occupied by 4 retail units and a surface car park containing 175 spaces.

The site is proposed for allocation as part of 'Site OKR4: Dunton Road (Tesco store and car park) and Southernwood Retail Park' in the emerging Old Kent Road Area Action Plan ("AAP") for mixed use redevelopment, to include retail

Representation noted. This is positively prepared with a robust evidence base. The London Plan is baseline guidance, and it is at the discretion of the council to lower the threshold height to suit the context of their borough.

(A use class), office (B1a use class), residential (C3 use class), community (D use class) uses and a new urban square.

An application (ref: 18/AP/3551) has also been submitted for redevelopment of the site, seeking planning permission for a Hybrid planning application for detailed permission for Phase 1 and outline planning permission for Phase 2 comprising:

“Application for full planning permission for 'Phase 1' comprising demolition of existing buildings and the erection of a part 9, part 14, part 15, part 48 storey development (plus basement) up to 161.25m AOD, with 940 sqm GIA of (Class A1) retail use, 541 sqm GIA of flexible (Class A1/A2/A3) retail/financial and professional services/restaurant and café use, 8717 sqm GIA (Class C1) hotel; 541 (class C3) residential units (51,757 sqm GIA); landscaping, public realm and highway works, car and cycle parking and servicing area, plant and associated works.

Application for outline planning permission (with details of internal layouts and external appearance reserved) for 'Phase 2' comprising demolition of existing buildings and the erection of a part 9, part 12, storey development (plus basement) up to 42.80m AOD, with 1049 sqm GIA of flexible (Class A1/A2/A3) retail/financial and professional services/restaurant and café use; 183 (Class C3) residential units (17,847sqm GIA), 1141 sqm GIA (Class D2) cinema and the creation of a 475 sqm GIA (Class C1) hotel service area at basement level; landscaping, public realm and highway works, car and cycle parking and servicing area, plant and associated works.”

The application is currently under consideration and scheduled to be determined at planning committee on 28 May 2019. Notwithstanding this, DTZ Investors and Strathclyde Regional Pension Fund are keen to ensure the emerging planning policy framework for the borough is not unduly restrictive and does not unreasonably hamper future development, through submission of the representations to the New Southwark Plan - Proposed Submission Version - Amended Policies, detailed below.

Serious concern is expressed with respect to the proposed lowering of the threshold height of the proposed borough view of St Paul's Cathedral from Nunhead Cemetery from 52.1m AOD to 45.0m AOD through amendment to measurement details at Annex 6.

Objection has previously been raised to the proposed protection of the view of St Paul's from Nunhead Cemetery on the basis that this is of little historical significance and the cemetery has very low numbers of visitors. The specific viewpoint identified (which has already been compromised by Guy's Cancer Centre following its completion in 2016) also has no spatial significance (as the location is not at the highest point of the cemetery and St Paul's is visible only through carefully trimmed foliage, from a bench along one of the Cemetery paths).

In previous representations to the Proposed Submission Version of the draft Local Plan we identified that protection of the view from Nunhead Cemetery would impact circa 16.3 hectares of the Old Kent Road Opportunity Area - of which 7.5 hectares is identified for redevelopment. The proposed reduction to the threshold height for this view, from 58.1m AOD to 45.0m AOD would have the impact of further reducing the development potential of the Old Kent Road Opportunity Area by reducing the maximum development height across this area from 14-15 storeys to 12-13 storeys.

In setting out the geometrically defined vistas to protect the Strategically Important vistas of St Paul's Cathedral, the London View Management Framework (LVMF) details (at pages 24-25) how a threshold height of 52.1m AOD has been carefully determined to protect views of the Lantern, Dome, Upper Drum, Upper Balustrade, Peristyle and Drum` of the Cathedral.

Although it is stated that "proposed view geometry is consistent with the approach taken in the London View Management Framework", the proposed lowering of the proposed threshold height of the view of St Paul's Cathedral from Nunhead Cemetery to 45.0m AOD to protect "the view of the entire length of St Paul's Cathedral's balustrade above the screen walls to the Nave and Chancel", is not consistent with the LVMF.

Consequently, the effect of this change to the threshold height is for LB of

Southwark to give a relatively unknown view of St Paul's Cathedral greater protection than the most important views of London from key Nationally and internationally recognised locations, including Kenwood House, Primrose Hill and St James's Park.

