



Planning and Transportation Committee Background Papers

Date: MONDAY, 8 OCTOBER 2018

Time: 10.00 am

Venue: LIVERY HALL - GUILDHALL

7. CREED COURT HOTEL

Report of the Chief Planning Officer and Development Director.

For Decision
(Pages 1 - 42)

8. TENTER HOUSE 45 MOORFIELDS LONDON EC2Y 9AE

Report of the Chief Planning Officer and Development Director.

For Decision
(Pages 43 - 98)

10. REDEVELOPMENT OF 21 MOORFIELDS - ACQUISITION OF LAND

Report of the Chief Planning Officer and Development Director.

For Decision
(Pages 99 - 256)

John Barradell
Town Clerk and Chief Executive

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Agenda Item 7

From: [Hart, Liam](#)
To: [DBE - PLN Support](#)
Subject: FW: 17/01207/FULMAJ Objections
Date: 15 January 2018 11:04:55

From: Matthew Rimmer [REDACTED]
Sent: 09 January 2018 21:08
To: Hart, Liam <Liam.Hart@cityoflondon.gov.uk>
Cc: Holmes, Ann <Ann.Holmes@cityoflondon.gov.uk>; Ann Holmes [REDACTED]; Regan OBE, Richard (Deputy) [REDACTED]
Subject: Re: 17/01207/FULMAJ Objections

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On 31 Dec 2017, at 10:20, Matthew Rimmer [REDACTED] wrote:

Liam

Please find below my objections to the proposed:

1. Concern around the increase in the number of windows in the internal courtyard. Even though windows are obscured they are still translucent and the potential for light spillage.

There is an expectation as with the original design that there be an IMPACT ASSESSMENTS on the internal courtyard particularly as windows are proposed to increase to 63 (plus skylights) increase is from 77.68sqm to 123sqm.

2. Within the internal courtyard a vent has been added. This is of particular concern due to air quality and noise issues.

Additionally a riser has been added with the vents being adjacent to Flat 4 Lambert House and opposite Flat 1 Lambert House.

A flue also has been added.

3. The location of a plant room on the first floor with vents onto the internal courtyard does not work from air quality and noise perspective. Directly opposite and adjacent to residential neighbours.

4. Sub station has been moved from basement level to ground floor in Ludgate Square this is next to 2 Ludgate Square and opposite 1-3 Ludgate Square (all

residential). We need a NOISE IMPACT STUDY as noise can transmit through the doors and building.

5. More clarity is needed on the air conditioning units and where they will be situated.

6. The plant that was previously on the 6th floor had been removed and been replaced by bedrooms. These bedrooms will directly overlook my neighbour and his terrace [at 1-3](#) Ludgate Square

7. The roof plan has been amended so the plant is now spread over the southwest perimeter of the courtyard surrounding Lambert House.

8. Concern on the Courtyard elevation AA on the 6th floor proposals show an extension to the build. We are daylight and sunlight sensitive so would request a NEW DAYLIGHT AND SUNLIGHT REPORT plus review by CoL employed daylight and sunlight experts too. If this is an error of the drawings they need to be amended so they are correct. A hedge is also noted on the proposals, this needs removing.

9. 3D image of the heights has not been included in the new proposal. It is essential this is provided.

10. "Increase in parapet heights to accommodate roof construction" the drawings are not consistent and do not show all proposed new heights. These need to be properly reflected.

11. Materiel impact on servicing due to the redesign and increase in bedrooms.

Please confirm receipt.

Many thanks

Matthew Rimmer

Wells, Janet (Built Environment)

Subject: FW: 17/01207/FULMAJ Objections

From: richard regan

Sent: 31 December 2017 11:24

To: Hart, Liam <Liam.Hart@cityoflondon.gov.uk>

Cc: Matthew Rimmer Hayward CC, Christopher

Subject: Fw: 17/01207/FULMAJ Objections

Dear Liam

Plese add my name to the list of Objectors as set out in Mattew Rimmer's E mail of Sunday 31st Decenber and as below

I support all his Objections and what is now being proposed is NOT what wa submitted - it compounds the objectionable features and presents additional unnacceplable features

plese acknowledge receipt

R D Regan OBE Deputy for Farringdon within

----- Forwarded Message -----

From: Matthew Rimmer

To: Ann Holmes richard regan

Sent: Sunday, 31 December 2017, 10:21

Subject: 17/01207/FULMAJ Objections

Liam

Please find below my objections to the proposed:

1. Concern around the increase in the number of windows in the internal courtyard. Even though windows are obscured they are still translucent and the potential for light spillage.

There is an expectation as with the original design that there be an IMPACT ASSESSMENTS on the internal courtyard particularly as windows are proposed to increase to 63 (plus skylights) increase is from 77.68sqm to 123sqm.

2. Within the internal courtyard a vent has been added. This is of particular concern due to air quality and noise issues.

Additionally a riser has been added with the vents being adjacent to Flat 4 Lambert House and opposite Flat 1 Lambert House.

A flue also has been added.

3. The location of a plant room on the first floor with vents onto the internal courtyard does not work from air quality and noise perspective. Directly opposite and adjacent to residential neighbours.

4. Sub station has been moved from basement level to ground floor in Ludgate Square this is next to 2 Ludgate Square and opposite 1-3 Ludgate Square (all residential). We need a NOISE IMPACT STUDY as noise can transmit through the doors and building.

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6. The plant that was previously on the 6th floor had been removed and been replaced by bedrooms. These bedrooms will directly overlook my neighbour and his terrace [at 1-3](#) Ludgate Square
7. The roof plan has been amended so the plant is now spread over the southwest perimeter of the courtyard surrounding Lambert House.
8. Concern on the Courtyard elevation AA on the 6th floor proposals show an extension to the build. We are daylight and sunlight sensitive so would request a NEW DAYLIGHT AND SUNLIGHT REPORT plus review by CoL employed daylight and sunlight experts too. If this is an error of the drawings they need to be amended so they are correct. A hedge is also noted on the proposals, this needs removing.
9. 3D image of the heights has not been included in the new proposal. It is essential this is provided.
10. "Increase in parapet heights to accommodate roof construction" the drawings are not consistent and do not show all proposed new heights. These need to be properly reflected.
11. Materiel impact on servicing due to the redesign and increase in bedrooms.

Please confirm receipt.
Many thanks
Matthew Rimmer

Wells, Janet (Built Environment)

From: DBE - PLN Support
Subject: FW: 17/01207/ FULMAJ objection

-----Original Message-----

From: Ann Holmes [
Sent: 01 January 2018 09:53
To: Hart, Liam <Liam.Hart@cityoflondon.gov.uk>
Subject: 17/01207/ FULMAJ objection

Dear Liam

I am writing to object to the proposed changes.

In summary, I think the changes in glazing, plant design and location and vent, riser and flue placement will cause daylight and sunlight and smell and noise problems for existing residents in Lambeth House and 1-3 Ludgate Square.

I concur with the comments of Matthew Rimmer and with the need for the assessments and studies he cites.

Many thanks

Ann

Ann Holmes
Common Councilman for Farringdon Within

Sent from my iPad

Wells, Janet (Built Environment)

Subject: FW: 17/01207/FULMAJ Objections

>
> -----Original Message-----
> From: Ken Rimmer
> Sent: 04 January 2018 14:21
> To: PLN - Comments <PLNComments@cityoflondon.gov.uk>; Hart, Liam <Liam.Hart@cityoflondon.gov.uk>
> Subject: 17/01207/FULMAJ Objections
>
> Dear Mr. Hart
>
> Please add my name to the list of Objectors to the latest proposed amendments to the above plan. I fully support the objections submitted by Matthew Rimmer in his email to you dated 31 December 2017.
>
> Ken Rimmer
>
> THIS E-MAIL AND ANY ATTACHED FILES ARE CONFIDENTIAL AND MAY BE LEGALLY PRIVILEGED. If you are not the addressee, any disclosure, reproduction, copying, distribution or other dissemination or use of this communication is strictly prohibited. If you have received this transmission in error please notify the sender immediately and then delete this e-mail. Opinions, advice or facts included in this message are given without any warranties or intention to enter into a contractual relationship with the City of London unless specifically indicated otherwise by agreement, letter or facsimile signed by a City of London authorised signatory. Any part of this e-mail which is purely personal in nature is not authorised by the City of London. All e-mail through the City of London's gateway is potentially the subject of monitoring. All liability for errors and viruses is excluded. Please note that in so far as the City of London falls within the scope of the Freedom of Information Act 2000 or the Environmental Information Regulations 2004, it may need to disclose this e-mail. Website: <http://www.cityoflondon.gov.uk>

Wells, Janet (Built Environment)

From: DBE - PLN Support
Subject: FW: FORMAL OBJECTION - Revised Hotel Proposals for Creed Court. Ref 17/01207/FULMAJ

Subject: FORMAL OBJECTION - Revised Hotel Proposals for Creed Court. Ref 17/01207/FULMAJ

Hello Liam

Further to the details of this proposal, it seems that this is an attempt to get around all the earlier agreements and conditions imposed by The City of London Planning Authority. Therefore I would like to formally object and highlight my reasons below.

The increase in hotel rooms is so significant that almost all of the previous objections to massing, sky line, facades, elevations, overlooking and Daylight Sunlight calculations as well as noise, air quality, glazing, servicing for increased numbers, footfall and road traffic etc. that perhaps a **Full Resubmission** for Planning Permission should be required in order to accurately perform Due Diligence.

The overall effect of these proposed revisions totally changes the effects to the local area.

In particular but not exclusive are concerns regarding:

1. Total number of windows both external and internal to the Courtyard.
2. Full impact assessment to The Courtyard area as affecting Lambert house.
3. Vents, flues, risers for noise fumes and air quality.
4. Full details of proposed plant for new locations with regard to impact on Lambert House.
5. Full details of proposed substation at ground level adjacent to Lambert House and possible need for explosion protection depending on the enclosed plant and vibration impact.
6. Daylight/Sunlight assessments to be carried out again due to the proposed changes and the impact on Lambert House as previously acknowledged.

I look forward to hearing from you regarding next steps.

Sincerely

1.

From: [Wells, Janet \(Built Environment\)](#)
To: [Hart, Liam](#)
Cc: [Wells, Janet \(Built Environment\)](#)
Subject: FW: Comments for Planning Application 17/01207/FULMAJ
Date: 08 January 2018 11:36:26

From: PLN - Comments

Sent: 05 January 2018 16:06

To: PLN - Comments <PLNComments@cityoflondon.gov.uk>

Subject: Comments for Planning Application 17/01207/FULMAJ

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 4:04 PM on 05 Jan 2018 from Mr Nicholas Bailey.

Application Summary

Address: Creed Court 3 - 5 Ludgate Hill, 1 - 3 Creed Lane And 11 - 12 Ludgate Square London EC4M 7AA

Proposal: Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 49 (approved drawings) of planning permission dated 06 October 2017 (ref: 14/00300/FULMAJ) to enable (i) removal of third basement level; (ii) internal reconfiguration to create 152 hotel rooms and associated alterations to the fenestration on Ludgate Square and Creed Lane; (iii) relocation of the UKPN sub-station from basement to ground floor level; (iv) reduction in A3 (restaurant) floor area from 1,028sq.m to 478sq.m and relocation of the restaurant entrance door to Creed Lane; (v) reconfiguration of the waste storage facilities and service area; and (vi) other minor internal and external alterations.

Case Officer: Liam Hart

[Click for further information](#)

Customer Details

Name: Mr Nicholas Bailey

Email:

Address: Flat 22 3 Ludgate Square London

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment: - Residential Amenity

Comments: We note with dismay that plans for the 6th floor have been changed such that the 6th floor plant has been moved and it is now proposed that hotel bedrooms are now accommodated on the sixth floor, with new windows directly

overlooking our property and, in particular, our external amenity space.

As the City of London Planning Team is aware from their visit to our property relating to a different application, as Ludgate Square is such a narrow street the façade of the proposed development will be extremely close to our property such that the proposed accommodation would result in a significant loss of privacy. This would further be exacerbated by the fact that the accommodation would primarily be in use during evenings and weekends, unlike the existing office building on the site - precisely the times when we use our outdoor amenity space.

Furthermore, the additional bulk and height attendant with providing accommodation on this floor (which we note is poorly defined in the applicant's drawings) will result in significant overshadowing and loss of visual amenity.

We therefore object to the proposed changes on the above grounds, in the strongest possible terms.

Nick and Max Bailey
Flat 22
3 Ludgate Square
London EC4M 7AS

5 January 2018

Reference: 17/01207/FULMAJ objection.

Dear Liam,

We are writing with regard to the revised plans for the approved Creed Court hotel development referenced above.

We note with dismay that plans for the 6th floor have been changed such that the 6th floor plant has been moved and it is now proposed that hotel bedrooms are now accommodated on the sixth floor, with new windows directly overlooking our property and, in particular, our external amenity space.

As you are aware from your visit to our property relating to a different application, as Ludgate Square is such a narrow street the façade of the proposed development will be extremely close to our property such that the proposed accommodation would result in a significant loss of privacy. This would further be exacerbated by the fact that the accommodation would primarily be in use during evenings and weekends, unlike the existing office building on the site - precisely the times when we use our outdoor amenity space.

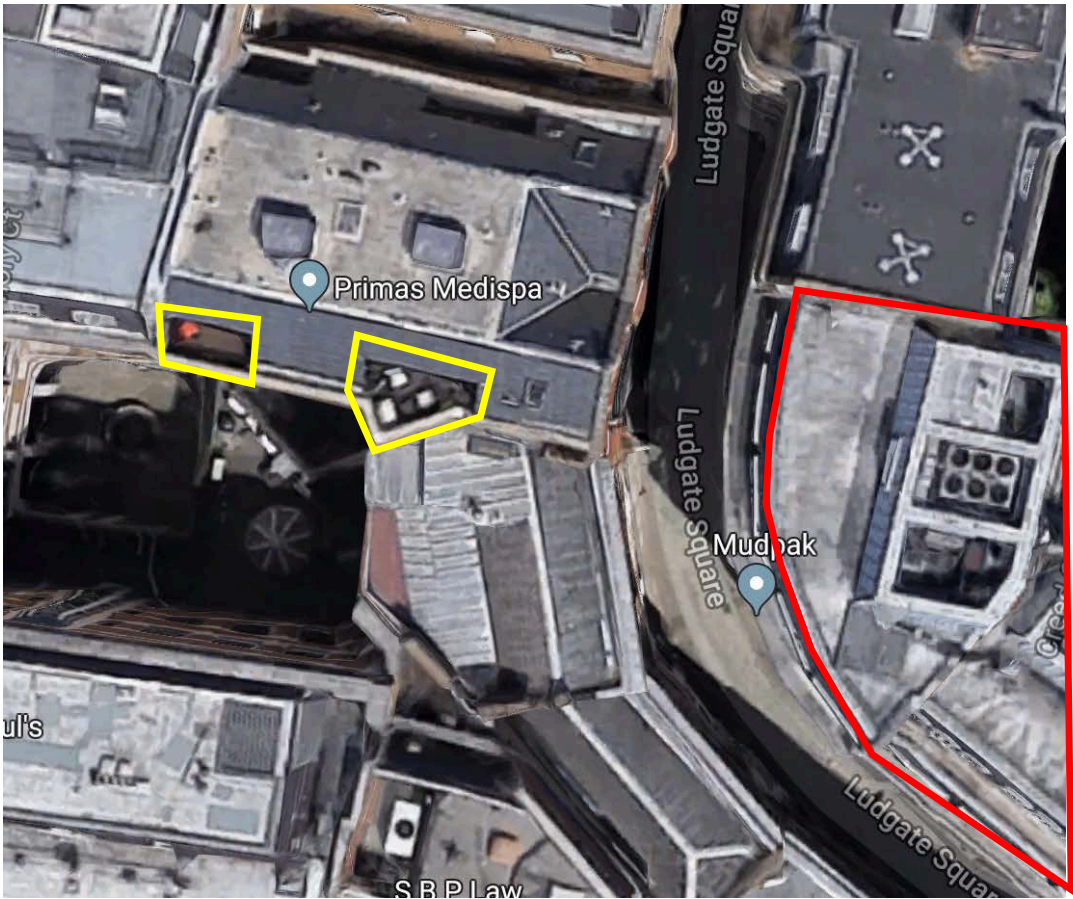
Furthermore, the additional bulk and height attendant with providing accommodation on this floor (which we note is poorly defined in the applicant's drawings) will result in significant overshadowing and loss of visual amenity.

We therefore object to the proposed changes on the above grounds, in the strongest possible terms.

Please refer to the photographs, Figs 1,2,3,4 on the following pages for a compelling illustration, in addition to your personal knowledge of the site, of the affect that this proposal would have.

Yours sincerely, Nick and Max Bailey

Fig 1



Key

- Outline of proposed 6th floor accommodation
- Outline of Flat 22, 3 Ludgate Sq. amenity terraces

Fig 2

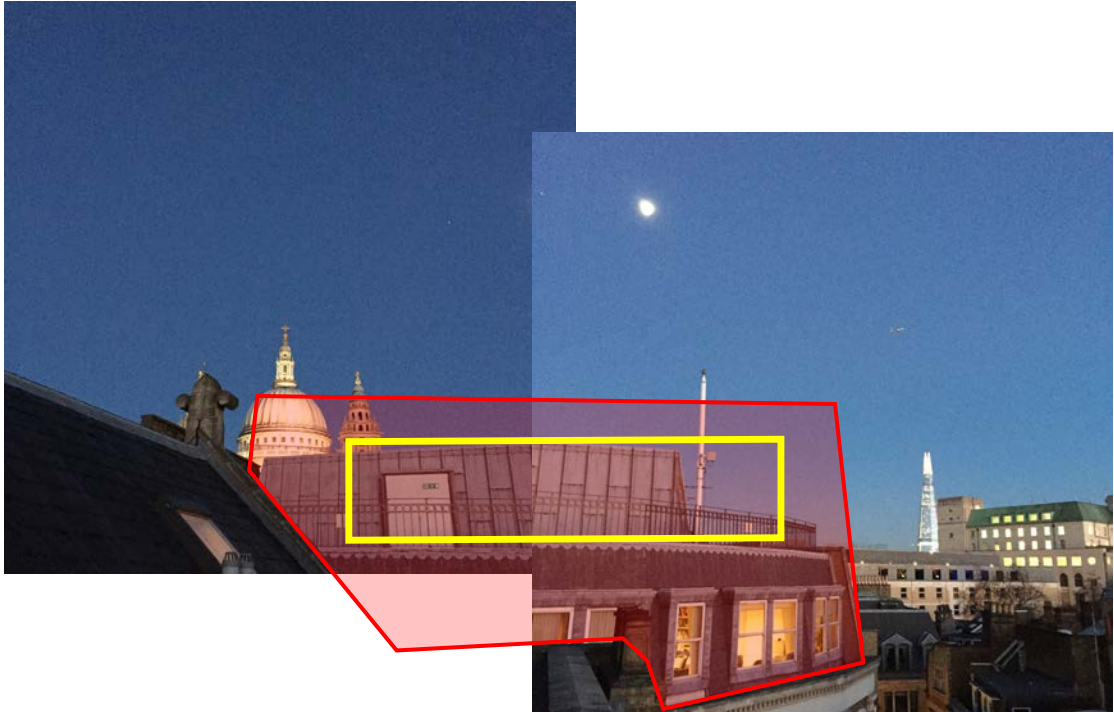


Daytime view from Flat 22, 3 Ludgate Square living room terrace.

Note the overshadowing and loss of visual amenity attendant on the increased bulk and height (outlined red) - which although estimated will certainly be higher than the existing plant floor on the current building.

Note particularly the egregious loss of privacy from the proposed new windows (approximate position outlined yellow).

Fig 3



Night time view from Flat 22, 3 Ludgate Square living room terrace.

As fig 2, additional note on how lighted windows (as we can see here on the lower floor of the existing building), will at night create a sense of being extremely overlooked. We would be able to see directly into the lighted hotel bedrooms and anyone in these rooms would be practically eyeball-to-eyeball with us, just a few metres away.

Fig 4



Day time view from Flat 22, 3 Ludgate Square bedroom terrace.

This second terrace is directly outside the bedroom of our property, as can be seen from the approximate location of the proposed new windows, outlined yellow, we would not be able to use this terrace without being directly observed by anyone in the hotel bedrooms opposite, resulting in a complete loss of privacy.

From: [Wells, Janet \(Built Environment\)](#)
To: [Hart, Liam](#)
Cc: [Wells, Janet \(Built Environment\)](#)
Subject: FW: OBJECTION - Creed Court Planning Application 17/01207/FULMAJ
Date: 08 January 2018 12:20:00

From: M Bajaj
Sent: 07 January 2018 01:23
To: PLN - Comments <PLNComments@cityoflondon.gov.uk>
Cc: Hart, Liam <Liam.Hart@cityoflondon.gov.uk>
Subject: OBJECTION - Creed Court Planning Application 17/01207/FULMAJ

I am writing to formally OBJECT to the revised planning application for Creed Court, Planning Application Ref **17/01207/FULMAJ**.

The main objections are:

1. Of greatest concern is the proposal to have a riser with vents that will be placed next to our property, Flat 4 Lambert House. This will add additional noise and pollution and prevent us from being able to open our bedroom window due to fear of pollutants entering our bedroom as well as restricting our enjoyment of quiet occupation.
2. Our bedroom window faces the Courtyard and therefore the increased number of proposed windows is of concern to us. We do not think it is acceptable to have so many facing us, even if translucent.
3. We have concerns about the restriction of light into our property from the Courtyard as a result of this submission. There is already restricted light into the Courtyard and we believe this will have a further material negative impact.

We request this application be REJECTED.

Kind regards,

Mr M. Bajaj
Flat 4 Lambert House
2 Ludgate Square
London
EC4M 7AS

From: [Sehmi, Amrith](#)
To: [Hart, Liam](#)
Subject: FW: Formal objection - Creed Court 3-5 Ludgate Hill, 1-3 Creed Lane and 11-12 Ludgate Square, London EC4M 7AA (ref:17/01207/FULMAJ)
Date: 11 January 2018 16:00:00

From: Michael Tang
Sent: 08 January 2018 21:01
To: PLN - Comments <PLNComments@cityoflondon.gov.uk>; Hart, Liam <Liam.Hart@cityoflondon.gov.uk>
Subject: Formal objection - Creed Court 3-5 Ludgate Hill, 1-3 Creed Lane and 11-12 Ludgate Square, London EC4M 7AA (ref:17/01207/FULMAJ)

Dear Mr Hart

I am writing to register objections to the amendments to the planning application for Creed Court 3-5 Ludgate Hill, 1-3 Creed Lane and 11-12 Ludgate Square, London EC4M 7AA (17/01207/FULMAJ).

The proposed increase in the number of hotel rooms to 152 (a 15% increase from the 132 rooms which were approved) and the changes required to accommodate the increase in rooms are so significant that the objections lodged against the original application become relevant again, namely the increase in the mass of the building, the reduction in daylight and sunlight, noise and air pollution and loss of privacy. Additionally, there are further concerns over servicing, traffic and noise as a result of increased customer numbers.

I am concerned that the amendments are so significant that, in order to undertake proper due diligence, the full application (taking account of the proposed amendments) should be reviewed again for planning permission.

In addition, I have objections to specific proposed changes.

1. Introduction of vents within the internal courtyard

The plant room will be located on the first floor with vents onto the internal courtyard. A riser has been added with the vents being directly opposite to my flat which will be adversely impacted by noise and air quality issues.

2. An increase in the number of windows in the internal courtyard

Over 60 new windows are proposed in the internal courtyard. This represents a 58% increase in the area of windows in the internal courtyard (from 78m² to 123m²). This is an unreasonable increase in the number of windows which will impact the loss of privacy.

3. Relocation of the sub-station to ground level

The sub-station will be moved from the basement to the ground floor level next to 2 Ludgate Square and opposite 1-3 Ludgate Square. These are residential buildings and, being on the ground floor, the noise can transmit through the doors and building.

4. Changes to the 6th floor

The courtyard elevation on the 6th floor proposals appear to show an extension to the building. The plant which was originally on the 6th floor has been removed and is replaced

by bedrooms. The plant is now spread over the southwest perimeter of the courtyard surrounding Lambert House. This appears to be an increase in the proposed height which will result in a further loss of daylight and sunlight and privacy.

5. Air conditioning units

It is not clear where the air conditioning units will be situated. More information is required as these will cause issues with noise and air quality.

Yours sincerely,

Michael Tang

Flat 1, Lambert House, 2 Ludgate Square, London, EC4M 7AS.

9th January 2018

Department of the Built Environment,
City of London

2017/01207/FULMAJ

CREED COURT SITE

Dear Sirs,

We write to object to the amendments to the proposed design of the building, which make a number of changes we regard as significant.

Broadly, we endorse all that Matthew Rimmer said in his letter of objection.

We would wish however to emphasise some particular aspects. First, you will remember that the application only narrowly squeezed through to gain consent, notwithstanding the views of some of the senior lawyers who were on the Committee that the proposals did not properly respect the City's policies. The principal objections were in respect of light, massing which amounted to over-development, intrusive noise, overlooking and "neighbourliness".

A particular feature of the revised plan is to increase the massing at level 6, so that instead of being tiered back in profile, from the "lip" of the light-well, an additional block of (presumably) rooms has been added. This is bound to affect light – it could not do otherwise.

We have had cause to draw attention previously to the partisan nature of GIA's comments regarding light. Sadly, the letter supporting the present application is no better: it recognises that bulk and massing are the critical factors (end of second paragraph), accepts they have increased at roof level (so that it is clear the relevant factors have altered) and appears to accept this again in the last paragraph. You might therefore think it to be inevitable that there would be some effect on light. GIA's reason for thinking that the light will not be affected is a non-sequitur: – "The changes currently proposed are aimed at the optimisation and functionality **of internal layouts**, *thus* the main bulk and heights of the massing remain the same" (emphasis added). In other words, the bulk and massing are altered, but because that's to increase internal space, it doesn't affect light. That's nonsense: what matters is the external not the internal layout. Since they accept there has been some change – and it cannot be to our advantage.

It is clear that given the already swingeing effects on light of the original proposal, and the lack of reliability of GIA's comments, a further analysis of light is needed.

Next,(a) it is not clear what acoustic (and vibration) protection there will be from the substation to be built right up against the flank wall of our properties: without this clarity, it must be assumed there is there is a real risk of noise/vibration. (b) The switching on and off of lights at all times of day and night in hotel rooms overlooking the courtyard causes further difficulties for the amenity of our properties, (c) the fact of such windows increases significantly the risk of overlooking and (d) additional mass has been added to an already heavily developed site. In short, each of the earlier objections, which so nearly carried the day before, now has added force by the new plans submitted, we note, by different architects.

The proposed amendments cannot be supported by the evidence thus far produced, and the application should be rejected: alternatively, deferred for further investigation, detail and consideration.

Yours,

Brian Langstaff
Deborah Langstaff

Yours sincerely,

Drawing and Planning Ltd
Mercham House,
25-27 the Burroughs,
London,
NW4 4AR



Mr Liam Hart, Planning Officer
Development Division (west)
Dept. of the Built Environment
City of London Corporation,
PO BOX 270, Guildhall
London, EC2P 2EJ

Mr J Colombano and Ms M L Kirk
Lambert House
Flat 16, 2 Ludgate Square
London
EC4M 7AS

9th January 2018

Dear Mr Hart

**RE: Consultation on planning application 17/01207/FULMAJ at Creed Court 3-5 Ludgate Hill, 1-3
Creed Lane and 11-12 Ludgate Square, London, EC4M 7AA**

Thank you for consulting our client on the above application which I understand is a 'minor amendment' to the application referenced 14/00300/FULMAJ that was approved by the City's Planning Committee in 2017. Our firm has been instructed on behalf of Mr J Colombano and Ms M L Kirk to respond to the latest scheme. I have now had the chance to review the proposed plans and compare these to the approved set and have several concerns over the revised scheme as detailed below:

Windows

It is noted that across all levels, along the courtyard, the southern elevation window has been moved further east and another has been added; also along the eastern elevation the small hallway window has been removed and 3 no. extra windows have been added in its place. There is a concern that the extra windows would increase the sense/perception of overlooking into the neighbouring properties thereby diminishing the privacy and quality of amenity enjoyed by the existing properties. Whilst it is accepted that the windows will be obscure glazed there is likely to be issues with perception of overlooking and light spillage. This is not considered acceptable and it is strongly advised that an updated daylight/sunlight assessment is provided with the application.

Vents and Air Conditioning Units

There appear to be additional 'paraphernalia' incorporated into this scheme. It is noted that the internal courtyard will now be exposed to vents from the plant room at first floor level. This is likely to harm the neighbouring amenity through noise and disturbance and compromised air quality. The internal courtyard would also see the addition of a vent, which again raises concerns over potential noise and air quality issues that could affect neighbours. It has also been noted that vents have been installed opposite Flat 1, and adjacent to Flat 4, Lambert House. It is unclear as to the exact

location of the proposed air conditioning units - this information should be provided to affected neighbours, in addition, a noise impact assessment should accompany this application to establish the impact the units will have on neighbours.

Plant and Sub-station

It is noted that the sub-station has been relocated from the basement level to the ground floor in Ludgate Square, which would now sit adjacent to No. 2 and opposite Nos. 1-3 Ludgate Square which are all in residential use. This relocation is not considered acceptable without an updated acoustic assessment reflecting the change. It is also noted that at roof level, the plant now covers a larger area, specifically over the southwest perimeter of the courtyard surrounding Lambert House. Clearly the plant has been relocated to make space for more hotel rooms (intensification) at ground level (see below).

Intensification of Hotel Use and Additional Extensions

It is quite concerning to see that the applicant is seeking to cram more rooms into the hotel which would clearly affect the servicing of the hotel (new service plans need to be provided in our view). It would appear as though the new bedrooms at sixth floor level (replacing the plant area) are likely to overlook the properties (including ours) at 1-3 Ludgate Square. The approved scheme showed 7 bedrooms on the sixth floor whilst the current scheme is for 11 bedrooms at this level. Again, a revised impact assessment should be required from the applicant to ensure that there will categorically be no material harm to the amenity of the aforementioned properties.

Additional Works and Minor Amendments

We note that additional extensions to those approved are being proposed; the Section AA drawing indicates that on the sixth floor an extension is to be built. If this is the case we would argue firstly that such works would make the application 'invalid' as this would then add additional volume to the building putting the scheme, in our opinion, beyond the scope of a 'minor amendment' application and therefore this should trigger the need for a new full application. This point has also been raised by one of the other neighbours, Ms Nicola Bell of Flat 14, Lambert House, in her formal objection to the scheme via email dated 5th January 2018.

Notwithstanding this point, a daylight/sunlight assessment should be carried out and assessed by the Council's appointed assessors thereafter. We also seek clarification in respect of any increases in the parapet heights as we cannot see these in the proposed drawings.

Green Roof

It is noted on the roof plans, that the labelling of the 'Green Roof with Maintenance Access Only' as stated on the approved plans, has been replaced with simply 'Green Roof'. This is not considered acceptable as we would like assurances that the only access available to the green roof would be for maintenance purposes in perpetuity. Furthermore we note that that the Environmental Health Officer's (Gary Seal) consultation response in respect of the roof terrace stipulate limitation on hours of use which we are very alarmed to see. We fully expect that you confirm with the officer the agreement that the roof shall be only for maintenance purposes and for no other reason.

Conclusions

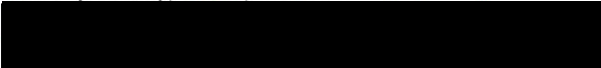
The new scheme as presented raises many issues which we feel really go beyond the scope of a 'minor amendment' application. If, however, the council wish to proceed with assessing this application as a 'minor amendment' we would like to see (a) justification of how this decision was reached to process as minor amendment under S.73 (b) all of the above issues highlighted, suitably addressed before affected neighbours are re-consulted. Needless to say, It has not been demonstrated that the scheme as presented thus far would comply with the City's local planning policies or indeed the wider London Plan and national planning policies.

I trust the above is clear, however, should you require further clarification please do not hesitate to contact either myself at [REDACTED] or our director, Jeremy Stein at [REDACTED]. We look forward to hearing from you and hope that you can support refusal of the latest application.

Yours Sincerely



Harman Sond | Principal Planning Consultant
BSc (Hons), MSc, MRTPI



www.drawingandplanning.com

Mercham House, 25-27 The Burroughs, Hendon, London, NW4 4AR.

From: Ken And Janice
To: [PLN - Comments](#)
Subject: Fwd: 17/01207/FULMAJ Objections
Date: 09 January 2018 22:19:48

, I agree with Matthew Rimmer's objections ,assessments , and in pact and fully support them as attached below.

Also I fully support Nicola Bell's objections in her letter of 5 January 2018.

Mrs J.L. Rimmer,

Flat 13 Lambert House, 2 Ludgate Square, London, EC4M 7AS

Subject: Fwd: 17/01207/FULMAJ Objections

Sent from my iPhone

Begin forwarded message:

From: Matthew Rimmer
Date: 31 December 2017 at 10:20:50 GMT
To: plncomments@cityoflondon.gov.uk, Liam Hart
<liam.hart@cityoflondon.gov.uk>
Subject: 17/01207/FULMAJ Objections

Liam

Please find below my objections to the proposed:

1. Concern around the increase in the number of windows in the internal courtyard. Even though windows are obscured they are still translucent and the potential for light spillage.

There is an expectation as with the original design that there be an IMPACT ASSESSMENTS on the internal courtyard particularly as windows are proposed to increase to 63 (plus skylights) increase is from 77.68sqm to 123sqm.

2. Within the internal courtyard a vent has been added. This is of particular concern due to air quality and noise issues.

Additionally a riser has been added with the vents being adjacent to Flat 4 Lambert House and opposite Flat 1 Lambert House.

A flue also has been added.

3. The location of a plant room on the first floor with vents onto the internal courtyard does not work from air quality and noise perspective. Directly opposite

and adjacent to residential neighbours.

4. Sub station has been moved from basement level to ground floor in Ludgate Square this is next to 2 Ludgate Square and opposite 1-3 Ludgate Square (all residential). We need a NOISE IMPACT STUDY as noise can transmit through the doors and building.

5. More clarity is needed on the air conditioning units and where they will be situated.

6. The plant that was previously on the 6th floor had been removed and been replaced by bedrooms. These bedrooms will directly overlook my neighbour and his terrace [at 1-3](#) Ludgate Square

7. The roof plan has been amended so the plant is now spread over the southwest perimeter of the courtyard surrounding Lambert House.

8. Concern on the Courtyard elevation AA on the 6th floor proposals show an extension to the build. We are daylight and sunlight sensitive so would request a NEW DAYLIGHT AND SUNLIGHT REPORT plus review by CoL employed daylight and sunlight experts too. If this is an error of the drawings they need to be amended so they are correct. A hedge is also noted on the proposals, this needs removing.

9. 3D image of the heights has not been included in the new proposal. It is essential this is provided.

10. "Increase in parapet heights to accommodate roof construction" the drawings are not consistent and do not show all proposed new heights. These need to be properly reflected.

11. Materiel impact on servicing due to the redesign and increase in bedrooms.

Please confirm receipt.

Many thanks

Matthew Rimmer

From: [PLN - Comments](#)
To: [PLN - Comments](#)
Subject: Comments for Planning Application 17/01207/FULMAJ
Date: 10 January 2018 15:03:53

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 3:02 PM on 10 Jan 2018 from Mr BRIAN LANGSTAFF.

Application Summary

Address: Creed Court 3 - 5 Ludgate Hill, 1 - 3 Creed Lane And 11 - 12 Ludgate Square London EC4M 7AA

Proposal: Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 49 (approved drawings) of planning permission dated 06 October 2017 (ref: 14/00300/FULMAJ) to enable (i) removal of third basement level; (ii) internal reconfiguration to create 152 hotel rooms and associated alterations to the fenestration on Ludgate Square and Creed Lane; (iii) relocation of the UKPN sub-station from basement to ground floor level; (iv) reduction in A3 (restaurant) floor area from 1,028sq.m to 478sq.m and relocation of the restaurant entrance door to Creed Lane; (v) reconfiguration of the waste storage facilities and service area; and (vi) other minor internal and external alterations.

Case Officer: Liam Hart

[Click for further information](#)

Customer Details

Name: Mr BRIAN LANGSTAFF

Email:

Address: FLAT 5, LAMBERT HOUSE 2 LUDGATE SQUARE LONDON

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:
- Noise
- Residential Amenity

Comments: We write to object to the amendments to the proposed design of the building, which make a number of changes we regard as significant.

Broadly, we endorse all that Matthew Rimmer said in his letter of objection.

We would wish however to emphasise some particular aspects. First, you will remember that the application only narrowly squeezed through to gain consent, notwithstanding the views of some of the senior lawyers who were on the

Committee that the proposals did not properly respect the City's policies. The principal objections were in respect of light, massing which amounted to over-development, intrusive noise, overlooking and "neighbourliness".

A particular feature of the revised plan is to increase the massing at level 6, so that instead of being tiered back in profile, from the "lip" of the light-well, an additional block of (presumably) rooms has been added. This is bound to affect light - it could not do otherwise.

We have had cause to draw attention previously to the partisan nature of GIA's comments regarding light. Sadly, the letter supporting the present application is no better: it recognises that bulk and massing are the critical factors (end of second paragraph), accepts they have increased at roof level (so that it is clear the relevant factors have altered) and appears to accept this again in the last paragraph. You might therefore think it to be inevitable that there would be some effect on light. GIA's reason for thinking that the light will not be affected is a non-sequitur: - "The changes currently proposed are aimed at the optimisation and functionality of internal layouts, thus the main bulk and heights of the massing remain the same" (emphasis added). In other words, the bulk and massing are altered, but because that's to increase internal space, it doesn't affect light. That's nonsense: what matters is the external not the internal layout. Since they accept there has been some change - and it cannot be to our advantage.

It is clear that given the already swingeing effects on light of the original proposal, and the lack of reliability of GIA's comments, a further analysis of light is needed.

Next, (a) it is not clear what acoustic (and vibration) protection there will be from the substation to be built right up against the flank wall of our properties: without this clarity, it must be assumed there is a real risk of noise/vibration. (b) The switching on and off of lights at all times of day and night in hotel rooms overlooking the courtyard causes further difficulties for the amenity of our properties, (c) the fact of such windows increases significantly the risk of overlooking and (d) additional mass has been added to an already heavily developed site. In short, each of the earlier objections, which so nearly carried the day before, now has added force by the new plans submitted, we note, by different architects.

The proposed amendments cannot be supported by the evidence thus far produced, and the application should be rejected: alternatively, deferred for further investigation, detail and consideration.

From: Y Oliver
To: [PLN - Comments](#)
Cc: [Hart, Liam](#)
Subject: Objections to Planning for 17/01207/FULMAJ
Date: 10 January 2018 15:15:53

Dear Mr. Hart,

RE :- Planning consultation (17/01207/FULMAJ)

We are writing to highlight the following concerns regarding the proposals to build a hotel next to our building, Lambert House in 2 Ludgate Square.

Firstly, we are concerned about the increased number of windows facing the internal courtyard. Our kitchen and main bathroom look into the courtyard. And how obscured would these windows be? It looks like the number of windows will almost double.

Secondly, the proposals call for the addition of vents, riser and flue to the internal courtyard and nearby my neighbouring flats below us. We are on the fourth floor. This will naturally lead us to worry about noises and the quality of air. We would like to be able to open our kitchen and bathroom windows especially during the summertime.

Previously, when the next-door building was occupied, we could hear outdoor conversations and smell cigarette smoke.

We are very concerned about the plant room to be located on the first floor of the hotel with vents facing the courtyard. Again, it doesn't bode well in terms of noise and air quality. Afterall, you will be placing a noisy industrial room next to a residential building.

Moving the plant room frees up the space for the hotel to add bedrooms with windows that will overlook my neighbours and their terrace.

Have you received further recommendations on how to reduce the probable noise problems by moving the substation from basement to ground level in Ludgate Square? What happens when there are power problems like explosions?

Any more information on where to place the air-conditioning units for the hotel?

We also can't find any 3D image of the heights of the hotel to compare with ours. We do worry about the daylight and sunlight impact. The new proposals seem to indicate the build will become bigger.

So, will this all affect the traffic and footfall into and around Ludgate Square? How will the hotel manage its suppliers and the public emergency services entering and exiting?

Looking forward to your reply.

Thank you,
Y. Tan (Ms.)

Flat 15 Lambert House,
2 Ludgate Square,
London EC4M 7AS

OBJECTION to Creed Court Planning Ref 17/01207/FULMAJ

The current revised application seems to contain many changes to that which was approved subject to various conditions and as such raises a number of relevant questions some of which are as follows: -

1. Concern over massing as elevations have changed and entry/exit points appear to be flexible.
2. The number of bedrooms has increased but is not fixed yet.
3. The electrical sub-station has been relocated adjacent to Lambert House and access could be via double or single door from Ludgate Square. There is of course another substation close by at the archway entrance to Ludgate Square. Will the sub-station be explosion proof and what if any will be the electromagnetic radiation levels?
4. Very strict conditions for noisy works were imposed under the formal approval and did not allow for any such work Saturday afternoons and all day Sundays. At the Contractor meeting of 12th June 2018 however, it was stated that Tower Crane provision and removal for the site would be on Saturdays and Sundays and would also involve partial or total closure of Ludgate Hill. The Jib and overfly of Lambert House is proposed to be restricted. Will the rear end of the jib with balance weights overfly in this very restricted area? But what of the loss of enjoyment of the roof top terrace of Lambert House. It would not be safe surely during crane operations? No mention of compensation for loss of amenity. This proposal needs careful diligent review as the works are within the St Pauls Conservation Area and are likely to create years of disruption.

The question of noisy work Saturday afternoons and Sundays seems to be the responsibility of The EHO and not the planning consents and conditions. How can this be? The CoL Code of Practice clause 3.5 clearly states NO NOISY WORKING IS PERMITTED SUNDAYS, BANK OR PUBLIC HOLIDAYS. Please advise who has the ultimate authority over such matters? Why the ambiguity?

5. The Contractor statement on noise levels shows a level of no more than 65db affecting local residents. Is this to the A weighting and why is the trigger limit set at 75db. Should this not be lower to prevent exceeding the limit?

6. The amount of disruption will be enormous to the immediate area and will cause more congestion of traffic in particular and of course the air pollution levels will rise from diverted traffic as is the case with Demonstrations, Cycle Rides /Races and other Events.

7. Will vibration monitors be attached to Lambert House above ground level and in addition to the substation?

8. Will the necessary Party Wall agreements/consents be applied for relating to Lambert House?

9. The proposed Taxi Drop Off and Waiting Area at the junction of Creed Lane and Ludgate Square will no doubt cause congestion and pollution in the local area which is at least a 3/4 way junction and includes a cycle path with reverse traffic flow.

10. What provision has been made for TV reception being impacted by the Crane work and the scaffolding? The building has a shared aerial for all flats, pixilation and poor reception has occurred when other builders were in the area. What are the Contractors going to do to avoid this disruption? Put a Satellite dish up for Lambert House or get a supplier such as Virgin media to be installed?

11. The Creed Lane and Ludgate Hill road junction proposed Saturday closures between 0800 and 1300 from July 7th – end of December 2018.

This is a busy junction what is being done about providing traffic Marshalls for safety for both pedestrians and cyclists? What investigation has taken place on the impact of pollution for this?

Yours sincerely

Nicola Bell

Flat 14 Lambert House, 2 Ludgate Square, EC4M 7AS

[REDACTED]

From: [DBE - PLN Support](#)
To: [Hart, Liam](#)
Subject: RE: Application Consultation (17/01207/FULMAJ) - objection email
Date: 03 July 2018 14:01:00

On 02/07/2018, 06:37, "Matthew Rimmer" wrote:

Liam

Please accept this email as my objection to Creed Court:

1. The UKPN sub station had been relocated to the ground floor, directly next to Lambert House, 2 Ludgate Square (residential) and opposite 1-3 Ludgate Square also residential. Also within the proposed design hotel bedrooms have been situated next to and above the sub station. I cannot think of a more inappropriate location and danger for residents.

2. The external alterations are quite major as the proposal is to continue convert the approved plant room into bedrooms and position the new plant room on top of that. This is going 2.4m higher than previously approved. The sense of enclosure will be heightened and this is a worrying. They propose a set back of 1m for the plant room and I suggest at a minimum a 3m set back from the internal courtyard to provide for the new plant room.

3. It needs to be very clear that even though basement -3 is no longer in scope the plans do not show any reduction in "height"

as the proposal is to have higher ceilings in basements -2 and -1 . So no change!

4. The increased number of windows of the proposed hotel in the internal courtyard rises from 77sqm to 123sqm. Even though windows are proposed to be obscured they are still translucent and the potential for light spillage.

Info:

Consented section AA goes from 5 windows to proposed 16 windows.

Consented section BB goes from 14 windows to proposed 32 windows

5. I see NO indication that the windows facing the internal courtyard will be non opening and fixed closed they reference "aluminium sliding sash windows". Please URGENTLY look at this, this is very important to residents that they are fixed closed and non opening per the approved scheme.

6. The Combined Heat and Power (CHP) System with the proposed room increase revises the anticipated size from 20kWt and 3000 thermal store to 30kWt with 4000 thermal store. All detrimental to us residents.

7. It is noted that to new build facades will be ventilated via Louvres that sit at the top of each window. Rooms that sit behind The retained portion of the facade fronting Ludgate Hill and the north of Creed Court will be vented centrally and therefore these windows will not have Louvre panels. I suggested the windows facing the internal courtyard are also vented centrally to mitigate further disturbances to residents.

8. I cannot understand why all noise and air quality potential issues have been situated next to Lambert House, 2 Ludgate Square. Within the internal courtyard vents , flues, riser, plant room have been added. All to the detriment of residents.

Regards
Matthew Rimmer

Sent from my iPhone

Mr Liam Hart, Planning Officer
Development Division (west)
Dept. of the Built Environment
City of London Corporation,
PO BOX 270, Guildhall
London, EC2P 2EJ

Mr J Colombano and Ms M L Kirk
Lambert House
Flat 16, 2 Ludgate Square
London
EC4M 7AS

Tuesday, 3rd of July, 2018

Dear Mr Hart,

**RE: Consultation on planning application 17/01207/FULMAJ at Creed Court 3-5 Ludgate Hill, 1-3
Creed Lane and 11-12 Ludgate Square, London, EC4M 7AA**

Thank you for consulting us on the above application which I understand is a 'minor amendment' to the application referenced 17/01207/FULMAJ that was approved by the City's Planning Committee in 2017. I have now had the chance to review the proposed plans and compare these to the approved set and have several concerns over the revised scheme as detailed below:

Our main concern is the proposed extra level of 2.4m to be added on top of the approved scheme. We have no problem with the proposal to turn the the approved plant-room into extra hotel bedrooms. The problem is the impact the new proposed plant room will cause the existing residents and especially myself and my wife. Please find attached a photo of my view that will be severely affected by the proposed plant-room. We have attached an alternative proposed sketch (we propose 2 plant areas and lift core only, which is proposed in red on the attached sketch), this is a solution that would be acceptable to us and protect our impact from the latest proposal. This proposal will cause us:

- a. Increased sense of enclosure to the already packed and tight courtyard.
- b. Daylight / Natural lighting impact by adding excessive plant and screening to the roof.
- c. Over-Provision of proposed plant, the proposed space is excessive and we feel the plant required will fit comfortably in our proposed two red areas on the sketch attached. We formally request a schedule of the proposed plant so we can confirm our expectations.

Following on, we would like to raise our concerns and non objection's in the order mentioned in the planning application description:

- (i) removal of third basement level -

We note that the two basement levels is of the same depth as the three levels approved. - We do not object to this item but hope that the basement will be conditioned to protect Lambert House during the building works.

(ii) internal reconfiguration to create 152 hotel rooms and associated alterations to the fenestration on Ludgate Square and Creed Lane;

We do not object to the 12 extra bedrooms or the external changes as long as the extra windows proposed to the courtyard light-well are opaque and non openable as confirmed in your email to Matthew Rimmer "All courtyard windows will be fixed with obscured glazing".

(iii) relocation of the UKPN substation from basement to ground floor level;

We do not object to this item, however I do struggle to understand how it is safe to place bedrooms directly next to or on top of a UKPN sub-station?

(iv) reduction in A3 (restaurant) floor area from 1,028sq.m to 478sq.m and relocation of the restaurant entrance door to Creed Lane;

We do not object to this item to the reduction or relocation of the entrance. However we would ask that the restaurant is conditioned to close at 23:30 Monday to Sunday in order to avoid members of the public congregating and making noise on the nearby streets at unsociable hours.

(v) reconfiguration of the waste storage facilities and service area;

We do not object to this item however we would request there is a condition put in place to make sure the waste storage area is regularly cleaned once it is finally in use.

(vi) other minor internal and external alterations -

We object to this point which is detailed above and we welcome the proposed roof plant room redesign in line with the proposal attached.

We also await the schedule of proposed plant?