There is no justification provided for this unprecedented approach and no apparent consideration of the resultant impact on development within the Old Kent Road Opportunity Area that would be compromised as a consequence.

Change sought

In light of the above considerations, it is requested that the threshold height at which the proposed Landmark Viewing Corridor be restored to 52.1m AOD, to protect the Lantern, Dome, Upper Drum, Upper Balustrade, Peristyle and Drum of the Cathedral as per the Strategic Viewing Corridors.

Organisation: JLL/Possfund Custodian Trust  
NSPPSV371

We write on behalf of our client, Possfund Custodian Trustee Ltd (as the property holding vehicle for Royal Mail Pension Trustees Limited), to submit representations to the New Southwark Plan - Proposed Submission Version – Amended Policies which are provided below.

Our client

Possfund Custodian Trustee Ltd is the freehold owner of the Bricklayers Arms Distribution Centre, Mandela Way for Royal Mail Pension Trustees Limited. This site is proposed for allocation as part of 'Site OKR3: Mandela Way in the emerging Old Kent Road Area Action Plan ("AAP") for mixed use redevelopment to include employment (B use class), residential (C3 use class), primary school (D1 use class) development and a new park.

Serious concern is expressed with respect to the proposed lowering of the threshold height of the proposed borough view of St Paul's Cathedral from

Representation noted. This is positively prepared with a robust evidence base. The London Plan is baseline guidance, and it is at the discretion of the council to lower the threshold height to suit the context of their borough.

Nunhead Cemetery from 52.1m AOD to 45.0m AOD through amendment to measurement details at Annex 6.

Objection has previously been raised to the proposed protection of the view of St Paul's from Nunhead Cemetery on the basis that this is of little historical significance and the cemetery has very low numbers of visitors. The specific viewpoint identified (which has already been compromised by Guy's Cancer Centre following its completion in 2016) also has no spatial significance (as the location is not at the highest point of the cemetery and St Paul's is visible only through carefully trimmed foliage, from a bench along one of the Cemetery paths).

In previous representations to the Proposed Submission Version of the draft Local Plan we identified that protection of the view from Nunhead Cemetery would impact circa 16.3 hectares of the Old Kent Road Opportunity Area - of which 7.5 hectares is identified for redevelopment. The proposed reduction to the threshold height for this view, from 58.1m AOD to 45.0m AOD would have the impact of further reducing the development potential of the Old Kent Road Opportunity Area by reducing the maximum development height across this area from 14-15 storeys to 12-13 storeys.

In setting out the geometrically defined vistas to protect the Strategically Important vistas of St Paul's Cathedral, the London View Management Framework (LVMF) details (at pages 24-25) how a threshold height of 52.1m AOD has been carefully determined to protect views of the Lantern, Dome, Upper Drum, Upper Balustrade, Peristyle and Drum of the Cathedral.

Although it is stated that "proposed view geometry is consistent with the approach taken in the London View Management Framework", the proposed lowering of the proposed threshold height of the view of St Paul's Cathedral from Nunhead Cemetery to 45.0m AOD to protect "the view of the entire length of St Paul's Cathedral's balustrade above the screen walls to the Nave and Chancel", is not consistent with the LVMF.

Consequently, the effect of this change to the threshold height is for LB of Southwark to give a relatively unknown view of St Paul's Cathedral greater protection than the most important views of London from key Nationally and

<p>internationally recognised locations, including Kenwood House, Primrose Hill and St James's Park.</p> <p>There is no justification provided for this unprecedented approach and no apparent consideration of the resultant impact on development within the Old Kent Road Opportunity Area that would be compromised as a consequence.</p> <p>Change sought</p> <p>In light of the above considerations, it is requested that the threshold height at which the proposed Landmark Viewing Corridor be restored to 52.1m AOD, to protect the Lantern, Dome, Upper Drum, Upper Balustrade Peristyle and Drum of the Cathedral as per the Strategic Viewing Corridors.</p>	
<p><b>Individual</b> <b>NSPPSV384</b></p> <p>Do you consider the document to be legally compliant in accordance with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012?</p> <p>No</p> <p>Do you consider this policy is sound?</p> <p>No</p> <p>Tests of soundness - Please answer this question if you said 'No' to the answer above. Do you consider that the New Southwark Plan is unsound because it is not: - Answer - Positively Prepared</p> <p>Sound, Effective, Consistent with national policy and the London Plan</p> <p>No further comment applied.</p>	<p>Representation noted.</p>

<p>Individual NSPPSV348</p> <p>Do you consider the document to be legally compliant in accordance with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012?</p> <p>No</p> <p>Do you consider this policy is sound?</p> <p>No</p> <p>Tests of soundness - Please answer this question if you said 'No' to the answer above. Do you consider that the New Southwark Plan is unsound because it is not: - Answer - Positively Prepared</p> <p>Sound, Effective, Consistent with national policy and the London Plan</p> <p>No further comment applied.</p>	<p>Representation noted.</p>
<p>London School of Economics NSPPSV411</p> <p>These representations are supplemental to those submitted by the London School of Economics ("LSE") in February 2018 in response to the consultation on the 'New Southwark Plan: Proposed Submission Version' and the representations in the letter from Julian Robinson, Director of Estates at LSE submitted in December 2018. Both the representations and the letter set out concerns of LSE about two key policies in the draft NSP, namely Policy P19 and Annex 4 (Borough Views) and Policy P24 Student Homes. None of the</p>	<p>Noted. The policy as currently worded is considered sound. Annex 4 and P19 Borough views do not create a parallel set of strategic views, but are positively prepared and in conformity with the London Plan. The London Plan, Policy HC3 Strategic and Local Views, states that boroughs clearly identify local views in their Local Plans, which could take the form of geometrically defining the view. The NSP P19 states the local significance of</p>

matters by LSE are addressed in the NSP 'Amended Policies' consultation draft.

LSE met with officers on 11th March 2019 to discuss LSE's concerns with P19, Annex 4 and P24 and the opportunities that would be available for LSE to make further representations on the NSP. Officers noted that LSE's concerns regarding P19 and P24, whilst of merit, were more minor in nature and that amendments to key policies would be addressed at the next stage of the process rather than making changes through the current consultation process.

LSE recognises that the current process is a limited consultation on certain key policies where fundamental changes were required to meet the Council's evolving aspirations.

LSE understand that the NSP will be submitted for an Examination in Public ("EiP") in Summer 2019 with an expectation of an EiP in autumn 2019. During the period up to EiP the Council will be making changes to the text of the NSP on a weekly basis where necessary. LSE therefore reiterates its request for the Council to have regard to its representations submitted in February 2018 and December 2018 in relation to draft Policy P24.

The current consultation invites representations on proposed amendments to Annex 4. LSE notes that no amendments are proposed to Borough View 5 with which LSE is concerned. LSE therefore takes this opportunity to submit further representations on the proposed amendments, or lack thereof, to Annex 4. With the inherent relationship between Annex 4 and Policy P19, these representations also include proposed amendments to Policy P19 to help prevent that policy, as a whole, from being unsound. LSE requests that its proposed amendments are taken into consideration and addressed by way of amendments to draft Policy P19 and Annex 4 prior to submission of the NSP for EiP.

these five 'borough views'. This policy has been amended to state that development must preserve and where possible enhance the borough views of significant landmarks and townscape, this is in line with the approach in the emerging London Plan. The draft New London Plan designates the Millennium Bridge and Thames side at Tate Modern as a Strategic View. The view from Millennium Bridge south towards the Tate Modern provides a unique townscape of one of London's landmark buildings. As such, the selection of View 5 is appropriate when acknowledging its prominence from the river and its significant contribution to the local townscape. The Southwark Borough Views Annex 1 provides the evidence in support of Policy 19: Borough Views and is now referenced in the policy. The methodology and terminology used to identify and define our Borough Views is consistent with the methodology used for the Mayor of London's adopted London Views Management Framework 2012. GLA's comment on the Proposed Submission Version of the NSP stated "The Mayor welcomes the clear identification of the Borough's local views and application of the LVMF principles in accordance with London Plan Policy 7.12-part J." An amendment will be made to correct the spelling of St Paul's.

## 1.0 OVERVIEW OF THE POLICY

1.1 The LSE does not support Policy 19 as currently worded.

1.2 Accordingly, this representation suggests amendments which it considers will make the Policy sound.

1.3 It follows, therefore, that LSE consider that the Policy as drafted is unsound.

1.4 We note, additionally, that the Policy sets an unhelpful precedent for plan making in London by effectively creating a parallel set of 'strategic views' to those designated in the London Plan. Local views are by their nature not strategic. The selection of local views should reflect this and any supporting policy should be drafted in terms that are proportionate to that hierarchy.