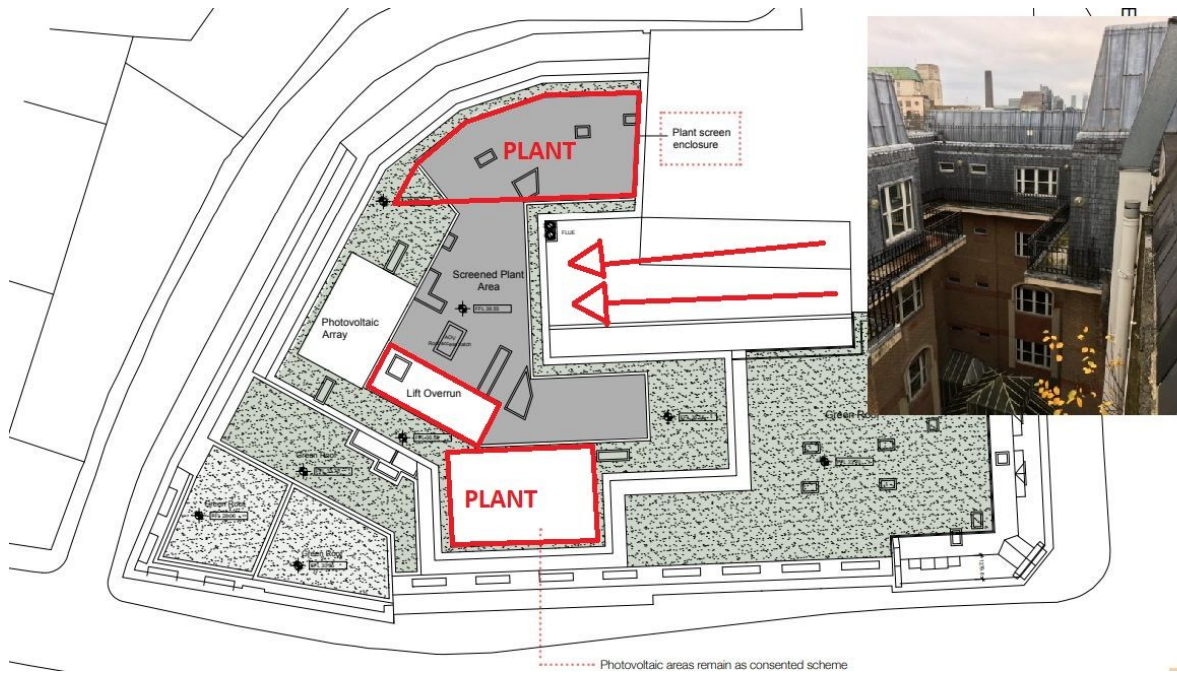
Liam, finally, we understand that the courtyard will be for maintenance only with no access from the public, we request that this is added to every plan, similarly, we also request that the labelling Green Roof For Maintenance Access Only remains and is added to every plan showing the roof space. We also request that both the courtyard and green roof restrictions will be conditioned on any approval issued.

I trust the above is clear, however, should you require further clarification please do not hesitate to contact either myself or my wife, Marie Louise by email at the following address [REDACTED] I look forward to hearing from you and hope that you can support refusal of the application.

Yours Sincerely

Mr J Colombano and Ms M L Kirk
(Owners of Flat 16, Lambert House)

Attachments



Wells, Janet (Built Environment)

From: PLN - Comments
Subject: FW: Formal objection - Creed Court 3-5 Ludgate Hill, 1-3 Creed Lane and 11-12 Ludgate Square, London EC4M 7AA (ref:17/01207/FULMAJ)

From:
To: PLN - Comments <PLNComments@cityoflondon.gov.uk>; Hart, Liam <Liam.Hart@cityoflondon.gov.uk>
Subject: Formal objection - Creed Court 3-5 Ludgate Hill, 1-3 Creed Lane and 11-12 Ludgate Square, London EC4M 7AA (ref:17/01207/FULMAJ)

Dear Mr Hart

I am writing to register objections to the amendments to the planning application for Creed Court 3-5 Ludgate Hill, 1–3 Creed Lane and 11–12 Ludgate Square, London EC4M 7AA (17/01207/FULMAJ).

I have objections to the following proposed changes.

1. Relocation of the sub-station to ground level

The sub-station will be moved to the ground floor level next to 2 Ludgate Square and opposite 1-3 Ludgate Square. These are residential buildings and, being on the ground floor, the noise can transmit through the doors and building which will adversely impact the residents.

2. Introduction of vents within the internal courtyard

There is an increase in the number of vents onto the internal courtyard. A riser has been added with the vents being directly opposite to my flat which will be adversely impacted by noise and air quality issues.

3. An increase in the number of windows in the internal courtyard

Over 60 new windows are proposed in the internal courtyard. This represents a 58% increase in the area of windows in the internal courtyard (from 78m² to 123m²). This is an unreasonable increase in the number of windows which will impact the loss of privacy. In addition, conditions must be imposed that require those windows overlooking the internal courtyard must be fixed and fitted with opaque glazing.

4. Changes to the 6th floor

The courtyard elevation on the 6th floor proposals appear to show an extension to the building. This is an increase in the proposed height of 2.4 metres which will result in a further loss of daylight and sunlight and privacy.

5. Increased requirement for servicing and traffic

The proposed increase in rooms will result in an increase in the number of hotel guests with a resultant increase in the requirement for servicing, deliveries and traffic. Ludgate Square and Creed Lane are narrow lanes which are not capable of supporting the increased traffic volumes.

Yours sincerely,

Michael Tang

Flat 1, Lambert House, 2 Ludgate Square, London, EC4M 7AS.

From: PlnComments@cityoflondon.gov.uk
To: [PLN - Comments](#)
Subject: Comments for Planning Application 17/01207/FULMAJ
Date: 05 July 2018 17:12:35

Planning Application comments have been made. A summary of the comments is provided below.

Comments were submitted at 5:06 PM on 05 Jul 2018 from Mrs JANICE RIMMER.

Application Summary

Address: Creed Court 3 - 5 Ludgate Hill, 1 - 3 Creed Lane And 11 - 12 Ludgate Square London EC4M 7AA

Proposal: Application under Section 73 of the Town and Country Planning Act 1990 to vary condition 49 (approved drawings) of planning permission dated 06 October 2017 (ref: 14/00300/FULMAJ) to enable (i) removal of third basement level; (ii) internal reconfiguration to create 152 hotel rooms and associated alterations to the fenestration on Ludgate Square and Creed Lane; (iii) relocation of the UKPN sub-station from basement to ground floor level; (iv) reduction in A3 (restaurant) floor area from 1,028sq.m to 478sq.m and relocation of the restaurant entrance door to Creed Lane; (v) reconfiguration of the waste storage facilities and service area; and (vi) other minor internal and external alterations
(RECONSULTATION: DESIGN CHANGES AND SUBMISSION OF: DAYLIGHT AND SUNLIGHT REPORT, LIGHT SPILLAGE REPORT AND UKPN NOISE DATA).

Case Officer: Liam Hart

[Click for further information](#)

Customer Details

Name: Mrs JANICE RIMMER

Email:

Address: Flat 13 Lambert House 2 Ludgate Square London

Comments Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Reasons for comment:
- Noise
- Residential Amenity
- Traffic or Highways

Comments: City of London Planning
FAQ Liam Hart 6th July 2018

Objection to Creed Court Planning Ref 17/01207/FULMAJ

In the Internal Light-Well,
Flues - rooftop extraction, what about downdrafts from the

wind blowing back into our property. Please check this out, otherwise it will cause loss of air quality.

Doors - How many? Even with the larger current Light-Well voices are very intrusive and will be more so on a reduced Light-Well.

It is stated that "Noise levels will exceed limits but not affect the Hotel." Why should noise level limits be allowed to be exceeded? This will certainly be detrimental to residents of Lambert House.

The proposed hotel elevation on Ludgate Square has an emergency door, maintenance door housing UKPN Sub Station - LV Switch Room. However these are too close to Lambert House's only exit. Plus all other residents evacuating from across and further down the narrow lane. How many people will be coming out of this area in an emergency?

Could the emergency services operate efficiently in this confined space with so many people.

The CHP space has no details why? It is most essential to know. How can you pass this Plan without knowledge of this especially for the residents of Lambert House.

Please notify us when you know.

yours sincerely,

J.L. Rimmer (Mrs)
Flat 13 Lambert House, 2 Ludgate Square, EC4M 7AS.



Flat 5, Lambert House
2. Ludgate Square
LONDON EC4M 7AS
6th. July 2018

Department of the Built Environment,
City of London,
PO Box 270,
Guildhall,
LONDON EC2P 3EJ

fao Liam Hart

Dear Sirs

14/00300/FULMAJ

We write to object to the proposed redesign of this consented development.

There is a real danger, from which we look to our elected representatives to protect us, of “planning creep” – it may be easier for a limited scheme to obtain consent, and then to alter it to incorporate features which would not have been acceptable in the original application, and would have led to its refusal. In particular, where the original has only just crept through by only two or three votes of the original committee, the Council should be on its guard. That is the case here – the critical features which almost persuaded the Council to refuse permission were the effect of the development on light, the massing which amounted to over-development, intrusive noise, overlooking and lack of “neighbourliness”.

We repeat what we said in our letter of January this year.

As to **light**, there is now a lengthier report from GIA, which sadly adds little to its earlier letter. The plain fact is that the revised proposal is for a significantly higher building, which is not stepped back from the perimeter of the interior light well sufficiently to avoid interfering with light. It is not disputed that our flat will suffer further loss of light. The only attempt to justify this is that in urban areas, light levels are often and inevitably reduced – and thus (it seems to be said) a further reduction does not really matter. This simply does not follow in logic: it amounts to saying that because we have too little light, we can more easily suffer the loss of some of the little we have than someone who starts with more. The true analysis is that light has value to all residential occupants: but it is of greater importance to preserve what little some have, the less they have. Any comparison should be not between the original and revised schemes, but between the revised scheme and the pre-consent condition of the building. On such a comparison, here, the objection as to reduced light would have become even more powerful.

We complained earlier of over-development: the revised plans amount to further development. This is obvious by the packing in of additional bedrooms, and the increase in height.

As to intrusive noise (and light) and overlooking: there are now to be several bedrooms which have a window into the courtyard into which our bedrooms at 2 Ludgate Square face. If they are to have louvres, as seems to be proposed, then noise and light are more likely to escape. There is no assurance in the plans that the casements will not open (as we were assured by the developer before). Instead of opaque windows giving onto staircases in the main in the proposed building,

these windows give light to – but also emit light from – bedrooms. The switching on and off of lights at night is likely to affect our amenity. The original plan is to be preferred; if not, then certainly a condition that the casements are fixed shut must be imposed.

We repeat, from our earlier letter: (a) it is not clear what acoustic (and vibration) protection there will be from the substation to be built right up against the flank wall of our properties: without this clarity, it must be assumed there is there is a real risk of noise/vibration. (b) The switching on and off of lights at all times of day and night in hotel rooms overlooking the courtyard causes further difficulties for the amenity of our properties, (c) the fact of such windows increases significantly the risk of overlooking and (d) additional mass has been added to an already heavily developed site.

In short, each of the earlier objections, which so nearly carried the day before, now has added force. The dangers of the “creep” to which we referred above are all too clear. The new plans would have been more likely to have been rejected altogether beforehand. The proposed amendments cannot be supported by the evidence thus far produced, and the application for this revised scheme should be rejected

Yours,

Sir Brian and Lady Langstaff.

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Representing the interests of Barbican Residents

Helen Kay
403 Willoughby House
Barbican
London EC2Y8BN

The City Planning Officer
Department of Planning and Transportation
City of London
PO Box 270,
Guildhall
London EC2P 2EJ

19 December 2017

For the attention of the case officer Bhakti Depala

Re: Objection to Planning Application for Tenter House **17/01050/FULMAJ**

I write on behalf of the Barbican Association, a Recognized Tenants' Association representing residents of the Barbican Estate, to object to elements of the application to develop Tenter House on the grounds of residential amenity, density and highway safety.

Overshadowing and density:

The Daylight and Sunlight Report clearly shows overshadowing on some of the Willoughby House windows in the early morning and City Point Piazza in the afternoon. We wonder why we have a Local Plan policy DM12.1 requiring a development to 'sustain and enhance heritage assets and to respect the character and scale of surrounding heritage assets' when, yet again, there is a proposal to build such a tall and dense building so close to the Barbican Estate. Are these policies not explained to developers at the pre-planning stage?

This is a speculative development with no requirement from a tenant to replace an 11-storey building by 18 storeys and to overhang the narrow New Union Street. As David Graves put it so well in his Cipplegate News sheet the 'Bloomberg building is all the more impressive because the opportunity to build higher was resisted to remain in keeping with the existing roof levels in the vicinity'. Unfortunately there are some new tall buildings neighbouring the eastern side of the estate but this should not set a precedent for another, one that will take more light from residents and the very many workers that enjoy the piazza.

Noise and disturbance:

Following the exhibition on 6 December and listening for the first time to neighbours' concerns the architect has assured us that he is looking again at the size of the servicing area. The application had already been submitted but there may be alterations made to the plans soon, we hope so.

The application shows a small area in which the lorries will have to reverse into 3 bays to load and unload, see *the Delivery and Servicing Plan* section 2.3. Already residents

hear refuse collections at City Point on New Union Street and the reversing beepers are very intrusive (*we await the broadband beepers being made mandatory in the City as they have in Westminster*).

There is a solution at this early planning stage for the noise and disturbance of these reversing lorries to be reduced. Enlarging the servicing area by moving the locker and shower room for cyclists would create a space large enough for the lorries to drive in, load and unload away from the noisy 'tunnel' of New Union Street, turn round and drive out forwards. The CoL has encouraged other neighbouring developers to have large servicing areas - City Point and 21 Moorfields.

Highway safety:

Vehicles frequently queue now on Moor Lane for access to City Point and reversing lorries on New Union Street will cause even more delay to the flow. Moor Lane is a north south quiet cycle highway and has approved plans for an enhancement scheme. It is a narrow road and with the cycle highway it is not safe for queuing vehicles.

In this role I have seen numerous objections to many developments that have then been ignored when it comes to the planning decision stage. It is frustrating and disappointing. I ask that for this application the comments are acknowledged because there is a solution. Quite simply, the developers can be told to enlarge the servicing area as explained above or better still, upgrade the current ramp from Moorfields that leads into the same servicing area at present and use that, taking the extra traffic away from Moor Lane. They can also be told to reduce the height of the building so that all those living and working in the vicinity do not lose any more daylight and sunlight.

Kind regards,

Helen Kay

Chair, BA Planning Committee
Deputy Chair, BA
403 Willoughby House
-overlooking London Wall Place, Fore Street

From: [Depala, Bhakti](#)
To: [PLN - Comments](#)
Subject: FW: Tenter House plans and comments
Date: 19 September 2018 15:12:43

-----Original Message-----

From: Helen Kay [REDACTED]
Sent: 07 August 2018 10:31
To: Depala, Bhakti <Bhakti.Depala@cityoflondon.gov.uk>
Subject: Re: Tenter House plans and comments

My apologies for the delay Bhakti, I needed to consult and people are away. No, the original letter from BA is no longer relevant given the changes made to the servicing area.

>> With thanks
>> Helen Kay
>> Chair BA Planning
>> Deputy Chair BA

> On 31 Jul 2018, at 15:34, Depala, Bhakti <Bhakti.Depala@cityoflondon.gov.uk> wrote:
>
> Dear Helen,
>
> Thank you for your email. Just to clarify - does your original letter from the Barbican Association still stand?
>
> Kind regards,
>
> Bhakti Depala
> Senior Planning Officer
> Development Division
> City of London
>
> 0207 332 1711
>
>
>
>

> -----Original Message-----

> From: Helen Kay [REDACTED]
> Sent: 31 July 2018 15:28
> To: Depala, Bhakti <Bhakti.Depala@cityoflondon.gov.uk>
> Subject: Re: Tenter House plans and comments
>

> Thank you. There will be no objection from the BA.
>
> Residents may object to loss of light, it's a real pity about the 18 floors.
> Helen
>

> Sent from my iPad
>

>> On 31 Jul 2018, at 12:07, Depala, Bhakti <Bhakti.Depala@cityoflondon.gov.uk> wrote:
>>

>> Dear Helen,

>>

>> A few more points to add to my email below:

>>

>> The original loading bay depth was 12m and this has been revised to a depth of 18m.

>>

>> The largest delivery vehicle which is 10m long and the applicant has confirmed that there would be room to

manoeuvre and load/unload wholly within the loading bay with the doors closed.

>>

>> Kind regards,

>>

>> Bhakti Depala

>> Senior Planning Officer

>> Development Division

>> City of London

>>

>> 0207 332 1711

>>

>>

>>

>> -----Original Message-----

>> From: Depala, Bhakti

>> Sent: 31 July 2018 11:11

>> To: Ba Planningchair [REDACTED]

>> Subject: FW: Tenter House plans and comments

>>

>> Dear Helen,

>>

>> Thank you for your email.

>>

>> The Barbican Association comment was received as a letter and all comments received as letters appear on the documents tab - but are labelled as consultee comments. It is standard practice for all consultee comments (including memos from internal consultees) to appear on the documents tab as it is not possible to place any comments in the consultee tab.

>>

>> The public comments tab shows all the comments received via the online planning portal on our website.

>>

>> With regards to revised servicing arrangements the alterations are:

>>

>> There is a door to the loading bay.

>> The loading bay has been re-configured so that 91% of vehicle movements are able to pull in and turn around to drive out in forward gear. (Page 28-33 sets out the revised servicing strategy including the types and number of vehicles servicing the building and refuse collection arrangements). The appendix of the Transport Assessment shows vehicle swept path analysis for the different types of vehicle movements. (Transport Assessment attached for ease of reference).

>> The applicant has also confirmed that there is space for all the compacting of waste and loading of waste from bins to take place behind a closed door.

>>

>> The 19 short stay retail spaces are short stay bicycle parking spaces (as required by the London Plan) provided for visitors to the retail units.

>>

>> I hope this helps but please let me know if you have any further questions.

>>

>> Kind regards,

>>

>> Bhakti Depala

>> Senior Planning Officer

>> Development Division

>> City of London

>>

>> 0207 332 1711

>>

>>

>>

>>

>>

>> -----Original Message-----

>> From: Helen Kay [REDACTED]

>> Sent: 29 July 2018 18:51
>> To: Depala, Bhakti <Bhakti.Depala@cityoflondon.gov.uk>
>> Subject: Tenter House plans and comments
>>
>> Dear Bhakti,
>>
>> Having started to plough through the many documents in order to understand what changes have been made I see that some objections and consultee comments are included in the 'documents' section, including my December letter.
>>
>> Is it best that these be moved to the 'consultee comment' tab or did you want them in the documents section? They seem to be in the wrong section.
>>
>> Can you explain the revised servicing arrangements please? It is not obvious from the plans of B01 and Ground floor plans. Is there a door to the loading bay, There is a line drawn across but no details and is the loading bay large enough for lorries to pull in and turn round to drive out forwards? Is there space for all the compacting of waste and loading of waste from bins to take place behind a closed door?
>>
>> Can you also tell me what the 19 short stay retail spaces are on New Union Street on PO199?
>>
>> With thanks
>> Helen Kay
>> Chair BA Planning
>> Deputy Chair BA
>>
>>
>>
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> Website: <http://www.cityoflondon.gov.uk> <BA Objection to Tenter House

> Dec17.docx>

Begum, Shupi

From: James Mills [REDACTED]
Sent: 26 November 2017 09:53
To: PLN - Comments
Cc: Chair Speed House
Subject: 21 Moorfields. FULEIA. Tenter House. FULMAJ

I wish to object to the above planning applications on the grounds that I live at 25 Speed House and my bedrooms face onto Silk Street. I am concerned that the increase in traffic during and following completion of this project will add to the already high level of pollution and noise along Silk Street which make the bedrooms extremely uncomfortable.

James Mills.

Sent from my iPhone

Broughton, Helen

From: PLN - Comments
Subject: FW: Planning Committee

-----Original Message-----

From: Trevor Kavanagh
Sent: 26 November 2017 18:02
To: PLN - Comments <PLNComments@cityoflondon.gov.uk>
Subject: Planning Committee

Dear Sir,

My wife and I have been residents at 55, Speed House, Barbican, EC2Y 8AT, since 2011.

Our attention has been drawn to planning applications for 21 Moorfields 17/01095/FULEIA and Tenter House 17/01050/FULMAJ.

We would like to register our objections to both developments on the grounds of significant additional heavy traffic which would be to the detriment of amenities and contrary to the spirit of the original planning approval.

The proposals would create new traffic in a heavily residential area, the listed Barbican Estate, with a large number of flats overlooking Moorfields. There would also be an impact for the residents of Silk Street where traffic would increase as a consequence.

It would be impossible for an increase in vehicle usage on the scale proposed without causing detrimental additional noise and disturbance.

Moorfields is already a busy road where parking is a problem despite clear yellow lines prohibiting which are frequently ignored. This presents a hazard to pedestrian safety.

We hope the planning committee will take note of the interests of the residents, as seems to have been the case when the original application for delivery access was granted from a non-residential street.

Yours faithfully

Trevor and Jacqueline Kavanagh.

Sent from my iPad

From: Beatriz Phipp
To: [Broughton, Helen](#)
Subject: Re: Increase of traffic in Silk Street and More Lane
Date: 01 December 2017 13:01:44

> Dear Sirs

>

> Ref:

> 21Moorfields 17/1095/FULEIA

> Tenter House 17/1050/FULMA

>

> I refer to the above reference and I object to the increase of traffic in both More Lane and Silk Street. The traffic of 240 vehicles means an increase not only of pollution but also of noise.

>

> The Barbican is a Residential area and we are entitled to a reasonable traffic and not to the one proposed.

>

> Yours faithfully

>

> Sent from my iPad

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Broughton, Helen

From: PLN - Comments
Subject: FW: Objection to 21 Moorfields 17/01095/FULEIA and Tenter House 17/01050/FULMAJ

From: [REDACTED]
Sent: 26 November 2017 12:51
To: PLN - Comments <PLNComments@cityoflondon.gov.uk>
Subject: Objection to 21 Moorfields 17/01095/FULEIA and Tenter House 17/01050/FULMAJ

Dear Planning Officer

We would like to object to the planning applications:

21 Moorfields 17/01095/FULEIA
Tenter House 17/01050/FULMAJ

We will be directly affected as our bedroom over looks Silk street and we object on the basis of:

Residential Amenity

- Noise and disturbance
- Light pollution
- Hours of use

Character and Appearance

- Impact on the historic environment, Listed Buildings or Conservation Areas

Highway safety

- Traffic implications and means of access
- Poor visibility
- Pedestrian safety
- Parking

Tim Bishop & Ian Loudon
84 Speed House
Barbican London EC2Y 8AU

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Dr Michael Swash

Address: 101 Willoughby House, Barbican, London EC2Y 8BL

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity
- Traffic or Highways

Comment: My comments are linked to those related to the 21 Moorfields redevelopment.

Problems as follows:

1. Moor Lane has been designated as a green development, with mixed pedestrian, cyclist and motor traffic, trees, flowers etc. It is not supposed to be a 'delivery highway'
2. The application flies in the face of all previous planning agreements in allowing major all-day deliveries along this RESIDENTIAL street.
3. There will be even more traffic congestion, with excess NOISE, increased EXHAUST GAS POLLUTION, DIFFICULT ACCESS and STREET CROSSING for residents and visitors. Bedrooms and study areas (all 250 of these face Moor Lane) will be affected. There is already potential traffic congestion on Moor Lane (Image available from November 2017).
4. Such air pollution risks violate all currently pending recommendations.
5. No other building on Moor lane has sought or been given planning permission for such a violation of residents' amenities.
6. I have no objection to the building per se, but the prospect of 170 vehicles (plus 120 from Tenter House) making there to and fro journeys is UNACCEPTABLE.
7. Surely the two developers can be persuaded to get together to find a solution involving the use of the small existing private delivery road exiting toward Moorfields?

Hassall, Pam

From: COL - Contact Centre
Sent: 30 November 2017 08:33
To: Pln - CC - Development Dc
Subject: FW: PRO FW: 21 Moorfields planning application COL:05092827
Attachments: IMG_1431.jpg

Dear Team,
Please see email below.
Kind Regards
David Parvin
Contact Centre Agent
Town Clerks Department
City of London Corporation
T: 020 7606 3030

From: [REDACTED]
Sent: 29 November 2017 14:19
To: PRO Queue <PROQueue@int.cityoflondon.gov.uk>
Cc: [REDACTED]
Subject: 21 Moorfields planning application

Dear Mr Newton

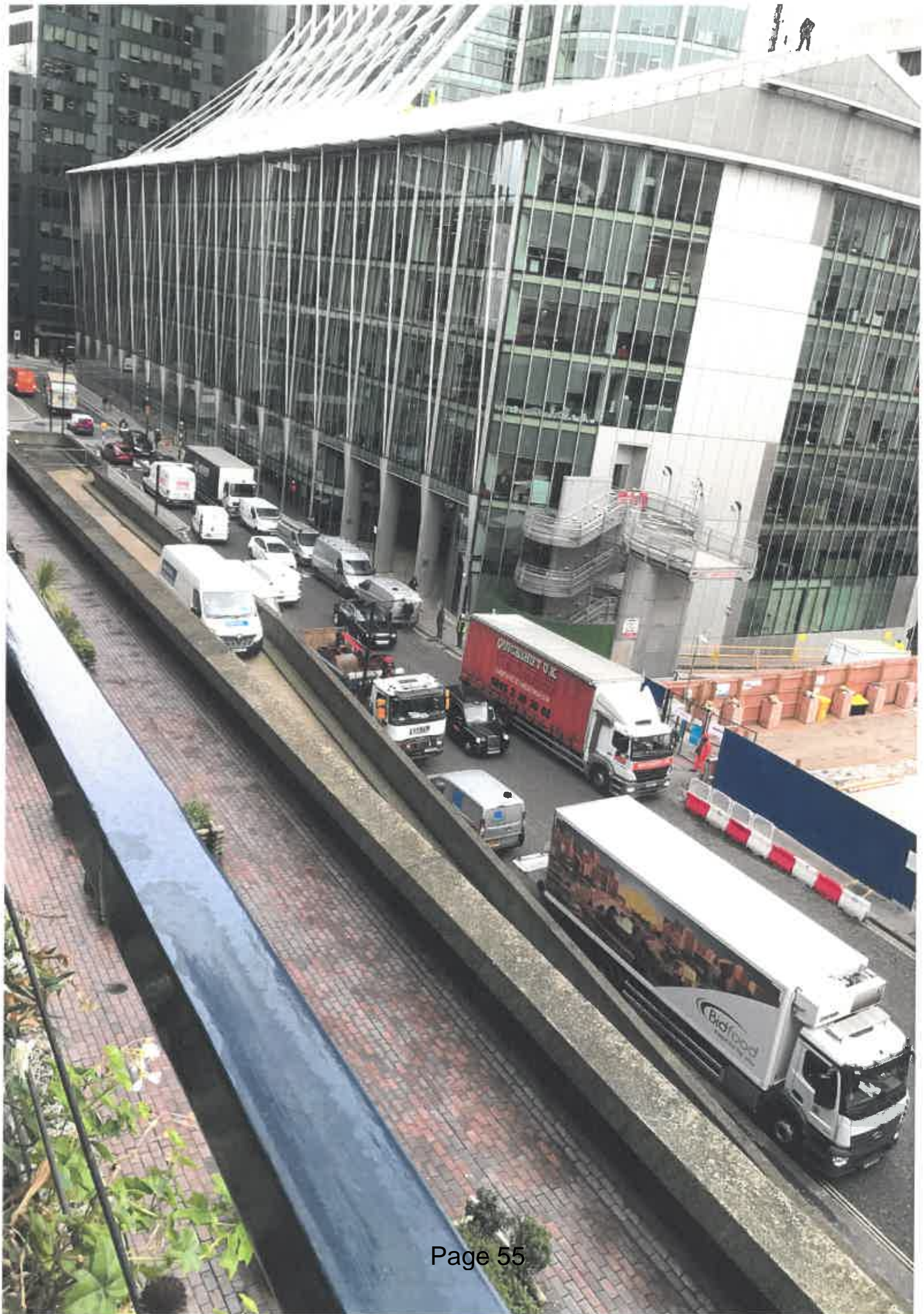
May I draw your attention to the already heavy occasional congestion in Moor Lane? Traffic has been increasing relentlessly and is already almost unacceptable for a residential street, with bedrooms facing the street, and many children in residence.

The attached photograph (by one of my neighbours from her flat) was taken on 14 November 2017

I trust this will be brought to the notice of your committee when the applications from 21 Moorfields and from Tenter House are considered.

Surely these 2 schemes could profitably be combined, with re-routing of access for loading etc, and with better use of the available space volume?

Yours etc
Michael Swash MD FRCP FRCPATH
Consultant Physician and Professor of Neurology
106 Willoughby House.



Graham Webb
318 Willoughby House
Barbican
London EC2Y 8BL

City of London
Dept of the Built Environment
Guildhall
London EC2P 2EJ

17 November 2017

Attn. Bhakti Depala

Dear Planners,

Tenter House – planning application ref. 17/01050/FULMAJ

I live at flat 318 Willoughby House, with my bedrooms on the lowest level of the block directly opposite the junction of New Union Street with Moor Lane. I object to the proposed development because of (i) loss of residential amenity (overlooking/loss of sunlight) and (ii) traffic implications (including traffic noise).

Any replacement for Tenter House should be **no taller/larger** than the current building for the following two reasons.

1. Overlooking/Sunlight

Once 21 Moorfields has been built, the only area of sky visible from to the east from my flat (and from many others) will be that above the lower canopy of City Point – between City Point Tower (which pre-dates the Barbican) and the proposed new 21 Moorfields. We can't see the current Tenter House above City Point. The proposed new building will blot out that area of sky **entirely** – even above New Union Street. We will no longer receive **any** direct morning sunlight, even in summer. The Daylight Sunlight Report shows that the sun we currently enjoy around 9am on 21 June will be blocked by the proposed building.

To add insult to injury, that same report confirms large % light losses to my bedrooms (windows W30/13 and W31/13), but then says that's OK because "we can pretend that Barbican flats don't have balconies". As the saying goes, "If my uncle didn't have balls he'd be my aunt!" In the real world, with Grade II brutalist listed balconies of which the City is very proud, the Report acknowledges severe loss of light to many flats in Willoughby House, especially at lower levels, a very real loss of residential amenity. At least 21 Moorfields (Land Securities) had the good grace to offer financial compensation to flats suffering significant daylight loss – no mention of anything similar here, despite the same consultants being used.

In fact the proposed building makes no attempt at all to cater for Willoughby House residents' sight lines. Several drawings place the proposed building next to the consented scheme for 21 Moorfields, but the new Tenter House is not "stepped back" from west to east as the proposed 21 Moorfields has been, after much negotiation. Consequently it will appear, to Willoughby House residents, to loom higher into the sky than 21 Moorfields, to which it is joined. In particular, the western of the two highest towers is at least 4 storeys taller than it should be if it were to be properly "stepped back".

2. Traffic Implications

The much larger proposed building means a large increase in the number of deliveries to the loading bay in New Union Street, all proposed (as now, I presume) to enter from Moor Lane and exit to Moorfields. The traffic increase is large enough to warrant a complex servicing plan with pre-planned delivery slots. Trucks etc will be forbidden to stop/wait in the privately owned New Union Street but we all know that the drivers will instead sit in Moor Lane with engines running waiting for their time slot. So the new building must not be larger than the existing one, so that the number of deliveries is low enough for vehicles to just roll up into New Union Street, as now, without being “held” in Moor Lane. It goes without saying that all noisy taxis and couriers **must** be obliged, as a planning condition, to use the front entrance of the building in Moorfields.

These traffic implications are also, of course, a loss of amenity issue on the grounds of noise, as more delivery vehicles using (or worse, parking up in) Moor Lane runs counter to Moor Lane’s status as a quiet residential street (as recognised in the recent 21 Moorfields planning application). The City has long acknowledged this status, hence the traffic restriction and barrier at Moor Lane’s south end to discourage traffic.

Incidentally, the application’s promotion of New Union Street as a pedestrian thoroughfare is utterly misconceived. For a start, the report’s pedestrian survey in the street was taken in July 2017, at a time when Moorfields south end is blocked by Crossrail construction, and the highwalk to the Barbican has been demolished! When 21 Moorfields is complete, then pedestrians from Moorgate Station will:

- Walk to Fore Street and London Wall via the south end of Moorfields;
- Walk to the Barbican Estate via the new highwalk through 21 Moorfields (as they invariably did via the old highwalk through the old Lazards building); and
- Walk to Silk Street and Chiswell Street via City Point Plaza, which is quicker (and nicer) than New Union Street.

Pedestrians have been using new Union Street only because it is temporarily the quickest route from Moorgate Station to Fore Street, London Wall and the south side of the Barbican.

So efforts to make New Union Street a space shared by pedestrians and traffic are superfluous; instead, the street should be dedicated to deliveries only, which ought to give more room to vehicles and make the servicing of the building a lot easier. This should then enable delivery vehicles to enter **and** exit via Moorfields (unquiet commercial area) rather than use Moor Lane (quiet residential area).

Overall, replacing a low rise Tenter House with a high rise block eliminates Willoughby House’s last chink of light from the outside world beyond Moor Lane. It also introduces extra servicing logistics that the congested local area just can’t cope with, especially given the already consented development at 21 Moorfields and the impending occupation of the new London Wall Place. A like-for-like replacement of Tenter House would just about be acceptable and manageable.

Yours sincerely

Graham Webb

Graham Webb
318 Willoughby House
Barbican
London EC2Y 8BL

City of London
Dept of the Built Environment
Guildhall
London EC2P 2EJ

28 July 2018

Attn. Bhakti Depala

Dear Planners,

Tenter House – planning application ref. 17/01050/FULMAJ

I live at flat 318 Willoughby House, with my bedrooms on the lowest level of the block directly opposite the junction of New Union Street with Moor Lane. I wrote to you on 17 November 2017 in connection with this planning application in its original form. I objected to the application on two grounds of loss of amenity: (i) deprivation of light/sunlight by taller building than existing; and (ii) increased noise in Moor Lane from additional delivery traffic needed to service a larger building than existing.

This letter is supplemental to that letter of 17 November 2017; the original objections remain. Below are some additional comments chiefly concerned with the applicants proposals set out in its resubmitted “Transport Assessment” and “Draft Delivery and Servicing Plan (DSP)”.

The applicant does not acknowledge (or perhaps understand) that Moor Lane needs to be treated in a manner appropriate for a (relatively) quiet residential street (as long established by the City of London through its traffic restrictions). A number of omissions and failings in the application result from this:

- The DSP does not propose any time limitations on deliveries to the loading bay in New Union Street, either during the week or at weekends (indeed it suggests that, if there is too much delivery congestion, deliveries could occur pre-7am or late in the evenings). As a bare minimum, the City **must** restrict deliveries into New Union Street to the same hours as have been dictated to the developers of 21 Moorfields next door in Moor Lane.
- The DSP’s proposal to schedule all deliveries in advance clearly won’t work for motorcycle/bicycle couriers, who will be delivering small packages to offices at short notice and often well outside the restricted hours for loading bay deliveries (often on noisy motorcycles). The City **must** dictate that the developers provide a courier reception as part of the office reception on Moorfields, much farther away from the Barbican (cf. the proposed 21 Moorfields courier reception on Fore Street Avenue).
- The DSP’s proposed “Goods In Manager”, operating from the New Union Street loading bay, won’t have a clue what is happening in Moor Lane, even if the current entry barrier to New Union Street is retained. For all he/she knows, delivery vehicles may be backed up and/or parked up in Moor Lane with engines running – a particular problem with refrigerated goods for the retail outlets. It’s not good enough to dictate to suppliers that they should switch off engines

while stationery in the loading bay; the instructions should also cover New Union Street and Moor Lane.

In addition, the City **must** give assurances to the developer (which Barbican residents can rely on) that any and all future pedestrian schemes implemented in Moorfields will not, in any way, impede the planned one-way operation of New Union Street with egress of all delivery vehicles from New Union Street into Moorfields (and north to Ropemaker Street) guaranteed. The alternative, of a fully pedestrianised Moorfields that turns New Union Street into a two-way cul-de-sac too narrow for HGVs to pass each other, would be a nightmare for both the building's owners and Barbican residents.

To reprise the conclusion of my letter of 17 November 2017:

“Overall, replacing a low rise Tenter House with a high rise block eliminates Willoughby House's last chink of light from the outside world beyond Moor Lane. It also introduces extra servicing logistics that the congested local area just can't cope with, especially given the already consented development at 21 Moorfields and the impending occupation of the new London Wall Place. A like-for-like replacement of Tenter House would just about be acceptable and manageable.”

Yours sincerely

Graham Webb

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Miss Stephanie Gamble

Address: 328 Willoughby House, Barbican, London EC2Y 8BL

Comment Details

Commenter Type: Member of the Public

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: It appears that this proposal would greatly increase the number of vehicles, together with their noise and air pollution, to the detriment of residents like myself and pedestrians. I therefore object to the application.

Wells, Janet (Built Environment)

Subject: FW: 17/01050/FULMAJ

From: Rodrigues, Jorge [
Sent: 10 November 2017 10:24
To: PLN - Comments
Cc: Jorge Rodrigues
Subject: 17/01050/FULMAJ
Importance: High

To the attention of Bhakti Depala

Re: Tenter House, 45 Moorfields, London EC2Y 9AE

Your ref: 17/01050/FULMAJ

We refer to your letter dated 3 November 2017, received yesterday, 9 November 2017.

We have viewed the available documentation regarding the above proposal and would like to make the following three comments:

1 - Architectural Merit

45 Moorfields is now one of the last post-war, 1960s building that has not been demolished to give way to faceless glass towers. As you can see from the photo below, it has aged very well and looks very elegant and solid compared to the utilitarian blandness of CityPoint (Ropemaker Street) and Moor Place (1 Fore Street) – both glaring examples of what good architecture should not look like.

If approved in its current format, 21 Moorfields will be another monstrous carbuncle (to quote Prince Charles) on London's skyline.

Therefore, it will be a great loss to demolish this building only to replace it with something infinitely inferior.

We would like the Department of the Built Environment to consider the architectural merits of Tenter House before continuing with this application.



2 – Scale of the building

The proposed new building will be 18 storey high, substantially higher than the existing building. As you can see from the two photos below, it will totally eclipse the only view of the sky we currently have from our Willoughby House flat (Photo 1), greatly affecting the quantity and quality of natural light we currently enjoy.

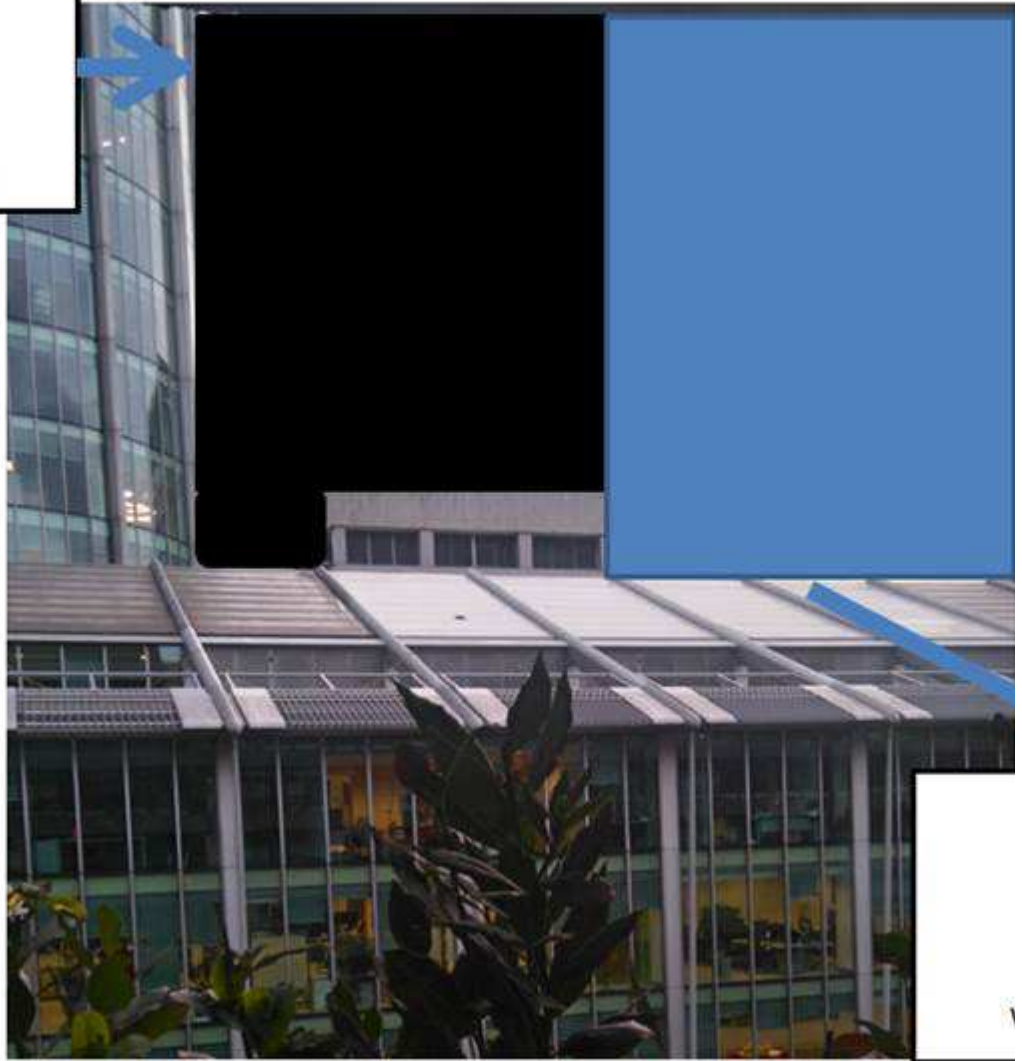
Photo 2 includes the proposed 21 Moorfields development.

Photo 1



Photo 2

Proposed height
45 Moorfields
Viewed from
Willoughby House



We therefore strongly oppose to the approval of a much taller building on the site as it will totally obliterate light flow and any remaining views of the sky and that we currently enjoy.

3 – Overdevelopment

There is already a large number of existing and planned new buildings for the area around the Grade 2 listed Barbican (particularly near Willoughby House).

This will attract greater traffic, air pollution and noise pollution to an area where hundreds of people live.

We ask the Department of the Built Environment to seriously consider the three points we have raised above.

Thank you.

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Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Mr Jorge Rodrigues

Address: 401 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Traffic or Highways

Comment: Formal submission emailed 10 November 2017.

I object to the use of Moor Lane and New Union Street as a service entrance for New Tenter House - both during construction and as a service entrance upon completion.

The Vehicle survey of New Union St from Moor Lane states an average of 230 vehicles will use the area in ONE day - 38 of which are HGVs.

There are about 200 bedrooms and nearly 150 flats, many with sitting rooms also facing East, backing onto Moor Lane and that will be directly affected.

My concerns are:

1. The likely impact particularly regarding noise pollution of additional servicing from this narrow lane
The increase in traffic flow is certain to increase the noise generated. The increase in deliveries (to approx. 58/day) would amount to 1 every 8 - 9 minutes IF all deliveries took place in business hours. Deliveries to Tenter House, however, currently take place any time from 6am until late in the evening, combining both engine noise & audible reversing/parking signals (bleeps). This additional noise burden will have a significant impact on the ambient noise level for residents on Moor Lane.
2. This appears contrary to the Corporation of London Local Plan for Residential Amenity (Policy DM 21.3).
3. Impact of ventilation provision. Additional floors will require additional ventilation. Inflow & outflow vents form a significant component of the ambient noise experienced by residents on Moor Lane. The unusual acoustic environment of Moor Lane (a narrow street with high, glass-fronted buildings on either side) causes amplification of all sound due to a "canyon effect." The actual increase in noise varies according to the precise location of the monitor, and is therefore difficult to model for any given flat. There should, at the very least, be a stipulation that all ventilation ducts open in directions other than on to Moor Lane.
4. The proposals are inconsistent with the planned "greened" enhancement of Moor Lane or the planned improved cycle highway that would be massively beneficial for local residents' health.
Note that the Barbican Playgroup and other areas close by already suffer on occasion from illegal levels of air pollution (it is within 150m of a road emitting 62.4141µg/m³ versus a legal limit of 40). The additional delivery servicing proposals would only exacerbate this problem.
5. The proposal appears to undermine the Local Plan (which was widely consulted) to integrate street level contact (walking/families/school children) between Barbican centre, residences and new retail developments
6. The proposal seems inconsistent with previous development decisions, which recognised that service access on Moor Lane was inappropriate given the vastly increased scale of the developments.

There is alternative access via Moorfields that could be used.

Finally, I wanted to raise the issue of concurrent planning application submissions for Tenter House and 21 Moorfields. Given these two applications represent such a huge change in residential amenity and highway/safety surely the applications and the implications need to be considered as a cumulative whole.

From: JOHN PONTING [REDACTED]
Sent: 24 November 2017 17:39
To: PLN - Comments
Subject: Tenter House Planning Application

TENTER HOUSE

Your Ref: 17/01050/FULMAJ

Case Officer: Bhakti Depala

It is depressing that, once again, we find ourselves objecting to another large development which will impact adversely on the residential amenity of our home and hence on the quality of our lives.

We are increasingly being walled in by large buildings, for which the planning applications are considered individually, with the result that the combined effect on us is not taken into account. The detrimental effects include loss of daylight and sunlight, overshadowing and overlooking (incurring loss of privacy) and disturbance, both day and night, from increased traffic, noise and light pollution. These are all likely to have adverse implications for our health and well-being.

We particularly wish to object to the proposed height of the building and to the vehicular access from Moor Lane for servicing the Tenter House development. This would bring more traffic into Moor Lane, resulting in increased noise and pollution. We have 3 rooms (including bedrooms and rooms used during the day) facing Moor Lane and close to the proposed access. Furthermore the proposal is not compatible with the planned 'greening of Moor Lane' to create a quiet, greened street.

John & Ann Ponting

532 Willoughby House

From: JOHN PONTING
To: [PLN - Comments](#)
Subject: Tenter House Planning Application
Date: 18 August 2018 20:49:07

For the attention of Bhakti Depala, Development Division

TENTER HOUSE

Your ref: 17/01050/FULMAJ

Our previous objection (of 24/11/17) to the proposed redevelopment of Tenter House is attached below.

We wish to object again as we remain very concerned about the adverse effects of the proposed development on our residential amenity and the quality of our lives, particularly when considered in conjunction with the effects of the proposed 21 Moorfields development and the already-rebuilt Telephone Exchange, Moor House and London Wall Place buildings.

The proposed height of the buildings will impact adversely on us through further loss of daylight and sunlight, overshadowing & overlooking with loss of privacy and will result in the total loss of visible sky from within much of our two 6th floor rooms and significant loss from our 7th floor room. Instead of the open aspect that we have previously enjoyed we will be completely walled in by high buildings, whereas some years ago we could even see the Millennium Dome from our 7th floor.

We cannot believe that the loss of daylight and sunlight will be “*de-minimis*” to us and we consider it unfair to blame such losses on the architectural features of Willoughby House (WH). As WH already exists the losses would thus be clearly attributable to the excessive height and proximity of the proposed redevelopments.

We also wish to reiterate our objections to the noise, pollution, disturbance and inconvenience that would be caused by the increased vehicular access from Moor Lane into New Union Street for servicing the proposed development.

It is frustrating and disappointing that our objections to proposed plans such as these only ever result in relatively minor tinkering with some aspects rather than a fundamental re-think about the negative aspects of permitting large-scale developments to be built in close proximity to already existing homes.

John & Ann Ponting

532 Willoughby House

[Previous Objection dated 24/11/17](#)

TENTER HOUSE

Your Ref: 17/01050/FULMAJ

Case Officer: Bhakti Depala

It is depressing that, once again, we find ourselves objecting to another large development which will impact adversely on the residential amenity of our home and hence on the quality of our lives.

We are increasingly being walled in by large buildings, for which the planning applications are considered individually, with the result that the combined effect on us is not taken into account. The detrimental effects include loss of daylight and sunlight, overshadowing and overlooking (incurring loss of privacy) and disturbance, both day and night, from increased traffic, noise and light pollution. These are all likely to have adverse implications for our health and well-being.

We particularly wish to object to the proposed height of the building and to the vehicular access from Moor Lane for servicing the Tenter House development. This would bring more traffic into Moor Lane, resulting in increased noise and pollution. We have 3 rooms (including bedrooms and rooms used during the day) facing Moor Lane and close to the proposed access. Furthermore the proposal is not compatible with the planned 'greening of Moor Lane' to create a quiet, greened street.

John & Ann Ponting

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Richard Haynes
705 Willoughby House
Barbican
London EC2Y 8BN

[REDACTED]
[REDACTED]
28th November 2017

City of London
Dept of the Built Environment
Guildhall
London EC2P 2EJ

Re : Tenter House – planning application ref : 17/01050/FULMAJ

Our family's objections to the proposed planning application are as follows:

- The proposal is for an 18 storey building -- an increase of 7 floors over that which currently exists!
- The current building is in our direct line of sight from a study/ bedroom and whatever the impacts the estimable Plan 2 Surveyor team through their computer generated models may indicate the human fact is that the increased height will impact the sunlight that will enter into the room in the mornings. The balcony situated above does not detract from the sunlight.
- In contrast to Commercial properties, (s.3.3 of the report) our residential property does have a reasonable expectation of sunlight.
- At a minimum the planners should consider what is being proposed in the adjacent 21 Moorfields development in respect of height and design and have some consideration so that the light amenity is not detrimentally impacting those who have resided here for more than 20 years.
- The larger building will also have an increase in the number of deliveries to the loading bay in New Union Street
- The traffic implications will result in a loss of amenity due to noise, as more delivery vehicles will use Moor Lane, leading to a detriment in terms of noise and pollution to Willoughby House residents as a quiet residential street (recognized in the recent 21 Moorfields planning application). We would urge that the application be revised to remove any option of using Moor Lane for deliveries etc.

In summary we request that the proposed building be contained within the existing footprint (including height) of the current building and the deliveries etc be operated through New Union Street. Yours sincerely,

Richard Haynes

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Mr Nick Astbury

Address: 522 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise

Comment: I am in favour of developing Tenter House but concerned that access to the service yard will result in a significant increase in noise level, particularly if vans or lorries have to reverse if they cannot turn round. New Union Street is directly opposite our flat and the proposed increase in deliveries will result in even more traffic in Moor Lane which is destined to become a 'green' street according to the local plan. I would appreciate if consideration could be given to vehicles being able to turn round inside the building as this would lessen the noise.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Ms Hilary Sunman

Address: 124 Willoughby House London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: The proposed building at Tenter House has been well designed on its site and should be a good building. But at present the proposed access for service vehicles is unsatisfactory; vehicles will reach Tenter house from New Union Street, which they will reach from Moor Lane, adding to commercial traffic in Moor Lane. This is of a general concern, increased traffic in this residential road will significantly affect amenity for the residents. Many bedrooms in Willoughby House face Moor Lane so night time noise is of concern, but many residents also live/work in rooms facing Moor Lane and increased traffic noise will seriously affect the quality of life. Moreover, at present the service bay within the Tenter House development requires vehicles to reverse into it, which will cause considerable noise from reversing bleeps which are very penetrating.