1.5 In this overview we set out our reasons for forming this view.

1.6 First, the Draft Policy 19 requires that all developments engaged by its terms must 'in all circumstances... positively enhance' the view.

1.7 This is an inflexible test.

1.8 Furthermore, this test exceeds the statutory requirement in respect of development in the setting (including in the background setting) of listed buildings. The relevant provision, section 66 (1) of the Planning (LBCA) Act 1990, requires decisions makers to pay special regard to the desirability of preserving the setting of a listed building, which as a matter of practical application (confirmed in the courts) means causing no harm to our ability to appreciate the significance of a listed building.

1.9 Second, that test is not consistent with the relevant strategic policies. It exceeds the guidance set out in the London View Management Framework (or "LVMF", which is SPD to the London Plan) even in respect of what is arguably one of the most important listed buildings in London, St Paul's Cathedral.

1.10 The LVMF allows new development in the background setting of St Paul's, provided that it preserves the viewer's ability to recognise and appreciate the strategic landmark. There is no requirement to enhance, only to avoid harm.

1.11 This formulation was introduced into strategic policy guidance following

the Heron Tower decision, recovered by the Secretary of State, by the Inspector Mr Holt.

1.12 Third, there is a marked asymmetry in the selection of the proposed protected views. All bar no. 5, the one which is the subject of LSE's representation, directly concern St Paul's and are managed through a methodology copied, broadly, from the LVMF.

1.13 If views of Tate Modern, an unlisted building not in a conservation area, are selected for protection in the policy for management of the selected view, relative to the gallery, those protections should be proportionately less restrictive than policies reserved for St Paul's Cathedral.

1.14 Fourth, if the policy wording as currently proposed – which seeks to maintain the silhouette of Tate Modern – is intended to treat the building's silhouette as a protected viewing plane, then the policy is grossly disproportionate and, furthermore, conflicts with other land use planning objectives.

1.15 Notable amongst these objectives is the site's inclusion in an Opportunity Area in the London Plan where intensification of land use is a strategic priority. Achieving additional height – which is one way to achieve such intensification – could come into conflict with Policy 19 if its wording is interpreted strictly and as drafted (which we believe is not the intention anyway).

1.16 The emphatic drafting of the Policy – using words such as 'must in all circumstances' and its requirement 'to enhance' – is inconsistent with NPPF policy 197 on non-designated assets ("NDA"). The LSE accepts Tate Modern is an NDA. That policy states:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

1.17 NDAs do not benefit from the 'special regard' accorded to listed buildings, in respect of which Framework 196 allows harm on balance of benefits. The wording of Policy 19 in respect of View 5 does not even contain

such a provision, and so even if, for the sake of argument, the SoS were to list the Tate Modern, the policy does not reflect national policy provision.

1.18 LSE appreciates the objectives of the Policy, which seeks to manage views of the gallery which is a distinctive landmark (albeit not a strategic one), but considers that it would be unsound for the Policy to restrict the possibility of buildings appearing behind the gallery. Such proposals should be assessed on a qualitative basis, just as are the effects of proposals in the background of St Paul's as set out in the LVMF.

1.19 Fifth, the LSE considers that the identification of View 5 as a Borough-wide view of particular importance is not based on an objective assessment of a proportionate evidence base.

1.20 There is, for example, no Borough-wide survey of potential important townscape views within and/or across the Borough, no criteria based assessment of the same, and hence no transparent and verifiable rationale for the selection.

1.21 As a consequence, and through no clear methodology or consultation, the Policy gives undeserved weight to View 5.

1.22 This is not consistent with sound plan-making principles.

1.23 If, however, the Inspector concludes View 5 should be retained, then it and the Annexe need important amendments to make it proportionate to ensure that the Policy with View 5 is sound.

## 2.0 DISCUSSION AND NPPF REQUIREMENTS FOR LOCAL PLAN POLICY

2.1 The LSE supports the objective of policy P19, which seeks to ensure appropriate visual and/or setting (or cultural heritage) relationships whilst providing:

- Certainty to developers and owners seeking to promote land; and
- Support for the strategic objectives of the London Plan.

2.2 The LSE also supports the methodology that has informed the policy and supporting guidance in the Annex. This explains the basis of the policy in what is nationally recognised as best practice for strategic view management, the LVMF, SPD to the London Plan (now in its third iteration).

2.3 However, the LSE does not support the Policy's approach to the

management of View 5. The management methodology is set out in the Annex which is not part of the policy and to which the current policy makes no reference.

2.4 The purpose of the suggested amendments set out in this representation is to ensure the policy eventually incorporated into the local plan meets the terms of NPPF § 16.

2.5 This requires development plan policy to meet certain objectives. We cite the ones we consider relevant to this submission below:

§ 16 Plans should:

- a) be prepared with the objective of contributing to the achievement of sustainable development;
- b) be prepared positively, in a way that is aspirational but deliverable;...
- c) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;...

2.6 Accordingly, our comments are intended to propose to the Inspector changes to the main policy which support the objectives of sustainable development as expressed in the London Plan and existing and emerging Borough policies. The proposed amendments will help ensure P19 will be sufficiently clear to enable its interpretation by developers and its application by decision makers. This will ensure the policy is sound and deliverable.

2.7 Furthermore, local plan policies should be formulated with reference to the policies in the Framework as a whole. As drafted the Policy does not distinguish between the weight which is accorded to the protection of listed buildings (in this case St Paul's Cathedral) and unlisted ones deemed non-designated heritage assets (in this case Tate Modern – see Framework 197).

2.8 Neither does the Policy allow the balancing out of harm to heritage interest as against other benefits such as apply to statutorily listed buildings (See Framework 196).

### 3.0 TATE MODERN AND BOROUGH VIEW 5

3.1 Borough View 5 in draft Policy P19 seeks to manage the setting of Tate Modern from a single assessment point. This is located near the middle of the Millennium Bridge (footbridge) and just within the Borough's boundary

with the Corporation of London's administrative area.

3.2 The view aligns with the striking chimney of Tate Modern, which that institution uses as part of its brand identity along with the building extension. The Annexe's characterisation of this as being 'iconic' and 'one of London's most famous landmark buildings' is perhaps overstated given the number of London's landmark buildings.

3.3 Tate Modern originated as Bankside Power Station. It was designed and built between 1947 and 1963. Its distinctive chimney and symmetrical frontage was intended to dignify its purpose and appear seemly in the context of St Paul's Cathedral. The power station's 'pendant' upstream is Battersea Power Station, which is the earlier of the two.

3.4 Both were designed by Sir Giles Gilbert Scott, a prolific C20 British architect who was responsible for the design of the two types of red telephone boxes and Liverpool Anglican Cathedral.

3.5 Tate Modern is not listed and is not in a conservation area. It may fairly be described, however, as a non-designated heritage asset of interest for: its dramatic, streamline design; as a work of industrial architecture; its associations with a noted architect; and, more importantly, as the permanent home of the national collection of modern art which is well visited and integrated into the planning of a modern district which is a popular leisure destination.

3.6 To convert the building to its cultural use, the Trustees instructed the noted Swiss practice Herzog and de Meuron, whose glazed extensions and converted Turbine Hall (c. 2000) are admired as a distinguished extension reflecting the building's new purpose. More recently, the gallery completed the so-called Switch House, also by Herzog and de Meuron, whose distinctive ziggurat form (and complementary brick cladding) rises above the 'shoulder' of the building to the right as seen from Southwark Borough View 5.

3.7 This development occludes significant new residential development by Rogers Stirk Harbour, 'neo-Bankside', which was previously visible above this side of the gallery when seen from the same position.

3.8 Tate Modern has supported the regeneration of the surrounding area, which falls within the Central Activities Zone and the Bankside Opportunity

Area. Planning policies for such areas require the intensification of land use; one way of achieving this is through increased height and scale.

3.9 Within the setting already of Tate Modern are two major clusters of tall buildings, at Blackfriars and at London Bridge, and the scale of development between those two high points reduces at the point around the Tate, albeit that scale is still significant and appropriate in its central London context. Any visitor to the area is aware of this context and that the character of the area is changing as a consequence of major new development.

#### 4.0 ANNEX 4 – BOROUGH VIEWS

4.1 The rationale for the identification of five Borough-wide views is set out in Annex 4 of the draft plan.

4.2 This document is based on an earlier draft, titled a background paper, which was subject to consultation in 2015. View 5 was added in a subsequent draft. Accordingly, the whole of the original selection focused on St. Paul's.