As chair of the Willoughby House residents' association I have had discussions with the applicant and the planning department requesting that at the very least the space for service vehicles be increased and placed within the building, as is the case in other city developments. This would minimise the need for reversing and have a positive impact on noise. In addition, the planning dept has asked that New Union St be maintained as a pedestrian way, as well as service access which limits the extent to which acoustic screening/barriers can be used to reduce sound and nuisance impact. City Point plaza (which will be enhanced as a result of the Tenter House development)

would provide a much more satisfactory route from Moofields to Moor Lane and Silk Street.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

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Case Officer: Bhakti Depala

Customer Details

Name: Mr Peter Smart

Address: 715 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: Any development at Tenter House should minimise traffic impact in Moor Lane, a residential street overlooked by several hundred flats, particularly avoiding the bane of reversing lorries whose noise carries and is amplified to every flat in Willoughby House. Increased traffic also has significant safety implications as retail amenities and pedestrian traffic increase. The Local Plan envisaged a "greening" of Moor Lane not a highway for deliveries.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

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Case Officer: Bhakti Depala

Customer Details

Name: Mr Simon Ebbins

Address: 501 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Residential Amenity
- Traffic or Highways

Comment: I wish to object to this application.

The residential amenity that I currently enjoy will be reduced as the daylight that I receive in my LIVING ROOMS will be reduced by between 25% and 32%.

Also this proposal will add a large amount of traffic to Moor Lane, and the impact should be added to that of other proposed developments, specifically 21 Moorfields. This conflicts with the plan to "green" Moor Lane, and adds to noise and pollution in what is a quiet residential street fronted by many bedrooms.

I would like to speak at the planning application meeting.

Thanks and regards,
Simon Ebbins.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

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Case Officer: Bhakti Depala

Customer Details

Name: Mr Christopher Makin

Address: 21 Speed House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: I write to OBJECT to proposal 17/01050/FULMAJ - Tenter House 45 Moorfields London EC2Y 9AE

My objection is based on three factors

1: Noise:

Although this development will mean the complete demolition of the existing structure and a new 18 storey building being built, the proposal does not include adequate space in the servicing area for lorries to turn around inside as they do at the adjacent City Point.

Instead, lorries will back in from New Union Street with the attendant 'beeping' of reversing signals. Such sounds can already be heard in Willoughby House, a residential block of 148 flats whose 200 bedrooms overlook Moor Lane.

If there truly is not space for vehicles to turn round in the new building, the Tenter House development should have its servicing entrance on Moorfields where there are no residential properties and there is already a ramp.

2: Residential amenity

A: As above, the proposal envisages that the new building will be serviced from New Union Street in a one way system from Moor Lane to Moorfields. Currently, 100 vehicles access New Union Street daily for City Point and these vehicles queue up on Moor Lane polluting the atmosphere. This proposal will add more traffic to a road that cannot cope with the vehicles it currently has.

B: The new building is 18 storeys high and will block sunlight to public spaces and residents' homes.

C: The new building will need additional ventilation and this will increase the noise heard by local residents, diminishing the enjoyment of their homes.

3: Traffic or Highways

Moor Lane is designated a north-south quiet cycleway. The Tenter House proposal will add many more vehicles a day to this road, undermining the concept of a quiet cycleway and increasing the chance of a fatal accident.

I trust the Planning Committee will ask the applicant to amend their proposal to address the concerns expressed above.

Yours

Christopher Makin
Chair, Speed House.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Ms Nina Strangeway

Address: 301 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: I object to the proposed redevelopment of Tenter House on the grounds of loss of light and residential amenity. Along with the significant increase of traffic and noise to Moor Lane which will result from the proposed servicing route.

The cumulative impact of 21 Moorfields and Tenter House on Willoughby House residents is unacceptable.

I would like to speak in opposition to the application at planning committee.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658 sqm GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563 sqm GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221 sqm GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Mr Richard Gaskell

Address: 402 Mountjoy House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Residential Amenity

Comment: The proposed higher building blocks air movement on the north side, and overshadows the public space (privately owned) north of Tenter House. How can the City of London, in its local authority capacity, deprive this public space of so much direct sunlight?

I have also commented in like vein, for the environmental impact of the Moorfields site south of Great Union Street.

yours faithfully, Richard Gaskell

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Dr Maria Granowska

Address: 709 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: There will be noise and disturbance from lorries and cars.

The increase in traffic will be detrimental to my wellbeing.

It will affect my safety walking to Moorgate shops, bank and tube station. I am 77.

It will affect my access to my parking lot in the Barbican.

It may affect my daylight.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Dr Paul Horsnell

Address: 326 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: The servicing arrangements in the proposal appear to give insufficient consideration to residential amenity, particularly for the occupants of the 200 bedrooms with single glazing in Willoughby House, opposite the entrance to New Union Street from Moor Lane. The impact on Moor Lane traffic is likely to be material. The traffic would represent a substantial increase to existing Moor Lane flows, run counter to policy DM 21.3, and make the road more dangerous in its role as a supposedly quieter route as part of the north-south cycle-way.

It is not clear how vehicles will turn around, suggesting the possibility of incessant reversing beeps. Moving servicing from the current building's route through the less residential Moorfields to an access via the highly residential Moor Lane appears a retrograde step, and implies limited consideration of the amenity of local residents.

The new building is considerably higher than the current building. It appears likely that the loss of light (already constrained by other proposed developments) for Willoughby House residents is likely to be a significant issue.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Dr Steve Nicholson

Address: 540 Willoughby House The Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Traffic or Highways

Comment: There are two areas of concern with regard to this development, both based on existing problems with this building.

1. Traffic - the increase in traffic flow is certain to increase the noise generated. The increase in deliveries (to approx 58/day) would amount to 1 every 8 - 9 minutes IF all deliveries took place in business hours. Deliveries to Tenter House, however, currently take place any time from 6am until late in the evening, combining both engine noise & audible reversing/parking signals (bleeps). This additional noise burden will have a significant impact on the ambient noise level for residents on Moor Lane.

2. Ventilation - additional floors will require additional ventilation. Inflow & outflow vents form a significant component of the ambient noise experienced by residents on Moor Lane. The unusual acoustic environment of Moor Lane (a narrow street with high, glass-fronted buildings on either side) causes amplification of all sound due to a "canyon effect." The actual increase in noise varies according to the precise location of the monitor, and is therefore difficult to model for any given flat. There should, at the very least, be a stipulation that all ventilation ducts open in directions other than on to Moor Lane.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Mr Martin Gilday

Address: 519 Willoughby House London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: The redevelopment of Tenter House would be a positive for the area, but I object to the current plans due to the increase in traffic to Moor Lane. This road is overlooked by hundreds of bedrooms and offices from Willoughby House. The road also forms part of the Cycleway which is currently a safe route due to the limited motorised vehicles. There would be a large amount of noise generated by traffic including reversing beeps and engine idling.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Mrs Mary Durcan

Address: FLAT 48,ANDREWES HOUSE BARBICAN LONDON

Comment Details

Commenter Type: Councillor

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment:I would like the Planning Committee to restrict the night time lighting of the building.

Light pollution is a serious inconvenience to the residents of my ward as well as being environmentally damaging. Too much light pollution has consequences: it washes out starlight in the night sky, interferes with astronomical research, disrupts ecosystems, has adverse health effects and wastes energy.

Motion sensors should be used and the lights dimmed to 50% of day time usage.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

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Case Officer: Bhakti Depala

Customer Details

Name: Miss Kathryn Gray

Address: 508 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:i)This application should be considered in conjunction with 17/01095/FULEIA. There is no way that two adjacent major developments can be accurately assessed separately.

ii)The proposed development is significantly higher than the current Tenter House. As shown in the various Daylight_Sunlight_Reports, this will result in a loss of light to Willoughby House residents, Ropemaker Street offices as well as City Point Plaza. Shadows from the new building are shown to extend completely across existing roads/buildings at various points of day in some months. The City Point Plaza square tries to be a gathering point with bars / coffee shops, showing sport in the summer. However this area will not be appealing if it is constantly in shadow. I would suggest that the building is limited to 12 storeys, thus creating a natural step down from the 21 Moorfields development when viewed from the east/west.

iii)I am encouraged to see that the Sustainability report notes the building's lighting will encompass daylight dimming and presence detection. I would encourage planners to insist that this is throughout the building and that presence detection is operational at all times (i.e. not optional). Light pollution from empty offices in this part of the city is appalling. Not only does this waste energy, but it disturbs residents' sleep.

iv)It is disappointing to see the loss public space on the ground floor. The building itself is expected to provide more office space, but the inclusion of only one retail space unit cuts down other foot traffic in the area. I would rather walk past a lively building than an emotionless vacuum of a lobby, which although brightly lit, brings nothing to the area (case in point, City Point's voluminous lobby space).

v) During construction, access to the site should be via Moor Place / Moorfields. There is already significant construction on the 21 Moorfields site causing noise pollution for residents along Moor Lane, without additional construction traffic

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Ms Natalie Robinson

Address: 7 Andrewes House London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: The proposed access and servicing arrangements for this building -and the hours at which they occur- will further compromise the residential amenity of those living in Willoughby House whose bedrooms and living rooms overlook Moor Lane and who are already disturbed by the servicing of City Point -e.g. emptying bins. The service bay layout in the redeveloped Tenter House -which requires vehicles to reverse into the loading bay- will add to the noise and disturbance; this could be improved by reconfiguring the layout so service activity -including vehicles turning- is contained within the building envelope and shielded with acoustic service bay doors.

The proposed enhancement to the pedestrian route across City Point Plaza is welcomed- given innovative wayfinding [as part of the Cultural Mile ambition] but the continuing emphasis on New Union Street for pedestrian use seems at odds with the massing of the redeveloped Tenter House -which will create a tunnel with little or no view of a destination- and does not take account of the excellent pedestrian route to the Podium created in the 21 Moorfields development.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

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Case Officer: Bhakti Depala

Customer Details

Name: Miss Tracey Wiltshire

Address: 204 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

- Traffic or Highways

Comment: Our only concerns are:

1. The amount of traffic i.e. deliveries;
2. Will the height of the building affect our right to light?

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Mrs Katherine Jarrett

Address: 504 Willoughby House Barbican LONDON

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment:1. We are concerned about the noise generated by delivery access to Tenter House. There is currently no mention of the proposed service yard being large enough for vehicles to turn around in which would lead to reversing noise of potentially 58 deliveries per day (residents' group data). This is certainly far from 'non material'. Willoughby House balconies on Moor Lane are all bedroom windows, and in our case single glazed (listed). As a parent of a 3 year old and a 10 month old baby I must stress how this would lead to difficult circumstances 6 days a week for the families who have lovingly made the Barbican their home.

2. We are concerned about our right to light. At the point of submitting this objection we are awaiting the results from Point2 Surveyors, however they indicated severe reduction. For the interpretation as to the amount of daylight and sunlight lost to potentially penalise Barbican residents for their flats having balconies seems ludicrous.

3. Moor Lane is also due to benefit from 'greening' which would be massively beneficial for local residents' health. The Barbican Playgroup suffers from illegal levels of air pollution (it is within 150m of a road emitting 62.4141µg/m3 versus a legal limit of 40). The additional deliveries would only exacerbate this problem.

5. Finally, we wanted to address the the issue of concurrent planning application submissions (Tenter House / 21 Moorfields). JLL (representing Tenter House) has confirmed to me that its right to light survey is based on contextual light taking 21 Moorfields into account which will skew the results in favour of its development which is unfair. Surely these two applications represent such a huge change in residential amenity and highway/safety that the applications need to be considered as a whole.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Ms Lila Rawlings

Address: Flat 719 Willoughby House London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Traffic or Highways

Comment: We strongly object to the use of Moor Lane and New Union Street as a service entrance for New Tenter House - both during construction and as a service entrance upon completion.

The Vehicle survey of New Union St from Moor Lane states an average of 230 vehicles will use the area in ONE day - 38 of which are HGVs. This is quite clearly an infringement of our rites - for our children to walk to and from school, for residents to use local shops, to assume a decent nights sleep, to work from home and run our lives in a peace.

In the design of the service yard we see 3 loading bays, with no mention of provision for vehicles to turn around - which will mean more noise from reversing vehicles - 230 times per day? Added to the current levels of noise which is already stopping many residents from sleeping or working throughout the day.

Please take our concern seriously. As residents of this block we know that many of the old buildings need to come down and be redeveloped - we support this BUT please know, we these flats are homes - we raise families here, elderly people live here, we are a community who value our rites.

With thanks

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Ms Sarah Guy

Address: 109 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: I am worried that not enough consideration has been given to the noise and traffic implications of this planning application.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Mr Sam Nicholson

Address: 320 Willoughby House London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity

Comment: This application fails to adequately provide protection to neighbours during the construction phase.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Mr Tim O'Hara

Address: Flat 708 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: We understand that it is proposed that there will be 38 HGVs accessing the enormous new building from Moor Lane. This is a major residential area with hundreds of homes overlooking Moor Lane. Many of the residents have young children or work from home. Such extensive usage would make life very difficult and unpleasant for these people. This is not compatible with the City's policy of making the Lane more residential with trees and wider pavements. There is alternative access via Moorfields. The City has created a major residential development in the City but now seems to be ignoring the legitimate interests of the residential inhabitants.

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing ground slab level and construction of an 18 storey office building (Class B1) [up to 28,658sq.m GEA] with ground floor retail (Class A1/A2/A3/A5) [up to 563sq.m GEA] together with works to the two basements and the ground floor level (Options 1, 2 and 3) with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [Total up to 29,221sq.m GEA].

Case Officer: Bhakti Depala

Customer Details

Name: Mr Petre Reid

Address: 524 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment: I wish to object to the proposed development to Tenter House, primarily on the grounds of vehicular access through Moor Lane, creating more noise, pollution and impacting the residential amenity. Not only will the noise and disturbance of a significant increase in lorries run contrary to the Corporation of London Local Plan for Residential Amenity [Policy DM21.3], but one questions how such an increase in traffic can sit alongside the plan to "green" Moor Lane and make it part of the north south cycle highway. To add insult, the servicing yard into which these vehicles will deliver and load does not appear to be large enough to allow the vehicles to turn round. Thus those residents of Willoughby will hear constant reversing noise.

Finally I would wish to point out that there appears to have been a lack of communication by the developers to this whole proposal. The developers clearly do not understand what being a good neighbour requires. Perhaps the Corporation might wish to educate them!

Comments for Planning Application 17/01050/FULMAJ

Application Summary

Application Number: 17/01050/FULMAJ

Address: Tenter House 45 Moorfields London EC2Y 9AE

Proposal: Demolition of existing building and structures to existing basement slab level and construction of an 18 storey office building (Class B1) [28,071sq.m GEA] with ground and first floor retail (Class A1/A2/A3/A5) [735sq.m GEA], together with works to the two basements and the ground floor level with associated servicing, waste storage, plant facilities and cycle parking and public realm improvements to New Union Street [Total Floorspace 28,806 sqm GEA]

|cr||cr|[RECONSULTATION - SCHEME AMENDMENTS INCLUDE NEW RED LINE, REVISED SERVICING ARRANGEMENT AND OMISSION OF CAR PARKING WITHIN BASEMENT]

Case Officer: Bhakti Depala

Customer Details

Name: Mr Nazar Sayigh

Address: 301 Willoughby House Barbican London

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Noise
- Residential Amenity
- Traffic or Highways

Comment:I write to object to the application at Tenter House.

The scheme will impact the amenity of our home through loss of daylight and sunlight.

There will be an increase to noise, nuisance and disturbance from the rooftop communal terraces that face Willoughby House.

An increased level of vehicular movement and frequency on Moore Lane will occur as a result of servicing the much larger building.

Committee(s): Planning and Transportation Committee – For decision Policy and Resources Committee – For decision	Date: 10th March 2016 17th March 2016
Subject: Redevelopment of 21 Moorfields - Potential Acquisition of Land for Planning Purposes	Public
Report of: Chief Planning Officer and Comptroller and City Solicitor	For Decision
Report authors: Annie Hampson: Tel 020 7332 7000 Deborah Cluett : Tel 020 7332 1677	

Summary

1. This report seeks your approval in principle for the potential acquisition of land for planning purposes by agreement under section 227 (“S227”) of the Town & Country Planning Act 1990 (“TCPA”) enabling the operation of powers under Section 237 of the Town & Country Planning Act 1990 (“S237”) to facilitate the carrying out of the redevelopment of 21 Moorfields (the “Redevelopment Site”) (shown edged bold on the plan at **Appendix 1**).
2. The City Corporation granted planning permission for a scheme (“The Development”) for the Redevelopment Site on 25th November 2015 under reference 14/01179/FULEIA. The Owners wish to commence preparatory works (which may include costly pile enabling and piling) in April 2016 in order to maximise the ability to deliver the completed development to the shortest programme by 2020, and to complete it with the minimum delay after Crossrail’s opening at Moorgate. Delay would prejudice the prompt upgrade of public realm in the vicinity and it would be detrimental to the rejuvenation of the area if the Site remains vacant and undeveloped for any considerable period of time after the Crossrail Station opens. However, the Owner has advised that the programme is now at risk due to the inability to settle and conclude legal agreements in respect of a significant number of remaining rights of light claims, and the prospect that those enjoying the rights of light may be able to pursue injunctive relief.
3. The Owners have asked if the City Corporation would be prepared to consider intervening by utilising the powers under S227 to enable reliance on the powers in S237. For this to occur it would be necessary for the City Corporation to acquire an interest in the Redevelopment Site, and the City’s compensation liabilities to be indemnified by the Owner.
4. In November 2011 the Policy and Resources Committee decided that “subject to any necessary approvals, in future, appropriations such as this be determined by Planning and Transportation Committee only. The “necessary approvals” would require Court of Common Council to delegate such decisions to Planning and Transportation Committee only. Unfortunately, due to an oversight this has not been done. It is proposed to seek the appropriate delegation from the Court of

Common Council in April 2016 by way of an amendment to the Planning and Transportation Committee's terms of reference.

Recommendations

5. It is recommended that:-

- (a) Planning and Transportation Committee and Policy and Resources Committee authorise acquisition of an interest in the Redevelopment Site by the City Corporation under S227 of the Town and Country Planning Act 1990 in order to engage powers under S237 for the planning purpose of facilitating the carrying out of the Development (in its current form or as it may be varied or amended) and subsequent disposal of that interest to the Owners (or an associated company) under section 233 of the Town and Country Planning Act 1990, subject to the Town Clerk determining in consultation with the Chairman and Deputy Chairman of Planning and Transportation Committee:-
 - (i) that adequate attempts have been made to remove injunction risks by negotiating release of affected rights of light by agreement and that those entitled to rights of light are not prepared, by agreement (on reasonable terms and within a reasonable time) to permit infringements of those rights in time to achieve the development programme; and
 - (ii) that there is a suitable Indemnity in place; and
 - (iii) the terms on which the acquisition and disposal referred to above are to be made.
- (b) following the Policy and Resources Committee's decision that appropriations such as this should in future be determined by Planning and Transportation Committee only, the appropriate delegation be sought from the Court of Common Council in April 2016 by way of an amendment to the Planning and Transportation Committee's terms of reference.

Main Report

Background

- 1 The City Corporation resolved to grant planning permission under reference 14/01179/FULEIA for the redevelopment of 21 Moorfields (the "Redevelopment Site") on 17 March 2015, subject to a Section 106 Agreement. On 2 June 2015 the City Corporation resolved to rescind existing city walkway known as Moorfields Highwalk to enable the redevelopment to proceed, subject to a Section 106 Agreement providing for re-provision of the city walkway. The Section 106 Agreement relating to both the planning permission and the city walkway rescission was completed and the planning permission issued, and city walkway rescission put in train, on 25 November 2015. The Development was supported by the Mayor.
- 2 The planning permission granted by the City Corporation on 25 November 2015 under reference 14/01179/FULEIA is for the following (see **Appendix 2** for image):

- i) Redevelopment with two office buildings around a podium level landscaped public square fronted by retail units.
 - ii) A new City Highwalk located on the southern edge of the development at podium level to provide a direct route between Moorfields/Moorgate Station and the Barbican.
 - iii) An eastern building, fronting Moorfields, rising to 7 floors above podium level on the Moorfields frontage, and rising to 14 floors above podium at its highest point (85.85m AOD). The office lobby would be at podium level with stairs, escalator and lift access from ground level in Moorfields and from the podium. A western building, fronting Moor Lane, rising to 4 floors above podium level on the Moor Lane frontage, setting back and stepping up to 7 floors above podium at its highest point (52.95m AOD).. The office lobby would be at podium level with its main entrance in the new public square and a secondary entrance on Moor Lane.
 - iv) The proposed floorspace is: Offices – 63,021 sq.m GIA, 64,684 sq.m GEA; Retail – 1,122 sq.m GIA, 1,156 sq.m GEA.
 - v) The existing Highwalk escalators and stair on Moorfields are due to be replaced by Crossrail as part of their works. The redevelopment proposal involves replacing these with new escalators and adding a new lift. On Moor Lane there are existing stairs and a lift that would no longer be used. These would be replaced by a new lift and stairs. The Highwalk bridge over Moor Lane is proposed to be increased in width and the bridge over Fore Street Avenue would be altered to meet changes in levels
 - vi) Both new buildings would be serviced from a loading bay in Fore Street Avenue. No car or motor cycle parking is proposed. Pedal cycle parking and changing facilities are provided.
- 3 As set out in the Chief Planning Officer's report to the Planning and Transportation Committee of 17 March 2015, the proposal was considered to be in substantial compliance with the policies that relate to it and in particular to support the strategic objective of the City Corporation to promote the City as the leading international financial and business centre.
- 4 The scheme provides an employment led mixed-use development that would provide an increase in high quality floorspace. The new city walkway and changes to the city walkway bridges over Moor Lane and Fore Street provide a good replacement for the existing highwalk. The public square would provide an attractive feature and an adequate replacement for existing city walkway spaces.
- 5 The office buildings presently on the site were erected in the 1960's. They comprised three blocks entered at podium level. They have basement, mezzanine, ground and six upper floors running north-south across the site with lower linking blocks on the northern and part of the southern sides. The site has been largely vacant and neglected over a number of years. Most of the block on the Moorfields frontage has been demolished to create the Crossrail

construction site and the owner has served notice on the City of its intention to commence demolition of the remaining buildings which it is anticipated will be completed in December 2016. Demolition of the raft and foundations of the original Moorfields block by Crossrail means that that part could not be reconstructed as part of a refurbishment and therefore any refurbishment of the remaining buildings would provide 27% less space than in the original block. Demolition of the remaining buildings is needed as they no longer suit the needs of modern office occupiers having low floor to floor heights of only 3.20m. The existing buildings also have a structural grid which incorporates a row of twin columns within the centre of the floor plates limiting floor plate sizes, however as Crossrail has installed a super pile of sufficient size to facilitate redevelopment of the site, new office space which will suit the needs of modern City office occupiers may now be developed by cantilevering over the ticket hall. This enables the site's potential to be maximised so as to provide a significant increase in net internal office space over the existing.

Proposal

- 6 The City Corporation has been approached by the Owners to seek assistance in overcoming potential injunctable rights of light issues that would adversely impact on the achievement of the Development
- 7 A right of light is an interest in land (i.e. an easement) which entitles a neighbouring landowner (the "Affected Owner") to enjoy light across a neighbouring site. Any development which interferes with that right would constitute a breach of the easement that would entitle the Affected Owner to claim an injunction preventing development or compensation for the effect of the light lost as a result of the interference.
- 8 The way in which the injunction risk can be overcome is by using a mechanism contained in S237, the operation of which is described in the Legal Implications section of this report.
- 9 The Owners have asked if the City Corporation would be prepared to consider acquiring an interest in the Redevelopment Site for the planning purpose of facilitating the carrying out of the Development, so as to engage the provisions of S237. Such interest would be effectively transferred back to the Owners who would be able to proceed with redevelopment. The Owner's request is annexed at **Appendix 6**.

Considerations

- 10 In making a decision as to whether to acquire an interest in the land for the planning purpose of the Development, the following matters are relevant considerations that should be taken into account by the City Corporation:-
 - i) The existing Rights of Light affected and the likely extent of interference with Rights of Light;

- ii) Whether interference with the Rights of Light is necessary in order to allow the Development to be carried out and, whether agreement can be reached for release of those rights on what terms and in what timescale;
- iii) Whether acquisition will facilitate the carrying out of the Development;
- iv) Whether the Development will contribute to one or more of the following objectives and thus be in the public interest
 - a) The promotion or improvement of the economic well-being of the area;
 - b) The promotion or improvement of the social well-being of that area;
 - c) The promotion or improvement of the environmental well-being of the area;
- v) Whether the benefits of the Development could be achieved without giving rise to all or some of the infringements.
- vi) Whether there is a compelling case in the public interest to justify interference with rights, and in particular whether the public benefits arising from the proposed development are proportionate to the infringements, and in particular to any interference with rights guaranteed by the European Convention on Human Rights (“Convention Rights”).

Each of these issues is dealt with in turn.

The existing Rights of Light affected and the likely extent of Infringements

- 11 In terms of the history of negotiations with persons whose rights of lights are infringed by the Development, the Owners have advised the City Corporation that they instructed specialist rights of light surveyors in 2012 to advise on design and massing in order to minimise the impact of the proposed development on neighbouring properties. The surveyors have analysed the impact of the proposed redevelopment on the adjoining properties and the Owners have had advice in relation to the likely levels of damage to those properties. Based on the advice, they successfully agreed and completed deeds with six parties and settlements in principle of a number (twenty-two out of a potential thirty six claims).
- 12 The assessment as to which of the Affected Owners would suffer sufficient injury to succeed in a claim for an injunction is a matter of both fact and law. Where there is a clear risk of injunction, no development can proceed until the risk has been addressed. At the time of writing this report, the Owners have successfully negotiated agreements in principle with the vast majority of the Affected Owners considered to come within this category but the negotiation of legal agreements is proceeding slowly. Six rights of light deeds have been completed to date but there are currently twenty-two settlements awaiting execution and nine properties in respect of which agreement has not been reached with the Affected Owners. All but two of those 9 properties are owned by the City Corporation. In the case of the City Corporation’s ownership,

negotiations are in hand. The Owners have indicated that they will continue to negotiate with those with interests in the two remaining properties (one commercial and one residential), but two of those owners are based abroad. The Owners have advised that, absent a resolution by the City that they will acquire the Site to engage S237, the letting of the enabling works and piling contracts will be delayed until deeds of release have been entered into by the owners of the 30 properties which have no deeds of release. The construction programme envisages that the contract for the piling and enabling works will be let in April 2016 and the programme will start immediately thereafter, with practical completion being achieved in the first quarter of 2020. The Owners are of the view that there is no realistic prospect that agreement will be reached and binding deeds of release entered into with all affected owners in time to enable the development to commence in April 2016. The various affected properties with potential injunctable rights are listed at **Appendix 3**. All settlements agreed to date would be honoured by the Owner, and in other cases appropriate offers of compensation have to be made. This would be secured in the Indemnity required by the City prior to proceeding with any acquisition. Owners could also refer the level of compensation to the Lands Chamber.

- 13 As regards the impacts in planning terms, issues of daylight sunlight and overshadowing were fully considered when the committee resolved to approve the redevelopment in 2015. Concerns raised by Barbican residents on the impacts to their sunlight and daylight were considered. The Chief Planning Officer advised that the proposal was acceptable, and it was the presence of existing balconies, rather than the size of the proposed development, which would be the main factor in the relative loss of daylight and/or sunlight. Further of the 22 residents with potentially injunctable rights of light, the Owners have agreed in principle terms to enter into settlements with all but one resident. An extract from the 17 March 2015 Committee report evaluating the daylight/sunlight impacts is annexed at **Appendix 4**.

Whether interference with the Rights of Light is necessary in order to allow the Development to be carried out and whether agreement can be reached for release of those rights on what terms and in what timescale

- 14 The Owners have advised that it is not possible to make small alterations to the size or shape of floors of the Development, or reduce it by a few floors, and have any meaningful impact on the rights of light position.
- 15 In this regard, the cutback drawing at **Appendix 5** has been prepared by the Owner's surveyor to show the extent of the changes that will need to be made to prevent infringement on properties with potential injunctable rights. This demonstrates that it is not possible to have any significant effect on the infringements without a substantial design change that alters the appearance of the Development significantly and results in a substantial loss in floor space which renders the Development unviable. In terms of design and viability, interference with rights of light is therefore necessary to facilitate the Development.

- 16 In deciding whether it is necessary to acquire an interest in land under S227 so as to engage the provisions of S237 and thereby facilitate the carrying out of the Development, consideration should be given to whether agreements to permit infringement can be reached with owners of affected properties with rights of light on reasonable terms and within reasonable timeframes.
- 17 The Owners have asked the City to take into account the following:
- i) Despite the best efforts of the Owners the legal and remaining commercial negotiations with other affected parties are proceeding slowly – in particular 2 of the affected properties are owned by individuals or companies located in China
 - ii) Even where progress has been made and commercial terms have been agreed, this is still subject to being able to agree the form of deed of release and complete it. There are still a significant number of remaining rights of light claims, and until all deeds of release have been entered into there is still a risk of injunctive relief being sought by any owner who has not entered into a deed of release
 - iii) There is no realistic prospect that agreement will be reached and binding deeds of release entered into with all Affected Owners in time to enable the necessary enabling and piling works and construction to commence in 2016 and complete by 2020
 - iv) £79.8M has already been expended to date on the development (including acquisition costs) and the enabling and piling works programmed to commence in April 2016 are at a significant cost premium compared to a standard development site because of the technical difficulties of constructing above the existing Moorgate and Crossrail Stations. At the point of letting those work packages the Owner will be committed to £48.2M in below grade construction costs, and cannot commit to this without certainty the development is not threatened by the risk of injunction.
 - v) The enabling and piling works are informed by TfL site surveys which will no longer be valid if the enabling and piling is delayed beyond 3 months. The TfL survey teams would have to undertake new site surveys and the resulting added mobilisation time is likely to add a further 3-6 months to the completion date on top of the month on month delay.
 - vi) Board approval to release funding for the next work phases programmed for April 2016 is to be sought in late March, but for the reasons explained in (i) to (v) this cannot be approved unless the injunction risk from rights of light has been addressed.
- 18 It is highly unlikely agreement would be reached with all Affected Owners in a timeframe that allows the Owners to embark on the preparatory works and start their programme, on completion of demolition, aimed at delivery with the minimum of delay following Crossrail's opening. Delaying construction would also delay progress in carrying out the public realm upgrade in the vicinity.

- 19 Further this is not a development that can proceed speculatively without a pre-let. The Owners are currently actively pursuing a pre-let and the potential tenant (or any potential tenant) is highly unlikely to commit to a pre-let without having certainty around the programme and the comfort of knowing that the injunction risk from rights of light has been removed. There is active demand across Central London currently for 3.3 million sq ft of office space and this is for occupiers with requirements in excess of 100,000 sq ft. Many of these occupiers have lease events in 2019 onwards. Occupiers are looking to commit to schemes as soon as possible and need certainty on building and delivery dates to make their decisions. In order to capture the opportunity for substantial pre-lets and to meet the strategic need to provide prime office floor space to meet the predicted demand, the programme for 21 Moorfields would need to achieve practical completion by 2020. Demonstrating the ability to deliver 21 Moorfields in this timescale is key to achieving a pre-let for the development.
- 20 The Owners agreement with the freehold owners of the site, London Underground enables them to drawdown a long-leasehold interest by way of two new headleases, and permits the transfer of this long-leasehold interest to the City so as to enable the engagement of S237. However, before that, and in advance of drawing down the two new headleases, in order to maintain the development programme to achieve practical completion by 2020, the enabling and piling works contracts need to be let. The Owners need the City to commit to exercise S237 powers so that it is clear that the development can proceed and the threat of injunction risk no longer subsists prior to letting these contracts and committing very substantial additional capital associated with the pile enabling and piling works.
- 21 The enabling and piling works contracts need to be let in order to maintain the development programme to achieve practical completion by 2020. It is highly unlikely that deeds of release will be completed relating to all Affected Owners prior to that date given the history of negotiations and the number of affected properties where deeds of release have not yet been completed. If, before April 2016, deeds of release are not entered into with those entitled to the rights of light, engagement of S237 will be necessary to facilitate the development in accordance with the programme, and achieved the desirable outcome of achieving practical completion in 2020. However if the recommendation of the City Planning Officer and Comptroller and City Solicitor is accepted, S237 will not be engaged unless the Town Clerk is satisfied that reasonable attempts to reach agreement have been made by the Owners.

Whether acquisition will facilitate the carrying out of the development

- 22 The currently expected programme for the Development is outlined at paragraph 17 above. However, the Development cannot be carried out unless those entitled to rights of light agree to infringements (or the infringements are authorised by S237). To maintain the programme in order to maximise the ability to deliver the completed development by 2020, the Owners need to let the enabling and piling works contracts by April 2016. However, given the financial incentive for those with rights of light interests not to agree to allow the infringement and the negotiation history demonstrating a number of “stalled”

negotiations, and in the absence of agreement, the acquisition of the Redevelopment Site and engagement of S237 will facilitate the carrying out of the Development.

Whether the Development will contribute to one or more of the following and thus be in the public interest

- (i) The promotion or improvement of the economic well-being of the area;**
- (ii) The promotion or improvement of the social well-being of the areas;**
- (iii) The promotion or improvement of the environmental well-being of the area.**

23 The recent planning history of the Redevelopment Site is outlined in the Background section of this report. The scheme provides an employment led mixed-use development that would provide an increase in high quality floorspace. It would provide public realm improvements, which are particularly key in close proximity to the new Crossrail Moorgate Ticket Hall, which will become a major transport hub. The Development is considered to be in substantial compliance with policies.

24 The London Plan includes the following relevant policies:

- i) Policy 2.10 “Central Activities Zone – Strategic Priorities” which says that the Mayor will and boroughs should sustain and enhance the City of London as a strategically important globally-oriented financial and business services centre.....
- ii) Policy 2.11 “Central Activities Zone – Strategic Functions” which says the Mayor will and boroughs should secure completion of essential new transport schemes necessary to support the roles of CAZ, including Crossrail, and realise resultant uplifts in development capacity to extend and improve the attractions of the Zone
- iii) Policy 4.2 “Offices” which says that the Mayor will, and boroughs should recognise and address strategic as well as local differences in implementing this policy to meet the needs of the central London office market by sustaining and developing its unique and dynamic clusters of “world city” functions and by encouraging renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility

25 The City of London Local Plan includes the following policies:

- i) Under Implementation And Delivery it states that the City Corporation will, where necessary, use its land and property ownership to assist with site assembly and use its compulsory purchase powers to enable the high quality development the City needs; and
- ii) Strategic Objective 1 which is “to maintain the City’s position as the world’s leading international and financial and business centre”

iii) Core Strategy Policy CS1 which is: “To ensure the City of London provides additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London’s role as the world’s leading international financial and business centre, by:

- Increasing the City’s office floorspace stock by 1,150,000 m2 gross during the period 2011 – 2016 to meet the needs of projected long term economic and employment growth, phased as follows:

2011 – 2016: 650,000 m2

2016 – 2021: 250,000 m2

2021 – 2026: 250,000 m2

A pipeline of at least 750,000 m2 gross office floorspace with planning permission but not yet commenced will be maintained to provide office occupier choice.

- Encouraging the assembly and development of large sites, where appropriate, to meet the accommodation needs of the City’s biggest occupiers, protecting potential large office sites from piecemeal development and resisting development that would jeopardise the future assembly and delivery of large sites.
- Encouraging the supply of a range of high quality office accommodation to meet the varied needs of City office occupiers.

iv) Policy DM 1.2 which is “To promote the assembly and development of large office schemes in appropriate locations”.

v) Policy DM 1.3 which is “To promote small and medium sized businesses in the City”.

vi) Policy DM 1.5 which is “To encourage a mix of commercial uses within office developments which contribute to the City’s economy and character and provide support services ...”.

Policy DM 10.7 relating to sunlight and daylight includes the statement in supporting text paragraph 3.10.42 that ‘If a development is considered acceptable in planning terms and has planning permission, but it not proceeding due to rights to light issues, the City Corporation may consider acquiring interests in land or appropriating land for planning purposes to enable development to proceed.

26 The provision of open space is supported by the following policies of the Local Plan:

- i) Policy CS19 “To encourage healthy lifestyles for all the City’s commuters through improved access to open spaces and facilities, increasing the number and quality of open spaces in the City”.

- ii) Policy DM19.1

“1. Major commercial and residential developments should provide new and enhanced open space where possible. Where on-site provision is not feasible, new or enhanced open space should be provided near the site, or elsewhere in the City.

2. New open space should:

- a) be publicly accessible where feasible; this may be achieved through a legal agreement;
- b) provide a high quality environment;
- c) incorporate soft landscaping and Sustainable Drainage Systems, where practicable;
- d) have regard to biodiversity and the creation of green corridors;
- e) have regard to acoustic design to minimise noise and create tranquil spaces.”

The key benefits of the Development are summarised in paragraphs 3 – 5 and 23 and in addition the Development also secures a planning obligation package together with a contribution to Crossrail.

- 27 In conclusion, the acquisition of the Redevelopment Site for planning purposes pursuant to S227 so as to engage S237, will facilitate the carrying out of the Development which will contribute to the achievement and improvement of the economic well-being of the City as a whole (for example through the provision of offices) and of the environmental and social well-being of this part of the City (for example through the provision of public realm, productive use of a largely vacant site, provision of development above the buildings demolished for Crossrail works, thereby filling an unsightly and wasteful townscape “gap” around and above a key transport node, and significant employment generation in immediate proximity to a new Crossrail interchange).

Whether the benefits of the Development could be achieved without giving rise to all or some of the infringements

- 28 The key benefits of the Development which need to be balanced against the infringements are:
- i) the provision of an employment led mixed-use development suitable for a major occupier and/or other users and support accommodation and including retail to provide support services to the workforce in the area;
 - ii) the provision of around 63,000 sq.m of high quality office space comprising regular flexible floorspace on large floorplates of the type necessary to accommodate business and financial service users and enabling projected employment generation of about 5,500 people (only 112,000 sq ft of the

original buildings remain and the site has been largely vacant and derelict for a number of years.) ;

- iii) the provision of public realm improvements including new public spaces comprised in the high level walkway and bridges. This is particularly key given that it will provide enhanced access between the barbican and Moorgate (including the new Moorgate Station Ticket Hall);
 - iv) the productive use of a partly vacant Site which will be fully demolished by December 2016;
 - v) the replacement of buildings demolished by Crossrail and the Owner, and the resulting infilling of the townscape gap .
- 29 As demonstrated by the drawings attached to this report at **Appendix 5**, the Development cannot be feasibly altered to avoid right of light infringements. If the Development does not proceed, the benefits identified above will not be delivered.
- 30 In relation to the benefits outlined at (i) and (ii), these relate directly to the design and scale of the Development and are considered important in assisting the City to maintain and enhance its role as one of the world's leading financial and business centres.
- 31 The provision of the benefits identified in (iii) flow from the comprehensive redevelopment of the site, and will not be delivered without the Development.
- 32 The provision of the benefits identified in (iii), (iv) and (v) above flow from ensuring that the Development programme is not delayed as a result of rights of light issues. It would be detrimental to the rejuvenation of the area if the Site remains vacant and undeveloped for any considerable period of time after the Crossrail station opens.

Are the public benefits proportionate to the interference

- 33 Advice on the approach to be taken when considering compulsory acquisition of land is given in the October 2015 DCLG publication "Guidance on Compulsory Purchase Powers and The Crichton Down Rules for the disposal of surplus land acquired by, or under threat of, compulsion" ("the CPO Guidance"). The advice given in the CPO Guidance should be taken into account in deciding whether to acquire land in order to engage the provisions of section 237. At paragraph 12, the CPO Guidance states that a compulsory purchase order should only be made where there is a compelling case in the public interest. A similar approach should be taken when deciding whether to acquire land for planning purposes in order to engage section 237. Given that it is in the public interest that the Development should proceed, and the fact that the Development or some similar development will not proceed whilst the prospect of an injunction to restrain interference with rights to light remains, there is a compelling case in the public interest that the Site should be acquired for planning purposes in order to engage the provisions of section 237.

- 34 Human Rights issues arise in respect of the proposed arrangements. An acquiring authority should be sure that the purposes for which the Site is to be acquired and for which rights are to be overridden sufficiently justify... interfering with the human rights of those with interests in the land affected....". Furthermore, following the introduction of the Human Rights Act 1998 the City Corporation is required to act in accordance with the European Convention on Human Rights (ECHR) in deciding whether or not to implement the arrangements. Article 1 of the First Protocol of the ECHR provides that every natural or legal person is entitled to peaceful enjoyment of their possessions. Acquisition of property under S.227 which engages S237 to allow interference with rights of light involves interference with a person's rights under this Article. As these rights are enjoyed by corporate bodies as well as individuals all of those whose rights will be affected can claim an infringement.
- 35 However, the right to peaceful enjoyment of possessions in this Article is a qualified rather than absolute right, as the wording of Article 1 of Protocol 1 permits the deprivation of an individual's possessions where it is in the public interest and subject to the conditions provided for by law and by the general principles of international law. In cases, such as this, where rights to light are enjoyed by residential properties Article 8 is engaged (the right to respect for private and family life and a person's home). Article 8(2) allows for interference which is "in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health and morals, or for the protection of the rights and freedoms of others".
- 36 There must therefore be a balancing exercise between the public interest and the individual's rights whereby any interference in the individual's rights must be necessary and proportionate. "Proportionate" in this context means that the interference must be no more than is necessary to achieve the identified legitimate aim. A "fair balance" must be struck between the rights of the individual and the rights of the public. It is for members to consider the issues raised in this report and to strike that "fair balance" in coming to its decision.
- 37 In the present case it is considered that the public interest in facilitating the redevelopment outweighs the rights of the individuals to peaceful enjoyment of their possessions and their right for private and family life and home and that the proposed use of S237 powers amounts to a proportionate interference in all the circumstances. In this regard the availability of compensation to those who are deprived of their Rights of Light is of relevance to the issue of Proportionality.
- 38 The public benefits arising from the Development are set out and the public interest is demonstrated in this report (in particular in paragraphs
- 39 The planning implications of the Development have been fully considered (see paragraphs 1-4). The Development has been deemed acceptable: planning permission has been granted.

Legal Implications

- 40 The City Corporation may acquire an interest in the land to be developed by agreement under Section 227 Town and Country Planning Act 1990. Such acquisition must be for a reason for which land can be compulsorily acquired under Section 226 Town and Country Planning Act 1990. The purposes for which land may be acquired are defined in Section 226(1) as follows:
- i) if the authority think that the acquisition will facilitate the carrying out of development/ redevelopment or improvement on or in relation to the land; or
 - ii) if the land is required for a purpose which it is necessary to achieve in the interests of proper planning of an area in which the land is situated
- 41 In this case, the purposes fall within the ambit of section 226(1)(a) as the carrying out of the scheme would be facilitated as described in this report.
- 42 But a local authority must not exercise the power under paragraph (a) unless they think that the development, redevelopment or improvement is likely to contribute to the achievement or the promotion or improvement of one or more of the following objects (namely) the economic, social or environmental well-being of their area.
- 43 The City Corporation would need to conclude that the acquisition would satisfy these tests to take the matter further. Advice on this is provided above in paragraphs 23 to 28 above.
- 44 If land is acquired by a local authority for planning purposes, S237 provides that the construction or carrying out or maintenance of any building or work on that land, whether done by the local authority or a by a person deriving title under them, is authorised notwithstanding that it involves interference with an interest or right to which S237 applies. Such interests include rights to light. Where interference with rights is authorised, compensation is payable. Such compensation is based upon the diminution in value of the dominant owner's interest.
- 45 The City Corporation would have power to dispose of an interest in land acquired by agreement under S227 by virtue of Section 233 Town and Country Planning Act 1990. It is not necessary to justify acquisition for the authority itself to carry out the development itself. A site may be acquired with a view to onward disposal. Disposal may take place under Section 233 where the City Corporation is satisfied that it is expedient in order:
- i) to secure the best use of that or other land and any buildings or works which are to be erected or carried out on it (whether by themselves or by any other person); or
 - ii) to secure the erection, construction or carrying out on it of any building or works appearing to them to be needed for the proper planning of the area.

- 46 The land is owned by LS 21 Moorfields Limited from whom title would be acquired and to whom title would be transferred back following completion

Financial and Risk Implications

- 47 In implementing S237 arrangements and disposing of any interest acquired under S227 back to the Owners, the City Corporation will need to be satisfied that the Owners are in a position to progress the Development in a reasonable period. All liabilities and legal costs arising from the arrangements (including any compensation liabilities falling to the City Corporation and potential costs associated with undertaking negotiations in relation to proceedings brought in the Lands Tribunal (the Upper Tribunal (Lands Chamber)) would need to be met by the Owners.
- 48 Section 237(5) of the TCPA provides that the liability to pay compensation (if not discharged by the Owners) would be enforced against the City Corporation. The Owners have agreed to provide the necessary indemnity against any costs and expenses and compensation liabilities, however, the precise terms have yet to be agreed. The Indemnity would also include assurance that all offers of compensation made to date will be honoured by the Owners

Consultees

- 49 The City Planning Officer, Town Clerk, Chamberlain and Comptroller & City Solicitor have been consulted in the preparation of this report.

Conclusions

- 50 It is considered that the potential acquisition of the Redevelopment Site for the planning purposes of the Development and the ability to use powers under S237 of the Town and Country Planning Act 1990 (TCPA) should be approved on the following basis.
- The Redevelopment Site is partly vacant and demolished and will be fully vacant, demolished and hoarded by December 2016. It is considered desirable for the Development to progress and be completed as soon as possible, in particular to secure: the provision of public realm; productive use of a largely vacant site, provision of development above the buildings demolished for Crossrail works, thereby filling an unsightly and wasteful townscape gap around and above a key transport node, and significant employment generation in immediate proximity to a new Crossrail interchange.
 - The Development would also realise the potential for rejuvenation of the area. It would be detrimental to the rejuvenation of the area if the site remains vacant and undeveloped for any considerable period of time after the Crossrail station opens.

- The size and configuration of the new office space would be of benefit to the business community and would contribute to the targets contained in policy CS1 of the City of London Development Framework;
- The Development will secure benefits to the area in terms of the appearance of the new building and improved public realm;
- All the Considerations set out in paragraph 10 have been properly addressed and on balance the outcome of these Considerations supports the Recommendations;
- The Recommendations will facilitate the carrying out of the Development. Subject to the Town Clerk being satisfied that: those entitled to the Rights of Light are not prepared to relinquish those rights by agreement (on reasonable terms and within a reasonable time in the light of the Owner's programme to achieve practical completion with the minimum delay after Crossrail's opening at Moorgate);
- If the Town Clerk is so satisfied, it will be necessary to acquire the Redevelopment Site so as to authorise interference with rights of light, and that in the absence of such acquisition those entitled to the rights of light are likely to seek to enforce those rights by injunction and thereby prevent or delay the Development from being carried out.
- Those with rights of light that are infringed will be entitled to compensation.

Background papers Report to Planning and Transportation Committee 17 March 2015

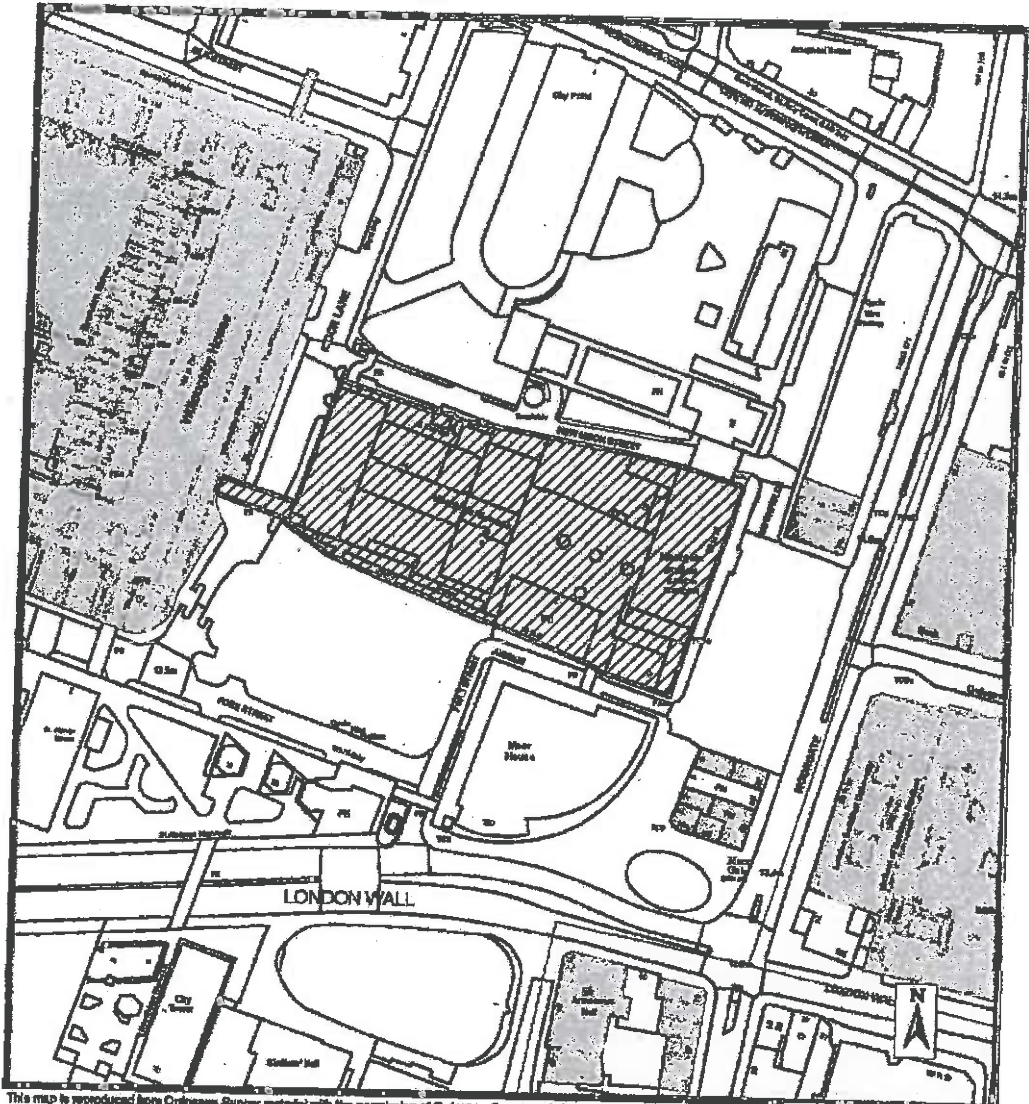
Appendices:

1. Site Plan
2. Image of Development
3. List of affected properties
4. Extract of 17 March 2015 P&T report paras 115-145 (Daylight/sunlight)
5. Cut back drawing
6. Owner's request to use S.237

Contact: Deborah Cluett, Assistant City Solicitor tel: 02073321677
Deborah.cluett@cityoflondon.gov.uk

APPENDIX 1





Site Location Plan



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright 2004. All rights reserved. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Corporation of London 100023243 2004.