4.3 There is no indication that the selection is based on a rigorous analysis of other locally important landmarks or views, of which there will be many in Southwark which is rich in historic buildings and whose northern area is very popular with visitors.

4.4 The Annex effectively is intended to perform the same function as the LVMF, which is SPD to the London Plan and provides guidance on the management of 27 strategic views identified in the main plan. To do this, the London Plan policy, 7.7, makes express reference to the LVMF.

4.5 Additionally, no part of the main wording in 7.7 in any way conflicts with the management guidance in the LVMF.

4.6 It appears that the Annex is intended to be part of the plan, and the LSE support that or equally the Annex' treatment as SPD to the plan. The essential point the LSE wish to make is that B19 cannot be operated without the assistance of the Annex which accordingly needs to have status in relation to the development plan. Accordingly, the LSE invite the Inspector to address the status of the Annex in his report to the Borough.

4.7 Furthermore, and importantly, the wording in the Policy must be completely consistent with the Annex and the Annex with the Policy. That

is not the case as currently drafted. The present Policy can be interpreted one way, and that way is contrary to the guidance on the Policy's operation as set out in the Annexe.

4.8 Additionally, the Annexe's presentation of the guidance on View 5 reverses the order of presentation in the other views. In those other views, 1 to 4 (of St Paul's), the view is described and management guidance follows on from that. The format of those is very close to the LVMF format, leading us to conclude that the template might even have been copied and pasted.

4.9 In View 5, the guidance comes first followed by the description.

4.10 As a consequence of the above, the strict Policy wording taken together with the inclusion of Tate Modern in a set of views otherwise focused on St Paul's creates a misleading impression, and the level of protection it seeks to impose is disproportionate.

#### 5.0 THE ANNEX AND THE RATIONALE FOR THE VIEW

5.1 The Annex begins with a methodology for regulation of views of St Paul's on the basis of set viewing planes, by means of Landmark Viewing Corridors. This system seeks to mirror that applied to the geometrically regulated views of St Paul's which are regulated through the LVMF.

5.2 It should be noted that Borough View 5 is not regulated in these terms; however, the LSE's site, Bankside House, does fall potentially within the 'Wider Setting Consultation Area' of Borough View 3, 'The Linear View of St Pauls [sic] Cathedral along Camberwell Road'. We note that 'St Pauls' is used in the policy wording not the correct drafting 'St Paul's'. This is a minor amendment needed to give the policy credibility.

5.3 We understand implemented consents rise above the threshold plane of this Landmark Viewing Corridor, as illustrated by visual material prepared by Miller Hare.

5.4 In line with the LVMF approach, the management guidance for the background to the St Paul's view is ensure any new development maintains the ability to recognise and appreciate the Cathedral. Thus, the Cathedral skyline profile is not treated as a protected silhouette (a concept which does apply to several LVMF views, notable 27 from Parliament Square, where the

silhouette of the Houses of Parliament is taken to set a development heights plane in the background).

5.5 The LSE questions whether it is appropriate to give View 5 of the Tate the status accorded it by presentation amongst views of St Paul's. LSE consider this identification not to be supported by any evidence of a Borough wide study of townscape views. Accordingly, the selection appears biased and tendentious, seeking to accord the gallery status above every other landmark or special view in its plan area. The identification of View 5 is, then, not based on any demonstrable evidence base interrogated according to consistent criteria.

5.6 If the Inspector considers this status is warranted (which the LSE do not accept), then the proposed amendments to Policy P19(6) are intended to bring the view into line with NPPF requirements, namely to make the policy deliverable, clear and unambiguous and sound as well. The current drafting of P19(6) risks that decision makers will not be able to apply it with certainty and consistency.

5.7 Borough View 5 should, additionally, be regulated by means of a process called 'Qualitative Visual Assessment' (QVA) as set out in Annex A. The terminology was introduced into practice by the LVMF in 2002 as the process for making qualitative judgments to ensure the appropriate management of change in those strategic views identified as River Prospects or Townscape Views.

5.8 The Annex does not define QVA with reference to the LVMF but instead to earlier guidance from Historic England, 'Seeing History in the View (2011)', which promotes a methodology which is not consistent with the London Plan. Thus, any adopted version of Policy 19 should at least be fully compliant with the LVMF and its terminology and approach to assessment. The HE guidance is not accepted best practice in a London context.

5.9 The current LVMF describes the Visual Management Guidance for Townscape Views thus:

'All new development within a townscape view should be of high quality and execution. Townscape views should be managed so that the ability to see specific buildings or groups of buildings, in conjunction with the surrounding

environment, including distant buildings within views, is enhanced' (LVMF § 75).'

5.10 The qualitative guidance for the management of the background to these views is further defined in LVMF, at § 77 and 78, thus:

'Development in the background of Townscape Views should preserve or enhance the characteristics and composition of the views, and the setting of the landmarks within them. Development should also conform with or enhance the composition of the townscape ensemble.'

'The background of townscape views is susceptible to change. For this reason, careful consideration should be given to any new developments that might affect these views to ensure that the general compositional character of the skyline is preserved or enhanced, particularly where they will affect the setting of a Strategically Important Landmark.'

5.11 The Visual Management Guidance for Borough View 5 begins on page 24 of Annex 4 with the following, over-arching advice:

'This view ensures the ability to recognise and appreciate one of London's most famous landmark buildings, the Tate Modern art gallery...'

5.12 The LSE supports express cross reference to the LVMF in order to ensure the plan is clear, unambiguous and contributes to the achievement of sustainable development. In the event that the LVMF is revised, it would be appropriate for Annex 4 to expressly set out the LVMF definitions.

5.13 To assist the Inspector, we reproduce the LVMF definition, boxed text at page 30, below:

'The phrase 'recognise and appreciate' is used throughout this document as a standard measure for maintaining adequate visibility of a landmark. The word 'recognise' is a quantitative measure and concerns the ability of the viewer to see critical parts of a landmark that make up its recognisable composition. The clarity of the landmark will be affected by a number of factors including distance, weather and atmospheric conditions. The word 'appreciate' is a qualitative measure that concerns the way a landmark is perceived. This will be affected by its relationship to other objects nearby in the townscape, the space around the landmark, and the degree to which objects in the foreground, middle ground and background interrupt the

visual enjoyment of it.'

5.14 The definition contemplates that there will be change in views and to the setting of landmarks in views, even where the landmark is the primary object of the view. This is the case in the London Panorama LVMF 2, from Parliament Hill, in which St Paul's is 'backdropped' by the Shard; see additionally the London Panorama LVMF 3 from Kenwood. The latter, management guidance does not rule out the possibility of new development behind the dome of St Paul's.

5.15 It should be pointed out that the LVMF approach, which allows that development seen in strategic views behind St Paul's can be acceptable, is formulated on the understanding of the listed status of this very important building (grade I listed).

Comments on View Management Guidance

5.16 The 'recognition and appreciation' of Tate Modern sets the terms for the meaning and application of the operative parts of the View Management Guidance that follow.

5.17 This states at page 24 of Annex 4:

'The prominence of the Tate Modern, its iconic chimney and extension, must not be challenged by development appearing in its backdrop. Proposals must not harm or compromise the distinctiveness and silhouette of the chimney, and must form attractive features in their own right.

'Building heights should step down from the established Blackfriars Road and London Bridge tall building clusters to ensure that the Tate Modern, its chimneys and extensions is[sic] the principal building in the view'.

5.18 The following 'Description of the View' (same page and table) draws attention to salient characteristics which apply to the qualitative management of the view:

'... The silhouette of the horizontal massing of the original power station, its further extensions and its distinctive chimney create a unique skyline of national and international importance'.

5.19 The drafting of the first part of the guidance is not clear. Its purpose, we surmise, is to establish the conditions under which a development seen behind Tate Modern would be acceptable. Thus, the first sentence requires

the second sentence for its intention to be realised.

5.20 However, the potentially ambiguous drafting of the first part is compounded by the lack of any wording tying it, the first part, to the second as part of a single idea.

5.21 It is LSE's interpretation that the guidance requires such development to do two things:

5.22 First, the guidance requires new development visible from this position, including behind the gallery, not to challenge the prominence of the landmark, undermining our ability to recognise it and appreciate it, or admire those characteristics identified in the description of the view. In effect, the guidance seeks to avoid development which would undermine the viewer's ability to admire the symmetry and scale and design of the landmark.