ADDRESS:
21 Moorfields

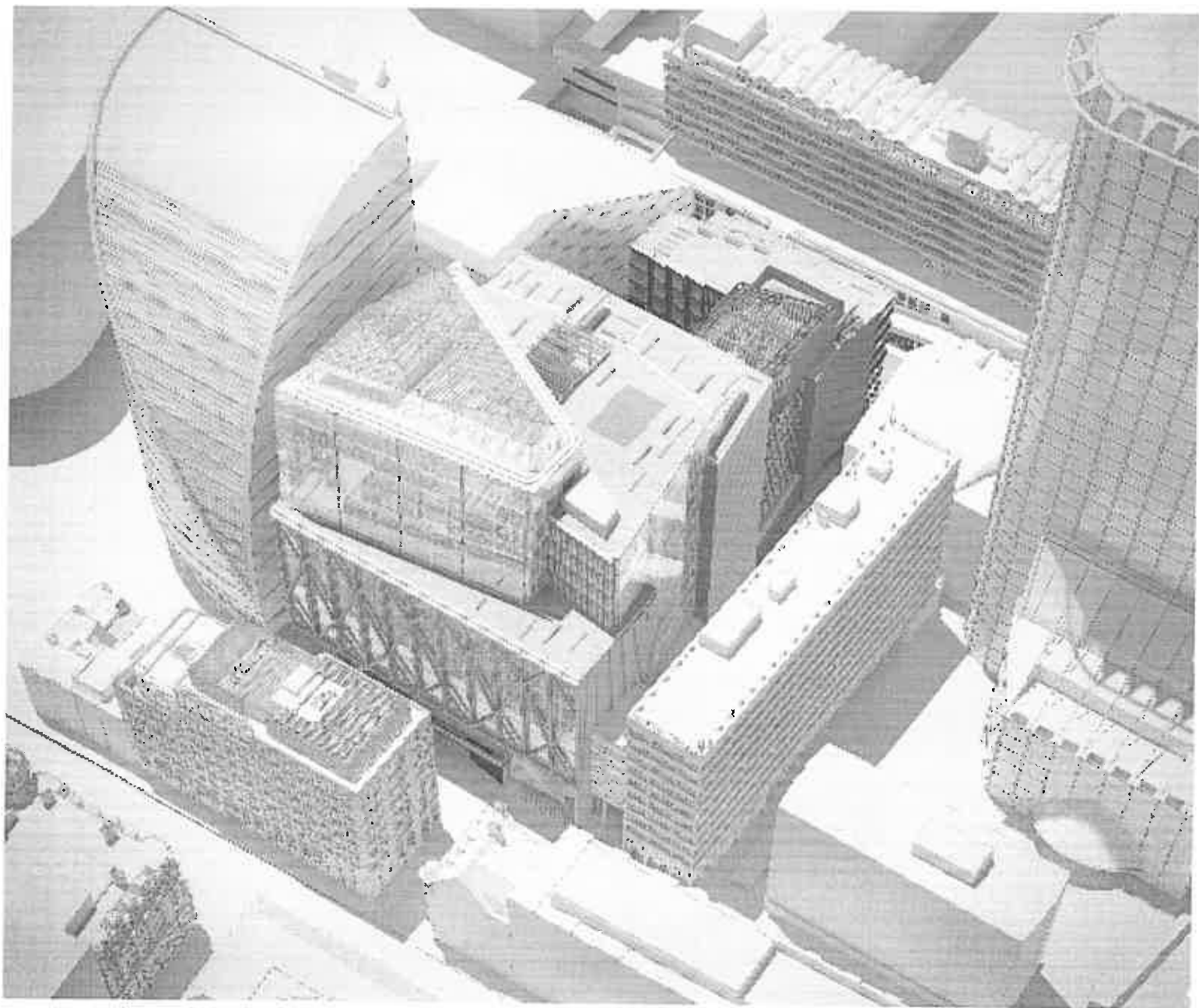
CASE No.
14/01178/FULEIA

-  SITE LOCATION
-  LISTED BUILDINGS
-  CONSERVATION AREA BOUNDARY
-  CITY OF LONDON BOUNDARY



DEPARTMENT OF THE BUILT ENVIRONMENT

APPENDIX 2



APPENDIX 3 – LIST OF AFFECTED PROPERTIES

Britannic House - Freehold
Flat 339 Willoughby House - Leasehold
Moor House - Freehold
155 Moorgate - Freehold
76-92 Moorgate - Freehold
Willoughby House - Freehold
Flat 117 Willoughby House - Leasehold
Flat 122 Willoughby House - Leasehold
Flat 533 Willoughby House - Leasehold
2 Moorfields - Freehold
8 Moorfields - Freehold
87 Moorgate - Freehold
6 Moorfields - Freehold
137-141 Moorgate – Freehold
137-141 Moorgate - Leasehold
Tenter House - Freehold
101 Moorgate - Freehold
City Point - Freehold
Moorgate Telephone Exchange - Freehold
Flat 106 Willoughby House - Leasehold
Flat 108 Willoughby House - Leasehold
Flat 114 Willoughby House - Leasehold
Flat 115 Willoughby House - Leasehold
Flat 116 Willoughby House - Leasehold
Flat 118 Willoughby House - Leasehold
Flat 119 Willoughby House - Leasehold
Flat 120 Willoughby House - Leasehold
Flat 121 Willoughby House - Leasehold
Flat 124 Willoughby House - Leasehold
Flat 327 Willoughby House - Leasehold
Flat 328 Willoughby House - Leasehold
Flat 131 Willoughby House - Leasehold
Flat 332 Willoughby House - Leasehold
Flat 335 Willoughby House - Leasehold
Flat 336 Willoughby House - Leasehold
Flat 340 Willoughby House - Leasehold
Flat 539 Willoughby House - Leasehold

APPENDIX 4

COMMITTEE REPORT ON PLANNING APPLICATION (Extract)

of 1% carbon emissions savings in relation to the London Plan target of 35% and offset payments may be required if evidence cannot be provided to demonstrate that this building type cannot meet the target on site.

111. The BREEAM pre-assessment for the commercial element of the building indicates a likely rating of "very good", with a number of possible credits identified to achieve an "excellent" rating. A condition has been attached to request an assessment of further measures to improve the BREEAM rating to "excellent".
112. The sustainability statement addresses climate change adaptation and sustainable design of the development, in particular energy efficiency, sustainable materials, conserving water resources, sustainable drainage, waste management, pollution, urban greening and biodiversity. A modular storm attenuation system would be provided within the podium level to reduce the rainwater flows from the roof by 50%.
113. The proposed landscaping strategy includes planting in the public realm areas and green roofs on the upper terraces of the east building, thereby enhancing site ecology and biodiversity compared to the existing situation. However, the size, quality and diversity of landscaping and green roofs could be improved and this is sought by a condition.
114. The proposed range of climate change adaptation and sustainable design measures is considered to be acceptable, subject to improvements to the urban greening of the roofscape.

Residential amenity

Daylight

115. The bulk of the proposed building is greater than the existing building on the site, particularly at the eastern end of the site, and there would be a loss of view of the sky from some flats in the Barbican. This was acknowledged when the previous planning permissions were approved.
116. The proposals will result in a reduction in daylight and sunlight to some neighbouring buildings.
117. Local Plan Policy 10.7 is "to resist development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment's guidelines. The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight."
118. The applicant's assessment has been carried out in accordance with the Building Research Establishment (BRE) guidelines "Site Layout Planning for Daylight and Sunlight", which provide the criteria and methodology for calculation in connection with daylight and sunlight. The guidelines are advisory rather than mandatory and need to be interpreted flexibly, taking into account other physical factors which might also affect the site.

119. The BRE Guidelines provide two main approaches to the calculation of the impact on daylight to neighbouring properties: (1) Vertical Sky Component (VSC) and (2) No Sky Line (NSL). A third measure that is often used, Average Daylight Factor (ADF), has not been assessed in this case.
120. BRE Guidance states that *"...the diffuse daylighting of the existing building may be adversely affected if either the VSC measured at the centre of an existing main window is less than 27% and less than 0.8 times its former value or the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."*
121. In situations where the construction of the development and other consented scheme will result in fully BRE compliant VSC and NSL the impact upon the daylight amenity to that property is considered to be insignificant as it would not be noticeable to the occupants.
122. The impact of the development upon the daylight amenity to residential rooms is considered to be negligible as follows:
 20 of 21 rooms within Andrewes House;
 98 of 208 rooms within Willoughby House.
123. The impact of the development upon the daylight amenity to residential rooms is considered by the consultants to be minor adverse in situations where:
 despite VSC alterations to the windows serving the room, the NSL alteration to the room is fully BRE compliant;
 despite NSL alterations to the room, the VSC alteration to all windows serving the room is fully BRE compliant; or
 all VSC and NSL alterations applicable to the room are either less than 30% of their baseline values and/or the windows and room retain VSC or NSL levels of at least 70% of the BRE recommended minimums.
124. On this basis, impact to the daylight amenity of the following number of rooms is considered to be minor adverse:
 1 of 21 rooms within Andrewes House;
 104 of 208 rooms within Willoughby House;
 1 of 1 room within 83 Moorgate; and
 3 of 5 rooms within 85 Moorgate.
125. The following number of rooms will experience VSC and/or NSL alterations greater than those described above and so are considered in more detail:-
 6 rooms of 208 within Willoughby House; and
 2 rooms of 5 within 85 Moorgate.
126. The six rooms within Willoughby House which would experience daylight amenity alterations which are greater than minor adverse in

nature, are located on the lowest two floors beneath large balconies serving the upper floors.

127. The location the windows serving these rooms have very low baseline VSC values (5.9% to 8.05% against a BRE recommended minimum of 27%) and the very small (1.44% to 1.8%) actual VSC alterations result in disproportionate percentage losses which, in reality, are unlikely to be noticed by the occupants.
128. The windows serving these six rooms also have, due to the built nature of the location, narrow views of the sky and, therefore, the small VSC alterations produce disproportionate NSL alterations. The overall impact to the daylight amenity of these six rooms is, therefore, considered by the consultants to be minor to moderate adverse in nature.
129. BRE guidance states, *"Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situations, without the balcony in place this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light."*
130. Calculations have been carried out and the results show that without balconies all windows within Willoughby House would have VSC alterations which are well within BRE guidance. There are seven bedrooms which will experience NSL alterations which are marginally above the BRE recommended maximum of 20%.
131. Without balconies, therefore, there would be no daylight amenity impact to the rooms within Willoughby House which is greater than minor adverse.
132. The two rooms within 85 Moorgate which will experience daylight losses are located within a lightwell. As a result of their location these windows have very low baseline VSC values (5.71% and 8% against a BRE recommended minimum of 27%) and the small (1.5% and 1.78%) VSC alterations result in disproportionate percentage losses which, in reality, the consultants say are unlikely to be noticed by the occupants.

Sunlight

133. There are 341 windows serving 231 residential rooms surrounding the Site which are relevant for sunlight amenity assessment. These have all been assessed in terms of the annual probable sunlight hours (APSH).
134. BRE guidance states that *"...the sunlighting of the existing building may be adversely affected...if the centre of the window receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either*

period and has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours."

135. On this basis, the impact to the sunlight amenity of the following number of rooms within the surrounding properties is considered to be negligible, with an overall sunlight compliance rate of 94%:
- All rooms within Andrewes House;
 - 194 of the 208 rooms within Willoughby House; and
 - All rooms within 85 Moorgate.
136. The following rooms will experience APSH alterations which are beyond BRE guidance and are considered in more detail:-
- 14 of 208 rooms within Willoughby House which don't meet BRE guidance in terms of total APSH, nine of which also do not meet winter APSH guidelines. The 14 rooms within Willoughby House which will, as a consequence of the construction of the Development, experience sunlight amenity alterations are all located beneath large balconies serving the upper floors.
137. As a result of their location the majority of these rooms already have baseline APSH values below the BRE recommended minimums. The actual APSH alterations that the windows serving the rooms would experience result are, therefore, disproportionate in percentage terms. In nine of the 14 rooms, the impact is considered minor adverse in nature. The impact to the sunlight amenity of the five remaining rooms is, considered to be minor to moderate adverse in nature.
138. BRE guidance states that, *"Balconies and overhangs above an existing window tend to block sunlight, especially in the summer. Even a modest obstruction opposite may result in a large relative impact on the sunlight received. One way to demonstrate this would be to carry out an additional calculation of the APSH, for both the existing and proposed situations, without the balcony in place...this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of sunlight."*
139. This calculation has been carried out and the results show that, without balconies, all windows within Willoughby House would experience APSH alterations which are well within BRE guidance.
140. Without balconies, therefore, there would be no sunlight amenity impact to any of the surrounding residential rooms which are greater than negligible in nature.

Daylight and Sunlight Conclusions

141. Despite the dense urban location of the Site, the vast majority of alterations to the daylight and sunlight amenity of the surrounding residential properties are either in full compliance with BRE guidance or are considered to be no greater than minor adverse in nature.
142. The BRE guidelines, as they state themselves are *"...purely advisory and the numerical target values within it may be varied to meet the*

needs of the development and its location... Though it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design. In special circumstances, the developer or the planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings."

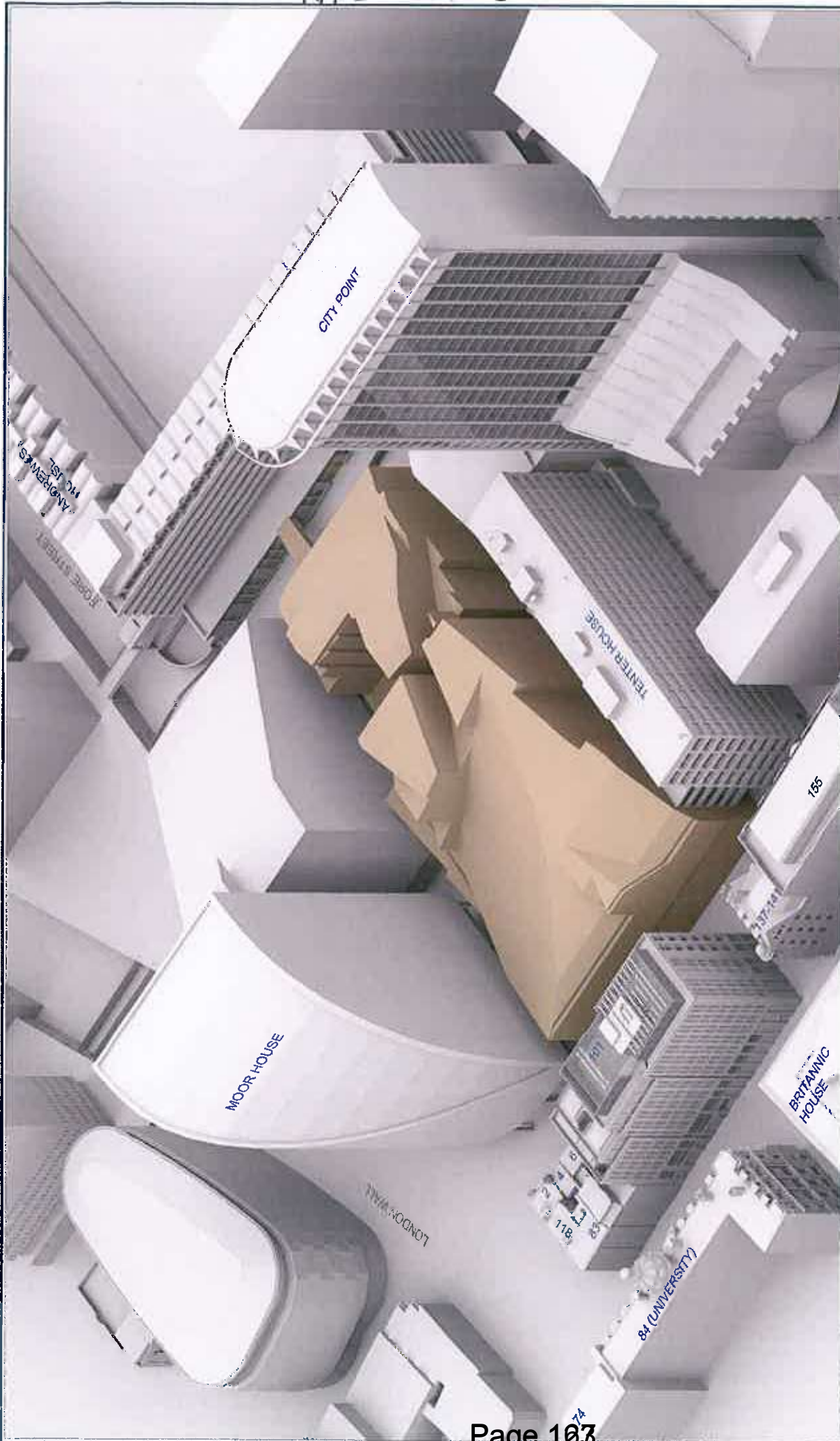
143. In respect of the few residential rooms that do experience effects which deviate from BRE guidance, these are predominantly located under large balconies serving rooms to the floors above them.
144. BRE guidance states that existing windows with balconies above them typically receive less daylight and sunlight because the balcony reduces visibility of the top part of the sky. As such, even a modest obstruction opposite these windows may result in a large relative impact upon on the VSC, APSH and NSL. The BRE suggests that, in order to demonstrate that it is the presence of the balcony rather than the size of the new obstruction that is the main factor in the relative loss of daylight and/or sunlight, additional daylight and sunlight calculations should be carried out for both the existing and proposed situations without the balconies in place.
145. These assessments were carried out and, as indicated by the BRE, they demonstrated that it is the presence of the balconies, rather than the size of the proposed development that is the main factor in the relative loss of daylight and/or sunlight.

Light Pollution

146. The applicants have met representatives of the Barbican and responded to the concerns about light emission.
147. The frontage to Moor Lane is similar in height to the other buildings, on this frontage, (Moorgate Exchange and City Point) all having six storeys to the first set back. However, the existing buildings have larger areas of uninterrupted glazing than the proposal and do not incorporate the special measures to reduce light emission which the applicants propose to adopt.
148. The building has been designed to take into account residents' concerns both passively within the facade composition, materials and density, as well as actively, through modern lighting controls, fittings and management. The applicants advise that visible light from the western facade will be significantly lower than the surrounding office buildings. The measures the applicants propose to adopt are set out below.

Building Layout

There will only be offices to the western facade, which will be dark when not in use. Stairwells and corridors that may need to be lit around the clock are not located on the street frontage.



<div>Source: Site Photography</div> <div>Ordinance Survey Site Plan</div> <div>Wilkinson Eyre Architects 873 Stage C Plus_141002</div>		<div>Project: 21 Moorfields</div>		<div>Title: 3D View Rights of Light Cutbacks</div>		<div><div>Point Surveyors Ltd 100 Victoria Road London W12 0JF 020 8996 1828 www.pointsurveyors.co.uk</div><div>POINT surveyors</div></div>	
						<div>Dwg No: P009/18 - Rev A</div>	
		<div>Drawn By: AC</div>		<div>Scale: NTS</div>		<div>Date: MARCH 2015</div>	
<div>Key:</div>							

APPENDIX 6

Ms Deborah Cluett
City of London Corporation
Guild Yard
Aldermanbury
London
EC2V 7HH

5 November 2015



Dear Ms Cluett

Section 237 – 21 Moorfields

As you will be aware the City resolved to grant planning permission for the redevelopment of 21 Moorfields on 17 March 2015. The Section 106 agreement is currently being finalised and we hope that planning permission will be issued shortly. The City is aware that rights of light issues remain a concern generally in the property industry and they are a significant impediment to the development of property in the City. That is the case with this redevelopment. We are writing to you specifically because of the serious impact rights of light issues have on the potential redevelopment of 21 Moorfields and to seek the City's assistance in overcoming potential injunctable rights of light issues that adversely impact on the redevelopment.

We are writing to ask if the City would be prepared to consider acquiring an interest in the site of 21 Moorfields for the planning purpose of the development, if necessary, to enable the operation of section 237 of the Town and Country Planning Act 1990. In this way the injunction risk can be overcome. Once acquired by the City the interest would be effectively transferred back to the long leaseholder via a grant of a leaseback to enable the redevelopment to proceed. We would suggest that this case justifies such action for the reasons set out in this letter.

The City resolved to grant planning permission under planning reference 14/01179/FULEIA. The proposal involves redevelopment of this two acre site with two office buildings around a podium level landscaped public square fronted by retail units, new City Highwalk and changes to City Walkway bridges over Moor Lane and Fore Street.

The office buildings presently on the site were erected in the 1960's and comprised 153,000 sq.ft of space in total. They comprised three blocks entered at podium level. They had 7-8 upper floors running north-south across the site with lower linking blocks on the northern and part of the southern sides. Most of the block on the Moorfields frontage has been demolished to create the Crossrail construction site and only 112,000 sq.ft of the original buildings remain. Crossrail have also demolished the raft and foundations on which the previous Moorfields block stood so it is no longer possible to reconstruct it as part of a refurbishment. Refurbishment of the remaining buildings on the site would therefore provide 27% less area than originally developed in the 1970s.

Demolition of the remaining buildings is necessary because they are structurally obsolete and no longer suit the needs of modern office occupiers, with low floor to floor heights of only 3.20m and a structural



(cont / 2)

grid which incorporates a row of twin columns within the centre of the floor plates. However, Crossrail had the foresight to install a single super pile of sufficient size to facilitate redevelopment of the site, enabling office space to be developed by cantilevering over the ticket hall. This enables the site's potential to be maximised so that the site can contribute to the London Plan's strategic aim to support the redevelopment of office provision, by providing a significant increase in net internal office space over that which currently exists on the site. The super pile was also installed at significant (taxpayer) cost which will be wasted expenditure if it is not utilised when the site is redeveloped.

The new building would have ground, podium and five upper floors on the Moor Lane frontage, ground, podium and seven upper floors on the Moorfields frontage, rising in steps to 14 floors above podium (85.85m AOD). The scheme delivers an employment led mixed-use development that would provide an increase in high quality office floorspace and enabling projected employment generation of about 5,500 people. It would provide public realm improvements, in the form of a public amenity space. The proposed buildings would provide a 460% increase in net internal office space over that which currently exists on the site. This increase will make a significant contribution to the City's overall target to increase the City's office stock by 1.5m sq.m between 2011 and 2026 to meet the long term economic and employment growth. In addition the proposed retail uses would enhance the retail space in the vicinity and provide for a mix of activities, creating a useful service for residents, workers and visitors. The proposed City Walkway, public square and private realm would replace the derelict public realm currently on the site and will be more attractive with greater planting and seating and with retail activity.

The site has been largely vacant and neglected for a number of years. It is ideally located to benefit from the proximity of the Crossrail line now under construction. The proposed intensification of office use would complement the core business function of the City by taking advantage of the substantial public transport improvements created by Crossrail. It would also realise the potential for rejuvenation of the area, which has been underway for a number of years with a number of significant developments having completed in the vicinity, in accordance with Policy CS5 (North of the City Key City Places strategy). These objectives would not be achieved and it would be detrimental to the rejuvenation of the area, if the site remains vacant and undeveloped for any considerable period of time after the Crossrail station opens.

Whilst the design has been developed having regard to its impact on rights of light, some impact is inevitable. The cutback drawings attached to this letter show the extent of the changes that will need to be made to prevent infringement on properties with potential injunctable rights, where agreements have not been completed. These drawings demonstrate that it is not possible to have any significant reduction in the extent of the infringements without a major re-design, resulting in a substantial loss in floor space which renders the Development unviable. For reasons as stated above, refurbishment is not a valid alternative. In its consideration of the planning application the City concluded that the proposed scale is appropriate and that the scale and design would contribute to the dynamism and hierarchy of scale in the area.

We instructed rights of light surveyors in 2012 to advise on design and massing in order to minimise the impact of the proposed development on neighbouring properties. Following the resolution of the optimum design, by 2014 we had contacted the majority of owners and had commenced negotiations. We have since successfully reached agreement in principle with a number of potential claims, focusing on that category of owners who could pursue an injunction preventing the Development from proceeding. However both legal and remaining commercial negotiations with other affected parties are proceeding slowly – in particular three of the affected properties are owned by individuals or companies located in China. No rights of light deeds have been completed to date but there are currently two deeds awaiting execution. Consequently whilst we will continue to negotiate, it is clear that despite prolonged and

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intensive effort on the part of our surveyors, there is no realistic prospect that agreement will be reached and binding deeds of release entered into with all affected owners in time to enable the development to commence in 2016 and complete by 2020. The attached schedule lists the various affected properties and the status of the negotiations. Further details of these negotiations can be supplied on request. Even where progress has been made and commercial terms have been agreed, this is still subject to being able to agree the form of the deed of release and complete it.

Our agreement with London Underground (who own the freehold of the site) enables us to drawdown a long-leasehold interest by way of the two new headleases and permits the transfer of this to the City so as to enable the engagement of S237. However this is not a development that can proceed speculatively (i.e. without a significant pre-let) or where site enabling works can be undertaken prior to resolution of rights of light issues for the following principal reasons:

1. In order to secure commitment from prospective tenants and in light of the fact that deeds of release will not be in place with all the adjoining owners with injunctable positions in time to proceed, it is necessary that we can be certain at this stage that Section 237 will be engaged when the headlease is drawn down. We are currently actively pursuing a pre-let and the potential tenant is highly unlikely to commit without certainty around the programme and the comfort of knowing that the injunction risk from rights of light has been removed. Any potential tenant will require this certainty.
2. Demolition and piling works are at a significant cost premium when compared with a standard City development site due to the technical difficulties posed by constructing above the existing Moorgate Underground and Crossrail stations. We cannot obtain our Board approval for the substantial funding required to proceed with these works unless we can be sure that the development can proceed and is not threatened by the risk of injunction.
3. In order to secure a pre-let and then let the piling contract to enable piling work to commence it is necessary to be able to demonstrate to potential tenants and our Board that the development can be built out without the risk of injunction. That means a contractual commitment from the City that LS can trigger S237 in the event that agreement is not reached with all owners who could pursue an injunction.
4. Our understanding is that S237 still requires the authorisation of both the Planning Committee and then the Court of Common Council. The two next available Court meeting dates are the 14 January and 3 March 2016. After any authorisation it will be necessary to allow the 6 week judicial review period to expire and then enter into the relevant documentation. The March date may well mean that there is no commitment to the use of S237 until May or June 2016, which would jeopardise our current programme.

Due to the increasingly severe shortage of built stock, off-plan pre-letting activity has increased significantly. In the last 24 months, more than 1.7 m sq ft has been pre-let off-plan in the City alone, compared to less than 250,000 sq ft in the preceding 24 month period.

The City market faces a scenario of significant under-supply. There is currently 12 million sq ft of potential speculative development space that could be delivered in the City between now and the end of 2019; if take-up of new and refurbished space continues at current levels of 3.6 million sq ft per annum, this will not be adequate to satisfy demand.

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There is currently 3.3 million sq ft of active demand across Central London and this is for occupiers with requirements in excess of 100,000 sq ft. Many of these occupiers have lease events in 2019 onwards. Given the quantum of space and the supply side dynamics, these occupiers are looking to commit to schemes as soon as possible and need certainty on commitment to building and delivery dates to make their decision.

In order to capture the opportunity for substantial pre-lets and to meet the strategic need to provide prime office floor space to meet the predicted demand, the programme for 21 Moorfields must achieve practical completion by 2020. As a result, demonstrating the ability to deliver 21 Moorfields in this timescale is key to ensuring that major occupiers are retained in the City.

In considering whether to use Section 237 we would also ask the City to take the following into account.

1. The 21 Moorfields site is located within the Central Activities Zone (CAZ), which the London Plan 2015 seeks to enhance and promote as forming the “globally iconic core of one of the world’s most attractive and competitive business locations” (Policy 2.10). The Mayor specifically seeks to sustain and enhance the City of London as a strategically important, globally-oriented financial and business services centre (Policy 2.10). In appropriate parts of the CAZ boroughs should ensure that development of office provision is not strategically constrained and that provision is made for a range of occupiers especially the strategically important financial and business services. These policies clearly support the use of Section 237 in this case given the strategic location and the constraints on developing this site.
2. Policy 4.2 (Central Activities Zone – Strategic Priorities) of the London Plan states that the redevelopment of office provision is supported in order to improve London’s competitiveness. The Mayor and boroughs should meet the distinct needs of the central London office market by sustaining and developing its unique and dynamic clusters of ‘world city’ and other specialist functions and business environment and they should encourage renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility and seek increases in the current stock where there is authoritative, strategic and local evidence of sustained demand for office-based activities.
3. The importance of maintaining the City of London’s position as the world’s leading financial and business centre is reflected in the objectives of the City of London’s Local Plan 2015. The proposals will provide 63,021 sqm (GIA) of new Grade A office floorspace, which equates to 47,142 sqm (GIA) of net additional floorspace. This increase will make a significant contribution to the City of London’s overall target of increasing the City’s office floorspace stock by 1.5 million square metres between 2011 and 2026 to meet the needs of projected long term economic and employment growth (Policy CS1).
4. The City’s “Vision and Strategic Objectives” sets out that the challenge the City faces is to increase and improve the quality of office stock to meet future business needs and that a good supply of high quality, modern and sustainable office accommodation is required. The City’s Vision is that the quantity and quality of new offices will keep pace with growing business needs, allowing the continued clustering of businesses that is vital to the City’s operation. Moorgate is a “Key City Place” and the Local Plan notes that, with the construction of Crossrail, careful planning in this area is essential. Completion of the development and the provision of new office space and more attractive City Walkway, public square and private realm will meet the City’s Strategic Objective 1, to maintain the City’s position as the world’s leading international financial



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and business centre, and Strategic Objective 2, to ensure that the challenges facing the Key City Places are met. These policies in the City of London Local Plan support the use of Section 237 in this case.

5. The development is also supported by Policy Core Strategic Policy CS1 (Offices) in:

- 5.1 helping to ensure the City provides additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City;
- 5.2 helping to meet the requirement to increase the City's office floorspace stock by 1,150,000m2 gross during the period 2011–2026;
- 5.3 encouraging the assembly and development of large sites to meet the accommodation needs of the City's biggest occupiers
- 5.4 encouraging the supply of a range of high quality office accommodation to meet the varied needs of City office occupiers.
- 5.5 promoting inward investment and encouraging developers and businesses to invest and locate in the City.

In light of the above we would ask we would ask if the City would consider acquiring an interest in the site of 21 Moorfields for the planning purpose of the Development, if necessary, to enable the operation of section 237 of the Town and Country Planning Act 1990. A programme for completion in 2020 would in our view require a commitment from the City to use S237 at the Court of Common Council meeting in January 2016, so as to support the likely timescale required to agree the documentation for S.237. If the City is willing to contemplate the use of S237 we would ask that the City confirm the steps required to be taken and the timetable for the grant of the appropriate committee resolution.

Yours sincerely

Kiran Pawar

Development Director

On behalf of Land Securities

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Cc: Simon McGinn - City of London
Nick Bates - Land Securities



Committee(s):	Date(s):	Item no.
Planning and Transportation Committee Policy and Resources Committee	10 March 2016 17 March 2016	8(d)
Subject: Redevelopment of 21 Moorfields - Potential Acquisition of Land for Planning Purposes		Public
Report of: City Planning Officer and Comptroller and City Solicitor		For Decision
Ward (if appropriate): Coleman Street		
<p style="text-align: center;"><u>Supplementary Report</u></p> <p>This report updates the information in the main report by providing recent correspondence received from affected neighbours, the City's response, and comments from the Owner. The correspondence is attached. The recommendation is one which is properly open to your Committee to make.</p> <p>It is noted that Mayer Brown, solicitors for the freeholder of Britannic House, 1 Finsbury Circus, advise that their client will not injunct the proposed Development. However, the position remains that the Owner requires the resolution to engage S237 in the terms recommended due to the number of outstanding deeds of release and the resulting risk of injunction.</p> <p>Errata:</p> <p>At end of paragraph 11 please please insert "thirty seven" (instead of "thirty six")</p> <p>At end of paragraph 38 please insert "28"</p>		

Attachments:

- 1. Letter from Eversheds, solicitors for leaseholder of Britannic House**
- 2. Reply from City**
- 3. Letter from Mayer Brown, solicitor for freeholder of Britannic House**
- 4. Letter from Land Securities**

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7 March 2016

By email and by courier - URGENT

Dear Sirs

**Planning and Transportation Committee Meeting on 10 March 2016
21 Moorfields (the "Development")
Section 237 of the Town & Country Planning Act 1990 ("section 237")**

We are the leasehold owner of the majority of 1 Finsbury Circus (also known as Britannic House), which we occupy in connection with our business. The freehold is owned by One Finsbury Circus London Propco SARL, our landlord.

We understand that at the forthcoming meeting of its Planning and Transportation Committee on 10 March 2016 the City of London Corporation (the "**City**") is proposing to approve in principle the exercise of its powers under section 237 in respect of the Development, so as to override third party interests over the development site (the "**Proposed Resolution**"). As the occupier of 1 Finsbury Circus, we would be directly affected by such decision.

Purpose of this letter

We are writing to object to the Proposed Resolution. We have been provided with a copy of the City's report on this matter which is undated but was emailed to us on 2 March 2016 (the "**Report**"). Our grounds for objection are that:

- 1 the City has not followed a fair process, in that the Report fails to take sufficient account of the position of affected parties and the City has failed to afford those affected by the proposals a full and fair opportunity to make representations, contrary to natural justice;
- 2 the Report contains material errors, takes into account irrelevant considerations and fails to take into account relevant considerations, each of which would render any decision to approve the Proposed Resolution fundamentally flawed.

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Our objections are not affected by the fact that the Proposed Resolution intends to delegate to the Town Clerk the final decision regarding whether to acquire the development site. First, the intended delegation only relates to whether adequate attempts have been made to remove injunction risks by agreement (plus details of the intended transfer). Further, it would not be appropriate to delegate to the Town Clerk fundamental considerations regarding the appropriateness of use of section 237 in itself. Such matters require the consideration of the full committee.

We consider that the appropriate response to this letter would be to withdraw the matter from consideration at the meeting on 10 March 2016. We invite you to do so. If you are not prepared to do so, we request your confirmation that a copy of our objection letter will be put before the committee.

Our position

We are a business which has resided in the City for well over 100 years and we fully support the City's efforts to enhance the quality and appeal of the building-stock in the City. We do not object in principle to the concept of redevelopment. However, we do object to the manner in which this matter has been (and is being) dealt with.

Although we do not have a right of light under the terms of our leases of 1 Finsbury Circus, we have equivalent protection in the form of a contractual prohibition in all our leases preventing our landlord from agreeing any material adverse effect or diminution of our light (impliedly: without our consent). We shall therefore be detrimentally affected by any exercise of the City's section 237 powers to override rights of light over the development site. You have already acknowledged this in relation to the proposed use of section 237 in respect of 120 Moorgate (see paragraph 5.2 of this letter).

Our objections

1 Procedural unfairness

- 1.1 Given that use of section 237 will deprive affected parties of peaceful enjoyment of their possessions, we consider that, in order to follow a fair process, the City ought to consult with affected parties as part of its decision-making process, before deciding whether it is appropriate to propose a resolution of this nature. Having carried out such consultation, the City should give affected parties a full and fair opportunity to make representations in response to any such proposals.
- 1.2 In relation to our first point, we do not see how, without such consultation, the City can properly evaluate a range of relevant matters including the impact of the proposed infringement on affected parties and the adequacy of the steps taken by the developer to secure releases. The Report is seriously deficient on all such matters, suggesting that the City has relied, wholly or predominantly, on information provided by the

developer. The result of this is to render the balancing exercise conducted in the Report deeply flawed.

- 1.3 Certainly, the very first contact that we ourselves received on this matter was on the afternoon of Wednesday 2 March 2016 (7 days before the relevant committee meeting), when we were emailed a copy of the Report by Ms Cluett, the Assistant City Solicitor. No attempt was made to consult with us or take into account our perspective before the Report was written. Indeed, prior to 2 March 2016 we were completely unaware that the City was even considering use of its section 237 powers in relation to the Development. This is despite the fact that our interest in any proposals affecting the light to 1 Finsbury Circus is well known to the City. The relevant personnel at the City were involved in our objections to the proposed use of section 237 in relation to 120 Moorgate (which was presumably why they decided to email us a copy of the report on 2 March 2016).
- 1.4 Further, it is unacceptable to give affected parties such short notice of the City's intention to approve a proposal that is designed, ultimately, to deprive them of their property rights. Such short notice does not allow affected parties a full and fair opportunity to make representations in relation to the Proposed Resolution. Although we make a number of representations in this letter, they have been prepared under considerable time pressure, to demonstrate the nature of our concerns. They do not reflect the fuller representations that we would be able to make with the benefit of adequate notice. Other affected parties, who unlike us do not have the benefit of in-house counsel with experience of rights of light, are likely to be even more seriously prejudiced by the lack of notice. Given that the developer's letter to the City requesting use of section 237 powers is dated 5 November 2015, we do not understand why the City has chosen to handle matters in this way and not give affected parties adequate warning and an appropriate time in which to respond to the proposals.
- 1.5 Accordingly, a decision to approve the Proposed Resolution on 10 March 2016 would amount to an appropriation of property rights without giving affected parties a fair hearing. The fact that the Proposed Resolution would involve delegating to the Town Clerk the final decision on whether to acquire the development site does not count against our objections because the intended delegation is only as to whether adequate attempts have been made to remove injunction risks by agreement (plus the details of the intended transfer), not as to the appropriateness of exercise of section 237 in itself. Further, it would not be appropriate to delegate such fundamental considerations to the Town Clerk, going to the heart of the very appropriateness of use of section 237.

2 Material flaws in the report

- 2.1 We reserve our position on whether the Development is in the public interest and whether development of the site cannot be achieved without infringing rights of light,

save to note that the Report fails to consider the entire range of options available to reduce the impact on neighbours. The Report expresses the view that to cut back the Development so as to prevent any actionable injury would require too great a loss of potential office space. It does not, however, explore whether a partial cut back could be implemented so as to preserve a greater proportion of light and/or avoid the worst of the injuries. The Report expresses the City's clear support for good quality office space, but this should not be at the expense of rendering existing office space and homes unpleasant to work and live in due to the lack of natural light.

2.2 However, even setting these matters aside, the Report contains a number of serious errors as follows:

- (a) in considering whether the Proposed Resolution is in the public benefit, the Report simply assumes, without question, that it is essential in the public interest that the developer's current programme must be met, without examining the basis for this or considering the alternatives;
- (b) the Report purports to evaluate all relevant considerations relating to use of section 237, but the City's checklist (and therefore also the Report itself) contains a serious omission, in that in considering whether releases of rights of light are likely to be achieved within a reasonable timescale, it does not go on to ask the further very important question of whether the developer has taken adequate steps to secure such releases;
- (c) the Report fails to take into account the full extent of the rights that will be affected by the Proposed Resolution, in that it fails to mention entire categories of persons affected by the use of section 237. In relation to those whom it does mention, it does not contain any meaningful consideration of the extent of the infringement of such light in factual terms, and there is no consideration of the value of light for affected owners.
- (d) the balancing exercise conducted in the Report is seriously flawed for all the above reasons and in addition, wrongly relies on the availability of compensation as a reason justifying use of section 237. However, the Report fails to mention the highly material consideration that use of section 237 results in a much less favourable measure of compensation. We drew your attention to this only a few weeks ago, in our letter dated 29 January 2016 objecting to use of section 237 powers in relation to 120 Moorgate. We do not understand why the City has put forward similar recommendations again here, without having corrected the fundamental error in its approach which we identified in our previous letter

- 3 Failure to take into account all relevant considerations in deciding whether the public benefit requires completion of the Development in 2020 (and whether the Proposed Resolution will be able to deliver this)**
- 3.1 We reserve our position on the issue of whether the Development is in the public interest generally. Here, we concentrate only on the alleged timing constraints requiring the urgent approval of the Proposed Resolution.
- 3.2 The Report claims, at paragraph 2, that the developer wishes to commence preparatory works (which "may" include costly pile enabling and piling) in April 2016, in order to "maximise the ability" to complete it by 2020. It is clear from the above that approval of the Proposed Resolution is not guaranteed to result in delivery of the Development by 2020. Indeed, the entire basis for the Proposed Resolution appears to be flawed in that the developer's letter dated 5 November 2015 (attached at Appendix 6 to the Report) refers to the need for certainty, in the form of a "contractual commitment" from the City to exercise its section 237 powers if necessary to override any injunction risk. This is something that the City cannot deliver in that this would fetter the proposed discretion to be given to the Town Clerk.
- 3.3 However, even assuming that approval of the Proposed Resolution would give the developer a chance of meeting its 2020 timescale for completion, the Report proceeds on the assumption that this is the programme that must be met and does not consider alternative timescales for completion of the Development and weigh these up against the public interest in approving the Proposed Resolution. In other words, are the consequences of a delay in completion of the Development to 2021 or even 2022 so detrimental to the public interest as to require approval of the Proposed Resolution now? Or would it not be acceptable to allow further time for the developer to continue its negotiation with affected parties, especially given that it has already reached agreement with the vast majority? This might result in the Development not being completed until 2021 or 2022, but is that so bad as to justify overriding private rights? Although there is a discussion of the current buoyant market for pre-lets, this does not appear to justify a conclusion that the Development can only be completed for 2020, as presumably there either are or will be shortly tenants in the market for pre-lets commencing in 2021 or 2022.
- 3.4 A balancing exercise of the nature described above is particularly important because one of the effects of the City approving the Proposed Resolution will be to put pressure on neighbours to settle, probably on less favourable terms than they would otherwise have agreed. The purpose of section 237 is to enable developments that are in the public interest to be built, not to give the developer a financial advantage by pressurising neighbours to settle. The City needs to be sensitive to this in deciding whether to approve the Proposed Resolution now. If the Development could be completed in 2021 or 2022 without appreciable harm to the public interest, it may be

appropriate to allow further time for negotiations before the City agrees in principle to use section 237.

4 Failure to take into account whether the developer has made adequate attempts to settle the issues by negotiation

- 4.1 A second fundamental flaw in the Report is that the City's checklist (at paragraph 10 of the Report) does not, in its consideration of whether rights of light releases are likely to be achieved within a reasonable time, go on to consider the further crucial question of whether the developer has actually taken adequate steps to achieve such releases. The Report contains only a bare list of the number of parties involved and the current status of the negotiations, without any meaningful discussion of the actual efforts made by the developer to secure releases. This issue goes to whether it is necessary and proportionate for the City to exercise its powers. It is only proper for the City to consider overriding rights compulsorily after the developer has used all reasonable endeavours to attempt to agree voluntary releases.
- 4.2 Rather, the City's intention appears to be to delegate such investigation to the Town Clerk. However the City ought to consider the adequacy of the steps taken by the developer before approving use of section 237, even in principle. This is because the mere fact of the City's approval in principle will put neighbours under pressure to settle (as described above). Such a resolution risks being challengeable as ultra vires as being designed to assist the developer financially in situations where the City has no information on whether use of section 237 is in fact justified or not.
- 4.3 In our own case we have received no contact from the developer since a without prejudice meeting between the respective rights of light surveyors on 5 January 2016. We doubt that this amounts to an adequate attempt to secure releases. We confirm that, as has been our approach all along, we are willing to participate in discussions with the developer.
- 4.4 In relation to the list of other affected parties referred to in the Report, we make the following comments. The initial indication given by the Report (at paragraph 2) is that there are a "significant number of remaining rights of light claims". However, it later emerges at paragraphs 11 and 12 that of the 36 potential claims, 6 of these have been settled and agreements in principle have been reached with another 22 owners, with another 9 potential claims outstanding. It then further emerges that of these 9, 7 of the affected properties are owned by the City. We comment on each of the relevant categories as follows:
- 4.4.1 In relation to the 22 claims where agreements have been reached in principle, the Report uses the fact that legal agreements are proceeding slowly as justification for use of section 237 powers. It is surprising though that so many

agreements in principle remain to be documented. We query what steps have been taken by the developer to secure completion of these agreements.

4.4.2 in relation to the 7 properties owned by the City, whilst we appreciate that the City is entitled to take into account different considerations in its capacity as private landowner than in its public capacity, it would be inappropriate for the City to justify use of section 237 (resulting in the overriding of all rights of light which are enjoyed over the development site) simply because the City itself has not agreed releases. Presumably the City can give the developer comfort regarding its intention not to seek an injunction (or otherwise).

4.4.3 this leaves 2 properties where no agreement has been reached. No information is given on how many attempts have been made to engage with the relevant landowners. The only information given in relation to these two landowners to justify use of section 237 powers is that they are based in China (at paragraph 12). We are not clear what point is being made here. The fact that the owners are based overseas should not prove an impediment to negotiations in this modern age with email and telephone services. If language is a barrier, then presumably the developer could employ an interpreter.

4.5 Accordingly on the basis of the current information, there is insufficient basis for approving use of section 237 powers.

5 Failure to take into account the full extent of the rights that will be affected by the Proposed Resolution

5.1 The Report also contains material omissions in its consideration of the extent of the rights that will be affected by the Proposed Resolution (at paragraphs 11-13).

5.2 As noted, these paragraphs list the number of affected parties and the current status of the release negotiations. However, the Report fails to mention entire categories of persons affected by the use of section 237. The Report considers only the "owners" of the relevant properties. However, in the City's amended report in relation to 120 Moorgate it was accepted that occupiers may also enjoy a right of light. We quote from that report as follows:

"Stephenson Harwood LLP occupy 1 Finsbury Circus and although they do not have rights of light under the terms of their leases, their leases constrain their landlord from agreeing any material adverse effect or diminution of their light. The other occupants are Alvarez, Marsal and Natwest. The interference with the occupants' rights to peaceful enjoyment of their possessions should be weighed in the balance in carrying out the balancing exercise described in paragraph 24."

- 5.3 Secondly, the Report fails to give sufficient consideration to the extent of the impact of the Development on the light of affected parties. The only discussion is at paragraph 13 of the Report which refers to the impact of the Development "in planning terms" and notes that issues of daylight and sunlight were considered acceptable when the planning application was being considered.
- 5.4 This is patently insufficient. Rights of light constitute a private law right and the test is entirely different from the daylight and sunlight assessments used for planning purposes. It is too simplistic to say that because the City in exercising its planning function considered that the light loss was acceptable, that the light loss is also acceptable when considering interference with private law rights.
- 5.5 There has been no attempt at all in the Report to consider the actual severity of the light loss to each adjoining owner, for example by reference to rights of light contour diagrams showing the areas of loss of light. This omission is particularly striking when a large number of the affected owners in this case are residential owners.
- 5.6 Nor is there any consideration of the value of natural light. The Report appears to proceed on the basis that if the development is in the public interest, then the balance is automatically in favour of the Development proceeding rather than the affected properties continuing to receive their light. Nowhere is the basis or justification for this assumption set out. This is particularly striking given that a number of residential properties will be affected and that there is a growing body of research to suggest that light has important psychological and physiological benefits, improving people's health and sense of well-being.
- 5.7 The Report later purports to express a view on balancing the proportionality of the interference with light against the public interest in the development. We do not see how this balancing exercise can possibly be carried out without an appreciation of the extent and severity of the light loss in each case, and an evaluation of the value to be attributed to natural light.

6 Failure to conduct proportionate balancing exercise

- 6.1 Finally, the Report's conclusion as to the balancing exercise which the City is required to carry out in deciding whether to deprive affected owners of their rights of light is deeply flawed as a result of the errors and omissions identified above, together with those further errors and omissions discussed below.
- 6.2 This is probably the most crucial section of the Report. As the Report itself states in its discussion of the relevant law (at paragraphs 35 and 36), it is **only** lawful to interfere with the right to peaceful enjoyment of possessions where to do so is both necessary and proportionate.

- 6.3 In this regard, we note that the Report's discussion of the balancing exercise is striking in its brevity. In the 16 page Report, approximately 12 pages are taken up with a discussion of the Development and why it is considered that interference with light will be in the public interest. Most of the rest of the Report is taken up with a discussion of the legal test for exercising section 237 and the legal implications of doing so. The balancing exercise itself is dealt with in a single short paragraph (at paragraph 37), most of which is taken up with a statement of the City's conclusion that interference is proportionate, and which reads in full as follows:

"In the present case it is considered that the public interest in facilitating the redevelopment outweighs the rights of the individuals to peaceful enjoyment of their possessions and their right for private and family life and home and that the proposed use of section 237 powers amounts to a proportionate interference in the circumstances. In this regard, the availability of compensation to those who are deprived of their Rights of Light is of relevance to the issue of Proportionality"

No reason is given for forming the above conclusion, beyond a reference to the alleged relevance of the availability of compensation. As already noted there is no consideration of the actual extent of the interference with light in any particular case nor the value of natural light.

- 6.4 We disagree with the reliance placed on the alleged availability of compensation, as explained below. Given that this is the only matter referred to in conjunction with the discussion of the balancing exercise, this is a matter of significant importance. However, the Report fails to address at all the fact that exercise of section 237 powers fundamentally changes the basis of compensation payable to the adjoining owner, to the detriment of the adjoining owner. At common law, an adjoining owner is entitled to compensation on the "damages in lieu of an injunction" basis (even if it does not seek an injunction). Typically this is based on a share of the developer's profits, with awards of up to 30% of the profits which the developer is making from the part of the development which infringes the adjoining owner's rights. However, following exercise of section 237 powers, the adjoining owner is limited only to compensation based on the diminution in value of its property which is generally very significantly lower. A developer may thus acquire a windfall as a result of the City exercising its section 237 powers.
- 6.5 It may be that the authors of the Report consider that this is sufficiently covered by the developer's offer to stand by its offers of compensation already made if section 237 is used. However, this is not sufficient. First, it is unclear in what way it is envisaged that this is to be made a right enforceable by the adjoining owners. Secondly, the Report does not give any information regarding the basis for such offers nor is it within the City's remit to evaluate their adequacy. These factors are particularly relevant in

weighing up the proportionality of exercising section 237 powers in relation to the two owners with whom the developer has yet to agree settlements, who are likely to be forced to accept much lesser sums as a result of the Proposed Resolution. In addition, it may be that some of the adjoining owners who have not yet entered into formally binding settlement agreements may be having second thoughts regarding the adequacy of the compensation offered.

- 6.6 We raised similar points regarding the effects of section 237 on the measure of compensation only a few weeks ago, in our letter objecting to use of section 237 powers in relation to the proposed development at 120 Moorgate. We do not understand why the City has put forward similar recommendations again here, without having corrected the fundamental errors in its approach which we identified in our previous letter.
- 6.7 As a result of all the above, the Report places too much emphasis on the interests of the developer and fails to critically evaluate all the relevant information for or against use of section 237. It appears to us that there is insufficient basis in the Report for the City to properly conclude that use of section 237 is either necessary or proportionate.

We trust that the above gives sufficient examples of the serious nature of our concerns regarding section 237. We hope that on further reflection you will agree with the points made and withdraw this matter from consideration at next Tuesday's committee meeting in its entirety.

We reserve all our rights in the event that you do not do so.

If you are not prepared to do so, please confirm that you will place this letter before the committee.

We look forward to hearing from you urgently as to how you intend to proceed with this matter.

Yours faithfully



Stephenson Harwood LLP

cc Mayer Brown International LLP (FAO Ross Berridge)

Comptroller and City Solicitor
Michael Cogher LLB (Hons), Dip.L.G., Solicitor
Comptroller and City Solicitor



Stephenson Harwood LLP
1 Finsbury Circus
London EC2M 7SH

Telephone +44 (0)20 7332 1677
Fax +44 (0)20 7332 1992

Attn: Sophie Schultz

9 March 2016

Dear Sirs,

**Re: Town and Country Planning Act 1990 Sections 227 and 237
21 Moorfields**

Thank you for your letter of 8 March. The contents have been noted.

The alleged procedural unfairness is not accepted. Your letter sets out your position and will be put before the Planning and Transportation Committee for its consideration together with a letter from Mayer Brown, this response and any response received from the Developer.

The alleged flaws in the report are not accepted. In this letter I do not respond to each point made however I respond to a number of particular matters raised below. The fact that I do not respond to other points does not mean that they are accepted.

Alleged failure to take into account all relevant considerations in deciding whether the public benefit requires completion of the Development in 2020 (and whether the proposed resolution will be able to deliver this)

All relevant considerations are put before the Committee. In particular, the timing implications are explained in paragraphs 17, 18, 19 and 21.

Alleged failure to take into account whether the developer has made adequate attempts to settle the issues by negotiation

The position is as set out in the report. In addition, further information has now been provided by Mayer Brown and this will be put before the Committee. Further, the recommendation envisages that the Town Clerk will consider whether adequate attempts have been made to remove injunction risks. This would take into account the most up to date information. The Committee are invited to consider whether it is appropriate to acquire the Site in order to engage S.237 on the basis that adequate attempts have been made. The resolution is framed in such a way that if adequate attempts have not been made the resolution would not give authority to acquire the Site.

Alleged failure to take into account the full extent of the rights that will be affected by the Proposed Resolution

Appendix 3 lists all the affected properties where rights would be infringed.

Alleged failure to conduct a proportionate balancing exercise

The report sets out a number of public benefits (for example at paragraphs 33 to 39) and the availability of compensation is identified as being “of relevance to the issue of Proportionality”, to be weighed in the balance when considering the infringements referred to.

For the reasons set out above the evaluation contained in the Report is considered sound and the recommendation one which it is properly open to the Committees to adopt, should they so decide having considered the report, your letter, and this response.

Yours faithfully



Deborah Cluett
For Comptroller and City Solicitor

cc. Mayer Brown LLP (Ross Berridge); BLP (Simon Caterall)

Mayer Brown International LLP
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London EC2M 3AF

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For the attention of Mr Simon McGinn
City Surveyors Department
City of London Corporation
PO Box 270
Guildhall
London
EC2P 2EJ

Ross Berridge
Direct Tel +44 20 3130 3732
rberridge@mayerbrown.com

9 March 2016

Our ref: 50500/13420156

Dear Sirs

Redevelopment of 21 Moorfields ("the Adjoining Property")

We are instructed on behalf of One Finsbury Circus London PropCo S.à.r.l., being the owner of One Finsbury Circus, London ("**the Property**").

We were provided, on behalf of our client, on 3 March, with a copy of the City Corporation's report for the Planning and Transportation Committee meeting to be held on 10 March 2016 ("**the Report**") which addresses the question of whether section 237 of the Town and Country Planning Act 1990 ("**section 237**") should be invoked in order to facilitate Land Securities' proposed redevelopment of the Adjoining Property.

We understand from the Report that the Property is one of nine buildings whose rights of light will be detrimentally affected by the proposed redevelopment and, in respect of which, settlement has not yet been reached with Land Securities. It would appear that seven of those nine buildings are owned by the City of London Corporation.

We can only speak on behalf of our client but, in its respect, it would be inappropriate to pursue the operation of section 237.

The thrust of Land Securities' approach to the City Corporation, requesting the use of section 237, and indeed the basis of the City Corporation's recommendation to use section 237 is that this is the only way to be certain that an injunction would not be sought to prevent the proposed redevelopment of the Adjoining Property.

First we would make clear that our client will not injunct the proposed redevelopment as it is currently permitted. Second, although our client is yet to receive a full technical pack from Land Securities, agreement on the level of compensation payable to our client has broadly been reached. In the circumstances, as far our client is concerned, there is no reason to exercise section 237 powers to defeat its rights of light.

This is a legal communication, not a financial communication. Neither this nor any other communication from this firm is intended to be, or should be construed as, an invitation or inducement (direct or indirect) to any person to engage in investment activity.

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We would ask that the City Corporation allows Land Securities, our client and its tenants a reasonable period of time in which to finalise a compensation agreement. As you know our client will need to consult with its tenants before settlement can be reached. We anticipate that you will hear direct from Stephenson Harwood in relation to the Report but other tenants are affected also. This will complicate the settlement discussions but we will keep you informed of progress and provide an update for the 5 April Committee meeting if a deal has not been done by that time.

Please provide this letter to the Planning and Transportation Committee so that they are informed as to our client's position.

Yours faithfully

Mayer Brown International LLP
Mayer Brown International LLP

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Ms Deborah Cluett
City of London Corporation
Guild Yard
Aldermanbury
London
EC2V 7HH

9 March 2016



Dear Ms Cluett

21 Moorfields Section 237 – letters from Stephenson Harwood and Mayer Brown

We refer to the letter from Stephenson Harwood of 7 March 2016 seeking to defer the City's consideration of the exercise of its powers under section 237 in respect of our proposed development at 21 Moorfields. We would strongly resist any deferral for the following reasons:

1. 1 Finsbury Circus is only one of a number of properties where deeds of settlement have not been completed. Even if agreement is reached and documented in respect of 1 Finsbury Circus, the need for section 237 as set out in the report to committee remains.
2. Stephenson Harwood entered into their lease fully in the knowledge that they did not have an easement of light over neighbouring properties. On that basis any representations they make should be given very little weight.
3. The receipt of the letter highlights the need for the exercise of section 237 powers. Our initial request for the exercise of section 237 was made in November 2015. Consideration of this request was deferred at the request of the City to enable further discussions to take place with affected parties. Now some 4 months later agreement has still not been reached on 1 Finsbury Circus despite strenuous attempts on our part to settle the issues by negotiation. Despite the lack of a legal right to light Stephenson Harwood were included in the negotiations. The surveyors acting for Stephenson Harwood, the landlord and Land Securities have been in dialogue since early May 2015. Having agreed the technical information, the three surveyors reached an agreement on the compensation, subject to client approval, during a meeting held on 18 November 2015 (held on a without prejudice basis). The formal offer was then issued on 23 November 2015. The offer was for the loss of light to the building as a whole and it was agreed between the surveyors (due to the fact that Stephenson Harwood does not actually enjoy a right to light) that any split of the compensation would be agreed privately between the landlord and tenant. Since the formal offer was issued on 23 November 2015 Land Securities have not received any formal acceptance or response on the offer made. The Landlord has since changed surveyors twice since the letter of 18 November 2015, and the delay in receiving any response can only be assumed to be due to this in part and awaiting the Landlord to get their own agreement in place with Stephenson Harwood. This is a matter that is not within Land Securities' control.

(cont / 2)

4. It is not feasible to reduce the scale of the development for the reasons set out in the report. With regard to the comments made on the actual effect to Britannic House, consideration to minimise the impact on the surrounding properties has already been incorporated into the design: such as the set back and raking of the building at higher levels along the Moorfields frontage. This matter has also been discussed between the three surveyors. 21 Moorfields is on the next street over and some 55m away from Britannic House and, following our analysis, the conclusions reached were that the effects were unlikely to change the way in which the space in 1 Finsbury Circus is used due to the design of our building and its distance from 1 Finsbury Circus. Consideration of the design changes that could be incorporated and consideration as to the actual effect on the building have therefore already been undertaken.
5. The other issues raised by Stephenson Harwood are dealt with in the report to committee including the consideration of the impact of the development on affected properties and the need to exercise of section 237 powers now.

In response to the point made in the letter from Mayer Brown of 9 March this has been dealt with above. Firstly 1 Finsbury Circus is one of a number of properties where deeds of settlement have not been completed, so settlement on 1 Finsbury Circus does not remove the need for section 237. Secondly we have been waiting for a response to our offer (agreed between surveyors) since 18 November 2015.

If the letters from Stephenson Harwood and Mayer Brown are to be shared with the Planning Committee, then we would ask that this response letter is also shared with them.

Yours sincerely



Kiran Pawar

Development Director

On behalf of Land Securities

kiran.pawar@landsecurities.com

D/L 0207 024 3735

Cc: Simon McGinn - City of London

Report – Planning and Transportation Committee

Rights of Light Issues Affecting Development

To be presented on Thursday, 8 December 2016

*To the Right Honourable The Lord Mayor, Aldermen and Commons
of the City of London in Common Council assembled.*

SUMMARY

In 2011 the Court of Common Council adopted an approach to the exercise of planning powers in relation to rights of light, easements and other rights attached to land. This approach stated that, in appropriate cases, planning powers may be used to assist delivery of developments in the City which achieve public benefit by removing the risk of the construction of such developments being prevented by injunction. Following a recent change to statutory provisions in Section 203 of the Housing and Planning Act 2016 (“S.203”), it is proposed that Members continue to support this approach.

The recommendation was supported by your Planning and Transportation Committee on 28 November 2016.

RECOMMENDATION

That Members approve the continuation of the arrangements for exercising the Corporation’s powers to override rights of light and over rights under the new statutory provisions in Section 203 of the Housing and Planning Act 2016 (“S.203”) by resolving as follows:

- a) Acquisitions of interests in land under S.227 Town and Country Planning Act 1990 or appropriations for planning purposes, may be considered on a case by case basis in order to engage S.203 powers to allow developments to proceed (where they would otherwise be inhibited by injunctions or threats of injunctions prohibiting infringements of rights of light) subject to: (i) such development being in the public interest, such public interest being sufficient to justify interference with any private rights and proportionate; (ii) the relevant criteria being met (Appendix 1) (iii) all financial liabilities of the City being indemnified; and (iv) where feasible and appropriate in the circumstances of the case, prior consultation being carried out in accordance with paragraph 6 of this report.
- b) Where such acquisitions or appropriations are so considered on a case by case basis, the Planning and Transportation Committee be authorised to determine whether such acquisition or appropriation may be authorised.
- c) Where the Planning and Transportation Committee determine that such acquisition or appropriation be authorised they may delegate the determination of such matters as they see fit and the final decision to the Town Clerk, in consultation with the Chairman and Deputy Chairman of that

Committee. The matters to be determined by the Town Clerk may include (i) whether adequate attempts have been made to remove injunction risks by negotiating the release of affected rights of light by agreement; (ii) whether those entitled to rights of light are prepared by agreement (on reasonable terms and within a reasonable time) to permit infringements of those rights and (iii) the terms on which the acquisition or appropriation is to proceed.

MAIN REPORT

1. Due to the dense built form in the City and planning policy advocating efficient use of scarce land resources, developments and redevelopments within the Square Mile sometimes involve infringements of rights of light, and other rights.
2. Prior to 2010, injunctions were often avoided through developers agreeing with affected neighbours for the release of rights of light upon payment of compensation, allowing development to proceed. However, a court ruling in 2010 increased the risks of development being impeded due to Rights of Light infringements. In June 2011 the Court of Common Council agreed an approach towards assisting in the delivery of development using Section 237 of the Town and Country Planning Act 1990 ("S.237") in appropriate cases and delegated decisions on whether to engage S.237 to the Planning and Transportation Committee and the Policy and Resources Committee. In December 2011 the Court of Common Council delegated decisions whether to engage S.237 to Planning and Transportation Committee alone, on the recommendation of the Policy and Resources Committee.
3. In July 2016, S.237 was repealed and a new, similar power was introduced in Section 203 of the Housing and Planning Act 2016 (S.203), aimed at addressing some minor issues/ambiguities about S.237, but not implementing any substantive change. Changes between S.237 and S.203 include: (i) S.203 is engaged where land is held by other public bodies (in addition to planning authorities); (ii) a previous exclusion for statutory undertakers is removed; (iii) an exclusion is provided for the National Trust/ National Trust land; (iv) S.203 is only engaged in circumstances where the authority "could acquire the land compulsorily" for the purposes of the building or maintenance work which is to be carried out; and (v) the S.203 powers are specifically limited to situations where the interference relates to the purpose for which the land was acquired/appropriated.
4. Given the introduction of new legislation, the 2011 resolutions relating to S.237 should be updated to cover the new provisions in S.203, if the City wishes to continue the general approach adopted in 2011.
5. In recognition of the City's local planning authority role in helping deliver development which meets planning objectives, it is considered appropriate that requests to implement land acquisition or appropriation arrangements which engage S.203 powers should continue to be considered on a case by case basis. It is expected that such requests should be supported by a full analysis which explains why exercise of the City's powers to acquire or appropriate are

necessary, and why there is a compelling case in the public interest to do so. It is expected that such requests will address the criteria developed to evaluate applications (Appendix 1). It is proposed that such requests should continue to be reported to Planning and Transportation Committee for decision, where it is considered in the public interest, such public interest being sufficient to justify interference with any private rights and proportionate, adopting the criteria and tests which have been in place since 2011.

6. It is also proposed that the policies developed for applications under S.237 in relation to compensation and consultation be continued under S.203, namely;

Compensation – The Upper Tribunal (Land Courts) to determine disputes in “diminution in value” payments. The City must however be satisfied prior to engaging S.237 (S.203) that adequate attempts have been made by the developer to remove injunction risks by negotiation.

Consultation –Wherever feasible and appropriate in the circumstances of the case the developer will be expected to demonstrate that rights holders have been appropriately advised of the proposed resolution, made aware of any report, and provided with a contact at the City to whom they can direct comments.

7. It is likely that agreement on the detailed terms on which an acquisition or appropriation should proceed would continue to be delegated by the Planning and Transportation Committee to the Town Clerk in consultation the Chairman and Deputy Chairman of the Planning and Transportation Committee. On occasion, decisions as to whether adequate steps have first been taken by the developer to remove the injunction risks by negotiation may also be delegated to the Town Clerk in consultation with the Chairman and Deputy Chairman. This reflects some of the past resolutions.
8. The recommended action is proposed in order to achieve planning purposes as expressed in local and national policy (see Appendix 2).

Appendices

Appendix 1: Criteria for acquisition/appropriation for the purpose of engaging SS.227/203

Appendix 2: Planning Policies

All of which we submit to the judgement of this Honourable Court.

DATED this 17th November 2016.

SIGNED on behalf of the Committee.

Christopher Michael Hayward
Chairman, Planning and Transportation Committee

CRITERIA

Introduction

It is recognised that the acquisition or appropriation of land to engage S.203 involve interference with human rights: namely, the right to peaceful enjoyment of possessions and, in the case of affected residential property, the right to respect for private and family life and home. This is the case notwithstanding that where such powers are exercised, compensation is payable. Therefore, such powers should not be exercised unless a number of criteria are satisfied and S.203 specifically provides that the authority to interfere with rights or breach restrictions conferred by the section will only apply in cases where the authority could acquire the land compulsorily for the purposes of the building or maintenance work. Whether the relevant criteria are satisfied will depend upon the site specific circumstances. The criteria, which must be carefully considered and weighed in each case, are set out at 1 – 2 below. They broadly require that the local planning authority be satisfied that there is a compelling case in the public interest for the exercise of the powers and interference with property rights and that the public interest to be achieved is proportionate to the interference with private rights which would result.

Criteria

1. There is a compelling case in the public interest that the powers conferred by section 203 of the Housing and Planning Act 2016 be engaged in order that the building or maintenance work or use proposed can be carried out within a reasonable time, and in particular, that:
 - (i) There is planning consent for the proposed development;
 - (ii) Acquisition or appropriation and consequent engagement of section 203 of the Housing and Planning Act 2016 will facilitate the carrying out of development, redevelopment or improvement on or in relation to land, and in particular the proposed development for which planning consent has been obtained, or similar development;
 - (iii) The development, redevelopment or improvement will contribute to the promotion or improvement of the economic, social or environmental wellbeing of the authority's area and those benefits could not be achieved without giving rise to all of some of the infringements - therefore it is in the public interest that the land be acquired by the City or appropriated by them for planning purposes, so as to facilitate the development proposed or similar development.
 - (iv) There will be infringements of one or more relevant rights or interests as defined in section 205(1) of the Housing and Planning Act 2016 or breach of a restriction as to user of land which cannot reasonably be avoided;
 - (v) The easements to be interfered with cannot reasonably be released by agreement with affected owners within a reasonable time (and adequate evidence of satisfactory engagement, and where appropriate negotiation, has been provided to the City) ;
 - (vi) The ability to carry out the development, including for financial or viability reasons, is prejudiced due to the risk of injunction, and adequate attempts have been made to remove the injunction risks;
 - (vii) A decision to acquire or appropriate in order to engage section 203 of the Housing and Planning Act 2016 would be broadly consistent with advice given in the DCLG

Guidance on Compulsory Purchase (2015) (and any replacement thereof) so far as relevant.

- (viii) The use of the powers is proportionate in that the public benefits to be achieved so as to outweigh the infringement of human rights;
 - (ix) The developer has consulted with rights holders regarding the engagement of section 203 wherever feasible and appropriate in the circumstances of the case.
2. The authority could acquire the land compulsorily for the purposes of the building or maintenance work or the use of the land (and where the land in issue is currently owned by the authority it is to be treated for these purposes as not currently owned by the authority);

PLANNING POLICIES

The London Plan includes the following relevant policies:

- i) **Policy 2.10 “Central Activities Zone – Strategic Priorities”** which says that **the Mayor will and boroughs should sustain and enhance the City of London as a strategically important globally-oriented financial and business services centre**
- ii) **Policy 2.11 “Central Activities Zone – Strategic Functions”** which says the **Mayor will and boroughs should secure completion of essential new transport schemes necessary to support the roles of CAZ, including Crossrail, and realise resultant uplifts in development capacity to extend and improve the attractions of the Zone**
- iii) **Policy 4.2 “Offices”** which says that the **Mayor will, and boroughs should recognise and address strategic as well as local differences in implementing this policy to meet the needs of the central London office market by sustaining and developing its unique and dynamic clusters of “world city” functions and by encouraging renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility**

1 The City of London Local Plan includes the following policies:

- i) Under Implementation And Delivery it states that the City Corporation will, where necessary, use its land and property ownership to assist with site assembly and use its compulsory purchase powers to enable the high quality development the City needs; and
- ii) Strategic Objective 1 which is “to maintain the City’s position as the world’s leading international and financial and business centre”
- iii) Core Strategy Policy CS1 which is: “To ensure the City of London provides additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London’s role as the world’s leading international financial and business centre, by:
 - Increasing the City’s office floorspace stock by 1,150,000 m2 gross during the period 2011 – 2026 to meet the needs of projected long term economic and employment growth, phased as follows:

2011 – 2016:650,000 m2

2016 – 2021:250,000 m2

2021 – 2026:250,000 m2

A pipeline of at least 750,000 m2 gross office floorspace with planning permission but not yet commenced will be maintained to provide office occupier choice.

- Encouraging the assembly and development of large sites, where appropriate, to meet the accommodation needs of the City's biggest occupiers, protecting potential large office sites from piecemeal development and resisting development that would jeopardise the future assembly and delivery of large sites.
 - Encouraging the supply of a range of high quality office accommodation to meet the varied needs of City office occupiers.
- iv) Policy DM 1.2 which is "To promote the assembly and development of large office schemes in appropriate locations".
- v) Policy DM 1.3 which is "To promote small and medium sized businesses in the City".
- vi) Policy DM 1.5 which is "To encourage a mix of commercial uses within office developments which contribute to the City's economy and character and provide support services...".

Policy DM 10.7

- 1) To resist development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment's guidelines
- 2) The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight

Supporting text paragraph 3.10.42 states that 'If a development is considered acceptable in planning terms and has planning permission, but it not proceeding due to rights to light issues, the City Corporation may consider acquiring interests in land or appropriating land for planning purposes to enable development to proceed.'

Policy DM 10.8

To achieve an environment that meets the highest standards of accessibility and inclusive design in all developments (both new and refurbished), open spaces and streets, ensuring that the City of London is:

- Inclusive and safe for all who wish to use it, regardless of disability, age, gender, ethnicity, faith or economic circumstance;
- Convenient and welcoming with no disabling barriers, ensuring that everyone can experience independence without undue effort, separation or special treatment;
- Responsive to the needs of all users who visit, work or live in the City, whilst recognising that one solution might not work for all.

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Committee:	Date:
Planning and Transportation	20 February 2018
Subject: 21 Moorfields, Land Bounded By Moorfields, Fore Street Avenue, Moor Lane & New Union Street London EC2P 2HT Construction of a mixed use development above and around the new Crossrail station entrance to provide office (Class B1) space[63,008sq.m GEA], retail (Use Class A1/A3/A4) space [182sq.m GEA], a replacement City Walkway, a new urban square, cycle parking, servicing, storage, plant, landscaping [12,587sq.m GEA] and associated works. [Total 75,777sq.m GEA]	Public
Ward: Coleman Street	For Decision
Registered No: 17/01095/FULEIA	Registered on: 27 October 2017
Conservation Area:	Listed Building: No

Summary

This planning application amends previous schemes for the site which were approved in 2015 and 2017, to deliver a development that provides trading floors and accommodation for Deutsche Bank to meet its requirements for a City headquarters, which is significant in supporting the City's role as a world financial centre.

The alterations to the scheme involve reducing the size and height of the western building onto Moor Lane and increasing the size and, in parts, the height of the eastern building.

The design approach accords with the previous schemes and is informed by the surrounding buildings and the requirement to span the underground station and lines below. The site has been cleared and works carried out in respect of the previous approved schemes which are considered implemented.

The scheme would provide an enhanced City Walkway along the southern edge of the site (accessed by escalators, stairs and lifts) which would run from Moorfields to the Barbican and Barbican Centre over Moor Lane. There would be a publicly accessible square at the western end of the site which would be landscaped.

There would be a reduction in the quantity of open space and retail on the site necessitated by Deutsche Bank's space requirements. Although this would be

contrary to policy, it is a change welcomed by the majority of respondents to the proposal due to an anticipated reduction in potential noise and disturbance.

This scheme differs from the two previous approved schemes by accessing the service yard from Moor Lane rather than Fore Street Avenue. This is the main ground of objection from neighbouring residents. It is a requirement of Deutsche Bank that this is achieved in order to meet its delivery management and security requirements.

The impact of this change has been mitigated by negotiations through restricting the number of service vehicles to 85 through consolidation (of which five are anticipated to be HGVs), by noise mitigation measures and by allowing no vehicular access to the service area from this point other than between 7am and 9pm Monday to Friday, between 9am and 6pm on Saturday and not at all on Sunday or Bank Holidays. Limited deliveries, motorbike and cycle couriers will access a 'Post room' facility on Fore Street Avenue.

The site was previously serviced from Moor Lane before its demolition and, while the use of Moor Lane in this case is not in accordance with previous approvals, it is considered that, through the agreed mitigation measures, the impact on the amenity of neighbouring residential occupiers would not be significant and would not warrant a refusal on this ground. The location of the service area would not prevent the agreed enhancement scheme for Moor Lane being implemented.

There were 51 respondents from neighbouring residential and commercial occupiers; 47 objected, two were neutral and two supported the scheme.

Changes to the City Walkway will require separate approvals in respect of declaration and in relation to maintenance. Legal agreements related to those approvals and reports will be placed before your Committee at the appropriate times.

On balance, the proposals are in substantial compliance with the development plan policies that relate to it. In particular, through the retention of a major European bank with 7,000 employees in London, and supports the objective of promoting the City as the leading international financial and business centre. The impact of the scheme has been assessed and it is concluded that the proposal overall is acceptable subject to conditions and to a Section 106 agreement being entered into to cover the matters set out in the report.

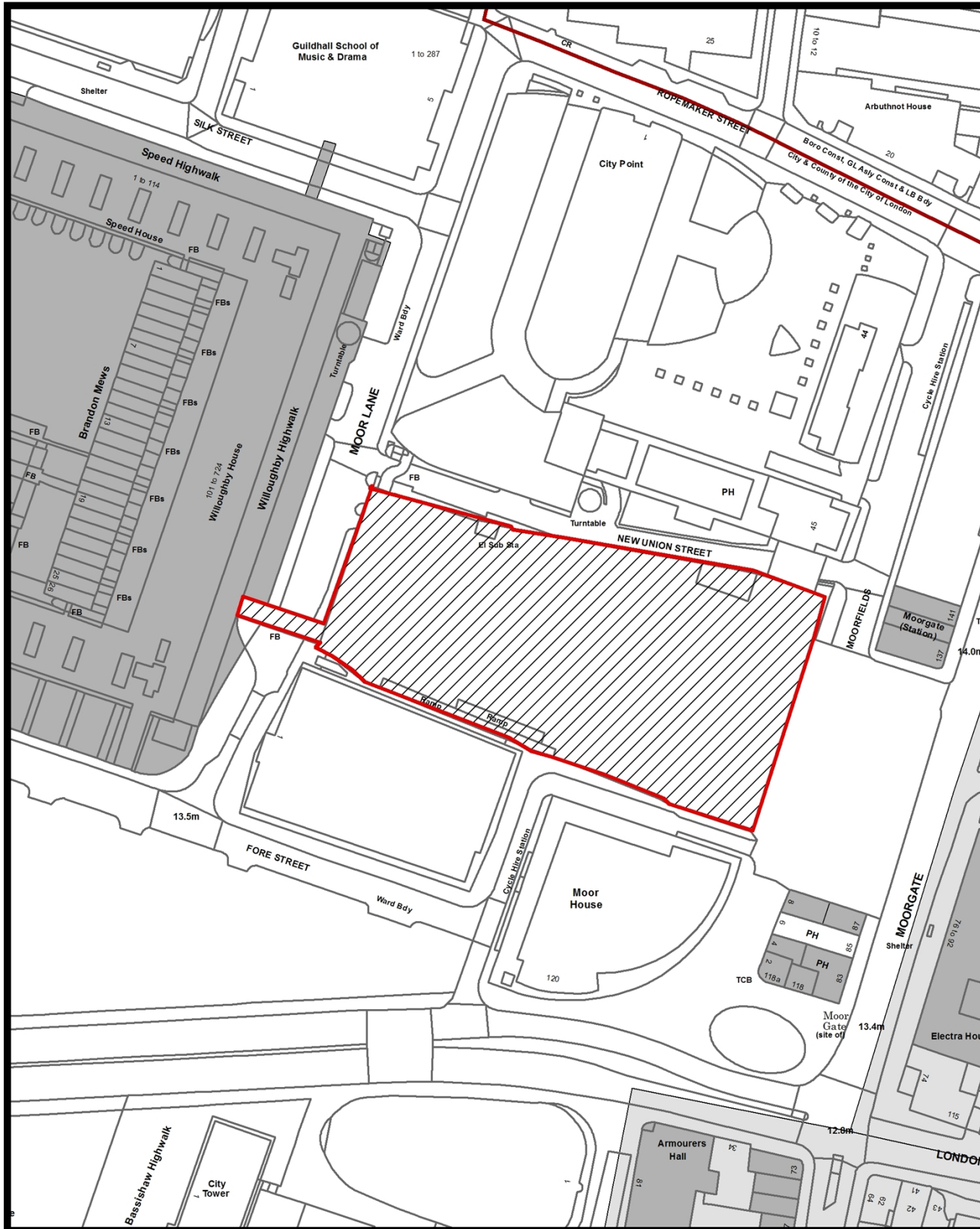
Recommendation

(a) Planning permission be GRANTED for the above proposal in accordance with the details set out in the attached schedule subject to planning obligations and other agreements being entered into in respect of those matters set out in the report, the decision notice not to be issued until such obligations have been executed;

(b) That your officers be instructed to negotiate and execute obligations in respect of those matters set out in the report under Section 106 and any necessary agreements under Section 278 of the Highway Act 1980.

(c) That the draft statement set out at Appendix A and in the report are agreed as the Reasons for Grant and the Reasoned Conclusion of the Local Planning Authority on the significant effects of the proposals.

City of London Site Location Plan



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ADDRESS:
21 Moorfields



SITE LOCATION



LISTED BUILDINGS



21 Moorfields, Pre-demolition

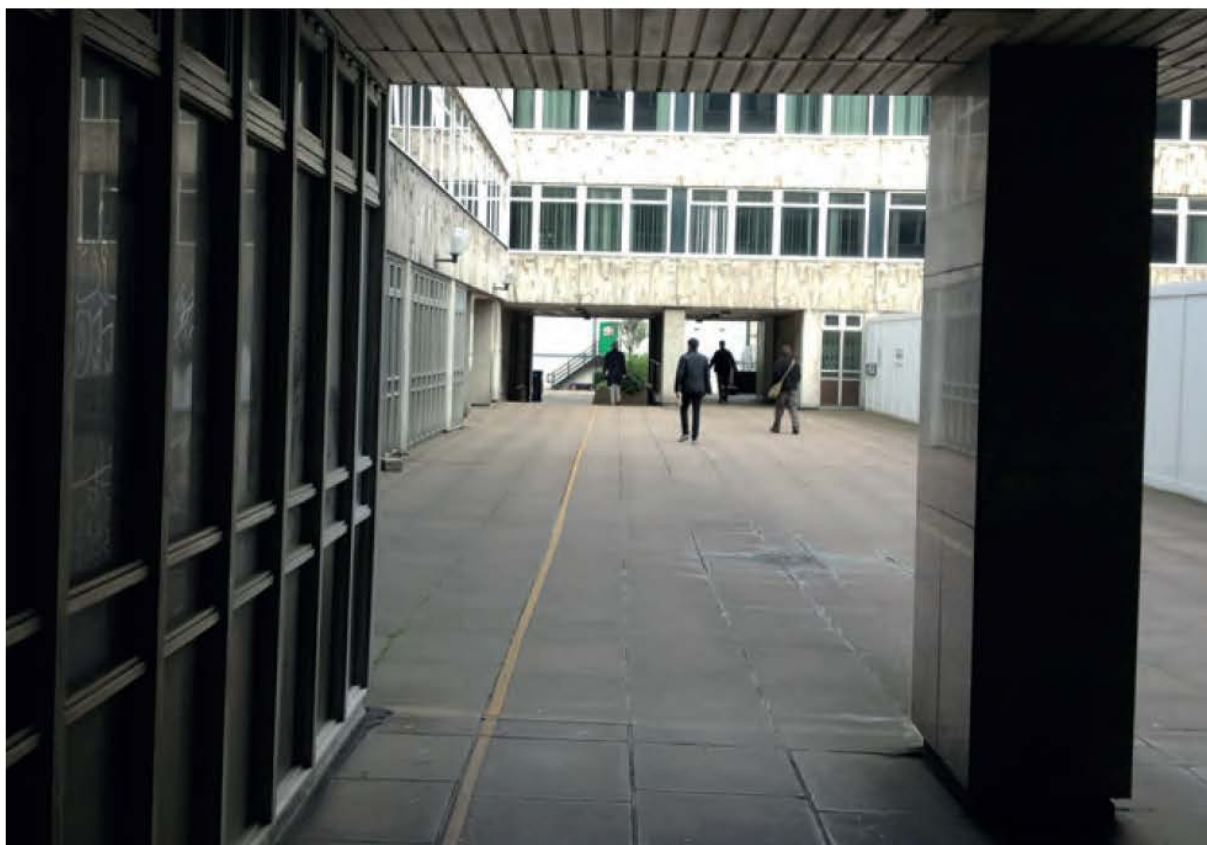


Moorfields looking north



Moor Lane towards New Union Street

21 Moorfields, Pre-demolition



Main Report

Environmental Statement

1. The application is for EIA development and is accompanied by an Environmental Statement (ES). The ES is a means of drawing together, in a systematic way, an assessment of a project's likely significant environmental effects. This is to ensure that the importance of the predicted effects and the scope for reducing them are properly understood by the public and the competent authority before it makes its decision.
2. The Local Planning Authority must take the Environmental Statement into consideration in reaching its decision as well as comments made by the consultation bodies and any representations from members of the public about environmental issues as required by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
3. The duties imposed by regulation 26 of the EIA Regulations require the local planning authority to undertake the following steps:
 - a. To examine the environmental information;
 - b. To reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account the examination referred to at (a) above, and where appropriate, their own supplementary examination;
 - c. To integrate that conclusion into the decision as to whether planning permission is to be granted; and
 - d. If planning permission or subsequent consent is to be granted, consider whether it is appropriate to impose monitoring measures.
4. The local planning authority must not grant planning permission unless satisfied that the reasoned conclusion referred to at paragraph 3(b) above is up to date.

The draft statement attached to this report at Appendix A sets out the conclusions reached on the matters identified in regulation 26. It is the view of the officers that the reasoned conclusions set out in the statement are up to date.
5. Representations made by anybody required by the EIA Regulations to be invited to make representations and any representations duly made by any other person about the environmental effects of the development also forms part of the environmental information before your Committee.
6. The Environmental Statement is available in the Members' Room, along with the application, drawings, relevant policy documents and the representations received in respect of the application.

Site and Surroundings

7. The proposal site is bounded by Moorfields to the east, New Union Street to the North, Moor Lane to the west and Fore Street Avenue/Fore Street to the south:
 - Moorfields is a busy commercial street that provides access to Moorgate Underground Station. On completion of the Crossrail works, the southern end, from London Wall to just north of the station entrance, will become pedestrianised subject to timed access for service vehicles.
 - New Union Street is a privately owned street that provides servicing access to the developments at City Point and Tenter House. There is also some pedestrian usage.
 - Moor Lane has a mixed character. Post-War, the whole of the eastern side has been characterised by large commercial office developments. The western side, in contrast, is defined by the residential buildings of the Barbican - one of four areas (Barbican, London Wall, Paternoster Square and Golden Lane) compulsorily purchased and designated for large-scale, precinct like redevelopment, as part of the plan for the 'Reconstruction of the City of London' by Holden & Holford in 1947. It should be noted that the Barbican Estate is currently being assessed for conservation area status.
 - Fore Street Avenue provides servicing access for the large office developments of Moor House and Moorgate Exchange. It is currently a cul-de-sac pending completion of the Crossrail and related over site development of 21 Moorfields. Following completion of these developments it will provide a significant street level pedestrian route from Moorgate Station to the Barbican and the western part of the City.
8. This proposal site is currently a construction site that was previously occupied by an office building (21 Moorfields), part of Moorgate Underground Station and several retail units at ground and Highwalk levels. The previously existing building on the site was relatively small and access to the offices was obtained from the podium level above Moorgate Station. The servicing yard was accessed from Moor Lane. The frontage to Moorfields will form part of the Crossrail station for the Elisabeth Line at Moorgate/Liverpool Street and is part of the Crossrail construction site and Underground station.
9. The site includes areas previously occupied by Moorfields Highwalk, leading to the Barbican, together with the stairs and escalators adjacent to Moorgate Station and a ramp in Fore Street Avenue (all now demolished).

10. Prior to demolition the total commercial floorspace on the site was:
Offices (B1) - 21,346sq.m (GEA)
Retail (A1/A3) - 1,715sq.m (GEA)
11. On the western side of Moor Lane is Willoughby House in the Barbican. This has 7 floors above the second floor podium and is in residential use. The Barbican is listed (grade II).
12. On the eastern side of Moorfields there are 137/141 Moorgate, 101-107 Moorgate and 2, 4 & 8 Moorfields. 137/141 Moorgate and 2, 4 & 8 Moorfields are 19th century listed buildings (Grade II) with ground and 3 to 5 upper floors. 101-107 Moorgate is currently part of the Crossrail work site. Planning permission was granted in March 2012 for over site development at 101-107 Moorgate with a building containing ground, mezzanine and six upper floors for office and retail uses.
13. To the north and south there are the following buildings:
 - City Point - Ground and 34 upper floors; office and retail uses. Extensively refurbished in 1998-2001;
 - Moor House - Ground and 17 upper floors; office and retail uses. Completed in 2005;
 - Tenter House - Ground and 10 upper floors office and pub uses (built in 1960s). Outline planning permission was granted in 1997 (renewed three times) to construct a new 10 Storey office and retail building. The last permission has now expired. There is a current application to provide an 18 storey office building with ground floor retail together with works to the two basements and the ground floor level with associated servicing, waste storage and plant facilities, cycle parking and public realm improvements at City Point Plaza and New Union Street [29,221sq.m GEA];
 - Moorfields House - Ground and 7 upper floors in office use. Built in 1960s;
 - Moorgate Exchange, Fore Street – Ground and 12 upper floors in office and gymnasium/fitness centre use. Built in 2012-13.
 - London Wall Place, bounded by London Wall, Fore Street and Bread Street is nearing completion. This development will provide two buildings. The east building, 121 London Wall, is 14 storeys, 74.9m, high providing 41,785sq.m of office floorspace and 1,020sq.m of retail floorspace. The west building, 123 London Wall, is 18 storeys, 91.37m, high, providing 26,030sq.m of office floorspace and 225sq.m of retail floorspace.

Relevant Planning History

14. In 1997 planning permission was granted subject to a Section 106 agreement for redevelopment of 21 Moorfields with offices, a new

station entrance and retailing. This agreement was not completed until 4th July 2001, when the planning permission was issued.

15. The building approved in 2001 had ground and 6 upper floors on Moorfields and ground and 5 floors on Moor Lane, setting back and rising in 2 and 3 storey steps to ground plus 11 floors at the centre of the site. The approved uses were offices - 51,122sq.m and retail - 1,751sq.m.
16. In 2008 planning permission was granted for two new office buildings at 21 Moorfields with a broad pedestrian way provided in an atrium between them. The approved uses were offices (55,494sq.m) and retail (2,737sq.m).
17. The combined new buildings were similar in height and form to the development approved in 2001 but, by reducing floor to floor heights, it was possible to incorporate one more floor. A replacement high level City Walkway was included along the southern edge of the new buildings, with new bridges over Moor Lane and Fore Street Avenue. Lifts, stairs and an escalator were proposed on Moorfields and stairs and a lift on Moor Lane.
18. These planning permissions were not implemented and the time limits for commencement have expired.
19. Approval has been given under the Transport & Works Act for a single storey structure on Moorfields to form a new station entrance. Three angled folds of blue glass would frame the ticket hall entrance creating a visual marker in views along Moorfields. Escalators and stairs to the Highwalk were approved to replace those that had existed. The replacement escalators and stairs would be on the corner of Moorfields and Fore Street Avenue. They would be independent of the new ticket hall and London Underground operations and would be operated and maintained by the City.
20. On 25th November 2015 planning permission (application no. 14/01179/FULEIA) was granted for the demolition of the existing building and structures to ground slab level and construction of a mixed-use development above and around the new Crossrail station entrance to provide office (Class B1) space [64,683sqm GEA], retail (Class A1/A3/A4) space [1,156sqm GEA], a replacement City walkway, a new public square, cycle parking, servicing, storage, plant, landscaping and associated works. [Total 65,839sqm GEA]. All existing structures on the site were demolished and this permission was partially implemented and as such remains valid.
21. On 10th November 2017 planning permission (application no. 16/00883/FULEIA) was granted to enable minor material amendments to the scheme approved in 2015 including: (1) retention of the west building piles; (2) alterations to the external envelope including a reduction in the massing of the west building and an additional storey to the east building; and (3) alterations to the internal layout [Revised GEA 62,543sq.m]. The proposals were a response to site investigations and enabling works. As an amendment to the previous

scheme, this permission is also considered implemented and is referred to in this report as the “extant” or “previous” scheme.

Proposal

22. The current scheme proposes several alterations to that approved in November 2017 to reflect the requirements of a significant pre-let tenant; Deutsche Bank.
23. The principal aspects in the current proposals which vary from the previously approved scheme are:
 - The east building (fronting Moorfields) would be extended westward to provide larger floorplates to accommodate trading floors.
 - The east building would vary in height between 8 and 16 storeys (including mezzanines levels) above podium level with the top two storeys enclosing mechanical plant (93.465m AOD – an overall increase of 3.365m);
 - The west building (fronting Moor Lane) would be reduced in height from 8 storeys (51.95m AOD) to three storeys above podium level (37.59m AOD);
 - There would be no accessible terrace spaces on the western building onto Moor Lane;
 - Terraces for use by the office occupiers would be provided at level 11 on the eastern elevation and levels 9, 10, 12 and 13 on the western elevation of the east building. A small terrace would also be provided at level 14 on the south elevation;
 - The publicly accessible route through the building at podium level would not be included;
 - The publicly accessible urban square to the west of the podium level would be reduced in size from 980sqm to 521sqm and the number of retail units reduced to one;
 - An improved public route through the south side of the site would be provided;
 - The loading bay and servicing area would be accessed from Moor Lane with a secondary “Post Room” provision for couriers on Fore Street Avenue.
24. The London Underground ticket hall at ground level and the structures and station at basement levels do not form part of the application and are unaltered by this proposal.
25. There would be no basements in the new building as all the land below ground level is occupied by the Underground station and tunnels.
26. The office lobby for the eastern building would be at podium level with stair, escalator and lift access from ground level in Moorfields. There would be a secondary entrance from the new urban square.

27. Access to the western building would be at podium level from the new urban square.
28. The proposed floorspace is:
Offices – 63,008sq.m GEA
Retail – 182sq.m GEA
City Walkway, urban square, landscaping, plant, etc. - 12,587sq.m GEA
29. The existing Highwalk escalators and stair on Moorfields are to be replaced by new escalators, stairs and a lift in lieu of the existing ramp in Fore Street Avenue. On Moor Lane there are existing stairs and a lift that would no longer be used. These would be replaced by a new lift and stairs. The Highwalk bridge over Moor Lane is proposed to be increased in width and the bridge over Fore Street Avenue would be altered to meet changes in levels.
30. The scheme would be serviced from a service area in Moor Lane and from a secondary on-street 'post room' facility on Fore Street Avenue. Other than a single parking bay within the loading area for people with disabilities, no car or motor cycle parking is proposed. Pedal cycle parking and changing facilities would be provided on site.

Consultations

31. A Statement of Community Involvement has been submitted with the application outlining the developer's engagement with the statutory authorities, other interest groups and with residents, building owners and occupiers in the surrounding area. A public exhibition was held at St. Giles Cripplegate Church, Fore Street, on the 26th and 27th September 2017 attended by approximately 102 people.
32. A total of 43 written responses were submitted during the public exhibition. Analysis of the submissions indicated that the majority of respondents felt neutral to positive about the proposals while approximately a quarter responded negatively:

Response	Tally	%
Positive	16	37%
Neutral	15	35%
Negative	11	26%
No responses provided	1	2%
Total	43	100%

33. Following receipt of the planning application by the City the application has been advertised and widely consulted upon. Following receipt of

additional information under Regulation 25 of the EIA Regulations the application was re-advertised and all previous consultees re-consulted. Copies of all letters and e-mails making representations are attached in your separate bundle.

34. The views of other City of London departments have been taken into account in considering the redevelopment scheme. Some detailed matters remain to be dealt with through conditions and the provision of an agreement under Section 106 of the Town and Country Planning Act 1990.
35. The Greater London Authority (GLA) has assessed the details of the application and concludes that the level of amendment to the previously approved scheme does not give rise to any new strategic issues. Therefore, the City is free to determine the application without further reference to the Mayor of London.
36. The Surveyor to the Fabric of St. Paul's Cathedral questioned why, as part of a substantial redesign of the scheme, the applicant did not take the opportunity to completely remove the area that breaches the protected view of St. Paul's Cathedral from Westminster Pier (LVMF view 8A.1).

In response the applicants have provided the Surveyor to the Fabric with details of the technical constraints that have informed the new design. It is noted that the impact from both the current proposal and the extant approved scheme on the protected view would be identical. That impact was previously agreed by the City, the GLA, and the Cathedral to be minimal (not visible to the naked eye from the view point) and acceptable. No further comments have been received.

37. No response has been received from Crossrail. To deal with this issue the conditions imposed on application no. 16/00883/FULEIA would be carried forward.
38. Historic England advises that they do not wish to offer any comments on this proposal.
39. The Environment Agency considers that there are no environmental constraints that fall under their remit.
40. Natural England has no comment on the application.
41. Thames Water recommended that a number of conditions and Informatives be attached to the planning permission if approved.
42. The London Borough of Lambeth raises no objection.
43. The City of Westminster did not wish to comment on the application.
44. The Residents Committee of the Heron building, 5 Moor Lane, raised concerns in relation to the lack of provision of street level pedestrian routes through the site from Moorfields to the Barbican, the lack of active frontages at street level on Moor Lane and suggested that as a result the proposals do not adequately respond to the City's Culture Mile aspirations. In response, the constraints of the site including the underground structures and the need to provide for sufficient servicing,

cycle parking, shower/changing facilities and plant areas to enable the development to function appropriately mean that the ability to provide additional routes through the site is extremely limited.

However, on completion of the currently proposed development there would be a narrow pedestrian route from Fore Street Avenue to Moor Lane between the south elevation of 21 Moorfields (the treatment and lighting of which will be subject to condition) and the north elevation of Moorgate Exchange. There are existing pedestrian routes to the north along New Union Street and through City Place to Moor Lane and to the south through Fore Street Avenue to Fore Street and onward to Moor Lane and the Barbican. As noted below, the reduction of retail and active frontages within the development has been welcomed by the Barbican Association and many of the individual residents from the Barbican who have commented on the proposals.

Therefore, the addition of retail and active frontages at street level on Moor Lane is unlikely to be welcomed. The facade treatment and greening of the street level facade on Moor Lane will be subject to condition.

45. The Barbican Association welcomes the site having such a prestigious tenant, the lowering of the west building, the reduced 'piazza' and consequential reduction in the number of bars, the increased distance to the first terrace from the Barbican, assurances in relation to light spillage, the wider bridge link and the lift from street level. However, the Association objects to the proposed location of the servicing entrance on Moor Lane on the following grounds:

- a) Noise nuisance generated by "80 lorries a day";
- b) It is incompatible with the Moor Lane Enhancement Scheme approved in 2011 – "...some 220 lorries servicing City Point, 21 Moorfields and Tenter House would be a tragic addition to the plans";
- c) Increased numbers of service vehicles will impact on the safety of cyclists using the north south cycle highway system (Quiet Cycleways) as "*Lorries cutting across a continuous stream of cyclists will not be safe.*"

These issues are dealt with in the relevant sections of this report.

46. Representations have been received from 49 residents in the Barbican. Their full comments are attached to this report. The table below summarises the concerns raised:

Topic	Objection	Response
Noise	<ul style="list-style-type: none"> Changing service access point to Moor Lane increases noise. Increase in noise due to traffic, especially as Moor Lane has unique acoustics. Ventilation ducts opening onto 	<ul style="list-style-type: none"> See paragraphs 229-240 See paragraphs 229-240 Noise from plant

	<p>Moor Lane would create additional noise.</p> <ul style="list-style-type: none"> • Due to listed status of Barbican estate, all windows are single glazed, exacerbating noise issue. 	<p>controlled by condition</p> <ul style="list-style-type: none"> • A number of residents have installed appropriate double glazing modules or secondary glazing (LBC required)
Residential Amenity	<ul style="list-style-type: none"> • Moor Lane previously identified for improvement for local community, with pedestrian space and pocket park. • Loss of natural light due to overshadowing. • Proposed building blocks air movement north of New Union Street. • Overlooking residential building. • Loss of views. • Aluminium curtail walling could be more beneficial as 'green wall'. • Light pollution. • Motion sensor lights should be installed to reduce light pollution. • Decrease in safety of pedestrians & cyclists on Moor Lane. • Planned seating area on footbridge will cause noise & disturbance. • Undermines Local Plan to integrate street level contact between Barbican Centre, residences and new retail developments. • Hours of use. 	<ul style="list-style-type: none"> • See paragraphs 249-251 • See paragraphs 179-211 • Development would have little impact on local wind micro-climate. See paragraphs 225-228 • Principal facade 47m away • There is no right to, or protection of, private views • See paragraph 105 • See paragraphs 212-218 • See paragraph 217 • See paragraph 251 • The seating has been removed from the proposal • See paragraph 44 • See paragraphs 159-166
Traffic	<ul style="list-style-type: none"> • Increase of additional 80 lorries per day down Moor Lane created by relocation of service access point is inappropriate for residential road. • Delivery trucks will likely have to wait for delivery slot down Moor Lane, creating more 	<ul style="list-style-type: none"> • This is incorrect. The anticipated number of lorries (HGVs) is five. See paragraph 164-165 • All deliveries scheduled with no waiting on Moor

	<ul style="list-style-type: none"> traffic. Relocating of access point will add to traffic already caused by City Point. Limits means of access to residents' homes. Increase in air pollution. Increase in traffic means more difficulty in parking. 	<ul style="list-style-type: none"> Lane See paragraphs 159-166 All deliveries scheduled with no waiting on Moor Lane See paragraphs 241-248 All deliveries scheduled with no waiting on Moor Lane
Other Material Considerations	<ul style="list-style-type: none"> If moving access point from Fore Street Avenue to Moor Lane was for security reasons, the move puts residents at risk. Proposed design of building unattractive & out of scale. Turning the development into a shopping centre/ office complex will create too much pedestrian traffic, impeding access to Moorgate Station. Impact on the historic environment, listed buildings or conservation areas. 	<ul style="list-style-type: none"> See paragraphs 160-162 and 168-171 See paragraphs 98-109 The proposed development reduces the quantum of both retail and office. See paragraphs 114-131
Other Non-Material Considerations	<ul style="list-style-type: none"> Moor Lane access point could have negative effect on Willoughby House property prices. 	<ul style="list-style-type: none"> Impact on property values is not a material planning consideration.