5.23 Second, the guidance requires any such development to be of very high architectural quality.

5.24 Thus, and for the avoidance of doubt, the View 5 guidance cited above should read:

'The prominence of the Tate Modern, its iconic chimney and extension, must not be challenged by development appearing in its backdrop. Such proposals in its backdrop must not harm or compromise the distinctiveness and silhouette of the chimney, and must form attractive features in their own right, enabling the silhouette of the gallery to be recognised and appreciated. Not the Intention of Policy to Create a Protected Silhouette

5.25 If the guidance is read another way, with no causal connection between the sentences, then it could mistakenly be taken to be seeking to treat the gallery's roof and chimney as comprising a protected silhouette.

5.26 This cannot be the intention of the Policy as we understand it.

5.27 To be clear, the landmarks whose silhouettes are protected in the LVMF are the Tower of London as seen from City Hall, LVMF 25, and the Palaces of Westminster as seen from Parliament Square LVMF 27B. Both are inscribed World Heritage Sites.

5.28 It is LSE's view that the guidance does not contemplate or intend a protected silhouette. This interpretation has been confirmed as part of our recent pre-application discussions with officers. A protected silhouette would

not be consistent with the objectives of sustainable development. The proposed amendment to P19(6) alongside a cross-reference to the LVMF's definitions will ensure clarity on the intended level of protection to be applied.

The County Hall View, LVMF 20: A Case Study

5.29 The force of the above analysis is demonstrated by the LVMF's treatment of an analogous view.

5.30 This is LVMF 20, a river prospect from the Embankment between Westminster and Waterloo Bridges, which has as its express object the symmetrical riverside elevation of County Hall, a grade II\* listed building which is also an element in the setting of the Westminster World Heritage Site.

5.31 The example is analogous because the view focuses on a landmark of symmetrical design, and one of great significance for the identity of London (it being the seat of London government from the early C20 until the abolition of the GLC in 1985).

5.32 As a statutorily listed building, and one so highly graded, there is special sensitivity associated with the management of its setting, and in particular the statutory provisions of section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 apply.

5.33 LVMF 20 is relevant to our analysis additionally because the asset is located in and on the edge of an Opportunity Area (in Lambeth, the Waterloo Opportunity Area).

5.34 The section 66 (1) provision applying to LVMF 20, a view whose focus is on a listed building, requires a decision maker to pay special regard to the desirability of avoiding harm to the special interest of a listed building (see the cases of *R. (on the application of Williams) v Powys CC* [2017] EWCA Civ 427 and *Catesby Estates Ltd v Steer* [2018] EWCA Civ 1697 which confirm this interpretation because 'setting', identified in the provision, is not an asset').

5.35 The qualitative visual management guidance for development in the background of this listed building states:

'It is recognised that new development, including within the Waterloo

<p>Opportunity Area, may become visible in the background of this view. Such development may be acceptable if it is sensitively designed and does not dominate the horizontal emphasis of the composition provided by landmark riverside buildings, particularly the former County Hall. New development should contribute to the juxtaposition between the vertical elements around the Shell Centre and the horizontal elements of County Hall.'</p> <p>5.36 As the example of County Hall demonstrates, the approach advocated in the emerging policy, including the Annex (which we believe should be part of the plan) would be appropriate even in the event Tate Modern were listed.</p>	
<p>Individual NSPPSV415</p> <p>We need to stop development of buildings that are over 7 stories tall to stop Southwark from becoming a wind tunnel with no light and no street level community.</p>	<p>Representation noted. All area visions have been amended to strengthen the design guidance, especially to the site allocations that anticipate tall building developments to also ensure compliance with the NPPF &amp; London Plan. A map illustrating where tall buildings shall be located accompanies policy P14. The detail of heights however shall not be covered in the NSP as it is a strategic policy document, but where tall buildings are suggested on site allocations the associated area visions AAP or SPD will provide more details.</p>
<p>Individual NSPPSV362</p> <p>Do you consider the document to be legally compliant in accordance with the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012?</p> <p>Yes</p> <p>Do you consider this policy is sound?</p> <p>Yes</p>	<p>Support noted. Insufficient information for full comment.</p>

Tests of soundness - Please answer this question if you said 'No' to the answer above. Do you consider that the New Southwark Plan is unsound because it is not: - Answer - Positively Prepared

Sound, Effective, Consistent with national policy and the London Plan

No further comment applied.