No further representations were received following the re-consultation in respect of the additional information submitted under Regulation 25 of the EIA Regulations.

47. Two letters of support were received:

The landowner of Moor Place welcomed the proposal to relocate the service area to Moor Lane, avoiding conflict with their main entrance and 2,000 staff.

Moor House Management Service Ltd. welcomed the proposal to relocate the service area to Moor Lane "the location of the original loading bay for Lazards" as it would avoid additional congestion in Fore Street Avenue. They stated, "It will become impossible to service the buildings and keep pedestrians safe when using street level from Moorgate station should the loading bay be positioned in Fore Street Avenue".

48. Two neutral comments were received from Barbican residents. Concerns raised have been incorporated into the table above for completeness and are addressed within the body of this report.

Policy Context

49. The development plan consists of the London Plan, the Draft London Plan (out for consultation) and the Local Plan. The London Plan, draft London Plan and Local Plan policies that are most relevant to the consideration of this case are set out in Appendix B to this report. Relatively little weight should be afforded to the Draft London Plan as it is at an early stage prior to adoption.
50. Government Guidance is contained in the National Planning Policy Framework (NPPF).

Considerations

Introduction

51. The Corporation, in determining the planning application has the following main statutory duties to perform:
- To have regard to the provisions of the development plan, so far as material to the application and to any other material considerations (Section 70 Town & Country Planning Act 1990);
- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- For development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses (S66 (1) Planning (Listed Buildings and Conservation Areas) Act 1990) and;
- For development within or adjoining a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area (S72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).
52. The NPPF states at paragraph 2 that:
- “Planning Law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”.
53. Paragraph 14 states that “at the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan-making and decision-taking For decision-taking this means: approving development proposals that accord with the development plan without delay...”
54. It states at paragraph 7 that sustainable development has an economic, social and environmental role.

55. Paragraph 131 of the NPPF advises, “In determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable development;
 - communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.”
56. In considering the planning application before you, account must be taken of the environmental information including the Environmental Statement, the statutory and policy framework, the documentation accompanying the application, and views of both statutory and non-statutory consultees.
57. The Environmental Statement is available in the Members’ Room, along with the application, drawings and the representations received in respect of the application.
58. The principal issues in considering this application are:
- The extent to which the proposals comply with Government policy advice (NPPF).
 - The extent to which the proposals comply with the relevant policies of the London Plan and the Local Plan.
 - The impact of the proposals on neighbouring residential occupiers.
 - The impact of the proposals on heritage assets.
 - The impact on nearby buildings and spaces, including daylight/sunlight and amenity.

Economic Development

59. The National Planning Policy Framework establishes a presumption in favour of sustainable development and places significant weight on ensuring that the planning system supports sustainable economic growth, creating jobs and prosperity.
60. The City of London, as one of the world's leading international financial and business centres, contributes significantly to the national economy and to London’s status as a ‘World City’. Rankings such as the Global Financial Centres Index (Z/Yen Group) and the Cities of Opportunities series (PwC) consistently score London as the world’s leading financial centre, alongside New York. The City is a leading driver of the London and national economies, generating £45 billion in economic output (as

measured by Gross Value Added), equivalent to 13% of London's output and 3% of total UK output. The City is a significant and growing centre of employment, providing employment for over 450,000 people.

61. London's status as a world city is founded to a substantial degree on its concentration of international service activities and, most noticeably, by the clustering of financial and business services in the City of London.
62. The City is the home of many of the world's leading markets. It has world class banking, insurance and maritime industries supported by world class legal, accountancy and other professional services and a growing cluster of technology, media and telecommunications (TMT) businesses. These office-based economic activities have clustered in or near the City to benefit from the economies of scale and in recognition that physical proximity to business customers and rivals can still provide a significant competitive advantage.
63. The City's dense Financial Services (FS) business cluster allows firms to benefit from access to a large pool of specialist labour, skilled workers, and support services (accounting, legal services, actuarial etc), as well as supporting demand in those businesses.
64. In 2016 the FS Industry provided 182,000 FS jobs in the City with 60,000 of these being in Banking. Large FS firms in the City employ 75% of workers in the financial services sector compared to 25% in SMEs.
65. The City Supply Chains research, based on its important cluster of SMEs found that 63% of firms in the City buy from other firms within the City. Whilst a similar proportion (68%) sold to other firms in the City, highlighting the importance of those local trade relationships and the importance of the presence of large FS firms for other City firms and SMEs.
66. Some of the key reasons given for purchasing within the City included the proximity of businesses, speed of delivery and the expertise and reputation of the firms found in the concentrated industry clusters around the business district. The effect of sales to other City firms by SMEs surveyed showed that more than one third of SME respondents' sales to City firms accounting for more than half of their annual trading income. (City of London and Bone Wells Urbecon, 2013, <https://www.cityoflondon.gov.uk/business/economic-research-and-information/research-publications/Pages/City-SME-supply-chains-.aspx>)
67. The importance that is attached to the maintenance and enhancement of the City's role as one of the world's leading financial and business centres is reflected in the policies of the London Plan and Local Plan.
68. The City of London lies within the Central Activities Zone (CAZ), which is London's geographic, economic and administrative core and contains London's largest concentration of financial and business services. The London Plan 2016 strongly supports the renewal of office sites within the CAZ to meet long term demand for offices and support London's continuing function as a World City. The Plan recognises the

City of London as a strategic priority and stresses the need 'to sustain and enhance it as a strategically important, globally-oriented financial and business services centre' (policy 2.10). CAZ policy and wider London Plan policy acknowledge the need to sustain the City's cluster of economic activity and policies 2.11 and 4.3 provide for exemptions from mixed use development in the City in order to achieve this aim.

69. The contribution of the banking sector to public finances in 2017 was £35.4bn, comprising £17.3bn from foreign banks and £18.1bn from UK banks. This is equivalent to almost a quarter of the FS sector's total tax contribution. Foreign-based banks make up almost 3% of the UK's total tax receipts. (City of London, Total Tax contribution of UK financial services, 2017)
70. Foreign-based banks account for over half of all employment taxes generated by banks (UK Finance total tax study, 2017). Of the £18.4bn, 53.7% was paid by foreign-headquartered banks, which employed 25.3% of the employees in the study.
71. The London Plan projects future employment growth across London, projecting an increase in City employment of 151,000 between 2011 and 2036, a growth of 35.6%. Further office floorspace would be required in the City to deliver this scale of growth and contribute to the maintenance of London's World City Status.
72. Strategic Objective 1 in the City of London Local Plan is to maintain the City's position as the world's leading international financial and business centre. Policy CS1 aims to increase the City's office floorspace by 1,150,000sq.m gross during the period 2011-2026, to provide for an expected growth in workforce of 55,000. Local Plan Policy DM1.2 encourages the provision of large office schemes.
73. The provision of a substantial office development in this location has been established by the extant planning permissions for the site. It meets the aims of policy CS1 in delivering a significant growth in both office floorspace and employment. The current application provides for an additional increase in floorspace and employment in line with the requirements of the Local Plan.
74. The proposed development would result in an additional 41,662sq.m gross of Class B1 office floorspace compared to the previously existing buildings on the site and 1,545sq.m more than the extant 2017 permission, further consolidating the nationally significant cluster of economic activity in the City and contributing to its attractiveness as a world leading international financial and business centre. This amount of floorspace would contribute towards meeting the aims of the London Plan for the CAZ and deliver approximately 3.62% of the additional office floorspace sought in Local Plan policy CS1.
75. Using the London Plan's assumed density of one person per 12sq.m Net Internal Area (NIA) the number of office workers in the new building could be 4,305 compared to approximately 791 in the previously existing buildings. It is noted that many businesses within the FS sector operate at higher densities and a rate of one person per 8sq.m NIA

would result in up to 6,458 new office employees. Deutsche Bank have indicated an anticipated 5,000 employees would work on the site.

76. The proposed development includes large uniform floor plates maximising internal usable areas and addressing the needs of international business in accordance with Local Plan policy DM1.2 and could provide flexible floor space for a variety of occupiers.
77. This site is ideally located to benefit from the proximity of the Crossrail/Elizabeth Line now nearing completion. Office use on this site would complement the core business function of the City by taking advantage of the substantial public transport improvements created by Crossrail and realise the potential for rejuvenation of the area, in accordance with CS5, North of the City Key City Places strategy.

Deutsche Bank

78. Deutsche Bank is a German global banking and financial services company and has more than 100,000 employees in over 70 countries, and has a large presence in Europe, the Americas, Asia-Pacific and the emerging markets. It employs 7000 people in a number of London locations. As of June 2017, Deutsche Bank was the 16th largest bank in the world by total assets.
79. Having Deutsche Bank based in the City means that any exports of their financial services globally count as part of London's contribution to UK trade – London contributes around 56% of Britain's financial service exports (not including insurance and pension services) (<http://colresearch.typepad.com/colresearch/2017/05/londons-trade-contribution-to-the-economy.html>)
80. Large firms such as Deutsche Bank make a significant contribution to City of London business rates. The City accounts for around 3% of England's total business rate revenue, and similar properties to that currently occupied by DB have a rateable value in the region of £3-4m.
81. The present scheme has been redesigned to meet the bespoke requirements for Deutsche Bank's occupation as its new London HQ. Deutsche Bank has agreed to take a 25-year lease of the building, subject to obtaining planning permission. Deutsche Bank is currently in occupation of a number of City buildings at Winchester House, Throgmorton Avenue, 1 Appold Street, 30 Fenchurch Street, Pinnars Hall and 10 Bishops Square with a combined area of over 60,000sqm.
82. The decision to occupy 21 Moorfields would see all their remaining City assets consolidate into a single building. This would allow Deutsche Bank to complete the rationalisation of its property portfolio which has recently seen them occupy space in Victoria (9,000sqm) for its asset and wealth management functions and 35,000sqm at 10 Upper Bank Street, Canary Wharf to provide back office support.
83. Deutsche Bank has undertaken an extensive review of properties available for occupation as a new HQ building in 2023 when most of their existing City leases expire. There were no other options that are available in the Square Mile that would fulfil their specific needs.

84. When reviewing the City options available and choosing this site, Deutsche Bank has confirmed that the following factors were pertinent to their decision-making process:
- This is the only site in the City that could offer unimpeded trading floorplates of circa 5,000sqm; The scheme provides four such floors.
 - The proximity to their current principal office at Winchester House would allow existing commercial links to be retained and encourage staff retention;
 - The ability to deliver the building by autumn 2021 to allow fit out work to commence and guarantee relocation prior to expiry of existing leases; and
 - The sites excellent public transport connections.
85. The site would provide Deutsche Bank with the quantum of floorspace and floorplates required in the appropriate timeframe. As outlined above, this is the only City site that can meet the bank's requirements and, therefore, if planning permission were not achieved for this site Deutsche Bank would, of necessity, review its non-City options which could lead to it moving its operations out of the Square Mile.

Retail

86. The previously existing retail provision on the site comprised a wine bar on the Highwalk and a cafe on Fore Street Avenue and several shops on the Moorfields frontage. The total floorspace was 1,715sq.m GEA.
87. The retail provision proposed in the partially implemented 2017 scheme was 1,079sq.m GEA.
88. The retail provision now proposed would be 182sq.m GEA, 897sq.m less than previously approved on the site. This is contrary to policy DM20.3 which seeks to resist the loss of retail uses outside Principal Shopping Centres and Retail Links that form an active frontage, particularly Class A1 units near residential areas, unless it is demonstrated that they are no longer needed.
89. No evidence has been provided to demonstrate that the replacement of the previously approved retail provision is no longer needed.
90. Residential neighbours in the Barbican Estate, concerned with the potential for noise generation, have welcomed the reduction in retail provision.
91. The retail unit would face onto the proposed publicly accessible square at Highwalk level. The square is separated from Moor Lane and the Barbican Estate by the western building, helping to minimise any potential noise disturbance from the retail use.
92. The proposed retail unit, whilst not replacing the existing floorspace, would provide amenity for workers, residents and visitors and complement the nearby Moorgate PSC.

93. The supporting text to policy DM20.3 states “When considering proposals to change from shops to other retail uses or for the loss of retail uses, particular consideration will be given to the contribution that individual units make to the locality, having regard to:
- the composition and distribution of retail uses locally.
94. There are additional factors to consider where there are existing retail facilities but in this instance, as the last remaining units on the site were demolished in early 2016, these are not considered relevant to the considerations of this case.
95. The site is just outside the Moorgate Principal Shopping Centre (PSC) and within walking distance of both the Liverpool Street and Cheapside PSCs. To the north of New Union Street are City Point and Tenter House which provide several bars, cafes and restaurants. To the north of the Barbican Estate is Whitecross Street with numerous shops, bars, restaurants, market stalls and a supermarket. To the east of the Estate is Smithfield Market with extensive surrounding retail provision. The Barbican Estate also contains a number of bars and restaurants.
96. There is no opportunity to provide retail on Moorfields because of the requirements of the station entrance, office entrance and escalators, stairs and lift to the Highwalk.
97. The composition and distribution of retail uses locally indicates that the area around the proposal site is well served by a variety of retail uses. It is considered that, on balance, the reduced level of retail provision within the site is acceptable in relation to policy DM20.3 and its supporting text.

Underground Railway and Crossrail

98. The proposal would not affect the construction or operation of Crossrail or the other Underground railways on the site.

Design

99. The height and massing of the proposal, as with the previous permissions, is informed by the commercial buildings to the east, north and south and the lower residential buildings to the west. The height is constrained by the location of the site within the background consultation area of the Protected Vista from Westminster Pier to St. Paul’s Cathedral and local views from Finsbury Circus.
100. The current scheme differs from the permitted scheme in a number of respects. There would be a significant reduction in height along Moor Lane while the east building would rise to a greater height towards the centre of the site. There is an increase in height in elements of the eastern end of the building but not in a manner which would additionally impact on the Protected Vista. Of greater significance is the omission of the public square and its replacement with a smaller courtyard pocket park.

101. The taller eastern element has been designed to respond to the scale and character of the commercial buildings in the vicinity. The street facade would be seven storeys high above podium level and be similar in height to the existing Tenter House. Above that, the building would set back and rise another seven storeys towards the taller Moor House which would also relate satisfactorily with the height of Moorgate Exchange. These upper floors would have an inclined fully glazed facade to differentiate it from the street facade and to address local views.
102. The design approach is similar to the permitted scheme with the cantilevered form of the building and the diagonal structural truss bracing expressed on the elevation with glazed curtain walling behind contrasting with the calmer crystalline glazed upper storeys. There would be a recessed glass screen above the station box to mark the office foyer. The glass screen would provide a 'street frontage' with the Crossrail ticket office building remaining a separate identifiable structure distinguished by its blue glazed portal. The light glass screen would extend to ground level in the north-east corner of the site, beyond the station entrance, where it would enclose an undercroft containing escalators and a stair up to the office foyer.
103. The design of the proposed development is strongly influenced by the need to over-sail Crossrail and the existing Underground infrastructure as well as the provision of need the City Highwalk. This places severe limitations on where foundations can be located, and the structures need to span the whole railway. The architectural approach is therefore informed by structural railway architecture.
104. The palette of facing materials on the principal facades is silver and grey including bead blasted stainless steel, glazing with a significant degree of reflectivity and a dot fritted finish. The building maintenance and cleaning cradles are discreetly located at roof level, generally concealed from surrounding viewpoints.
105. The Moor Lane elevation is lower than the permitted scheme by three storeys and comprises a fully glazed elevation at podium level with dark bronze coloured metal vertical fins on the upper two storeys. This visually separates the two parts of the building and relates satisfactorily to the adjacent Barbican. The glazing would incorporate fritting to reduce the extent of clear glass and mitigate any light spillage.
106. As part of the greening strategy it is proposed to introduce vertical/hanging planting from podium level onto the Moor Lane elevation as well as on the upper facades of the east elevation of the west building facing the new urban square. The planting would relate to the greenery of the Barbican and the planting proposed on the pedestrian bridge over Moor Lane. The strategy is continued across the site with vertical greening, climbers and trailing planting, on walls and wires. There would be planters and trees on the pedestrian routes at podium level as well as large areas of green roof.

107. It is proposed to reinforce the importance of the highwalk pedestrian route between Moorgate Station, the Barbican, the Cultural uses in the Barbican and to the west by introducing a light artwork installation on the wall fronting the highwalk, details of which will be conditioned. A lighting strategy highlighting key architectural elements and the pedestrian routes would enliven the scheme and the public realm during the hours of darkness. The lighting scheme would be designed to reduce light spillage.
108. The roofscape is considered acceptable with areas of roof terraces, green roofs and roof level plant screened from view by louvres.
109. Although there are concerns over the reduction in the amount of publicly accessible space, retail units and the removal of the central pedestrian route approved as part of the previous permissions for the site, it is recognised that these changes would enable the development to meet Deutsche Bank's floorspace and layout requirements.
110. It is considered that the proposed scale and design of the scheme would contribute to the dynamism and hierarchy of scale in the area. In that respect the scheme is considered broadly in accordance with policies CS10 and DM 10.1 of the Local Plan, policy 7.6 (Architecture) in the London Plan 2015 and the guidance set out in paragraphs 56 to 68 of the National Planning Policy Framework.

London Views Management Framework

111. The London View Management Framework (LVMF) provides a London wide policy framework to protect and manage strategically important views of London and its major landmarks. The eastern part of the site falls within the background assessment area of the Protected Vista of St. Paul's Cathedral from Westminster Pier (view 8A.1).
112. The proposed building would be marginally visible to the left of the south west tower of the Cathedral when trees are not in foliage. The proposal would otherwise be concealed by the cathedral and is considered to have very little impact on the views.
113. In accordance with paragraph 170 of the Visual Management Guidance in the LVMF, the development would preserve the viewer's ability to recognise or appreciate the dome, peristyle and south-west tower of St. Paul's Cathedral, ensuring these elements retain a backdrop of clear sky. The development does not harm the Protected Vista and is in accordance with policy 7.12 of the London Plan 2015 and policy CS13 of the Local Plan.
114. No other LVMF views would be affected.

Impact on the Significance of the Finsbury Circus Conservation Area

115. Finsbury Circus was laid out in 1815-17 by William Montague to the designs of George Dance the Younger. The garden has tall plane trees and, until it became a Crossrail worksite, had serpentine paths from the 19th century layout, with a bowling green that was laid in the centre in 1909. An impressive range of buildings encircle the gardens which form the central character of the conservation area and an important

townscape group. There are long views of significant 19th century buildings along the external elevations of the conservation area.

116. The effects of the proposed development on Finsbury Circus have been studied using accurate visual representations (AVRs) from within the Circus. In many of these views the development would be obscured by foreground buildings in the Circus and heavy tree foliage. It would be visible from the western side of the Circus as the viewer exits towards Moorgate where much of the proposed building would be obscured by the approved development at 101 Moorgate. The visible upper levels of the development would be angled glazing to relate formally to Finsbury Circus and provide an appropriate closure to the view.
117. It is considered that the proposed building would not have a detrimental effect on the significance of the Finsbury Circus Conservation Area.

Impact on the Significance of the Bank Conservation Area

118. The Bank Conservation Area is the commercial heart of the City of London, focused on Bank junction, extending to the north, west, east and south to include the radiating historic streets, yards and interlinking alleys. It is an area where buildings and streets are harmonised by their predominant use of solid masonry facades with regular punched architectural openings, enriched by abundant classical modelling and surface detail. The area contains several nationally significant and well-known buildings.
119. The proposed building would be visible from few locations within the Bank Conservation Area. It would be visible from the edge of this conservation area in Coleman Street and London Wall. In these views the proposed development would have a similar impact on the significance of the conservation area to the existing high buildings at Moor House and City Point.
120. It is considered that the proposed building would not have a detrimental effect on the significance of the Bank Conservation Area.

Impact on the Significance and Setting of Listed Buildings

121. The impact of the development on the setting and significance of listed buildings is considered in the Heritage Assessment forming part of the Environmental Statement. The assessment considers 17 listed buildings which have the potential to be affected. The impacts would be very similar to the permitted scheme.
122. Barbican (Grade II). There will be a relationship between the listed Barbican complex and the western element of the proposed building across Moor Lane. The immediate street frontage of the development would be of a similar scale to the previously existing building and to other frontages on Moor Lane. The office buildings on the eastern side of Moor Lane are modern and vary in appearance. The proposed building would continue this run of modern commercial buildings and would not have an adverse effect on the setting or significance of the Barbican.

123. The Highwalk pedestrian bridge over Moor Lane is proposed to be retained and widened by the addition of a lightweight cantilevered structure on its southern side so that there would be a sufficiently wide pedestrian space next to the new lift on the Moor Lane frontage. The proposed design would be subject to condition and will need technical approval from the City as part of the rescinding and declaration of walkway. The bridge is attached to the Barbican Highwalk but is not part of the listed structure of the Barbican and the alterations would not have a material impact on the setting or significance of the Barbican.
124. 137-141 Moorgate (Grade II). This is a six storey corner building built in 1900 for the Underground railway. It has modern taller buildings immediately to its north, south (the site of the proposed Crossrail over site development) and west (Tenter House and City Point). The proposed building would change the setting of this listed building by the addition of another building of considerable height and mass in the background views. However, this listed building is of a robust Victorian/Edwardian design in a tight urban location and although the setting would be altered by the proposed development it would not be in a way that would be detrimental to the listed building's significance.
125. 87 Moorgate (Grade II) was constructed as a terraced house in the early 19th century with later changes. The building adjoins the site of the proposed Crossrail over site development at 101 Moorgate and will be significantly lower than its new neighbour. The proposed building at 21 Moorfields would increase the general scale on Moorfields but would be diagonally opposite this listed building where it would be seen only in oblique views with the new 101 Moorgate in the foreground. The effect on the setting and significance of the listed building is considered negligible.
126. The Globe Public House, Fox's Umbrellas and 2 Moorfields (Grade II). These three buildings form a group of attractive Victorian buildings with good detailing, including Fox's shopfront and fascia which is a later addition dating from the 1930s. The large commercial buildings at City Point and Moor House form the backdrop in views of these buildings from the southeast. The proposed development would add another larger building and would obscure City Point in the background. The setting would be changed but not in a way that would be detrimental to the significance of the listed buildings.
127. 4 and 8 Moorfields (Grade II) were constructed as two terraced houses dating from the early 19th century with later changes. The current setting of these buildings is determined principally by the large commercial building of Moor House and the pedestrian area in front of them. On completion of Crossrail it will include the over site development at 101 Moorgate. The proposed building would increase the general scale on Moorfields but would be slightly further away from these small listed buildings. The setting would be changed but not in a way that would be detrimental to the significance of the listed buildings.
128. 80 Coleman Street (Grade II) and 81 Coleman Street (Grade II* and Scheduled Monument) are fine buildings constructed in 1840 and the

mid-18th century respectively. The setting of these buildings includes the taller modern developments of Moor House and 1 Coleman Street. Moor House will largely obscure views of the proposed development and any impact on their setting and significance would not be detrimental.

129. 63-73 Moorgate (Grade II) were constructed as terraced houses built in the 1830s. They are detached from the larger scale development to the north by the major junction of London Wall with Moorgate. However, in views from the south-east of the junction their setting is strongly influenced by Moor House. The proposed development would be visible in these views but its distance would result in a negligible effect on the setting and significance of these listed buildings.
130. Lutyens House (Grade II*), Salisbury House and Electra House (Grade II) are robust City buildings in the classical style. They occupy the southern and western sides of Finsbury Circus and have frontages to the surrounding streets. The upper parts of the proposed development would be seen above the roofscape of these buildings in various westward views from around the Circus, although in most views this would be mitigated by significant levels of tree cover (even when not in leaf). The westward setting of these buildings is dominated by Moor House and the tower of City Point. The approved 101 Moorgate building would sit in the foreground of the axial view (see section on Finsbury Circus Conservation Area above). In this respect, the proposed scheme would not be detrimental to the setting of these listed buildings.
131. Park House, Finsbury House and London Wall Buildings, (Grade II) are on the east, north and south-east sides of Finsbury Circus. There is no clear visual connection between them and the proposed development. The effect on their setting and significance would be negligible.

Impact on the Significance of Historic Parks and Gardens

132. Finsbury Circus and the Barbican Open Spaces are Registered Historic Parks and Gardens. The proposal would have a minor effect on views out of these two gardens but is not considered to be detrimental to their setting or significance. In this respect the scheme is in accordance with policy DM 12.5 of the Local Plan.

Public Realm

133. The previously permitted scheme included a generous public square (980sqm) framed by retail units accessed by two pedestrian routes from the east and west which were intended to replace the previously existing, and larger, areas of public open space on the Highwalk which had not provided a public realm of high quality. The current scheme proposes a further reduction in publicly accessible space necessitated by the requirements of Deutsche Bank.
134. The current scheme provides a smaller publicly accessible urban square (521sqm) on the western end of the scheme. Approximately half of the square would be located under the cantilevered upper storeys of the main east building. There would be a single retail unit on

the eastern side of the square. The remaining elevations comprise office floorspace which includes the 'Wellness Centre' for the office occupiers. The square would include raised planters with low level planting and trees which, combined with the vertical greening on the western elevations, would appear as an attractive green soft landscaped area.

135. The square has been assessed for wind and sunlight levels and, given the high-density context, these would be acceptable in terms of BRE and Lawson Criteria (see paragraphs 222 – 225).
136. the covered piazza area at the eastern end of the Highwalk located over the underground entrance, would be landscaped with planters and would include a small retail kiosk to assist in enlivening this area.
137. The publicly accessible square and private realm would be controlled and maintained by the developer under terms to be agreed through the Section 106 agreement.
138. Although reduced in size, the landscaping of the proposed publicly accessible square would be of high quality. Together with reduced retail activity, it would provide for a quieter green space for the benefit of office workers and members of the public and has been welcomed by the Barbican Residents Association and a number of individual Barbican residents. The proposals are considered to be in accordance with paragraph 73 of the NPPF which recognises the health and well-being contribution of access to high quality open spaces, and policy 7.5 of the London Plan which seeks landscape treatment and infrastructure of the highest quality that contributes to the easy movement of people through the space.

City Walkway and Escalators

139. The proposals reflect the extant permission to build a new upper level walkway along the southern side of the new building connecting the bridge over Moor Lane with the escalators, stair and a lift on the corner of Moorfields and Fore Street Avenue. The lift would provide an accessible link to the Highwalk in lieu of the previously existing ramps which did not meet the appropriate standards.
140. The new City Highwalk route to the Barbican and Barbican Centre would be on the southern edge of the site and provide a direct line of sight between Moor Lane and Moorfields. It would be 1m wider than previously approved (typically 4m - 4.2m wide) improving permeability and legibility and, reinforcing the importance of the highwalk as a pedestrian route between Moorgate Station, the Barbican and the Cultural uses in the Barbican. The northern edge of the City Walkway would be fronted by a covered plaza, the flank wall of the building (including clear glazed areas giving views into the building) and the new publicly accessible urban square.
141. On Moor Lane there would be a new stair and lift between the highwalk and street levels. This would make the bridge over New Union Street and the adjacent stairs and lift at City Point redundant. The proposal would provide a more direct route and would be an improvement over

the City Point stairs and lift, which are poorly located next to New Union Street.

142. The bridge over New Union Street and the staircase are proposed to be demolished by the applicants in agreement with the owners of City Point. A separate planning application would be submitted to make good the facade of City Point.
143. The position of the lifts, stairs and escalators would create good links between ground level and the Highwalk and would encourage its use. Overall, the proposal would create a high-quality link.
144. The escalators and stairs on the Moorfields/ Fore Street Avenue corner form part of the Crossrail proposal. The proposed development requires space for under floor services above the Crossrail box. This causes the new Highwalk to be 0.4m higher than the existing level in this area. The new escalators and stairs would therefore need to be longer than those previously proposed by Crossrail. Crossrail and the applicant have entered into a separate S106 legal agreement for the provision of the escalators as part of the extant permission.
145. The northern end of the bridge over Fore Street Avenue will need to be raised by 0.4m to the new walkway level. The gradient of the slope would be 1:85.
146. As with the extant permission, the escalators and stairs would be covered by the overhang of the new building. This would create an open, visible marker to encourage the public use of the Highwalk as a link to the Barbican Centre and the Culture Mile.
147. All escalators, stairs, lifts and Highwalk routes will be required to be available before occupation.
148. The improved permeability, legibility and quality of the pedestrian routes through the site would be in accordance with policies CS5 and DM16.2 of the Local Plan and policy 7.5 of the London Plan.

Temporary Highwalk works

149. All previously existing Highwalk areas within the site have been demolished as part of the implementation works. As previously agreed the applicants have provided route marking to help pedestrians move around the area.
150. The nearest replacement pedestrian routes between Moorgate Station and the Barbican are via Moorfields/City Point plaza/Moor Lane, Moorfields/Ropemaker Street/Silk Street or Fore Street Avenue/Fore Street/Moor Lane. There are alternative public lifts at the Moor Lane/Silk Street junction and 125 London Wall. The additional lift proposed as part of the redevelopment of St. Alphage Highwalk (London Wall Place) is proposed to become available (subject to technical approvals) in the first quarter of 2018.

Transport and Servicing

Trip Generation

151. The site is located in an area with a Public Transport Accessibility Level (PTAL) rating of 6b. This is the highest level of accessibility and rated as “Excellent”.
152. The submitted transport assessment predicts that the proposed development would generate a total of 1,434 two-way person trips during the AM peak and 1,250 trips during the PM peak; this represents an increase of 987 trips during the AM and 886 trips for the PM when compared with the previously existing buildings on the site. The figures represent a reduction in AM and PM peak trips of 477 and 173 respectively when compared to the extant permission which reflects the reduction in office floorspace.
153. The majority of trips are expected to be made by public transport (89%), walking (5%) and cycling (4%). TfL advised that it did not expect the previously proposed development to have any significant impact to the local highway network. The GLA/TfL have reiterated that this proposal raises no new strategic issues.
154. A Travel Plan will be required under the Section 106 Agreement.

Parking

155. In accordance with Local Plan policies, no car or motor cycle parking is proposed other than a single accessible parking bay within the loading area. There are existing accessible parking bays on Moor Lane and Fore Street (Currently suspended during construction works).
156. The proposal includes a total of 830 long-stay cycle parking spaces within the building which would be accessed from Moor Lane. This level of provision is fully compliant with the London Plan 2016 and would provide approximately 98.6% of the long-stay cycle parking spaces identified as a requirement in the draft London Plan.
157. A total of 830 lockers and 60 showers would be provided to facilitate cyclists commuting to and from the site. The shower provision would be below the City’s recommended ratio of 1:10 cycle spaces but given the site constraints and lack of basement space it is considered acceptable in this instance.
158. For a development of this scale table 6.3 of the London Plan requires a minimum of 29 short-stay cycle parking spaces for visitors to the office and retail facilities. No short-stay cycle parking is proposed within the site as the development covers 100 percent of the site and there is no street level curtilage available on which short-term cycle parking spaces could be provided (cycles are prohibited from City Highwalks by Byelaw and these areas would not be available for such use). Security concerns prevent the provision of access for the visiting public to the internal cycle parking areas and all unbuilt space around the site, including the City Highwalk, is required to facilitate pedestrian circulation.

159. The proposed long-stay cycle parking provision accords with policies 16.3 of the Local Plan and 6.9B(a) of the London Plan. The lack of short-stay provision would be contrary 6.9B(a) of the London Plan but is mitigated by a contribution of £60,000 to the operation of the Mayor's Cycle Hire Scheme which has previously been agreed with TfL and would be secured through the S106 agreement. Given the limitations of the site and the broad compliance with the relevant standards and policies, it is considered that the proposed cycle parking provision is acceptable in this particular case.

Servicing

160. A servicing area with loading bays for two HGVs and two panel vans, an accessible parking space and two refuse compactors would be provided. This would be accessed from Moor Lane and is sufficient for the size of the proposed development.
161. The servicing area for the previously existing development on the site was accessed from Moor Lane (see image below). The previously approved scheme would be accessed from Fore Street Avenue. Due to the proximity of the site to the Barbican, the City's officers have sought to encourage the new servicing area to be accessed from Fore Street Avenue. The City are advised that the specific delivery management and security requirements of Deutsche Bank prohibit this arrangement being continued into the current proposals.



162. As part of Deutsche Bank's delivery management strategy, it is proposed to use a number plate recognition system to identify scheduled vehicles. This is more easily achieved on Moor Lane where there is clearer line of sight. On Fore Street Avenue, which is a Cul-de-sac, any unscheduled vehicles would be required to turn in the eastern arm of the street in order to proceed south towards Fore Street and London Wall. On Moor Lane unscheduled vehicles could continue southbound towards Fore Street and London wall or northbound to Silk

Street and Chiswell Street without having to make any turning manoeuvres.

163. In terms of security, the applicant's structural engineers have stated that the retained deck above Moorgate Station was designed specifically for vehicular access from Moor Lane and ramps down in this location for this reason. It is also more structurally robust in this area than on Fore Street Avenue. Due to the 90 degree turn required to access the service area in Moor Lane, vehicle speeds approaching the servicing area would be reduced meaning that the rating of the security blocker would need to be sufficient to withstand a 7.5t vehicle travelling at 30mph. In Fore Street Avenue vehicles would approach the service entrance in a straight line and at potentially higher speeds, therefore, the security blocker would need to be of a much higher rating to be able to withstand a 7.5t vehicle travelling at 50mph. The force applied to the retained deck at Fore Street Avenue would also be a much greater force. This, in combination with the reduced robustness of the structure in this area, could lead to the deck not being able to withstand the applied load of a vehicle impacting the blocker. To address this on Fore Street Avenue, any appropriately rated security blocker would need to be sited outside of the site boundary within the highway. This would not be acceptable in highway terms.
164. To mitigate any potential noise impacts on the nearby residential occupiers from the operation of the loading bay the following measures are proposed:
- Hours of operation would be limited to a 14 hour period between 7am and 9pm from Monday to Friday;
 - Hours of operation would be limited to a 7 hour period between 9am and 6pm on Saturdays with no servicing on Sundays or Bank Holidays;
 - All deliveries to the site would be pre-booked to ensure that all deliveries could be accommodated within the four loading bays within the servicing area;
 - Any out of hours (before 7am or after 9pm Monday to Friday and 9am and 6pm on Saturdays) vehicular deliveries (limited to two) and all cycle and courier deliveries would be via a secondary on-street facility on Fore Street Avenue;
 - The gate to the servicing area would be set back approximately 27m from Moor Lane and all loading and unloading activity and compaction would take place only when the exterior doors were closed and would cease once they were opened;
 - All vehicles would enter and leave the loading bay in a forward gear to ensure no reversing on-street;
 - A Banksman would be positioned at the loading bay access during the hours of operation controlling access to and egress from the loading bay.

165. The anticipated composition of vehicles servicing the building has been forecast based on survey data of Deutsche Bank's existing operations and is laid out below:

Delivery Vehicle Type	Proportion of Deliveries	Number of Deliveries per day
Heavy Goods Vehicles (HGVs)	6%	5
Medium Goods Vehicles (MGVs)	3%	3
Cars and Light Goods Vehicles (LGVs)	88%	74
Other	3%	3
Total	100%	85

166. This means that 88% of vehicles would not be HGVs or lorries, contrary to concerns set out in residents' comments.
167. In compliance with policy DM16.5 of the Local Plan the proposed on-site servicing area is of sufficient size to meet the requirements of the building and allow refuse collection and service vehicles to be loaded and unloaded conveniently and enter and leave in a forward gear. Potential impacts on residential amenity from the operation of the servicing area are addressed in the Noise & Vibration and Air Quality sections below.

Stopping-Up

168. A small area of public highway on the north end of the Moorfields frontage would be affected by the edge of the steps to the office entrance at podium level (the main office lobby would have stair, escalator and lift access from ground level in Moorfields) and would need to be stopped-up to allow these steps to be provided. The total area that would need to be stopped up is 6.2sqm (0.34m wide by 15.3m long, plus the projection of three handrails which equates to a combined projection distance of 0.915m). The footway is approximately 4m wide at this point and the reduction in its width is not considered to be problematic. This was agreed as both the 2015 and 2017 approvals.

Security

169. The building will be designed to withstand attack from a hostile vehicle. However, due to the location above an active major transport hub, there may be a need for additional on-street hostile vehicle mitigation (HVM) measures, in the form of bollards.
170. Details of HVM measures incorporated within the building would be required by condition.

171. Any on-street installations would be subject to S278 negotiations.
172. The appropriate implementation of security measures would make the building less vulnerable to, and therefore, less attractive to, a potential hostile vehicle attack.

Sustainability and Energy

173. The applicants have submitted a Sustainability Statement, including a BREEAM new construction 2014 pre-assessment and an Energy Assessment.
174. By utilising passive design and energy efficiency measures, the development is estimated to achieve 26.9% carbon emissions savings over a Building Regulations 2013 compliant baseline scheme. The intention is to connect the development into the local district heating network, whereby Citigen would provide a proportion of the development's heat demand for the offices and retail uses. This would achieve a further 9.6% carbon emissions savings. No renewable or low carbon technologies are proposed due to constraints imposed by the location of the Underground station underneath the building and resulting roof plant requirements.
175. The submitted energy strategy demonstrates that the development has the potential to achieve a 36.5% carbon emission reduction over a Building Regulations compliant building.
176. The BREEAM pre-assessment for the commercial element of the building indicates a likely rating of "Excellent" is achievable. A condition has been attached to request post construction confirmation that this rating has been achieved.
177. The sustainability statement addresses climate change and sustainable design of the development, including energy efficiency, sustainable materials, conserving water resources, waste management, pollution, urban greening and biodiversity.
178. The proposed landscaping strategy includes planting in the public realm areas and green roofs on the upper terraces of the east building, thereby enhancing site ecology and biodiversity compared to the existing situation. Implementation of the landscaping strategy would be subject to appropriate conditions to ensure the size, quality, maintenance and diversity of the landscaping and green roofs.
179. Subject to conditions in respect of the green roofs, Citigen connection and post construction BREEAM the proposed range of climate change and sustainable design measures are considered to be in accordance with policies CS15, DM15.5, DM10.2 and 19.2 of the Local Plan and policies 5.10 and 5.11 of the London Plan.

Residential amenity

Daylight and Sunlight

Introduction

180. An assessment of the impact of the development on daylight and sunlight to surrounding residential dwellings (Willoughby House, Andrewes House, 83 Moorgate and 85 Moorgate) has been undertaken in accordance with the Building Research Establishment (BRE) Guidelines and considered having regard to Policies 7.6 and 7.7 of the London Plan and DM10.7 and DM21.3 of the Local Plan.
181. The assessment of daylight and sunlight is a comparative one measured against a baseline condition. In this case the buildings on the proposal site have been demolished and the residential units within the Barbican currently enjoy increased levels of both daylight and direct sunlight. However, there is an extant permission (application no. 16/00883/FULEIA) for development of the site which has been implemented and for which the impacts on daylight and sunlight have been tested and approved. If the current proposals were not to be implemented, the extant permission would be built out to completion. Therefore, the extant permission provides the “Future Baseline” against which any impacts on daylight and sunlight generated by this development should be measured.

Policy Background

182. Local Plan Policy DM10.7 Daylight and Sunlight resists development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment’s (BRE) guidelines. The policy requires new development to provide acceptable levels of daylight and sunlight for occupiers. Paragraph 3.10.41 of the Local Plan indicates that BRE guidelines will be applied consistent with BRE advice that ideal daylight and sunlight conditions may not be practicable in densely developed city centre locations. Unusual existing circumstances, such as the presence of balconies or other external features which limit the daylight and sunlight that a building can receive, will be taken into account. Policy DM21.3 of the Local Plan requires development proposals to be designed to avoid overlooking and seek to protect the privacy, daylighting and sunlighting levels to adjacent residential accommodation.
183. London Plan policies 7.6 (Architecture) and 7.7 (Tall and Large Buildings) seek to ensure that development does not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate and additionally, in the case of tall and large buildings, noise, reflected glare, aviation, navigation and telecommunication interference.
184. BRE guidelines consider several factors in determining the impact of development on daylight and sunlight on existing dwellings:

- Daylight to windows: Vertical Sky Component (VSC): a measure of the amount of sky visible from a centre point of a window. The VSC test is the main test used to assess the impact of a development on neighbouring properties. A window that achieves 27% or more is considered to provide good levels of light, but if with a proposed development in place the figure is both less than 27% and reduced by 20% or more from the existing level (0.8 times the existing value), the loss would be noticeable.
 - Daylight Distribution: No Sky Line (NSL): The distribution of daylight within a room is measured by No Sky Line, which separates the areas of the room (usually measured in Sq.ft) at a working height (usually 0.85m) that do and do not have a direct view of the sky. The BRE guidelines states that if with the proposed development in place the level of daylight distribution in a room is reduced by 20% or more from the existing level (0.8 times the existing value), the loss would be noticeable. The BRE advises that this measurement should be used to assess daylight within living rooms, dining rooms and kitchens; bedrooms should also be analysed although they are considered less important.
 - Sunlight: sunlight levels are calculated for all main living rooms in dwellings if they have a window facing within 90 degrees of due south. Kitchens and bedrooms are considered less important although care should be taken not to block too much sun. The BRE explains that sunlight availability may be adversely affected if the centre of the window receives less than 25% of annual probable sunlight hours (APSH), or less than 5% APSH between 21 September and 21 March; and receives less than 0.8 times its former sunlight hours as result of a proposed development; and has a reduction in sunlight hours received over the whole year greater than 4% of annual probable sunlight hours.
185. Average Daylight Factors (ADF) may also be considered. ADF is the ratio of internal light level to external light level. BRE advise that ADF is not generally recommended to assess the loss of light to existing buildings, therefore, ADF has not been assessed in this case.
186. The applicant's assessment has been carried out in accordance with the Building Research Establishment (BRE) guidelines "Site Layout Planning for Daylight and Sunlight 2011, A Guide to Good Practice".
187. The impact of the development upon the daylight amenity to residential rooms is considered by the consultants to be minor adverse in situations where:
- despite VSC alterations to the windows serving the room, the NSL alteration to the room is fully BRE compliant;
 - despite NSL alterations to the room, the VSC alteration to all windows serving the room is fully BRE compliant; or
 - all VSC and NSL alterations applicable to the room are either less than 30% of their baseline values and/or the windows and room

retain VSC or NSL levels of at least 70% of the BRE recommended minimums.

188. It should be noted that where there are existing low levels of daylight in the baseline figures any change in the measured levels can appear to have a disproportionate impact. To give a more complete picture the same level of change can be described in two ways:

Percentage change - 10% reduced to 8% = 20% reduction

Actual change - 10% reduced to 8% = 2% reduction

Daylight

189. There are 346 windows serving 235 residential rooms surrounding the site that require assessment. These have been assessed in terms of both VSC and NSL.

Vertical Sky Component

190. In terms of VSC the development would have a negligible impact (less than a 20% reduction) on:
- 31 of 42 windows within Andrewes House
 - 214 of 295 windows within Willoughby House
191. There would be a minor adverse impact (20% to 29.9% reduction)
- 8 of 42 windows within Andrewes House
 - 66 of 295 windows within Willoughby House
192. Of the remaining windows, 3 at Andrewes House and 15 at Willoughby House would experience reductions greater than 30% of existing VSC levels with 4 of the windows at Willoughby House subject to reductions of more than 40%.
193. The BRE guidelines recommend a minimum existing VSC level of 27%. The 18 windows that would experience a greater than 30% "Percentage" change have very low baseline VSC values of between 1.71% and 4.73%. Therefore, the very small "Actual" change in VSC of between 0.57% and 1.64% results in a disproportionate percentage reduction which would, in reality, be unlikely to be noticed by the occupants.
194. BRE guidance states, *"Existing windows with balconies above them typically receive less daylight. Because the balcony cuts out light from the top part of the sky, even a modest obstruction opposite may result in a large relative impact on the VSC, and on the area receiving direct skylight. One way to demonstrate this would be to carry out an additional calculation of the VSC and area receiving direct skylight, for both the existing and proposed situations, without the balcony in place this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of light."*

195. Calculations have been carried out and the results show that without balconies all the windows within Andrewes House and Willoughby House would meet the BRE guidelines for VSC with the proposed development in place. This demonstrates that the design of the existing building, rather than the proposed development, is the principal factor in the relative loss of light in terms of VSC.

No Skyline

196. In terms of NSL the development would have a negligible impact (less than a 20% reduction) on:
- 21 of 21 rooms within Andrewes House
 - 203 of 208 rooms within Willoughby House
197. There would be a minor adverse impact (20% to 29.9% reduction)
- 1 of 208 rooms within Willoughby House
198. The remaining 4 rooms at Willoughby House would experience reductions of 36.5% - 47.9% of the existing NSL level. These rooms serve bedrooms which the BRE guidelines consider to be of less importance than living rooms, dining rooms and kitchens in terms of NSL daylight distribution. It is noted that in this case daylight would still penetrate to approximately 43% - 57% of the rooms.

Sunlight

199. There are 341 windows serving 231 residential rooms surrounding the site which are relevant for sunlight amenity assessment. These have all been assessed in terms of the annual probable sunlight hours (APSH).

Annual Probable Sunlight Hours

200. BRE guidance states that “...*the sunlighting of the existing building may be adversely affected...if the centre of the window receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.*”
201. On this basis, the impact to the sunlight amenity of the following number of rooms within the surrounding properties would be negligible, with an overall sunlight compliance rate of 96%:
- All rooms within Andrewes House;
199 of the 208 rooms within Willoughby House; and
All rooms within 85 Moorgate.
202. Of the nine rooms within Willoughby House which would experience APSH alterations greater than outlined in the BRE guidance in terms of total APSH, two would not meet the winter APSH guideline levels.

203. The nine rooms within Willoughby House which would experience sunlight amenity alterations greater than outlined in the BRE guidelines are all located beneath large balconies serving the upper floors. As a result of their location the majority of these rooms already have baseline APSH values below the BRE recommended minimums. The actual APSH alterations that the windows serving the rooms would experience result are, therefore, disproportionate in percentage terms. The impact to the sunlight amenity of the nine rooms is, considered to be moderate adverse to substantial in nature.
204. BRE guidance states that, *“Balconies and overhangs above an existing window tend to block sunlight, especially in the summer. Even a modest obstruction opposite may result in a large relative impact on the sunlight received. One way to demonstrate this would be to carry out an additional calculation of the APSH, for both the existing and proposed situations, without the balcony in place...this would show that the presence of the balcony, rather than the size of the new obstruction, was the main factor in the relative loss of sunlight.”*
205. This calculation has been carried out and the results show that, without balconies, all windows within Willoughby House would meet the BRE guidelines for APSH with the proposed development in place. This demonstrates that the structure of the existing building, rather than the proposed development, is the principal factor in the relative loss of sunlight in terms of APSH.
206. Without balconies, therefore, there would be no sunlight amenity impact to any of the surrounding residential rooms which are greater than negligible in nature.

Daylight and Sunlight Conclusions

207. Despite the dense urban location of the Site, the vast majority of alterations to the daylight and sunlight amenity of the surrounding residential properties are either in full compliance with BRE guidance or are considered to be no greater than minor adverse in nature.
208. The BRE guidelines, state that they are *“...purely advisory and the numerical target values within it may be varied to meet the needs of the development and its location...Though it gives numerical guidelines, these should be interpreted flexibly because natural lighting is only one of many factors in site layout design. In special circumstances, the developer or the planning authority may wish to use different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.”*
209. In respect of the few residential rooms that do experience effects which depart from BRE guidance, these are predominantly located under large balconies serving rooms to the floors above them.
210. BRE guidance states that existing windows with balconies above them typically receive less daylight and sunlight because the balcony reduces visibility of the top part of the sky. As such, even a modest

obstruction opposite these windows may result in a large relative impact upon on the VSC, APSH and NSL. The BRE suggests that, in order to demonstrate that it is the presence of the balcony rather than the size of the new obstruction that is the main factor in the relative loss of daylight and/or sunlight, additional daylight and sunlight calculations should be carried out for both the existing and proposed situations without the balconies in place.

211. These assessments were carried out and, as indicated by the BRE, they demonstrated that it is the presence of the balconies, rather than the size of the proposed development that is the main factor in the relative loss of daylight and/or sunlight.
212. By virtue of the limited impact of the proposed development on the daylight and sunlight received by the neighbouring residential occupiers, as indicated by the BRE assessments, it is considered that the proposals are in compliance with policies DM10.7 and DM21.3 of the Local Plan and policies 7.6 and 7.7 of the London Plan.

Light Pollution

213. The building design takes into account residents' concerns both passively, through the facade composition, materials and density, and actively, through modern lighting controls, fittings and management.
214. The proposed building frontage to Moor Lane would be reduced in height in comparison to the extant scheme and is proposed to be used as a 'Wellness' centre for the office occupiers and has been designed to predominantly face onto the square at podium level rather than Moor Lane. As such, the west building facade to Moor Lane would have significantly less glazing than the previous proposals. There would be no facade lighting on the Moor Lane with external lighting restricted to the lift entrance and stairs connecting to the Highwalk, as well as local low-level lighting to landscape planters and the Highwalk bridge. Except for the lift entrance, all lighting levels on the western façade of the west building would be lower than the existing levels of street lighting along Moor Lane.
215. The east building of the Proposed Development is largely of a similar height compared to the Consented Scheme and set back behind the west building.
216. The east building is 47m from the window line of Willoughby House. At this distance the potential for light pollution from proposed uses on the site would be low i.e. the intensity of light emitted would have to be strong for light pollution nuisance to occur. There would be no facade lighting on the western face of the east building facing Moor Lane, and internal lighting levels within offices would be controlled through design to minimise potential for light spillage.
217. Vertical fins on the outside of the western facades would also reduce visible light from within the offices when viewed obliquely along the street. These would have a black finish to help absorb light and the glazing would have a translucent (semi-opaque) finish to further reduce light spillage.

218. the internal lighting systems within the office buildings will be of a modern design, incorporating controls to minimise visible light, and reduce energy consumption. Movement sensors, light sensors and timer controls (as part of the Lighting Control System) in association with zoning will be used to ensure lighting is minimised and only switched on as required.
219. The external materials and details would be controlled by conditions as they are part of the external design and a condition is included on the schedule. The internal measures fall outside planning control but many of the measures are required to satisfy Building Regulations in terms of energy use and have been agreed by the applicant.

Terraces

220. As part of the considerations of the extant scheme it was proposed to have two terraces on the west building, one at level 6 (approximately 30m away from Willoughby House) and one on level 7 (approximately 35m from Willoughby House)
221. To mitigate concerns raised by Barbican residents in respect of potential noise and overlooking from use of the roof terraces facing Moor Lane conditions were imposed limiting hours of use and prohibiting music and the use of public address systems on the terraces.
222. The current proposals omit any terraces on the west building and provide terraces at levels 9, 10, 12 and 13 on the western elevation of the east building and at level 11 on the eastern elevation. A small terrace would also be provided at level 14 on the south elevation. These would be used by office occupiers and it is likely that they would be used more during the working day than in the evenings. They are not to be used for public restaurants, clubs or venues. Such uses would require specific planning permission.
223. At their nearest points the west facing terraces would be approximately 51.2m, 55.4m, 64.8m and 85.3m from the window line of Willoughby House, which are very considerable distances.
224. In terms of overlooking, the terraces do not provide any greater possibility than office windows. Planting, landscaping and balustrading is proposed on the terraces to provide screening and to help reduce overlooking.
225. Although there is a greatly increased level of separation between the terraces and the nearest noise sensitive receptors in the Barbican, it is proposed to impose similar restrictions on the hours of use and restrict amplified music and the use of public address systems on the terraces through condition. The west facing terraces at levels 9, 10, 12 and 13 would be limited to no use after 9pm with the smaller terraces on the east and south elevations available until 10pm.

Wind Microclimate

- 226. The likely effect of the development on wind microclimate in the immediately surrounding area has been assessed using the Lawson Pedestrian Comfort Criteria.
- 227. At ground and walkway levels during the windiest season the wind conditions around the proposed building would be within the 'Sitting' and 'Standing/entrance' levels which is good and appropriate for the proposed use.
- 228. The terraces, which are not public, would have slightly windier conditions than desired in the summer season which is for the occupier to address through an appropriate landscaping scheme.
- 229. In that it would not cause harm to the amenity of the surrounding area in terms of wind microclimate, it is considered that the development complies with policy DM10.1 of the Local Plan and policies 5.3 and 7.9 of the London Plan.

Noise and Vibration

- 230. Moor Lane is a vehicular access route between Fore Street to the south and Silk Street, Ropemaker Street and Chiswell Street to the north. It provides access/egress to New Union Street (a private service road) and the Barbican carpark ramp beneath Willoughby House. There is a timed restriction for through traffic between the hours of 11pm and 7am Monday to Friday.
- 231. It is proposed to service the new development from a service area on Moor Lane. As detailed above (paragraphs 157-164) it is anticipated that there would be a total of 85 service vehicles across the proposed operational period of 7am to 9pm (14 hours). Of these, five would be HGVs. A comprehensive booking system is proposed to ensure an even spread of deliveries during the operational period (6 vehicles per hour) with any out of hours deliveries (limited to two) and all cycle and courier deliveries via a secondary on-street facility on Fore Street Avenue.
- 232. The applicants have provided details of a noise assessment that sets out the noise levels that would be experienced at Willoughby House in a worst-case scenario i.e. with 10 vehicles per hour including two HGVs.
- 233. During the period 7am to 9pm the hourly average (L_{Aeq} , 1 hour) background noise level when measured over a full seven day period on Moor Lane varies between 55dB and 64dB. Taking account of vehicle arrivals and departures only, the noise level from 10 servicing vehicles averaged over a one hour period would be 40dB, substantially below the measured hourly ambient noise level.
- 234. To mitigate against break-out noise from the loading area, acoustic absorption materials will be applied to the soffit of the loading area. This will form part of a Noise Management Plan (NMP) that will include details of all the mitigation measures to be implemented to manage break-out noise from the loading area.

235. When account is taken of break-out noise levels from the loading area, (noise from use of the compactors, gate and blockers) the overall predicted hourly noise level increases from 40dB to 43dB ($L_{AEQ,1 \text{ hour}}$) which would remain substantially below the prevailing ambient noise level.
236. Although the predicted average noise levels would be below the existing ambient noise levels, this does not take account of short duration “event” noise levels, particularly those associated with the arrival and departure of HGVs. To address this, the worst-case scenario derives the predicted event noise level ($\text{dB } L_{AEQ,T}$) which is the predicted noise level while a vehicle arrives/leaves rather than an average over a one hour period and the maximum noise level (L_{AMAX}) generated from two HGV events occurring concurrently. The predicted maximum increase in noise level during such an event would be 4dB above the prevailing ambient noise levels ($\text{dB } L_{AEQ,T}$). The predicted results fall within the range of existing L_{AMAX} events measured on Moor Lane during the proposed hours of operation of the servicing area. The City’s Markets & Consumer Protection, Pollution Team advise that *“It is commonly accepted that for the average person a change of 1 dB is just perceptible under controlled conditions. A change of 3 dB is noticeable, 6 dB obvious and a change of 10 dB is significant”*. It is noted that these events would be infrequent (once per hour in a worst-case scenario) and, that they would be perceptible and more discernible during the early morning and evening periods when ambient noise levels are lower.
237. The number of service vehicles resulting from this development would, in a worst-case scenario, during the “event” have a minor adverse impact on prevailing noise levels in Moor Lane and experienced by the residents of Willoughby House. However, the low number of proposed HGVs (approximately one every 2hrs 45mins) suggests that the worst-case scenario of two concurrent HGV events would be unlikely to occur and that event noise levels ($\text{dB } L_{AEQ,T}$) would generally be lower than reported, particularly with non-HGV service vehicles.
238. The number and timing of service deliveries would be controlled through the proposed delivery and servicing arrangements, and restricted by condition in respect of hours of operation, in order to ensure that the use of Moor Lane for the provision of servicing does not cause unacceptable harm to residential occupiers and to the surrounding area.
239. Noise and vibration during construction would be subject to compliance with details to be approved under conditions which would deal with the management of all freight vehicle movements to and from the site and include a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects attributable to the development.
240. Noise levels from mechanical plant in the completed development would be required to comply with the City of London’s standard requirement that there would be no increase in background noise levels

and approved under planning conditions to ensure there would not be an adverse effect on the surrounding area.

241. The impacts on noise and vibration would be managed through conditions and provisions in the S106 agreement to control any adverse effects.

Air Quality

242. The EIA includes an assessment of the likely changes in air quality as a result of the construction and operational phases of the development and has been considered having regard to the relevant national, regional and local guidance including the NPPF Planning Practice Guidance 2014, policy 7.14 of the London Plan and policy CS15 of the Local Plan.
243. During construction dust emissions would increase and would require to be controlled through the implementation of good practice mitigation measures in the Construction Method Statements to be approved for each phase of the development under conditions attached to this planning permission.
244. The air quality assessment states that estimated construction traffic, 80 to 90 two-way vehicle movements per day during the peak construction phase (Quarter 4 of 2020), would lead to a small increase in the number of vehicles on the local highway network. Emissions would be relatively small compared to existing road traffic emissions on London Wall (16,859 daily vehicles including 1,077 (6.39%) HGVs) and Moorgate (14,279 daily vehicles including 2,108 (14.76%) HGVs). The overall impact would not be considered sufficient to cause a significant adverse effect at any of the nearby local air quality receptors.
245. All construction plant must now comply with the London Low Emission Standards set out for Non-Road Mobile Machinery (NRMM). Therefore, it is considered that there would be no significant effect on air quality from the construction plant.
246. The impact of service vehicles on air quality has not been assessed as the number of vehicles falls below the level that would require an air quality assessment under the Institute of Air Quality Management (IAQM) guidelines. It should be noted that the City will be completely within the Mayor of London's ultra-low emission zone (ULEZ) from April 2019. Subject to daily charges for non-compliant vehicles (detailed below), this will restrict access to all but the cleanest diesel/petrol vehicles (Euro 6/Euro 4). When the proposed building is operational in 2023, it is expected that all delivery and service vehicles visiting the site will be meet the low emission standards. This, together with the distance to the nearest residential units (30m), indicates that the air quality impact of the operation of the servicing bay on local residential units is likely to be negligible.
- Petrol vehicles that do not meet Euro 4 standards and diesel vehicles that do not meet Euro 6 standards will have to pay a ULEZ daily fee (£12.50 for cars, vans and motorbikes; £100 for buses, coaches and HGVs) to drive in the zone, 24 hours a day, 365 days

a year. The ULEZ will apply to all vehicle types, except black taxis. It is estimated that introducing ULEZ in central London will result in nearly a 50 per cent reduction in road transport NOx emissions by 2020.

- 247. For the completed scheme the assessment predicts that the effect on air quality due to the increase in air pollutants from road traffic and plant emissions would be negligible.
- 248. Deutsche Bank are exploring the potential for using electric vehicles which would further reduce emissions.
- 249. The air quality neutral assessment submitted demonstrates that the development will be air quality neutral, as described in the Mayor of London's SPG on Sustainable Design and Construction.

Moor Lane Enhancement Scheme

- 250. An enhancement scheme for Moor Lane was approved by the Streets and Walkways Sub-Committee in July 2011. The proposals included a widened footway on the western side of Moor Lane and the creation of a linear garden incorporating sustainable urban drainage. The works would result in a narrowing of the carriageway by 4m providing a two-way carriageway of 6m.
- 251. Vehicle access to and from the proposed service area would not be compromised by the carriageway alterations and, as a result, the proposal to provide a servicing area accessed from Moor Lane would not prejudice the enhancement scheme.
- 252. The applicants have stated that, in addition, all delivery and servicing associated with the 21 Moorfields development would be managed by a Banksman to oversee vehicle manoeuvres and provide additional visibility assistance to drivers turning into the service area, in particular in relation to pedestrians, cyclists and other vulnerable road users.

Archaeology

- 253. An archaeological assessment has been submitted which concludes that the potential for surviving archaeological remains is low across the site, due to extensive disturbance by construction of the station and railway lines, which are in a cutting.
- 254. The proposed scheme will require new foundations which may have an archaeological impact on the southern perimeter of the site. An archaeological watching brief to record the proposed foundation positions was approved on 5th May 2016 (application no. 16/00313/MDC). The archaeological recording has commenced but is not complete. Conditions are recommended to cover the archaeological recording and foundation design. The site is outside the City wall in the area of the Moorfields marsh and Upper Walbrook valley. This would allow a record to be made of any archaeological remains revealed in accordance with Policy 12.4 of the Local Plan and current standards and guidance. A record would be made of any archaeological remains

revealed in accordance with Policy DM12.4 of the Local Plan and current standards and guidance.

Planning Obligations and Community Infrastructure Levy

255. The development would require planning obligations in a Section 106 agreement to mitigate the impact of the proposal and make it acceptable in planning terms and to contribute to the improvement of the City's environment and facilities. It would also result in payment of the Community Infrastructure Levy (CIL) to help fund the provision of infrastructure in the City of London.
256. The applicants have applied for an abatement against their CIL contributions in respect of the previous existing buildings on the site which has been accepted. The abatement applies to CIL only and does not affect S106 contributions.
257. These contributions would be in accordance with Supplementary Planning Documents (SPDs) adopted by the Mayor of London and the City.
258. The planning obligations and CIL contributions are set out below.

Mayoral CIL and planning obligations

Liability in accordance with the Mayor of London's policies	Contribution	Forwarded to the Mayor	City's charge for administration and monitoring
Mayoral Community Infrastructure Levy payable	£2,852,700	£2,738,592	£114,108
Mayoral planning obligation net liability*	£7,582,320	£7,582,320	£3500
Total liability in accordance with the Mayor of London's policies	£10,435,020	£10,320,912	£117,608

Net liability on the basis of the CIL charge remaining unchanged and subject to variation.

City CIL and S106 Planning Obligations

Liability in accordance with the City of London's policies	Contribution	Available for allocation	Retained for administration and monitoring
City CIL	£4,279,050	£4,065,098	£213,953
City Planning Obligation Affordable Housing	£1,492,260	£1,477,337	£14,923

City Planning Obligation Local, Training, Skills and Job Brokerage	£223,839	£221,601	£2,238
City Planning Obligation Monitoring Charge	£4,000		£4,000
Total liability in accordance with the City of London's policies	£5,999,149	£5,764,036	£235,113

City's Planning Obligations

259. The obligations set out below are required in accordance with the City's SPD. They are necessary to make the application acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development and meet the tests in the CIL Regulations and government policy.

- Highway Reparation and Highways obligations
- S278 agreement
- Delivery and Servicing Management Plan and monitoring
- Noise Management Plan
- Travel Plan
- Local Training, Skills and Job Brokerage Strategy (Construction)
- Local Procurement
- Carbon Offsetting
- Utility Connections
- Publicly Accessible Area
- City Walkway Bridges and maintenance
- TfL Cycle Hire Scheme Contributions (£60,000)
- TfL Bus Capacity Mitigation (£180,000)
- Light Pollution mitigation
- Development Programme
- Public Lift and Escalator
- Alternative route during construction
- Regular liaison meetings with the local community during the construction and operational phases of the development

Public Realm Access and City Walkway

260. The proposal includes new City walkways and publicly accessible space. Public access rights, operation and maintenance of the proposed public lifts, escalators and City Walkways (including maintenance for planting) will be secured through the section 106 covenants subject to a detailed regime for public access to be only prevented or temporarily restricted or limited to enable cleansing, maintenance and security. The details of this regime are yet to be finalised and negotiations with the developer are in progress.

Delivery and Servicing Management Plan

261. The developer would be required to submit for approval a Delivery and Servicing Management Plan prior to occupation, and to adhere to the plan as approved. The plan would be required to include details of the freight consolidation operation and centre and the delivery and servicing booking and management systems that are necessary to achieve compliance with the maximum vehicle numbers required by the planning obligation. In the event of a breach of the Management Plan, the developer would be required to resubmit a revised document. Should the developer default on this requirement, the City would be given the ability to provide a replacement plan. The operation of the Delivery and Servicing Management Plan would be subject to an annual review.
262. To ensure that the potential adverse impacts of servicing vehicles are removed, and that the four proposed servicing bays (two for HGVs and two for van deliveries) are appropriate, the following should be secured either through condition or obligations within the S106 agreement as appropriate:
- No goods shall be accepted from or dispatched onto or into any motor vehicle (except a motorcycle on Fore Street Avenue) other than one waiting for that purpose wholly within the servicing area within the building; other than within the permitted hours 5.00am and 7.00am and 9pm and 11pm, when goods may be accepted from or dispatched onto or into motor vehicles waiting for that purpose on Fore Street Avenue (limited to two).
 - All motorcycle and bicycle deliveries shall use the post room facilities
 - The servicing area within the building shall only be in use and available to be accessed between the hours of 7.00am and 9.00pm from Monday to Friday and 9.00am to 6.00pm on Saturdays.
 - No more than 83 motor vehicles (not including motorcycles) shall be permitted access to the servicing area within the building during the 14 hours per day (from 7.00am to 9.00pm from Monday to Friday) that the servicing area is in use, and no more than 85 motor vehicles in total (not including motorcycles) shall service the building over a 24 hour period including any on-street servicing from Fore Street Avenue.

- When the development is operational, no more than 40 motor vehicles shall be permitted access to the servicing area within the building during the 7 hours period (from 9.00am to 6.00pm on Saturday) that the servicing area is in use.
- An online delivery booking system shall be operated to ensure that all deliveries, both those coming from the off-site consolidation centre and all other deliveries, are appropriately scheduled so that the number and size of vehicles needing access to the servicing area within the building does not at any time exceed the capacity of the four loading bays within that servicing area. This delivery booking system shall be available for the City of London to inspect at all times.
- All vehicles entering and exiting the servicing area within the building from or to Moor Lane shall do so in the forward direction and in a forward gear.
- A Noise Management Plan (NMP) that includes details of the mitigation measures to be implemented to manage acoustic noise levels from the loading bay and servicing area on Moor Lane (as detailed within the Regulation 25 Statement dated 4th January 2018).
- A delivery and servicing plan (DSP) shall set out in detail how the building will be serviced, including deliveries, collection of wastes, management of facilities management vehicles and use of the disabled parking bay, in full conformity with all of the requirements set out above. It shall be submitted to the City for its review, comment and approval and shall be kept under review and amended as may be appropriate from time to time, particularly as may be needed to continue to exemplify sustainable logistics best practice.

Monitoring and Administrative Costs

263. A 10 year repayment period would be required whereby any unallocated sums would be returned to the developer 10 years after practical completion of the development. Some funds may be set aside for future maintenance purposes.
264. The applicant will pay the City of London's legal costs and the City Planning Officer's administration costs incurred in the negotiation, execution and monitoring of the legal agreement and strategies.

Site Specific Mitigation

265. The City will use CIL to mitigate the impact of development and provide necessary infrastructure but in some circumstances, it may be necessary additionally to seek site specific mitigation to ensure that a development is acceptable in planning terms. Other matters requiring mitigation are still yet to be fully scoped.
266. I request that I be given delegated authority to continue to negotiate and agree the terms of the proposed obligations as necessary.

Phasing of Development and CIL Payments

267. In line with the previous agreements the CIL payment will be linked to 2 phases of the development. Phasing of CIL payments is specifically provided for under the CIL regulations. Any payments made against the extant permission will be credited.

Conclusions

Economic Activity

268. The proposed development would result in an additional 41,662sq.m of Class B1 office floorspace over the previously existing buildings on the site and could accommodate an additional 5,667 office workers. This would further consolidate the nationally significant cluster of economic activity in the City and contribute to its attractiveness as a world leading international financial and business centre. It would deliver approximately 3.62% of the additional office floorspace sought in Local Plan policy CS1.
269. Deutsche Bank is a global banking and financial services company and has more than 100,000 employees in over 70 countries. It is the 16th Largest Bank in the World (by total assets) and employs 7,000 people in London and its contribution to the City is significant.
270. Foreign-based banks account for 53.7% (approximately 9.88bn) of all employment taxes generated by banks and make up almost 3% of the UK's total tax receipts.

The impact of the proposals on neighbouring residential occupiers and the local area

271. Concerns have been raised by Barbican residents, particularly in relation to traffic noise and air quality impacts attributable to the location of the servicing area on Moor lane. Additional issues raised include noise from the office terraces, light emission, loss of daylight & sunlight and loss of views. These impacts have been mitigated through negotiations and agreement with the applicant as far as possible while still facilitating the potential tenant's requirements for the site.
272. The use of the Servicing area on Moor Lane will be restricted to protect residents from potential noise disturbance neighbours during the quieter hours.
273. The anticipated number of vehicles using the service area would be 85. Of these only five would be HGVs with 74 (88%) cars and light vans.
274. Assessment of the service vehicle traffic noise indicates that average noise levels would be below the existing ambient noise levels but that in a worst case scenario there would be a minor adverse impact on peak noise levels (4dB above background level) in Moor Lane and experienced by the residents of Willoughby House.
275. The low number of proposed HGVs indicates that the worst-case scenario (two concurrent HGV events) would be unlikely to occur and that peak noise levels would generally be lower than reported.

276. The City will be completely within the Mayor of London's ultra-low emission zone (ULEZ) from April 2019. When the proposed building is operational (2023), it is expected that all delivery and service vehicles visiting the site will meet the low emission standards. This, together with the distance to the nearest residential units indicates that the air quality impact from the use of the servicing area on local residential units is likely to be negligible.
277. At their nearest points the west facing terraces would be approximately 51.2m, 55.4m, 64.8m and 85.3m from the window line of Willoughby House. Conditions will be imposed limiting hours of operation and prohibiting music or the use of public address systems.
278. There would be reductions in sunlight and daylight to some residential premises. Assessments were carried out and, as indicated by the BRE guidance, they demonstrated that it is the presence of the existing balconies, rather than the size of the proposed development that is the main factor in the loss of daylight and/or sunlight. The applicants have demonstrated how they intend to minimise light emission at night and restrictions are proposed on the use of the office terraces at night.
279. There is no right to, or protection of, private views.
280. The new City highwalk and changes to City Walkway bridges over Moor Lane and Fore Street Avenue would provide appropriate replacements for the previous arrangements.
281. There would be a significant reduction in the quantity of publicly accessible space when compared to the extant scheme to meet the trading floor floorspace requirements of the proposed tenant, Deutsche Bank. The economic case for retaining Deutsche Bank in the City is laid out within the body of this report. Nevertheless, the landscaping of the proposed publicly accessible square would be of high quality and would provide for a quiet green space for the benefit of office workers and members of the public.
282. Rescission and changes to the City Walkway are subject to existing legal agreements. Declaration and maintenance will be subject to separate agreements to be placed before your Committee at the appropriate times.

The impact of the proposals on heritage assets

283. The proposed development has been assessed in terms of its potential impact on nearby heritage assets. Utilising the relevant guidance, the assessment indicates that any impact would not be detrimental to the setting and significance of listed buildings, conservation areas and historic parks and gardens in the vicinity.

Compliance with Policy and Guidance

284. In relation to sustainable economic growth, creating jobs, prosperity and maintaining the City of London as a strategically important, globally-oriented financial and business services centre, the proposals accord with the National Planning Policy Framework, the London Plan and the Local plan.

285. In that it would not have a significant detrimental impact on the local area or residents in terms of noise, air quality, daylight and sunlight and light pollution, the proposal is in substantial compliance with the development plan policies that relate to it. In particular policies DM10.1, DM10.7 and DM21.3 of the Local Plan and policies 7.6 and 7.7 of the London Plan.
286. In that it would not have a detrimental impact the setting or significance of heritage assets in the vicinity the proposal is in compliance with the development plan policies that relate to it. In particular policies DM12.1, DM12.3 and DM12.5 of the Local Plan and policies 7.8 and 7.11 of the London Plan.

Conclusion

287. This scheme amends previous approvals on the site to meet the needs of a major City occupier.
288. The economic benefits of the development in terms of employment, maintaining local supply chains and retaining a significant foreign bank within the City are key considerations that must be weighed against any potential negative impacts on residential neighbours. There would be some impacts on neighbouring residential occupiers but, as has been demonstrated through the relevant assessments of noise, air quality and daylight and sunlight, any impacts would not be significant. The proposal is in substantial compliance with the guidance of the NPPF and policies of the London Plan and the Local Plan.
289. This is a significant development for the City, which facilitates occupation by a major City occupier who has expressed a willingness to work with, and to minimise the impact on, residents.
290. The scheme is recommended to you for planning permission subject to conditions and a Section 106 agreement being entered into to cover the matters set out in the report.

Background Papers

Internal

Email 09.11.2017 Open Spaces Department

Email 22.11.2017 Barbican Centre and Guildhall School of Music & Drama

External

Representations:

Name	Address	Date
David McArthur	15 Finsbury Circus House	12/01/2018
Madeleine Pugh	Moor House 120 London Wall	13/12/2017
Michael Swash	106 Willoughby House	06/12/2017 29/11/2017
Residents Committee of the Heron	C/o Apartment 1407, 5 Moor Lane	02/01/2018 06/12/2017
Margaret Berer	114 Speed House	26/11/2017 12/11/2017
Beatriz Phipp	83 Speed House	29/11/2017
Peter Pryn	124 Willoughby House	29/11/2017
Eileen Hall	509 Willoughby House	30/11/2017
F Hogan	525 Willoughby House	29/11/2017 29/11/2017
E Hirst	724 Willoughby House	28/11/2017
John Ponting	532 Willoughby House	29/11/2017
Karen Goodison	718 Willoughby House	01/12/2017
Nazar Sayigh	301 Willoughby House	30/11/2017
Kathryn Gray	508 Willoughby House	30/11/2017
Ian Williams	111 Willoughby House	29/11/2017
Renu Gupta	534 Willoughby House	29/11/2017
Nina Strangeway	301 Willoughby House	29/11/2017
Edward McEneaney	110 Willoughby House	29/11/2017
Natalie Robinson	7 Andrewes House	29/11/2017
Simon Ebbins	501 Willoughby House	29/11/2017
Caroline Swash	106 Willoughby House	29/11/2017
Sarah Guy	109 Willoughby House	29/11/2017
Amanda Davenport	710 Willoughby House	29/11/2017

R Starrett	105 Willoughby House	28/11/2017
Lindy Hemming	105 Willoughby House	28/11/2017
Richard Haynes	705 Willoughby House	28/11/2017
Stephanie Gamble	328 Willoughby House	28/11/2017
Hilary Sunman	124 Willoughby House	28/11/2017
The Barbican Association	C/o 403 Willoughby House	27/11/2017
Katherine Jarrett	504 Willoughby House	27/11/2017
Nicholas Redman	113 Willoughby House	27/11/2017
Jorge Rodrigues	401 Willoughby House	16/01/2018
Tim O'Hara	708 Willoughby House	27/11/2017
Maria Granowska	51 Willoughby House	27/11/2017
Lila Rawlings	719 Willoughby House	27/11/2017
David Archer	721 Willoughby House	26/11/2017
Trevor Kavanagh	55 Speed House	26/11/2017
Martin Gilday	519 Willoughby House	26/11/2017
Tim Bishop & Ian Loudon	84 Speed House	26/11/2017
Ian Dixon	407 Gilbert House	25/11/2017
Nicola Holmes	523 Willoughby House	21/11/2017
Dr Steve Nicholson	540 Willoughby House	22/11/2017
Peter Smart	715 Willoughby House	22/11/2017
Graham Webb	318 Willoughby House	20/11/2017
Nick Astbury	522 Willoughby House	20/11/2017
John Hodges	336 Willoughby House	19/11/2017
Lucy Hall	336 Willoughby House	19/11/2017
Christopher Allen & Sandra Hickey	516 Willoughby House	17/11/2017
Geraint Lewis	713 Willoughby House	15/11/2017
Katherine Green	711 Willoughby House	14/11/2017
K Bradshaw	303 Willoughby House	14/11/2017
Aleksei Gornoi	307 Willoughby House	13/11/2017
Richard Gaskell	402 Mountjoy House	12/11/2017

Statutory Consultees

Letter 13.11.2017 Historic England

Letter 15.11.2017 Westminster City Council

Email 20.11.2017 Thames Water

Email 21.11.2017 Natural England
Email 21.11.2017 Environment Agency
Email 22.11.2017 St. Paul's Cathedral
Letter 08.12.2017 Greater London Authority
Letter 12.12.2017 LB Lambeth

Application Documents:

Planning Statement by GVA rec'd 27.10.2017
Environmental Statement Volume 1: Main Text by Waterman Group rec'd 27.10.2017
Environmental Statement Volume 2: Townscape, Heritage and Visual Impact Assessment by Richard Coleman Citydesigner rec'd 27.10.2017
Environmental Statement Volume 3: Appendices by Waterman Group rec'd 27.10.2017
Environmental Statement Volume 4: Figures by Waterman Group rec'd 27.10.2017
Environmental Statement Volume 5: Non-Technical Summary by Waterman Group rec'd 27.10.2017
Design & Access Statement by Wilkinson Eyre rec'd 27.10.2017
Transportation Assessment by Momentum Transport Planning rec'd 27.10.2017
Flood Risk Assessment by Waterman Group rec'd 27.10.2017
Light Pollution Advice Note by Waterman Group rec'd 27.10.2017
Landscape Statement by Andy Sturgeon Design rec'd 27.10.2017
Sustainability Statement by Cundall rec'd 27.10.2017
Energy Statement by Cundall rec'd 27.10.2017
Statement of Community Involvement by Hulme Brophy rec'd 27.10.2017
Regulation 25 Extra Information Note by Waterman Group Energy Statement by Cundall rec'd 04.01.2018
Letter of Clarification by Deutsche Bank rec'd 11.01.2018
Drainage Strategy by Cundall rec'd 01.02.2018
Design Note – 21 Moorfields Blocker by Robert Bird rec'd 01.02.2018
Drawing nos. 00873-WEA-XX-XX-P-0002, 0049, 0050, 0051, 0052, 0053, 0054, 0055, 0056, 0057; 540_P_00_111 Rev. P04, 540_P_01_111 Rev. P06, 540_P_RF_111 Rev. P05.

APPENDIX A

REASONED CONCLUSIONS ON SIGNIFICANT EFFECTS

Reasoned Conclusions

Following examination of the environmental information a reasoned conclusion on the significant effects of the proposed development on the environment has been reached and is set out in the report as summarised in the Conclusions section of the report

Monitoring Measures

If planning permission were granted, it is considered that monitoring measures should be imposed to secure compliance with the cap on servicing trips and other elements of the Delivery and Servicing Management Plan.

Appendix B

London Plan Policies

The London Plan policies which are most relevant to this application are set out below:

Policy 2.10 Enhance and promote the unique international, national and London wide roles of the Central Activities Zone (CAZ) and as a strategically important, globally-oriented financial and business services centre.

Policy 2.11 Ensure that developments proposals to increase office floorspace within CAZ include a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in the plan.

Policy 2.12 Identify, protect and enhance predominantly residential neighbourhoods within CAZ and develop sensitive mixed use policies to ensure that housing does not compromise CAZ strategic functions elsewhere in the zone.

Policy 3.1 Protect and enhance facilities and services that meet the needs of particular groups and communities.

Policy 3.2 New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles to help to reduce health inequalities.

Policy 4.1 Promote and enable the continued development of a strong, sustainable and increasingly diverse economy;

Support the distinctive and crucial contribution to London's economic success made by central London and its specialist clusters of economic activity;

Promote London as a suitable location for European and other international agencies and businesses.

Policy 4.2 Support the management and mixed use development and redevelopment of office provision to improve London's competitiveness and to address the wider objectives of this Plan, including enhancing its varied attractions for businesses of different types and sizes.

Policy 4.3 Within the Central Activities Zone increases in office floorspace should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan.

Policy 4.5 Support London's visitor economy and stimulate its growth, taking into account the needs of business as well as leisure visitors and seeking to improve the range and quality of provision.

Policy 4.6 Support the continued success of London's diverse range of arts, cultural, professional sporting and entertainment enterprises and the cultural, social and economic benefits that they offer to its residents, workers and visitors.

Policy 4.7 Support a strong, partnership approach to assessing need and bringing forward capacity for retail, commercial, culture and leisure development in town centres.

Policy 4.8 Support a successful, competitive and diverse retail sector which promotes sustainable access to the goods and services that Londoners need and the broader objectives of the spatial structure of this Plan, especially town centres.

Policy 5.2 Development proposals should make the fullest contribution to minimising carbon dioxide emissions.

Policy 5.3 Development proposals should demonstrate that sustainable design standards are integral to the proposal, including its construction and operation. Major development proposals should meet the minimum standards outlined in supplementary planning guidance.

Policy 5.6 Development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites.

Policy 5.7 Major development proposals should provide a reduction in carbon dioxide emissions through the use of on-site renewable energy generation, where feasible.

Policy 5.9 Reduce the impact of the urban heat island effect in London and encourage the design of places and spaces to avoid overheating and excessive heat generation, and to reduce overheating due to the impacts of climate change and the urban heat island effect on an area wide basis.

Policy 5.10 Promote and support urban greening, such as new planting in the public realm (including streets, squares and plazas) and multifunctional green infrastructure, to contribute to the adaptation to, and reduction of, the effects of climate change.

Policy 5.11 Major development proposals should be designed to include roof, wall and site planting, especially green roofs and walls where feasible.

Policy 5.12 Development proposals must comply with the flood risk assessment and management requirements set out in PPS25 and address flood resilient design and emergency planning; development adjacent to flood defences will be required to protect the integrity of existing flood defences and wherever possible be set back from those defences to allow their management, maintenance and upgrading to be undertaken in a sustainable and cost effective way.

Policy 5.13 Development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so.

Policy 5.18 Encourage development waste management facilities and removal by water or rail transport.

Policy 6.1 The Mayor will work with all relevant partners to encourage the closer integration of transport and development.

Policy 6.3 Development proposals should ensure that impacts on transport capacity and the transport network are fully assessed.

Policy 6.5 Contributions will be sought from developments likely to add to, or create, congestion on London's rail network that Crossrail is intended to mitigate.

Policy 6.9 Developments should provide secure, integrated and accessible cycle parking facilities and provide on-site changing facilities and showers for cyclists, facilitate the Cycle Super Highways and facilitate the central London cycle hire scheme.

Policy 6.13 The maximum standards set out in Table 6.2 should be applied to planning applications. Developments must:

ensure that 1 in 5 spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles

provide parking for disabled people in line with Table 6.2

meet the minimum cycle parking standards set out in Table 6.3

provide for the needs of businesses for delivery and servicing.

Policy 7.1 Development should be designed so that the layout, tenure, mix of uses interface with surrounding land will improve people's access to social and community infrastructure (including green spaces), the Blue Ribbon Network, local shops, employment opportunities, commercial services and public transport.

Policy 7.2 All new development in London to achieve the highest standards of accessible and inclusive design.

Policy 7.3 Creation of safe, secure and appropriately accessible environments.

Policy 7.4 Development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. It should improve an area's visual or physical connection with natural features. In areas of poor or ill-defined character, development should build on the positive elements that can contribute to establishing an enhanced character for the future function of the area.

Policy 7.5 London's public spaces should be secure, accessible, inclusive, connected, easy to understand and maintain, relate to local context, and incorporate the highest quality design, landscaping, planting, street furniture and surfaces.

Policy 7.6 Buildings and structures should:

- a. Be of the highest architectural quality
- b. Be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm
- c. Comprise details and materials that complement, not necessarily replicate, the local architectural character
- d. Not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate. This is particularly important for tall buildings

- e. Incorporate best practice in resource management and climate change mitigation and adaptation
- f. Provide high quality indoor and outdoor spaces and integrate well with the surrounding streets and open spaces
- g. Be adaptable to different activities and land uses, particularly at ground level
- h. Meet the principles of inclusive design
- i. Optimise the potential of sites.

Policy 7.7 Tall and large buildings should be part of a plan-led approach to changing or developing an area by the identification of appropriate, sensitive and inappropriate locations. Tall and large buildings should not have an unacceptably harmful impact on their surroundings. Applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy that will meet the criteria set out in this policy.

Policy 7.8 Development should identify, value, conserve, restore, re-use and incorporate heritage assets, conserve the significance of heritage assets and their settings and make provision for the protection of archaeological resources, landscapes and significant memorials.

Policy 7.12 New development should not harm and where possible should make a positive contribution to the characteristics and composition of the strategic views and their landmark elements identified in the London View Management Framework. It should also, where possible, preserve viewers' ability to recognise and to appreciate Strategically Important Landmarks in these views and, where appropriate, protect the silhouette of landmark elements of World Heritage Sites as seen from designated Viewing Places.

Policy 7.13 Development proposals should contribute to the minimisation of potential physical risks, including those arising as a result of fire, flood and related hazards.

Policy 7.14 Implement Air Quality and Transport strategies to achieve reductions in pollutant emissions and minimise public exposure to pollution.

Policy 7.15 Minimise existing and potential adverse impacts of noise on, from, within, or in the vicinity of, development proposals and separate new noise sensitive development from major noise sources.

Policy 7.18 Resist the loss of local protected open spaces unless equivalent or better quality provision is made within the local catchment area.

Policy 7.19 Development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity.

Policy 7.21 Trees should be protected, maintained, and enhanced. Existing trees of value should be retained and any loss as the result of development should be replaced.

Relevant Local Plan Policies

CS5 Meet challenges facing North of City

To ensure that the City benefits from the substantial public transport improvements planned in the north of the City, realising the potential for rejuvenation and "eco design" to complement the sustainable transport infrastructure.

CS1 Provide additional offices

To ensure the City of London provides additional office development of the highest quality to meet demand from long term employment growth and strengthen the beneficial cluster of activities found in and near the City that contribute to London's role as the world's leading international financial and business centre.

DM2.1 Infrastructure provision

- 1) Developers will be required to demonstrate, in conjunction with utility providers, that there will be adequate utility infrastructure capacity, both on and off the site, to serve the development during construction and operation. Development should not lead to capacity or reliability problems in the surrounding area. Capacity projections must take account of climate change impacts which may influence future infrastructure demand.
- 2) Utility infrastructure and connections must be designed into and integrated with the development wherever possible. As a minimum, developers should identify and plan for:
 - a) electricity supply to serve the construction phase and the intended use for the site, and identify, in conjunction with electricity providers, Temporary Building Supply (TBS) for the construction phase and the estimated load capacity of the building and the substations and routes for supply;
 - b) reasonable gas and water supply considering the need to conserve natural resources;
 - c) heating and cooling demand and the viability of its provision via decentralised energy (DE) networks. Designs must incorporate access to existing DE networks where feasible and viable;
 - d) telecommunications network demand, including wired and wireless infrastructure, planning for dual entry provision, where possible, through communal entry chambers and flexibility to address future technological improvements;
 - e) separate surface water and foul drainage requirements within the proposed building or site, including provision of Sustainable Drainage Systems (SuDS), rainwater harvesting and grey-water recycling, minimising discharge to the combined sewer network.

- 3) In planning for utility infrastructure developers and utility providers must provide entry and connection points within the development which relate to the City's established utility infrastructure networks, utilising pipe subway routes wherever feasible. Sharing of routes with other nearby developments and the provision of new pipe subway facilities adjacent to buildings will be encouraged.
- 4) Infrastructure provision must be completed prior to occupation of the development. Where potential capacity problems are identified and no improvements are programmed by the utility company, the City Corporation will require the developer to facilitate appropriate improvements, which may require the provision of space within new developments for on-site infrastructure or off-site infrastructure upgrades.

DM3.3 Crowded places

On all major developments, applicants will be required to satisfy principles and standards that address the issues of crowded places and counter-terrorism, by:

- a) conducting a full risk assessment;
- b) keeping access points to the development to a minimum;
- c) ensuring that public realm and pedestrian permeability associated with a building or site is not adversely impacted, and that design considers the application of Hostile Vehicle Mitigation measures at an early stage;
- d) ensuring early consultation with the City of London Police on risk mitigation measures;
- e) providing necessary measures that relate to the appropriate level of crowding in a site, place or wider area.

DM10.1 New development

To require all developments, including alterations and extensions to existing buildings, to be of a high standard of design and to avoid harm to the townscape and public realm, by ensuring that:

- a) the bulk and massing of schemes are appropriate in relation to their surroundings and have due regard to the general scale, height, building lines, character, historic interest and significance, urban grain and materials of the locality and relate well to the character of streets, squares, lanes, alleys and passageways;
- b) all development is of a high standard of design and architectural detail with elevations that have an appropriate depth and quality of modelling;
- c) appropriate, high quality and durable materials are used;
- d) the design and materials avoid unacceptable wind impacts at street level or intrusive solar glare impacts on the surrounding townscape and public realm;

- e) development has attractive and visually interesting street level elevations, providing active frontages wherever possible to maintain or enhance the vitality of the City's streets;
- f) the design of the roof is visually integrated into the overall design of the building when seen from both street level views and higher level viewpoints;
- g) plant and building services equipment are fully screened from view and integrated in to the design of the building. Installations that would adversely affect the character, appearance or amenities of the buildings or area will be resisted;
- h) servicing entrances are designed to minimise their effects on the appearance of the building and street scene and are fully integrated into the building's design;
- i) there is provision of appropriate hard and soft landscaping, including appropriate boundary treatments;
- j) the external illumination of buildings is carefully designed to ensure visual sensitivity, minimal energy use and light pollution, and the discreet integration of light fittings into the building design;
- k) there is provision of amenity space, where appropriate;
- l) there is the highest standard of accessible and inclusive design.

DM10.2 Design of green roofs and walls

- 1) To encourage the installation of green roofs on all appropriate developments. On each building the maximum practicable coverage of green roof should be achieved. Extensive green roofs are preferred and their design should aim to maximise the roof's environmental benefits, including biodiversity, run-off attenuation and building insulation.
- 2) To encourage the installation of green walls in appropriate locations, and to ensure that they are satisfactorily maintained.

DM10.3 Roof gardens and terraces

- 1) To encourage high quality roof gardens and terraces where they do not:
 - a) immediately overlook residential premises;
 - b) adversely affect rooflines or roof profiles;
 - c) result in the loss of historic or locally distinctive roof forms, features or coverings;
 - d) impact on identified views.
- 2) Public access will be sought where feasible in new development.

DM10.4 Environmental enhancement

The City Corporation will work in partnership with developers, Transport for London and other organisations to design and implement schemes for the enhancement of highways, the public realm and other spaces.

Enhancement schemes should be of a high standard of design, sustainability, surface treatment and landscaping, having regard to:

- a) the predominant use of the space, surrounding buildings and adjacent spaces;
- b) connections between spaces and the provision of pleasant walking routes;
- c) the use of natural materials, avoiding an excessive range and harmonising with the surroundings of the scheme and materials used throughout the City;
- d) the inclusion of trees and soft landscaping and the promotion of biodiversity, where feasible linking up existing green spaces and routes to provide green corridors;
- e) the City's heritage, retaining and identifying features that contribute positively to the character and appearance of the City;
- f) sustainable drainage, where feasible, co-ordinating the design with adjacent buildings in order to implement rainwater recycling;
- g) the need to provide accessible and inclusive design, ensuring that streets and walkways remain uncluttered;
- h) the need for pedestrian priority and enhanced permeability, minimising the conflict between pedestrians and cyclists;
- i) the need to resist the loss of routes and spaces that enhance the City's function, character and historic interest;
- j) the use of high quality street furniture to enhance and delineate the public realm;
- k) lighting which should be sensitively co-ordinated with the design of the scheme.

DM10.7 Daylight and sunlight

- 1) To resist development which would reduce noticeably the daylight and sunlight available to nearby dwellings and open spaces to unacceptable levels, taking account of the Building Research Establishment's guidelines.
- 2) The design of new developments should allow for the lighting needs of intended occupiers and provide acceptable levels of daylight and sunlight.

DM10.8 Access and inclusive design

To achieve an environment that meets the highest standards of accessibility and inclusive design in all developments (both new and refurbished), open spaces and streets, ensuring that the City of London is:

- a) inclusive and safe for all who wish to use it, regardless of disability, age, gender, ethnicity, faith or economic circumstance;

- b) convenient and welcoming with no disabling barriers, ensuring that everyone can experience independence without undue effort, separation or special treatment;
- c) responsive to the needs of all users who visit, work or live in the City, whilst recognising that one solution might not work for all.

DM12.1 Change affecting heritage assets

1. To sustain and enhance heritage assets, their settings and significance.
2. Development proposals, including proposals for telecommunications infrastructure, that have an effect upon heritage assets, including their settings, should be accompanied by supporting information to assess and evaluate the significance of heritage assets and the degree of impact caused by the development.
3. The loss of routes and spaces that contribute to the character and historic interest of the City will be resisted.
4. Development will be required to respect the significance, character, scale and amenities of surrounding heritage assets and spaces and their settings.
5. Proposals for sustainable development, including the incorporation of climate change adaptation measures, must be sensitive to heritage assets.

DM12.4 Archaeology

1. To require planning applications which involve excavation or ground works on sites of archaeological potential to be accompanied by an archaeological assessment and evaluation of the site, including the impact of the proposed development.
2. To preserve, protect, safeguard and enhance archaeological monuments, remains and their settings in development, and to seek a public display and interpretation, where appropriate.
3. To require proper investigation and recording of archaeological remains as an integral part of a development programme, and publication and archiving of results to advance understanding.

CS13 Protect/enhance significant views

To protect and enhance significant City and London views of important buildings, townscape and skylines, making a substantial contribution to protecting the overall heritage of the City's landmarks.

DM15.1 Sustainability requirements

1. Sustainability Statements must be submitted with all planning applications in order to ensure that sustainability is integrated into designs for all development.
2. For major development (including new development and refurbishment) the Sustainability Statement should include as a minimum:
 - a) BREEAM or Code for Sustainable Homes pre-assessment;
 - b) an energy statement in line with London Plan requirements;
 - c) demonstration of climate change resilience measures.
3. BREEAM or Code for Sustainable Homes assessments should demonstrate sustainability in aspects which are of particular significance in the City's high density urban environment. Developers should aim to achieve the maximum possible credits to address the City's priorities.
4. Innovative sustainability solutions will be encouraged to ensure that the City's buildings remain at the forefront of sustainable building design. Details should be included in the Sustainability Statement.
5. Planning conditions will be used to ensure that Local Plan assessment targets are met.

DM15.2 Energy and CO2 emissions

1. Development design must take account of location, building orientation, internal layouts and landscaping to reduce likely energy consumption.
2. For all major development energy assessments must be submitted with the application demonstrating:
 - a) energy efficiency - showing the maximum improvement over current Building Regulations to achieve the required Fabric Energy Efficiency Standards;
 - b) carbon compliance levels required to meet national targets for zero carbon development using low and zero carbon technologies, where feasible;
 - c) where on-site carbon emission reduction is unviable, offsetting of residual CO2 emissions through "allowable solutions" for the lifetime of the building to achieve national targets for zero-carbon homes and non-domestic buildings. Achievement of zero carbon buildings in advance of national target dates will be encouraged;
 - d) anticipated residual power loads and routes for supply.

DM15.3 Low and zero carbon technologies

1. For development with a peak heat demand of 100 kilowatts or more developers should investigate the feasibility and viability of connecting to existing decentralised energy networks. This should include investigation of the potential for extensions of existing heating and cooling networks to serve the development and development of new networks where existing networks are not available. Connection routes should be designed into the development where feasible and connection infrastructure should be incorporated wherever it is viable.
2. Where connection to offsite decentralised energy networks is not feasible, installation of on-site CCHP and the potential to create new localised decentralised energy infrastructure through the export of excess heat must be considered
3. Where connection is not feasible or viable, all development with a peak heat demand of 100 kilowatts or more should be designed to enable connection to potential future decentralised energy networks.
4. Other low and zero carbon technologies must be evaluated. Non combustion based technologies should be prioritised in order to avoid adverse impacts on air quality.

DM15.4 Offsetting carbon emissions

1. All feasible and viable on-site or near-site options for carbon emission reduction must be applied before consideration of offsetting. Any remaining carbon emissions calculated for the lifetime of the building that cannot be mitigated on-site will need to be offset using "allowable solutions".
2. Where carbon targets cannot be met on-site the City Corporation will require carbon abatement elsewhere or a financial contribution, negotiated through a S106 planning obligation to be made to an approved carbon offsetting scheme.
3. Offsetting may also be applied to other resources including water resources and rainwater run-off to meet sustainability targets off-site where on-site compliance is not feasible.

DM15.5 Climate change resilience

1. Developers will be required to demonstrate through Sustainability Statements that all major developments are resilient to the predicted climate conditions during the building's lifetime.
2. Building designs should minimise any contribution to the urban heat island effect caused by heat retention and waste heat expulsion in the built environment.

DM15.7 Noise and light pollution

1. Developers will be required to consider the impact of their developments on the noise environment and where appropriate provide a noise assessment. The layout, orientation, design and use of buildings should ensure that operational noise does not adversely affect neighbours, particularly noise-sensitive land uses such as housing, hospitals, schools and quiet open spaces.
2. Any potential noise conflict between existing activities and new development should be minimised. Where the avoidance of noise conflicts is impractical, mitigation measures such as noise attenuation and restrictions on operating hours will be implemented through appropriate planning conditions.
3. Noise and vibration from deconstruction and construction activities must be minimised and mitigation measures put in place to limit noise disturbance in the vicinity of the development.
4. Developers will be required to demonstrate that there will be no increase in background noise levels associated with new plant and equipment.
5. Internal and external lighting should be designed to reduce energy consumption, avoid spillage of light beyond where it is needed and protect the amenity of light-sensitive uses such as housing, hospitals and areas of importance for nature conservation.

DM16.1 Transport impacts of development

1. Development proposals that are likely to have effects on transport must be accompanied by an assessment of the transport implications during both construction and operation, in particular addressing impacts on:
 - a) road dangers;
 - b) pedestrian environment and movement;
 - c) cycling infrastructure provision;
 - d) public transport;
 - e) the street network.
2. Transport Assessments and Travel Plans should be used to demonstrate adherence to the City Corporation's transportation standards.

DM16.2 Pedestrian movement

1. Pedestrian movement must be facilitated by provision of suitable pedestrian routes through and around new developments, by maintaining pedestrian routes at ground level, and the upper level walkway network around the Barbican and London Wall.

2. The loss of a pedestrian route will normally only be permitted where an alternative public pedestrian route of at least an equivalent standard is provided having regard to:
 - a) the extent to which the route provides for current and all reasonably foreseeable future demands placed upon it, including at peak periods;
 - b) the shortest practicable routes between relevant points.
3. Routes of historic importance should be safeguarded as part of the City's characteristic pattern of lanes, alleys and courts, including the route's historic alignment and width.
4. The replacement of a route over which pedestrians have rights, with one to which the public have access only with permission will not normally be acceptable.
5. Public access across private land will be encouraged where it enhances the connectivity, legibility and capacity of the City's street network. Spaces should be designed so that signage is not necessary and it is clear to the public that access is allowed.
6. The creation of new pedestrian rights of way will be encouraged where this would improve movement and contribute to the character of an area, taking into consideration pedestrian routes and movement in neighbouring areas and boroughs, where relevant.

DM16.3 Cycle parking

1. On-site cycle parking must be provided in accordance with the local standards set out in Table 16.2 or, for other land uses, with the standards of the London Plan. Applicants will be encouraged to exceed the standards set out in Table 16.2.
2. On-street cycle parking in suitable locations will be encouraged to meet the needs of cyclists.

DM16.4 Encouraging active travel

1. Ancillary facilities must be provided within new and refurbished buildings to support active transport modes such as walking, cycling and running. All commercial development should make sufficient provision for showers, changing areas and lockers/storage to cater for employees wishing to engage in active travel.
2. Where facilities are to be shared with a number of activities they should be conveniently located to serve all proposed activities.

DM16.5 Parking and servicing standards

1. Developments in the City should be car-free except for designated Blue Badge spaces. Where other car parking is exceptionally provided it must not exceed London Plan's standards.
2. Designated parking must be provided for Blue Badge holders within developments in conformity with London Plan requirements and must be marked out and reserved at all times for their use. Disabled parking spaces must be at least 2.4m wide and at least 4.8m long and with reserved areas at least 1.2m wide, marked out between the parking spaces and at the rear of the parking spaces.
3. Except for dwelling houses (use class C3), whenever any car parking spaces (other than designated Blue Badge parking) are provided, motor cycle parking must be provided at a ratio of 10 motor cycle parking spaces per 1 car parking space. At least 50% of motor cycle parking spaces must be at least 2.3m long and at least 0.9m wide and all motor cycle parking spaces must be at least 2.0m long and at least 0.8m wide.
4. On site servicing areas should be provided to allow all goods and refuse collection vehicles likely to service the development at the same time to be conveniently loaded and unloaded. Such servicing areas should provide sufficient space or facilities for all vehicles to enter and exit the site in a forward gear. Headroom of at least 5m where skips are to be lifted and 4.75m for all other vehicle circulation areas should be provided.
5. Coach parking facilities for hotels (use class C1) will not be permitted.
6. All off-street car parking spaces and servicing areas must be equipped with the facility to conveniently recharge electric vehicles.
7. Taxi ranks are encouraged at key locations, such as stations, hotels and shopping centres. The provision of taxi ranks should be designed to occupy the minimum practicable space, using a combined entry and exit point to avoid obstruction to other transport modes.

DM17.1 Provision for waste

1. Waste facilities must be integrated into the design of buildings, wherever feasible, and allow for the separate storage and collection of recyclable materials, including compostable material.
2. On-site waste management, through techniques such as recycle sorting or energy recovery, which minimises the need for waste transfer, should be incorporated wherever possible.

DM18.2 Sustainable drainage systems

1. The design of the surface water drainage system should be integrated into the design of proposed buildings or landscaping, where feasible and practical, and should follow the SuDS management train (Fig T) and London Plan drainage hierarchy.
2. SuDS designs must take account of the City's archaeological heritage, complex underground utilities, transport infrastructure and other underground structures, incorporating suitable SuDS elements for the City's high density urban situation.
3. SuDS should be designed, where possible, to maximise contributions to water resource efficiency, biodiversity enhancement and the provision of multifunctional open spaces.

DM19.1 Additional open space

1. Major commercial and residential developments should provide new and enhanced open space where possible. Where on-site provision is not feasible, new or enhanced open space should be provided near the site, or elsewhere in the City.
2. New open space should:
 - a) be publicly accessible where feasible; this may be achieved through a legal agreement;
 - b) provide a high quality environment;
 - c) incorporate soft landscaping and Sustainable Drainage Systems, where practicable;
 - d) have regard to biodiversity and the creation of green corridors;
 - e) have regard to acoustic design to minimise noise and create tranquil spaces.
3. The use of vacant development sites to provide open space for a temporary period will be encouraged where feasible and appropriate.

DM19.2 Biodiversity and urban greening

Developments should promote biodiversity and contribute to urban greening by incorporating:

- a) green roofs and walls, soft landscaping and trees;
- b) features for wildlife, such as nesting boxes and beehives;
- c) a planting mix which encourages biodiversity;
- d) planting which will be resilient to a range of climate conditions;
- e) maintenance of habitats within Sites of Importance for Nature Conservation.

DM20.3 Retail uses elsewhere

To resist the loss of isolated and small groups of retail units outside the PSCs and Retail Links that form an active retail frontage, particularly A1 units near residential areas, unless it is demonstrated that they are no longer needed.

DM21.3 Residential environment

1. The amenity of existing residents within identified residential areas will be protected by:
 - a) resisting other uses which would cause undue noise disturbance, fumes and smells and vehicle or pedestrian movements likely to cause disturbance;
 - b) requiring new development near existing dwellings to demonstrate adequate mitigation measures to address detrimental impact.
2. Noise-generating uses should be sited away from residential uses, where possible. Where residential and other uses are located within the same development or area, adequate noise mitigation measures must be provided and, where required, planning conditions will be imposed to protect residential amenity.
3. All development proposals should be designed to avoid overlooking and seek to protect the privacy, day lighting and sun lighting levels to adjacent residential accommodation.
4. All new residential development proposals must demonstrate how potential adverse noise impacts on and between dwellings will be mitigated by housing layout, design and materials.
5. The cumulative impact of individual developments on the amenity of existing residents will be considered.

SCHEDULE

APPLICATION: 17/01095/FULEIA

21 Moorfields, Land Bounded By Moorfields, Fore Street Avenue, Moor Lane & New Union Street London

Construction of a mixed use development above and around the new Crossrail station entrance to provide office (Class B1) space[63,008sq.m GEA], retail (Use Class A1/A3/A4) space [182sq.m GEA], a replacement City Walkway, a new urban square, cycle parking, servicing, storage, plant, landscaping [12,587sq.m GEA] and associated works. [Total 75,777sq.m GEA]

CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON: To ensure compliance with the terms of Section 91 of the Town and Country Planning Act 1990.
- 2 In the event that further site contamination is found when carrying out the approved development which has not previously been reported in writing to the Local Planning Authority, it must be reported in writing to the Local Planning Authority within five working days and an investigation and risk assessment must be undertaken in accordance with the requirements of DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where remediation is necessary a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and to the natural and historical environment must be submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing by the local planning authority the remediation scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. Following completion of measures identified in the approved remediation scheme a verification report must be submitted to and approved in writing of the Local Planning Authority.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with the following policy the Core Strategy: DM15.8

- 3 None of the development hereby permitted shall be commenced (except those works expressly agreed by Crossrail in correspondence with GVA dated 4th August 2015*) until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the Local Planning Authority which:-
- (i) Accommodate the proposed location of the Crossrail structures including tunnels, shafts and temporary works,
 - (ii) Accommodate ground movement arising from the construction thereof,
 - (iii) Mitigate the effects of noise and vibration arising from the operation of the Crossrail railway within the tunnels and other structures.
 - (iv) Mitigate the effects on Crossrail, of ground movement arising from development.
- The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required parts (i), (ii), (iii) and (iv) of this condition shall be completed in their entirety before any part of the buildings hereby permitted are occupied.

*The works agreed by Crossrail are set out in Informative number 21.

REASON: To ensure that the development does not prejudice construction of Crossrail and to protect the amenity of occupiers of the proposed building in accordance with the following policies of the Local Plan: CS5, DM16.1.

- 4 None of the development hereby permitted shall be commenced (except those works expressly agreed by Crossrail in correspondence with GVA dated 4th August 2015*) until a method statement has been submitted to, and approved in writing, by the Local Planning Authority to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

* The works agreed by Crossrail are set out in Informative number 21.

REASON: To ensure that the development does not prejudice construction of Crossrail and to protect the amenity of occupiers of the proposed building in accordance with the following policies of the Local Plan: CS5, DM16.1.

- 5 No works below ground level comprised within the permitted development shall be carried out at any time when sprayed concrete lined tunnels or compensation grouting works are being undertaken in close proximity.

REASON: To ensure that the development does not prejudice construction of Crossrail and to protect the amenity of occupiers of the

proposed building in accordance with the following policies of the Local Plan: CS5, DM16.1.

- 6 Before any Phase 2 construction works hereby approved are begun details must be submitted to and approved in writing by the local planning authority indicating the proposed finished floor levels at ground floor level in relation to the existing highway levels. The development shall be carried out in accordance with the approved site survey unless otherwise agreed in writing by the local planning authority.
REASON: To ensure continuity between the level of existing streets and the finished floor levels in the proposed building and to ensure a satisfactory treatment at ground level in accordance with the following policies of the Local Plan: DM10.8, DM16.2.
- 7 Before any Phase 2 construction works hereby permitted are begun the following details and information shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
 - (a) details of provision within the building facades for the inclusion of street lighting;
 - (b) details of all alterations to the City Walkway bridge over Moor Lane.
Reason: In the interests of public safety and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: CS3, DM10.1, DM16.2.
- 8 Provision must be made within the development for City Walkways to be constructed in accordance with specifications to be submitted to and approved in writing by the Local Planning Authority before any works thereby affected are begun, such specifications to include the positions, widths, levels and finishes of the City Walkway.
REASON: To ensure that facilities are provided for the City Walkway in accordance with the following policy of the Local Plan: DM16.2.
- 9 Works shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise, dust and other environmental effects has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be based on the Department of Markets and Consumer Protection's Code of Practice for Deconstruction and Construction Sites and arrangements for liaison and monitoring (including any agreed monitoring contribution) set out therein. A staged scheme of protective works may be submitted in respect of individual stages of the development process but no works in any individual stage shall be commenced until the related scheme of protective works has been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved scheme (including payment of any agreed monitoring contribution)

REASON: To protect the amenities of nearby residents and commercial occupiers in accordance with the following policies of the Local Plan: DM15.6, DM15.7, DM21.3. These details are required prior to any work commencing in order that the impact on amenities is minimised from the time that development starts.

- 10 Before any piling or construction of basements is commenced a scheme for the provision of sewer vents within the building shall be submitted to and approved in writing by the local planning authority. Unless otherwise agreed in writing by the local planning authority the agreed scheme for the provision of sewer vents shall be implemented and brought into operation before the development is occupied and shall be so maintained for the life of the building.
REASON: To vent sewerage odour from (or substantially from) the development hereby permitted and mitigate any adverse air pollution or environmental conditions in order to protect the amenity of the area in accordance with the following policy of the Local Plan: DM10.1. These details are required prior to piling or construction work commencing in order that any changes to satisfy this condition are incorporated into the development before the design is too advanced to make changes.
- 11 Before any construction works hereby permitted are begun the following details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
(a) Fully detailed design and layout drawings for the proposed SuDS components including but not limited to: attenuation systems, flow control including the hydraulic brakes and pumps, rainwater harvesting system, design for system exceedance, water quality, integration with the public realm, construction plan, cost etc. The surface water discharge rates for each storm event should be no greater than agreed and the actual attenuation volume provided within each of the catchments should be no smaller than agreed; changes will need to be justified and agreed by the Lead Local Flood Authority;
(b) Full details of measures to be taken to prevent flooding (of the site or by the site) during the course of the construction works.
REASON: To improve sustainability, reduce flood risk and reduce water run off rates in accordance with the following policies of the Local Plan: DM15.5 and DM18.1
- 12 Before the shell and core is complete the following details shall be submitted to and approved in writing by the Local Planning Authority in conjunction with the Lead Local Flood Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
(a) A Lifetime Maintenance Plan for the SuDS system to include: - A full description of how the system would work, it's aims and objectives and the flow control arrangements;
- A Maintenance Inspection Checklist/Log;

- A Maintenance Schedule of Work itemising the tasks to be undertaken, such as the frequency required and the costs incurred to maintain the system.

REASON: To improve sustainability, reduce flood risk and reduce water run off rates in accordance with the following policies of the Local Plan: DM15.5 and DM18.1

- 13 Construction works shall not begin until a Construction Logistics Plan to manage all freight vehicle movements to and from the site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The Construction Logistics Plan shall include relevant measures from Section 3 of the Mayor of London's Construction Logistics Plan Guidance for Developers issued in April 2013, and specifically address [driver training for] the safety of vulnerable road users through compliance with the Construction Logistics and Cyclist Safety (CLOCS) Standard for Construction Logistics, Managing Work Related Road Risk. The development shall not be carried out otherwise than in accordance with the approved Construction Logistics Plan or any approved amendments thereto as may be agreed in writing by the Local Planning Authority.
REASON: To ensure that construction works do not have an adverse impact on public safety and the transport network in accordance with London Plan Policy 6.14 and the following policies of the Local Plan: DM15.6, DM16.1. These details are required prior to construction work commencing in order that the impact on the transport network is minimised from the time that construction starts.
- 14 No impact piling shall take place until a piling method statement (detailing the type of piling to be undertaken and methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water or sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the Local Planning Authority in consultation with the relevant water or sewerage undertaker. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
REASON: The proposed works will be in close proximity to underground water and sewerage utility infrastructure. Piling has the potential to impact on local underground water and sewerage utility infrastructure.
- 15 Before any Phase 1 construction work is begun, impact studies of the existing water supply infrastructure must be submitted to, and approved in writing, by the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
REASON: To ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

- 16 No piling shall take place before details of the foundations and piling configuration, to include a detailed design and method statement, have been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure the preservation of archaeological remains following archaeological investigation in accordance with the following policy of the Local Plan: DM12.4.
- 17 The development shall incorporate such measures as are necessary within the site to resist structural damage arising from an attack with a road vehicle or road vehicle borne explosive device, details of which must be submitted to and approved in writing by the Local Planning Authority before any Phase 2 construction works hereby permitted are begun.
REASON: To ensure that the premises are protected from road vehicle borne damage within the site in accordance with the following policy of the Local Plan: DM3.2.
- 18 Before any construction works at Phase 2 hereby permitted are begun details of rainwater collection, harvesting and grey water recycling systems shall be submitted to and approved in writing by the local planning authority.
REASON: To improve sustainability and reduce flood risk by reducing potable water demands and water run-off rates in accordance with the following policies of the Local Plan: DM15.5 and DM18.1.
- 19 Before any works thereby affected are begun the following details shall be submitted to and approved in writing by the Local Planning Authority and all development pursuant to this permission shall be carried out in accordance with the approved details:
- (a) particulars and samples of the materials to be used on all external faces of the building to include the vertical fins, glazing, specialist coating and fritting and details of their contribution to light spillage reduction to the Moor Lane and west facing elevations, external ground and upper level surfaces;
 - (b) details of the proposed new facades including typical details of the fenestration and entrances;
 - (c) details of typical bays of the development;
 - (d) typical details of stonework;
 - (e) details of ground floor and podium level (highwalk) elevations;
 - (f) details of junctions with adjoining premises;
 - (g) details of soffits, hand rails and balustrades;
 - (h) details of the integration of window cleaning equipment and the garaging thereof, plant, flues, fire escapes and other excrescences at roof level
 - (i) details of all ground level surfaces including materials to be used;
 - (j) details of external surfaces within the site boundary including hard and soft landscaping;

(h) details of the provision to be made in the building's design to enable the discreet installation of street lighting on the development, including details of the location of light fittings, cable runs and other necessary apparatus.

REASON: To ensure that the Local Planning Authority may be satisfied with the detail of the proposed development and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: DM10.1, DM10.4, DM10.5, DM21.3.

- 20 Before any works thereby affected are begun, details shall be submitted to and approved in writing by the Local Planning Authority of the proposed Highwalk lighting artwork. This shall include details of all light fittings and associated works, and shall be accompanied by an lighting impact assessment.

REASON: to ensure a satisfactory external appearance and protect the amenity of all users of the Highwalk and neighbouring residential and commercial occupiers in accordance with the following policies of the Local Plan: DM10.1, DM10.8, DM11.2 and DM21.3.

- 21 Before any works thereby affected are begun, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the arrangements for the servicing area accessed from Moor Lane so as to control and minimise noise to neighbouring residential properties. The scheme shall include details of any acoustic absorbent materials as well as details of the operation of the "Blocker" and security gates. The details approved must be implemented prior to occupation.

REASON: To protect the amenities of neighbouring residential and commercial occupiers in accordance with the following policies of the Local Plan: DM21.3, DM21.5.

- 22 The refuse collection and storage facilities shown on the drawings hereby approved shall be provided and maintained throughout the life of the building for the use of all the occupiers.

REASON: To ensure the satisfactory servicing of the building in accordance with the following policy of the Local Plan: DM17.1.

- 23 The development shall be designed to connect into the CityGen district heating network.

REASON: To minimise carbon emissions by enabling the building to be connected to a district heating and cooling network in accordance with the following policies of the Local Plan: DM15.1, DM15.2, DM15.3, DM15.3, DM15.4.

- 24 Before any Phase 2 construction works hereby permitted are begun a detailed assessment of measures to improve carbon dioxide emissions savings and the BREEAM rating shall be submitted to and approved in writing by the local planning authority.

REASON: To minimise carbon emissions and provide a sustainable development in accordance with the following policy of the Local Plan: DM15.1.

- 25 A post construction BREEAM assessment demonstrating that a target rating of 'Excellent' has been achieved (or such other target rating as the local planning authority may agree provided that it is satisfied all reasonable endeavours have been used to achieve an 'Excellent' rating) shall be submitted as soon as practicable after practical completion.
REASON: To demonstrate that carbon emissions have been minimised and that the development is sustainable in accordance with the following policy of the Local Plan: CS15, DM15.1, DM15.2.
- 26 A landscaping scheme for the publicly accessible square, Highwalk, street bridges, roof terraces and facades, to include details of all planting and plant species, must be submitted to and approved in writing by the Local Planning Authority before any works affected thereby are begun. All hard and soft landscaping works shall be carried out in accordance with the approved details not later than the end of the first planting season following completion of the development. Trees and shrubs which die or are removed, uprooted or destroyed or become in the opinion of the Local Planning Authority seriously damaged or defective within 5 years of completion of the development shall be replaced with trees and shrubs of similar size and species to those originally approved, or such alternatives as may be agreed in writing by the Local Planning Authority.
REASON: In the interests of visual amenity in accordance with the following policies of the Local Plan: DM10.1, DM19.2.
- 27 The green roof(s) indicated on the drawings hereby approved shall be designed to achieve at least the number of BREEAM credits indicated in the pre-assessment in relation to flood risk/water run-off and enhancing ecological value of the site. Details of the position and size of the green roof(s), the type of planting and the contribution of the green roof(s) to biodiversity and rainwater attenuation shall be submitted to and approved in writing by the local planning authority before any works thereby affected are begun. The development shall be carried out in accordance with those approved details and maintained as approved for the life of the development unless otherwise approved by the local planning authority.
REASON: To assist the environmental sustainability of the development and provide a habitat that will encourage biodiversity in accordance with the following policies of the Local Plan: DM15.1, DM18.2, DM19.2.
- 28 (a) The level of noise emitted from any new plant shall be lower than the existing background level by at least 10 dBA. Noise levels shall be determined at one metre from the window of the nearest noise sensitive premises. The background noise level shall be expressed as

the lowest LA90 (10 minutes) during which plant is or may be in operation.

(b) Following installation but before the new plant comes into operation measurements of noise from the new plant must be taken and a report demonstrating that the plant as installed meets the design requirements shall be submitted to and approved in writing by the Local Planning Authority.

(c) All constituent parts of the new plant shall be maintained and replaced in whole or in part as often is required to ensure compliance with the noise levels approved by the Local Planning Authority.

REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 29 Before any works thereby affected are begun, a scheme shall be submitted to and approved in writing by the Local Planning Authority which specifies the fume extract arrangements, materials and construction methods to be used to avoid noise and/or odour penetration to the upper floors from the Class A1, A3 or A4 uses. The details approved must be implemented before the individual Class A1, A3 or A4 uses are implemented.
REASON: In order to protect commercial amenities in the building in accordance with the following policies of the Local Plan: DM15.6, DM15.7.
- 30 No cooking shall take place within any Class A1, A3 or A4 units hereby approved until fume extract arrangements and ventilation have been installed to serve that unit in accordance with a scheme approved by the Local Planning Authority. Any works that would materially affect the external appearance of the building will require a separate planning permission.
REASON: In order to protect the amenity of the area in accordance with the following policies of the Local Plan: DM15.6, DM21.3.
- 31 Before any mechanical plant is used on the premises it shall be mounted in a way which will minimise transmission of structure borne sound or vibration to any other part of the building in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
REASON: In order to protect the amenities of commercial occupiers in the building in accordance following policy of the Local Plan: DM15.7.
- 32 Prior to installation and use of the boilers, full details of the systems together with the potential for emissions, including any mitigation measures to be applied, shall be submitted and approved by the Local Planning Authority. The emissions shall be modelled in accordance with a methodology agreed with the City of London.
REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 33 Unless otherwise agreed in writing by the local planning authority all combustion flues must terminate at least 1m above the highest roof in the development in order to ensure maximum dispersion of pollutants.

REASON: In order to ensure that the proposed development does not have a detrimental impact on occupiers of residential premises in the area and in accordance with the following policy of the Local Plan: DM15.6 and to maintain local air quality and ensure that exhaust does not contribute to local air pollution, particularly nitrogen dioxide and particulates PM10, in accordance with the City of London Air Quality Strategy 2015 and the Local Plan DM15.6.

- 34 Prior to installation and use of the generators, full details of the location and specification of the plant and flues, the maintenance procedure and other technical details to minimise impact shall be submitted and approved by the Local Planning Authority.

REASON: To protect the amenities of neighbouring residential/commercial occupiers in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 35 No boilers that have a dry NO_x emission level exceeding 40 mg/kWh (measured at 0% excess O₂) shall at any time be installed in the building.

REASON: To comply with policy DM15.6 of the Local Plan and policies 7.14B a and c of the London Plan.

- 36 A. No CHP plant in the thermal input range 50kWth to 20MWth with NO_x emissions exceeding that specified in Band B of Appendix 7 to the GLA Sustainable Design and Construction Supplementary Planning Guidance published April 2014 (or any updates thereof applicable at time of installation) shall at any time be installed in the building.

B. Prior to any CHP plant coming into operation the following details must be submitted to and approved in writing by the Local Planning Authority:

1. The results of an emissions test demonstrating compliance with Part A of this condition and stack discharge velocity carried out by an accredited laboratory/competent person; and

2. An equipment maintenance schedule demonstrating that the emission standard would always be met.

C. The CHP plant shall at all times be maintained in accordance with the approved schedule.

REASON: To comply with policy DM15.6 of the Local Plan and policies 7.14B a and c of the London Plan.

- 37 The 'Life Safety Generators' shall be used solely on brief intermittent and exceptional occasions when required in response to a life threatening emergency and for the testing necessary to meet that purpose and shall not be used at any other time. At all times the generator shall be operated to minimise their noise impacts and

emissions of air pollutants and a log of use shall be maintained and be available for inspection by the Local Planning Authority.

REASON: To ensure that the generator, which does not meet City of London noise standards, and would have a negative impact on local air quality, is used only in response to a life threatening emergency situation in accordance with the following policies of the Local Plan and the London Plan: DM15.6, DM15.7, DM21.3; 7.14B (a) and (c).

- 38 The party wall elements between the proposed offices and retail premises shall be designed and constructed to provide resistance to the transmission of sound. The sound insulation shall be sufficient to ensure that NR40 is not exceeded in the office premises due to noise from the neighbouring retail premises and shall be permanently maintained thereafter.
A test shall be carried out after completion but prior to occupation to show the criterion above have been met and the results shall submitted to and approved in writing by the Local Planning Authority.
REASON: To protect the amenities of occupiers of the building in accordance with the following policy of the Local Plan: DM15.7.
- 39 The Class A1 or A3 or Class A4 use hereby permitted shall not be open to customers between the hours of 23:00 on one day and 07:00 on the following day.
REASON: To safeguard the amenity of the nearby residents, adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 40 A clear unobstructed minimum headroom of 5m must be maintained for the life of the building in the refuse skip loading area as shown on the approved drawings.
REASON: To ensure satisfactory servicing facilities in accordance with the following policy of the Local Plan: DM16.5.
- 41 Facilities (other than by street level turntable) must be provided and maintained for the life of the development so that vehicles may enter and leave the building by driving in a forward direction.
REASON: To ensure satisfactory servicing facilities and in the interests of public safety in accordance with the following policy of the Local Plan: DM16.5.
- 42 No goods, including fuel, shall be accepted from or dispatched onto or into any motor vehicle (except a motor cycle) other than one waiting for that purpose wholly within the servicing area within the building, except for between 5.00am and 7.00am and 9pm and 11pm when goods may be accepted from or dispatched onto or into motor vehicles waiting for that purpose on Fore Street Avenue (limited to two such vehicles).
REASON: To avoid obstruction of the surrounding streets and to safeguard the amenity of the occupiers of adjacent premises, in accordance with the following policies of the Local Plan: DM16.1, DM16.5, DM21.3.

- 43 No servicing of the premises shall be carried out from the Moor Lane servicing area other than between the hours of 7.00am and 9.00pm from Monday to Friday and from 9.00am to 6.00pm on Saturdays and not at all on Sundays and Bank Holidays. Servicing includes the loading and unloading of goods from motor vehicles and putting rubbish outside the building.
REASON: To protect the amenities of neighbouring residential and commercial occupiers in accordance with the following policies of the Local Plan: DM21.3, DM21.5.
- 44 All vehicles entering and exiting the servicing area within the building from or to Moor Lane shall do so in the forward direction and in a forward gear.
REASON: To ensure satisfactory servicing facilities and in the interests of public safety and protect the amenity of neighbouring residents in accordance with the following policy of the Local Plan: DM16.5, DM21.2.
- 45 The loading and unloading areas must remain ancillary to the use of the building and shall be available at all times for that purpose for the occupiers thereof and visitors thereto.
REASON: To ensure that satisfactory servicing is maintained in accordance with the following policy of the Local Plan: DM16.5.
- 46 The threshold of all vehicular access points shall be at the same level as the rear of the adjoining footway or such alternative as may be approved in writing with the Local Planning Authority.
REASON: To maintain a level passage for pedestrians in accordance with the following policies of the Local Plan: DM10.8, DM16.2.
- 47 Prior to the occupation of any part of the building, the land between the existing building lines and the face of the proposed new building shall be brought up to street level, paved and drained in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall not be fenced or otherwise enclosed or obstructed.

REASON: To ensure compliance with building lines and to ensure a satisfactory treatment at ground level in accordance with the following policies of the Local Plan: DM10.1, DM10.8, DM16.2.
- 48 No doors, gates or windows at ground floor level shall open over the public highway.
REASON: In the interests of public safety
- 49 Provision must be made within the development for the lighting and drainage of City Walkways together with a lockable service cupboard and cleansing facilities in accordance with specifications to be submitted to and approved in writing by the Local Planning Authority prior to any works thereby affected being begun.

REASON: To ensure that City Walkways may be used in safety at all times and in all weathers in accordance with the following policy of the Local Plan: DM16.2.

- 50 All City Walkways within the development shall be constructed in accordance with specifications to be submitted to and approved in writing by the Local Planning Authority prior to any works thereby affected being begun, which shall include details of surface finishes, handrails, balustrades, parapets and signage.
REASON: In the interests of public safety and to ensure uniformity of design treatment of all City Walkways in accordance with the following policy of the Local Plan: DM16.2.
- 51 Provision must be made within the development for continuing structural support for the City Walkway(s) in pursuance of Section 10 of the City of London (Various Powers) Act 1967.
REASON: To ensure the integrity of the City Walkway in accordance with the following policy of the Local Plan: DM16.2.
- 52 After the City Walkway(s) incorporated in the planning permission have been constructed, certified and declared by the City of London Corporation to be City Walkways in pursuance of Sections 5 and 6 of the City of London (Various Powers) Act 1967, any person may have access thereto on foot and may pass and re-pass thereon on foot as of right, but subject nevertheless to any restrictions which may legitimately from time be imposed in relation thereto.
REASON: To ensure the public has access over the City Walkway on this site in accordance with the following policy of the Local Plan: DM16.2.
- 53 There must be no building, roof structures or plant above the top storeys except as may be approved in writing by the Local Planning Authority.
REASON: To ensure protection of the view of St Paul's Cathedral and to ensure a satisfactory external appearance in accordance with the following policies of the Local Plan: CS14, DM10.1 DM12.1.
- 54 At all times when not being used for cleaning or maintenance the window cleaning gantries, cradles and other similar equipment shall be garaged within the enclosure(s) shown on the approved drawings.
REASON: To ensure a satisfactory external appearance in accordance with the following policy of the Local Plan: DM10.1.
- 55 Unless otherwise approved by the LPA no plant or telecommunications equipment shall be installed on the exterior of the building, including any plant or telecommunications equipment permitted by the Town & Country Planning (General Permitted Development) Order 2015 or in any provisions in any statutory instrument revoking and re-enacting that Order with or without modification.

REASON: To ensure a satisfactory external appearance in accordance with the following policy of the Local Plan: DM10.1.

- 56 Permanently installed pedal cycle racks shall be provided and maintained on the site throughout the life of the building sufficient to accommodate a minimum of 830 Long Stay pedal cycles. The cycle parking provided on the site must remain ancillary to the use of the building and must be available at all times throughout the life of the building for the sole use of the occupiers thereof and their visitors without charge to the individual end users of the parking.
REASON: To ensure provision is made for cycle parking and that the cycle parking remains ancillary to the use of the building and to assist in reducing demand for public cycle parking in accordance with the following policy of the Local Plan: DM16.3.
- 57 Provision shall be made for disabled people to obtain access to the offices and to the retail unit via their respective principal entrances without the need to negotiate steps and shall be maintained for the life of the building.
REASON: To ensure that disabled people are able to use the building in accordance with the following policy of the Local Plan: DM10.8.
- 58 No public address system (PA), amplified live or amplified recorded music shall be played within any part of the site so loud that it can be heard outside the site or within any other premises in the buildings on the site.
REASON: To safeguard the amenity of the nearby residents, adjoining premises and the area in general in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 59 No public address system (PA), amplified live or amplified recorded music shall be played on the roof terraces at any time.
REASON: To safeguard the amenity of the nearby residents, adjoining premises and the area in general in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 60 Unless otherwise agreed in writing, there shall be no private or public events or associated activities within the new publicly accessible square.
REASON: To safeguard the amenity of the nearby residents, adjoining premises and the area in general in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 61 No part of the roof areas except those shown as roof terraces on the drawings hereby approved shall be used or accessed by occupiers of the building, other than in the case of emergency or for maintenance purposes.
REASON: To safeguard the amenity of the adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.

- 62 Other than public street lighting where required, there shall be no external feature lighting on the Moor Lane facade of the building.
REASON: In order to protect residential/commercial amenities in the area and safeguard the settings of designated and non-designated heritage assets in accordance with the following policies of the Local Plan: DM12.1, DM15.6, DM21.3.
- 63 The roof terraces at levels 9, 10 and 12 hereby permitted shall only be used for non-maintenance purposes between the hours of 08:00 and 21:00 Monday to Friday and the roof terraces at levels 11, 13 and 14 and 08:00 to 22:00 Monday to Saturday and not at all on Sundays or Bank Holidays.
REASON: To safeguard the amenity of the nearby residents, adjoining premises and the area generally in accordance with the following policies of the Local Plan: DM15.7, DM21.3.
- 64 The development shall not be carried out other than in accordance with the following approved drawings and particulars or as approved under conditions of this planning permission:
Drawings numbered:
00873-WEA-XX-XX-P-0001, 0071, 0072, 0099, 0100, 0100M, 0101, 0102, 0103, 0104, 0105, 0106, 0107, 01080109, 0110, 0111, 0112, 0113, 0114, 0115, 0115M, 0116, 0201, 0202, 0203, 0204, 0205, 0206, 0301, 0302, 0501, 0502, 0503, 0504, 0505, 0801.
REASON: To ensure that the development of this site is in compliance with details and particulars which have been approved by the Local Planning Authority.

INFORMATIVES

- 1 In dealing with this application the City has implemented the requirements of the National Planning Policy Framework to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in dealing with planning applications in the following ways:
- detailed advice in the form of statutory policies in the Core Strategy/ Unitary Development Plan, Supplementary Planning documents, and other written guidance has been made available;
- a full pre application advice service has been offered;
- where appropriate the City has been available to provide guidance on how outstanding planning concerns may be addressed.

- 2 The Mayoral Community Infrastructure Levy is set at a rate of £50 per sq.m on "chargeable development" and applies to all development over 100sq.m (GIA) or which creates a new dwelling.

The City of London Community Infrastructure Levy is set at a rate of £75 per sq.m for offices, £150 per sq.m for Riverside Residential, £95 per sq.m for Rest of City Residential and £75 on all other uses on "chargeable development".

The Mayoral and City CIL charges will be recorded in the Register of Local Land Charges as a legal charge upon "chargeable development" when development commences. The Mayoral CIL payment will be passed to Transport for London to support Crossrail. The City CIL will be used to meet the infrastructure needs of the City.

Relevant persons, persons liable to pay and owners of the land will be sent a "Liability Notice" that will provide full details of the charges and to whom they have been charged or apportioned. Please submit to the City's Planning Obligations Officer an "Assumption of Liability" Notice (available from the Planning Portal website: www.planningportal.gov.uk/cil).

Prior to commencement of a "chargeable development" the developer is required to submit a "Notice of Commencement" to the City's Section 106 Planning Obligations Officer. This Notice is available on the Planning Portal website. Failure to provide such information on the due date may incur both surcharges and penalty interest.

- 3 You are advised that the planting and plant species indicated on the approved drawings are NOT approved and details of the final planting scheme will be required by condition of this planning permission.
- 4 This permission must in no way be deemed to prejudice any rights of light which may be enjoyed by the adjoining owners or occupiers under Common Law.
- 5 Access for people with disabilities is a material consideration in the determination of planning applications. The City of London Corporation has published design standards giving advice on access for people with disabilities and setting out the minimum standards it expects to see adopted in the City buildings. These can be obtained from the City's Access Adviser, Chief Planning Officer and District Surveyor. Further advice on improving access for people with disabilities can be obtained from the City's Access Adviser. Your attention is drawn to the Disability Discrimination provisions of the Equality Act 2010 to ensure that disabled people are not significantly disadvantaged.

Service providers, etc., should make "reasonable adjustments" to facilitate access to their premises and the City asks all applicants for

planning permission to ensure that physical barriers to access premises are minimised in any works carried out.

- 6 The correct street number or number and name must be displayed prominently on the premises in accordance with regulations made under Section 12 of the London Building Acts (Amendment) Act 1939. Names and numbers must be agreed with the Department of the Built Environment prior to their use including use for marketing.
- 7 The Department of the Built Environment (Transportation & Public Realm Division) must be consulted on the following matters which require specific approval:
 - (a) Hoardings, scaffolding and their respective licences, temporary road closures and any other activity on the public highway in connection with the proposed building works. In this regard the City of London Corporation operates the Considerate Contractors Scheme.
 - (b) The incorporation of street lighting and/or walkway lighting into the new development. Section 53 of the City of London (Various Powers) Act 1900 allows the City to affix to the exterior of any building fronting any street within the City brackets, wires, pipes and apparatus as may be necessary or convenient for the public lighting of streets within the City. Early discussion with the Department of the Built Environment Transportation and Public Realm Division is recommended to ensure the design of the building provides for the inclusion of street lighting.
 - (c) The need for a projection licence for works involving the construction of any retaining wall, foundation, footing, balcony, cornice, canopy, string course, plinth, window sill, rainwater pipe, oil fuel inlet pipe or box, carriageway entrance, or any other projection beneath, over or into any public way (including any cleaning equipment overhanging any public footway or carriageway).

You are advised that highway projection licences do not authorise the licensee to trespass on someone else's land. In the case of projections extending above, into or below land not owned by the developer permission will also be required from the land owner. The City Surveyor must be consulted if the City of London Corporation is the land owner. Please contact the Corporate Property Officer, City Surveyor's Department.
 - (d) Bridges over highways
 - (e) Permanent Highway Stopping-Up Orders and dedication of land for highway purposes.
 - (f) Declaration, alteration and discontinuance of City and Riverside Walkways.

- (g) The provision of City Walkway drainage facilities and maintenance arrangements thereof.
 - (h) Connections to the local sewerage and surface water system.
 - (i) Carriageway crossovers.
 - (j) Servicing arrangements, which must be in accordance with the City of London Corporation's guide specifying "Standard Highway and Servicing Requirements for Development in the City of London".
- 8 The enabling of archaeological work to meet the requirements of condition 12 is the responsibility of the developer and should be regarded as an integral part of the development programme in accordance with the NPPF and the policies of the Local Plan. This would include on site facilities, funding, fieldwork, post excavation analysis and reporting and publication of the work in accordance with recognised guidelines and codes of practice. This is to ensure adequate "preservation by record" of the archaeological resource affected by the proposed development.
- 9 The Markets and Consumer Protection Department (Environmental Health Team) must be consulted on the following matters:
- (a) Approval for the installation of furnaces to buildings and the height of any chimneys. If the requirements under the legislation require any structures in excess of those shown on drawings for which planning permission has already been granted, further planning approval will also be required.
 - (b) Installation of engine generators using fuel oil.
 - (c) The control of noise and other potential nuisances arising from the demolition and construction works on this site and compliance with the Construction (Design and Management) Regulations 2007; the Environmental Health Team should be informed of the name and address of the project manager and/or main contractor as soon as they are appointed.
 - (d) Alterations to the drainage and sanitary arrangements.
 - (e) The requirements of the Health and Safety at Work etc Act 1974 and the other relevant statutory enactments (including the Offices, Shops and Railway Premises Act 1963); in particular:
 - the identification, encapsulation and removal of asbestos in accordance with a planned programme;
 - provision for window cleaning (internal and external) to be carried out safely.

(f) The use of premises for the storage, handling, preparation or sale of food.

(g) Use of the premises for public entertainment.

(h) Limitations which may be imposed on hours of work, noise and other environmental disturbance.

(i) The control of noise from plant and equipment;

(j) Methods of odour control.

10 The Director of Markets and Consumer Protection (Environmental Health Team) advises that:

Noise and Dust

(a) The construction/project management company concerned with the development must contact the Department of Markets and Consumer Protection and provide a working document detailing steps they propose to take to minimise noise and air pollution for the duration of the works at least 28 days prior to commencement of the work. Restrictions on working hours will normally be enforced following discussions with relevant parties to establish hours of work for noisy operations.

(b) Demolition and construction work shall be carried out in accordance with the City of London Code of Practice for Deconstruction and Construction. The code details good site practice so as to minimise disturbance to nearby residents and commercial occupiers from noise, dust etc. The code can be accessed through the City of London internet site, www.cityoflondon.gov.uk, via the a-z index under Pollution Control-City in the section referring to noise, and is also available from the Markets and Consumer Protection Department.

(c) Failure to notify the Markets and Consumer Protection Department of the start of the works or to provide the working documents will result in the service of a notice under section 60 of the Control of Pollution Act 1974 (which will dictate the permitted hours of work including noisy operations) and under Section 80 of the Environmental Protection Act 1990 relating to the control of dust and other air borne particles. The restrictions on working hours will normally be enforced following discussions with relevant parties to establish hours of work for noisy operations.

(d) Construction work shall not begin until a scheme for protecting nearby residents and commercial occupiers from noise from the site has been submitted to and approved by the Markets and Consumer Protection Department.

Air Quality

(e) Compliance with the Clean Air Act 1993:

Any furnace burning liquid or gaseous matter at a rate of 366.4 kilowatts or more, and any furnace burning pulverised fuel or any solid matter at a rate of more than 45.4 kilograms or more an hour, requires chimney height approval. Use of such a furnace without chimney height approval is an offence. The calculated chimney height can conflict with requirements of planning control and further mitigation measures may need to be taken to allow installation of the plant.

Terraces and Open Space

(f) The location of outside space is an important consideration with regard to the exposure of air pollutants. The applicant is therefore minded to consider the location of existing and planned combustion plant termination points relative to any terrace, general access areas or openable windows etc. In addition to any building control or planning requirements, the third edition of the Chimney Height Memorandum (1981) requires that that certain types of combustion plant terminate at least 3m above any area to which there is general access.

Boilers and CHP plant

(g) The City is an Air Quality Management Area with high levels of nitrogen dioxide. All gas boilers should therefore meet a dry NO_x emission rate of <40mg/kWh in accordance with the City of London Air Quality Strategy 2011.

(h) All gas Combined Heat and Power plant should be low NO_x technology as detailed in the City of London Guidance for controlling emissions from CHP plant and in accordance with the City of London Air Quality Strategy 2011.

(i) When considering how to achieve, or work towards the achievement of, the renewable energy targets, the Markets and Consumer Protection Department would prefer developers not to consider installing a biomass burner as the City is an Air Quality Management Area for fine particles and nitrogen dioxide. Research indicates that the widespread use of these appliances has the potential to increase particulate levels in London to an unacceptable level. Until the Markets and Consumer Protection Department is satisfied that these appliances can be installed without causing a detriment to the local air quality they are discouraging their use. Biomass CHP may be acceptable providing sufficient abatement is fitted to the plant to reduce emissions to air.

(j) Developers are encouraged to install non-combustion renewable technology to work towards energy security and carbon reduction targets in preference to combustion based technology.

Standby Generators

(k) Advice on a range of measures to achieve the best environmental option on the control of pollution from standby generators can be obtained from the Department of Markets and Consumer Protection.

(l) There is a potential for standby generators to give out dark smoke on start up and to cause noise nuisance. Guidance is available from the Department of Markets and Consumer Protection on measures to avoid this.

Cooling Towers

(m) Wet cooling towers are recommended rather than dry systems due to the energy efficiency of wet systems.

Ventilation of Sewer Gases

(n) The sewers in the City historically vent at low level in the road. The area containing the site of the development has suffered smell problems from sewer smells entering buildings. A number of these ventilation grills have been blocked up by Thames Water Utilities. These have now reached a point where no further blocking up can be carried out. It is therefore paramount that no low level ventilation intakes or entrances are adjacent to these vents. The Director of Markets and Consumer Protection strongly recommends that a sewer vent pipe be installed in the building terminating at a safe outlet at roof level atmosphere. This would benefit the development and the surrounding areas by providing any venting of the sewers at high level away from air intakes and building entrances, thus allowing possible closing off of low level ventilation grills in any problem areas.

Food Hygiene and Safety

(o) Further information should be provided regarding the internal layout of the proposed food/catering units showing proposals for staff/customer toilet facilities, ventilation arrangements and layout of kitchen areas.

(p) If cooking is to be proposed within the food/catering units a satisfactory system of ventilation will be required. This must satisfy the following conditions:

Adequate access to ventilation fans, equipment and ductwork should be provided to permit routine cleaning and maintenance;

The flue should terminate at roof level in a location which will not give rise to nuisance to other occupiers of the building or adjacent buildings.

It cannot be assumed that ductwork will be permitted on the exterior of the building;

Additional methods of odour control may also be required. These must be submitted to the Markets and Consumer Protection Department for comment prior to installation;

Ventilation systems for extracting and dispersing any emissions and cooking smells to the external air must be discharged at roof level and designed, installed, operated and maintained in accordance with manufacturer's specification in order to prevent such smells and emissions adversely affecting neighbours.

- 11 The Directorate of the Built Environment should be consulted on:
 - (a) Servicing arrangements, which must be in accordance with the City of London Corporation's guide specifying "Standard Highway and Servicing Requirements for Development in the City of London".
 - (b) The need for a projection licence for works involving the construction of any retaining wall, foundation, footing, balcony, cornice, canopy, string course, plinth, window cill, rainwater pipe, oil fuel inlet pipe or box, carriageway entrance, or any other projection beneath, over or into any public way (including any cleaning equipment overhanging any public footway or carriageway). You are advised that highway projection licenses do not authorise the licensee to trespass on someone else's land. In the case of projections extending above, into or below land not owned by the developer permission will also be required from the land owner. The City Surveyor must be consulted if the City of London Corporation is the land owner. In such cases please also contact the Corporate Property Officer, City Surveyor's Department.
 - (c) Bridges over highways.
 - (d) Permanent Highway Stopping-Up Orders, dedication of land for highway purposes, declaration, diversion and stopping up of City and Riverside Walkways.
 - (e) The display of any advertisement material on the premises which may be subject to the City of London Corporation's Byelaws.
- 12 The Crime Prevention Design Advisor for the City of London Police should be consulted with regard to guidance on all aspects of security, means of crime prevention in new development and on current crime trends.
- 13 The grant of approval under the Town and Country Planning Acts does not overcome the need to also obtain any licences and consents which

may be required by other legislation. The following list is not exhaustive:

(a) Fire precautions and certification:

London Fire Brigade, Fire Prevention Branch
5-6 City Forum
City Road
London EC1N 2NY

(b) Works affecting Transport for London operational land and structures:

Borough Integration and Partnerships
Transport for London
Windsor House
42-50 Victoria Street
London, SW1H 0TL

(c) Works in proximity to the line of the CrossRail project:

Cross London Rail Links Limited
Portland House
Bressenden Place
London, SW1E 5BH

(d) Works affecting railway operational land and structures:

Planning Surveyor
Railtrack
355 Euston Road
London NW1 3AG

(e) Works affecting water supplies, land drainage and flood defences:

Environment Agency,
North London Planning Liaison Team
9th floor, Eastbury House
30-34 Albert Embankment
London, SE1 7TL

- 14 Transport for London has indicated its preparedness to provide guidelines in relation to the proposed location of the CrossRail structures and tunnels, ground movement arising from the construction of the running tunnels, and noise and vibration arising from the use of the running tunnels. Applicants are encouraged to discuss the guidelines with the CrossRail Engineer in the course of preparing detailed design and method statements.
- 15 The existing walkway stair on the north west corner of New Union Street will become redundant following removal of the bridge and should be removed and the area made good. This must be agreed with the owners of City Point.

16 Thames Water advises:

(1) The developer is advised to contact Thames Water Development Services (0845 850 2777) to discuss the details of the piling method statement required by a condition of this planning permission.

(2) Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing, and site remediation. Groundwater permit enquiries should be directed to Thames Water, Risk Management Team by telephoning 020 8507 4890 or by emailing wwriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provision of the Water Industry Act 1991.

(3) It is the responsibility of a developer to make proper provision for surface water drainage to ground, water courses or suitable sewer. It is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate, and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

(4) Thames Water recommends the installation of a properly maintained fat trap on all catering establishments. We further recommend, in line with best practice for the disposal of Fats, Oils and Grease, the collection of waste oil by a contractor, particularly to recycle for the production of bio diesel. Failure to implement these recommendations may result in this and other properties suffering blocked drains, sewage flooding and pollution to local watercourses. Further information on the above is available in a leaflet 'Best Management Practices for Catering Establishments' which can be requested by telephoning 01923 898 188.

(5) The developer should incorporate with their proposals, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

(6) Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer

should take account of this minimum pressure in the design of the proposed development.

(7) A Trade Effluent Consent will be required for any Effluent discharge other than a 'Domestic Discharge'. Any discharge without this consent is illegal and may result in prosecution. (Domestic usage for example includes - toilets, showers, washbasins, baths and canteens). Typical Trade Effluent processes include: - Laundrette/Laundry, PCB manufacture, photographic/printing, food preparation, abattoir, farm wastes, vehicle washing, metal plating/finishing, cattle market wash down, chemical manufacture, treated cooling water and any other process which produces contaminated water. Pre-treatment, separate metering, sampling access etc, may be required before the Company can give its consent. Applications should be made to Waste Water Quality, Crossness STW, Belvedere Road, Abbeywood, London. SE2 9AQ. Telephone: 020 3577 9200.

(8) Thames Water would recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.

(9) The development covers a large area, currently served by combined sewers. Impact will depend upon proposed points of connection. Overall flows to combined sewers should not exceed historic flows and this may often be achievable by agreed surface water retention.

(10) There are important water assets adjacent to the proposed development. Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes. Please contact Thames Water Developer Services, Contact Centre on Telephone No: 0800 009 3921 for further information.

- 17 The Director of Markets and Consumer Protection states that any building proposal that will include catering facilities will be required to be constructed with adequate grease traps to the satisfaction of the Sewerage Undertaker, Thames Water Utilities Ltd, or their contractors.
- 18 The Environment Agency advises:
 - (a) Developers should ensure that any proposed piling methods do not pose a pollution risk to controlled waters. Piling to facilitate building foundations or the installation of ground source heat pumps has the potential to create a pathway between contaminated shallow soils and deeper geological formations and aquifers. Deep piling can also result in physical disturbance of aquifers.
 - (b) If piling is proposed, a Piling Risk Assessment will be required to demonstrate that the chosen piling method does not increase the risk of near-surface pollutants migrating into deeper geological formations and aquifers. A Hydrogeological Risk Assessment of physical

disturbance to the aquifer should also be undertaken and if unacceptable risks are identified, appropriate mitigation measures must be provided.

(c) We recommend that developers follow the risk management framework provided in our guidance for 'Piling into Contaminated Sites' and also refer to the document: 'Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention'

- 19 Improvement or other works to the public highway shown on the submitted drawings require separate approval from the local highway authority and the planning permission hereby granted does not authorise these works.
- 20 The Director of Markets and Consumer Protection states that any building proposal that will include catering facilities will be required to be constructed with adequate grease traps to the satisfaction of the Sewerage Undertaker, Thames Water Utilities Ltd, or their contractors.
- 21 The works agreed by Crossrail in correspondence with GVA dated 4th August 2015 referred to in conditions 3 and 4 are:
Above deck:
Soft strip and asbestos removal to existing 21 MF structures including roof enclosures, City Boot pub and Moorgate Buttery. [completed]
Fit out of City Boot pub for site welfare. [completed]
Erection of perimeter hoardings on New Union Street, Moor Lane, Fore Street Avenue and Moorfields. [completed]
Erection of encapsulation scaffold round existing buildings.
Erection of Tower Crane 1 and Tower Crane 2 on retained deck.
Installation of temporary impact protection and temporary waterproofing.
Drainage surveys and leak testing.
Installation of temporary protection to LUL vents.
Remedial repairs to retained deck expansion joints.
Removal of New Union Street and Fore Street Avenue Link Bridges and temporary propping to Moor Lane Link Bridge.
Site Investigation works to retained deck including coring works.
Installation of accommodation gantry and cabins on Moorfields by Holland and Barrett.
Reduction in size of Fore Street Avenue substation and disconnection/demolition of New Union Street substation.
Structural demolition of existing buildings (including podium slab) down to retained deck level. This includes New Union Street substation and Phases 1 and 2 of demolition.
Formation of penetrations in retained deck in pile locations to allow for the installation of trimming steels and also piles themselves.
Installation of piling grillage on retained deck.

Below Deck

- ' Asbestos removal in LUL demise and developer's area.
- ' Setting out and surveys to LUL demise and developer's area.
- ' Site Investigations including beam and column intrusive works, boreholes and UXO surveys.
- ' Mini piling in developer's area East ' 300mm diameter piles to depth of 30m + installation of pile caps.
- ' Installation of trimming steels.
- ' Installation of pile protection shields in developer's area at pile positions 3, 5, 7 & 9.
- ' Drainage diversions including Crossrail manhole at Pile 003.
- ' Fit out of developer's area for LUL welfare.
- ' MEP diversions.
- ' Installation of platform 6 lighting and ceiling.
- ' Installation of hoardings in LUL demise.
- ' Installation of link bridges across tracks 5 & 6.
- ' Remedial works to columns/beams and concrete planks within station.

- ' Installation of LUL vent infill slabs.
- ' Removal of lifts and lift shafts.
- ' Temporary propping to retained deck.

- 22 The investigation and risk assessment referred to in condition 2 must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme must be submitted to and approved in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report must be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - 1. human health,
 - 2. property (existing or proposed) including buildings, open spaces, service lines and pipes,
 - 3. adjoining land,
 - 4. groundwaters and surface waters,
 - 5. ecological systems,
 - 6. archaeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11.

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